



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 103^d CONGRESS, SECOND SESSION

HOUSE OF REPRESENTATIVES—Friday, August 12, 1994

The House met at 10 a.m.

The Reverend Harry F. Andrews, Unity United Methodist Church, Kannapolis, NC, offered the following prayer:

Almighty and everlasting God, we once again summon You to this great Hall of debate and legislative creativity. Challenge us to tolerate each other's idiosyncrasies, remind us to love our neighbor as ourselves, and when all else fails, encourage us to agree to disagree. As we consider in what direction our constituents would want us to go on the issues of crime, health care, and world peace, open our hearts and minds to the opinions of others. We suspect that You are annoyed with some of the stuff we have approved since our Nation was born, but we ask this morning that You continue to annoy us with Your omnipotence, until we get it right. Strengthen us, humble us, bless us, affirm us, love us. Amen.

THE JOURNAL

The SPEAKER. 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. The gentleman from North Carolina [Mr. HEFNER] will lead us in the Pledge of Allegiance.

Mr. HEFNER 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.

WELCOME TO REV. HARRY F. ANDREWS

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

Mr. HEFNER. Mr. Speaker, it is a real pleasure to have Reverend An-

draws and his wife and his lovely daughter, Jennifer, who has been a page here for some time; and I understand that he left North Carolina last night about 11 o'clock to get here in time for the prayer today. I tell you, that has got to be real dedication.

We are just more than happy to have you here today. With that beautiful prayer, I wish you could stay around and make things more palatable for us today.

Again, I want to thank you for your dedication to come here and share these few moments with us. Thank you very much.

A QUESTION OF PROPRIETY

(Mr. LINDER asked and was given permission to address the House for 1 minute.)

Mr. LINDER. Mr. Speaker, the Constitution of the United States of America, section 7 states "All Bills for raising revenue shall originate in the House of Representatives."

So why has the other body been allowed to send us an appropriations bill with brand new revenue raisers in it?

On Wednesday, the House allowed the other body to get away with this unconstitutional act in the State, Commerce, Justice appropriations bill.

The Senate has tried this before, but has never been able to pull it off. The House has always stood firm in protecting its constitutional rights and duties.

I understand why the House majority has allowed this to happen. Chaffing under the tough budget laws of the land, the Democrat majority would rather sacrifice constitutional prerogatives to spend more money and raise more taxes.

I want to put the House on notice that if the Democratic majority refuses to stand with the traditions and constitutional powers of the House, I will stand up to defend them.

And if the Agriculture appropriations bill or other appropriations bills have unconstitutional revenues in them, I will pursue a question of privilege to

the House to send these bills back to other body.

THE POLITICS OF GUNS

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

Mr. TRAFICANT. Mr. Speaker, there is an old axiom in war and in politics: Good generals keep their soldiers fighting and fit. But good generals never lead their good fighting soldiers into unnecessary danger.

I voted for that rule. I believe our party's leadership should be questioned. I do not want anybody to take away my guns, but that was a vote about politics, the politics of guns. If there are any liberal attempts to take away guns, I will oppose any further bills, but a Congress that cannot deal with the politics of guns cannot deal with the safety of the American people.

And the Democrat leadership, and I am not the most well-liked guy in this place, has got to look in the mirror and answer some questions to all Democrats all over this country, not just in this little closet.

LET US PRESENT A BIPARTISAN CRIME BILL

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

Mr. GINGRICH. Mr. Speaker, we are at a crossroads where there is an opportunity, I believe, to set a new tone and undertake a new direction for the rest of this Congress.

It is clear that yesterday's vote to return the crime bill to the conference committee, to reject the rule, is an opportunity either for the Clinton administration to try to twist arms and find a few more votes without change, or take a big step toward bipartisanship, go back into the conference, write a better bill, and with our help, have a bipartisan effort to bring that bill to the floor.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

I simply want to rise today to urge the Democratic leadership of the Congress and the President to take the bipartisan route, to accept the vote yesterday of the House, to sit down and let us reopen the conference. Let us write a better crime bill. Let us bring it to the floor together on a bipartisan basis, and let us pass it by a big majority.

Then let us approach health in the same kind of open and bipartisan manner.

AMERICA WANTS THIS CRIME BILL

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, I am a little perplexed by what was meant by the statement that I am following.

If we look at the crime bill, there were 68 Republicans that voted for it, and yet we did not have but 11 votes for the rule yesterday.

This was nothing but a conference committee that was not only bipartisan in attendance but bicameral, working out the difference between the Senate side and the House side, with both Republicans and Democrats in there. So this was just the final throes.

I do not know how you reopen the entire crime bill. I think there were some very important parts that were fought out on this floor. There was the assault weapons part which many got very upset about, but we won it. It was on the floor. It went fair and square.

And then I heard yesterday all sorts of noise about pork and social workers, and on and on. The only social workers I found in the bill were dealing with the Violence Against Women Act which all of us thought was so important, and it passed almost unanimously in this House. It was for the 1-800 number that we would have for the first time for families in crisis and for shelters for battered families. We have three times as many, now, for dogs and cats as we have battered families.

Yes, you probably need some social workers in those things, but those are needed areas, and if we do not solve the domestic terrorism in the home, we are never going to stop violence on the street. Those are all important components.

So I hope we can work this out and pass this crime bill. I think America wants this crime bill, but I hope we can also do it in a much lower, lower tone and not have the bipartisan rancoring we saw.

PERMISSION TO FILE CONFERENCE REPORT ON S. 2182, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995

Mr. MONTGOMERY. Mr. Speaker, I have cleared this unanimous-consent request with the Republican side.

Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight, August 12, 1994, to file a conference report on the Senate bill, S. 2182, to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, for military construction, and for defense programs of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

□ 1010

REOPENING THE CONFERENCE ON THE CRIME BILL

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

Mr. GOSS. Mr. Speaker, I would like to yield to the distinguished gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. I thank the gentleman for yielding.

I just wanted to respond to the gentleman from Colorado that, first, you can reopen the conference by reopening a conference. The Members go back in. The House has, in fact, set the stage for that to occur by rejecting the rule and refusing to take up the bill.

Second, the House bill left here with \$22 billion in total spending, the Senate bill left at \$26 billion. They got together at \$33 billion. So when people say that it is exactly the same bill people voted for, let us be honest about it, this is not the same bill.

The sexual predator notification provision was weakened in conference. That is a very vital issue to Members who believe that when sexual predators are released from prison and released into your community, that you have a right to know about it.

Of course, the recent tragic kidnapping, rape, and murder of the 7-year-old girl in New Jersey drives that home. That was a twice-convicted sexual predator. This bill in its current form will protect the sexual predator's right to privacy rather than protecting that young girl's right to safety.

So where there are substantive policy differences, we can go back to conference, we can, in fact, rewrite this bill. We would like on our side to work in a bipartisan manner to write a good crime bill.

I thank my friend for yielding.

Mr. GOSS. Mr. Speaker, I thank the gentleman, and I associate myself with

the remarks of the distinguished gentleman from Georgia.

HEALTH CARE REFORM FOR FAMILIES

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

Mr. DERRICK. Mr. Speaker, the health care status quo in America exacts a cruel price from American families. Today it costs nearly \$8,000 a year to provide insurance for a family of four. If we fail to pass health care reform this year, the average family will be paying \$14,000 for health care coverage by the year 2000.

Families need health care reform to remedy this unacceptable situation. That is why groups working on behalf of America's families are voicing their support for the Guaranteed Health Insurance Act—they recognize that it is good for the American family. Groups like Families USA, the Children's Defense Fund, Family Service America Inc., and the Child Welfare League support the Gephardt reform bill.

Perpetuating a scenario that doubles the costs of health care for families by the end of the century is nothing but unacceptable. Vote for health care reform and stop this drain on the strength of American families.

HEALTH CARE REFORM: WHY THE RUSH?

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

Mr. HEFLEY. Mr. Speaker, as public support drops through the floor for the Clinton health care plan, due to its call for a huge new bureaucracy and job-killing mandates, the Democrat leadership has decided to appear to present a whole new bill to the House, the Gephardt health care plan.

Mr. Speaker, just as things are never as they appear, the legislation to be offered, the Clinton-Gephardt bill is nothing new.

The same huge new bureaucracy and job-killing mandates are included in this newly disguised package.

The House Democrat leadership thinks that a name change will fool the American people; well, it will not.

Mr. Speaker, why the rush to crowd this in August? It appears to me that the Democrat leadership is terrified that we might go back to the people we are supposed to represent and we might get their opinion and we might come back and see the Gephardt-Clinton plan for what it is.

INDEPENDENT COUNSEL LAWS: THE UPS AND THE DOWNS

(Mr. FRANK of Massachusetts asked and was given permission to address

the House for 1 minute and to revise and extend his remarks.)

Mr. FRANK of Massachusetts. Mr. Speaker, the Republicans had a dilemma. For years they were trying to keep the independent counsel law from being authorized, but the political pressure became too strong. Now we know what their strategy is: It is to make it look ridiculous by their own actions. Look at what has happened with regard to the Whitewater issue:

First, the Republicans insisted that Janet Reno's—well, first, the Republicans killed the independent counsel law in 1992. Then they insisted that Janet Reno appoint someone, even though the law was killed. Then they criticized her because she did the appointment and did not have it done by the mechanism that they had killed. Then they got a Republican judge to appoint as an independent counsel a high-ranking official of the Bush and Reagan administrations, Mr. Starr, who is the most inappropriate independent counsel ever appointed, from the standpoint of bias.

Now it turns out that while conservative Republicans were crusading against fellow Republican, Mr. Fiske, the judge who was making the appointment was having lunch with the U.S. Senators who were the major critics and were urging him to change the appointment.

Now, Republican friends have said in the Whitewater case maybe the President did not do anything wrong, but the appearance standard was violated. Nobody has violated the appearance standard more than they have done in this instance.

THAT WACKY DEMOCRAT HEALTH CARE PLAN

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

Mr. BALLENGER. Mr. Speaker, this from the Richmond Times-Dispatch:

On a recent day, the House Ways and Means Committee endorsed legislation to impose global spending caps on every state in the nation. If any state exceeded its federally designated limit on health care spending, price controls would take effect.

On the same day, the same committee passed proposals to (a) double the tax on self-insurance premiums, and (b) reduce the income tax deduction for a self-employed person's health insurance premiums.

Parenthetically, the Times-Dispatch adds:

Such tax hikes on independence could help Congress corral the public into collectives, which may be the point of the exercise.

The editorial goes on:

But obviously, taxing a good or service adds to its cost. So with one hand, the Congressmen voted to keep health care costs down, and with the other, they voted to increase health care costs.

Good luck trying to figure that out.

Mr. Speaker, I am having a tough time figuring out the logic of the Democrat health care plan. And, so, I suspect, are the American people.

THE HEALTH CARE PLAN: LET US MEET WITH OUR PEOPLE FIRST

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute.)

Mr. THOMAS of Wyoming. Mr. Speaker, this is a representative Government. This House is designed to send people here to represent the folks at home. It means that it is part of our job to spend as much time as possible at home talking and listening to the folks that we represent.

Yesterday the President said he did not think the Congress should take a vacation. Vacation? Give me a break.

We go home and spend every day of that time meeting with people, in my case, in Wyoming, talking about how they feel about health care, how they feel about gun control, how they feel about the crime bill.

Every August this opportunity arises for an extended time to go home and talk to folks. It is important. It is especially important this year, it seems to me.

The administration has had a full-court press on trying to do something about a health care bill, any health care bill as long as it is passed, for political cover.

The leadership of this House has brought forth a number of bills, none of which has been scored as to their costs or as to who will pay for them.

Mr. Speaker, we need to go home and talk to the folks and come back and deal with health care then.

PRICE CONTROLS

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, the Clinton-Gephardt and Clinton-Mitchell plans are all about the Government controlling our health care. Today, I would like to highlight some of the price controls they impose.

The Clinton-Mitchell bill which costs \$1 trillion taxes your health insurance plans whose premiums grow at rates faster than the Government prescribes. The Clinton-Gephardt plan creates a national cost containment commission to impose regulations to keep costs down. Price controls never have worked and they will not work now.

What this really means is Americans will be taxed and give up some of the services you need.

This is the Clinton plan for total Government control. But, America will not be fooled; they know the difference between myth and reality.

REPUBLICANS HAVE COOPERATED IN THE PAST AND WANT TO DO SO AGAIN

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

Mr. WELDON. Mr. Speaker, I watched the temper tantrum of the President last night, and I got sick to my stomach. You might think he is the only one in America who is concerned about crime. Those who voted "no" on the rule are uncaring and obstructionist and partisan.

Mr. President, let me tell you, I broke ranks with my party over the past few years over the Brady bill, family and medical leave, striker replacement, campaign finance reform, California desert protection, grazing, and mining issues. And I saved Vice President GORE's globe program.

This President's definition of bipartisanship is when you do what he wants all the time.

Mr. President, you are no longer in Arkansas. Bipartisanship means working together. We are ready to work on crime, are you?

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MONTGOMERY). The Chair would like to remind Members to please address the Chair and not the President of the United States.

MORE THOUGHTS ON THE CRIME BILL VOTE

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

Mr. SCHUMER. Mr. Speaker, yesterday an unholy alliance of the National Rifle Association and the Republican leadership insulted the American people by viciously assaulting the crime bill. Mr. Speaker, today the weapon of choice is the telephone. The American people should not be fooled by this political mugging.

Yesterday's vote was not about pork; yesterday's vote was about two things: Partisan politics and the ban on assault weapons.

□ 1020

The proof is in the records of this House. Sixty-five Republicans voted for the crime bill last April when it had more prevention than the crime bill that reached the floor today. Where were those 65 yesterday? What changed? Was it the relentless bullying by the NRA and opportunism of the Republican leadership?

I say to the American people, "We must strike back, and the weapon of choice is the telephone. Call, call, call."

Call your Member of Congress and tell them you want this crime bill now. Do not suffer this insult in silence. Make your voice heard."

THE CLINTON HEALTH BILLS ARE SOCIALISTIC

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

Mr. DOOLITTLE. Mr. Speaker, Dr. Martin Feldstein in Tuesday's Wall Street Journal made the following comments about the President's health care bills. Dr. Feldstein is a professor of economics at Harvard. He said:

President Clinton is increasing the pressure on Congress to enact a massive and irreversible entitlement program to subsidize health insurance and redistribute income. The tax cost for this largest-ever welfare expansion would top \$100 billion a year at today's prices. That's equivalent to raising personal taxes across the board by nearly 20%.

Mr. Speaker, the Clinton health care bills are socialistic, and, in commenting on socialism, the great Winston Churchill said this:

Socialism is the philosophy of failure, the creed of ignorance and the gospel of envy. Its inherent virtue is the equal sharing of misery.

Mr. Clinton, I would say to you, "I feel your pain."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. (Mr. MONTGOMERY. Members have got to obey the rules. They cannot direct their remarks to the President of the United States. Direct them to the Chair.

This is the second time the Chair has had to call attention to this matter.

AMERICA IS WAITING FOR THIS HOUSE TO PASS A CRIME BILL

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

Mr. DURBIN. Mr. Speaker, while the National Rifle Association was celebrating the defeat of the crime bill last night, thousands of policemen cruised the mean streets of America hoping some drug-crazed gangbanger would not make their wives widows. While most Republicans were cheering the defeat of the crime bill, families in St. Louis, Chicago, New York, and Springfield, IL, were praying their children would not be the victims of a drive-by shooting. The National Rifle Association and the Republicans succeeded in gridlocking Congress last night on the crime bill, but this House owes it to the police and to America to pass a crime bill.

President Clinton was right. Congress should not take a vacation until we pass a crime bill. Criminals do not take a vacation, and American families are still waiting for us to break the Republican gridlock on this critical bill.

PEACE FOR SALE

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

Mr. CALLAHAN. Mr. Speaker, I rose on this floor twice in recent weeks to express my grave concerns about forgiving Jordan's debt to the United States. I believed this form of extortion would set a dangerous and unaffordable precedent.

I never like to say "I told you so," but before the ink has dried on Jordan's forgiveness, we are being set up again. Business Week reported this week that Syrian President Assad is pursuing peace talks with Israel for only one reason that has little to do with peace. Instead, his only interest is reported to be some type of cash payoff, perhaps something along the multi-billion lines of the Camp David accords.

There is no question that a Syrian-Israeli peace agreement is in the United States interest. But we must question whether it is in our interest to agree to be blackmailed whenever our allies face problems with their neighbors.

We have made the decision to reward Jordan. Let us not go farther down this road. Our Secretary on State should just say "no" to this deal.

JUDGE SENTELLE'S CONFLICT OF INTEREST

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

Mr. BONIOR. Mr. Speaker, today's front page story in the Washington Post raises disturbing new questions about the decision to remove Judge Fiske from the Whitewater case.

First we learned that Judge Fiske was being replaced by a person who, in the past few months, has clearly taken partisan positions critical of the President.

Now we learn that the judge who led the decision to replace Judge Fiske, Judge David Sentelle, at the very time he was making the decision, met with two of the most partisan critics of Judge Fiske, two critics who have called for Judge Fiske's resignation again and again.

Mr. Speaker, this appears to be a clear, improper, and partisan manipulation of the judicial system.

Judge Sentelle's panel is supposed to be impartial.

The counsel he appoints is supposed to be independent.

For Judge Sentelle to meet with partisan members of the other body who have a political axe to grind in this case should be a subject of investigation itself.

Judge Sentelle said Fiske had to go because there appeared to be a conflict of interest. Well, it looks like Judge Sentelle has an ever greater conflict of interest of his own.

Having Judge Sentelle rule on the independent counsel is like having George Steinbrenner rule on the baseball strike.

DEMOCRATS' UNTOLD BENEFITS

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

Mr. SMITH of Texas. Mr. Speaker, President Clinton and his allies are busy concocting benefits they can claim for their plan for a Government-run health care system.

But there is one benefit they could legitimately claim that millions of Americans will receive from the Clinton health care plan: unemployment benefits.

That is right, the employer mandates and big Government bureaucracy of the Clinton health plan will raise employers' costs and employees' unemployment.

How much will it add to the cost of doing business? According to the Heritage Foundation, it will cost businesses in my home State of Texas an additional \$5.6 billion just by the year 2002 under the Clinton-Senate plan.

Under the Clinton-House plan, the costs are even higher. By 1999, it will raise the cost of doing business in Texas by \$8 billion—or \$1,200 per Texas employee.

Of course maybe the President has thought ahead. Perhaps being out of business and out of work will give these people time to wait in the long health care lines the President's plan will create.

WE ALL LOST

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

Mr. OLVER. Mr. Speaker, we apparently will not hear baseball scores for a while, but here is the score from last night. Inside the Beltway gridlock: First, people who are afraid to leave their homes for fear of crime: Zero.

Mr. Speaker, last night's loss was more than just a vote on a rule. We all lost.

We lost protection for women and children who live with the nightmare of domestic violence. We lost a chance for kids to find more than a life of selling drugs on the street.

But our biggest loss was the 100,000 cops that would restore security to our

communities. That is over 2,000 cops in my State of Massachusetts alone. We lost the most important tool communities need to fight crime.

The American people were rooting for this crime bill, Mr. Speaker. We all lost.

□ 1030

TV EXPOSÉ REVEALS RIPOFF OF TAXPAYERS BY FAA EMPLOYEES

(Mr. DUNCAN asked and was given permission to address the House for 1 minute.)

Mr. DUNCAN. Mr. Speaker, last night, "Prime Time Live" carried a report about the FAA that I am sure angered everyone who saw it.

The report told how FAA employees in San Juan have been living in luxury hotels and condominiums for months at a time at taxpayer expense.

One family lived in hotel suites costing \$360 per day and stayed at least 3 months.

This family, whose last name was Feeny, turned in expense accounts for meals totaling over \$12,000 for just their first month in Puerto Rico, and the FAA paid them.

Their average claim for food ran to over \$300 per day.

Another employee has claimed, and has been paid, approximately \$5,000 per month for housing in Atlanta for almost a year now, even though he remains with the FAA in Puerto Rico.

An FAA employee who tried to blow the whistle on these padded expense accounts has resigned in disgust.

He says many millions have been spent by the FAA allowing their employees to claim and receive these exorbitant and ridiculous expenses.

No employee who has done the things reported by "Prime Time Live" should be allowed to work for the Government, in any capacity.

I call on the FAA to fire these employees immediately, and stop this taxpayer ripoff right now.

However, I know that due to our civil service system, nothing will be done and abuses like this will continue at the FAA and throughout the Federal Government.

NO INTENT FOUND TO DECEIVE CONGRESS ON VIRGINIA FACILITY FOR THE INTELLIGENCE COMMUNITY

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

Mr. GLICKMAN. Mr. Speaker, as chairman of the Intelligence Committee, I have been critical at times of the intelligence community's organization and management, but I come to the floor today to defend them on an allegation that was made by the Intel-

ligence Committee of the other body regarding a building built by the National Reconnaissance Office in Virginia.

The allegation was made or inferred that in some way the intelligence community deceived Congress by never notifying us of this building. Yesterday we had a public hearing of the House Intelligence Committee in the Rayburn Building, and the fact of the matter is that while we may disagree with some of the procedures used by the National Reconnaissance Office, there was no intent to deceive Congress, and there was no intent to hide the facts or deceive the intelligence community or Congress with respect to that particular building.

This was a building that was designed several years ago, frankly, at the request of some Members of Congress and the intelligence community to consolidate the offices of the National Reconnaissance Office, which, up until 2 years ago, was actually a classified body. But the purpose of the consolidation was to close or consolidate many, many leased offices around the country that were costing the taxpayers a lot of money.

While we are going to look at the procedures used in the building and the contracting process and although we think the budgeting needs to be improved, I want to assure my colleagues that there was no intent to deceive Members of Congress in connection with that facility.

CRIME BILL DEFEATED BECAUSE BILL AND RULE FOUND WANTING

(Mr. EHLERS asked and was given permission to address the House for 1 minute.)

Mr. EHLERS. Mr. Speaker, I want to respond to some of the things I have heard discussed here this morning in regard to yesterday's vote on the rule to debate the crime bill. The statement has been made that the Republicans and the NRA defeated it. That is simply not true. The majority of the Members of this Chamber, of course, are Democrats, and 58 Democrats voted against it.

Personally, I did not hear anything from the NRA pro or con on the rule or the bill. I think we have to face the fact that it was a bad bill, and the rule was defeated because the rule prevented us from amending a bad bill and the rule prevented us from raising points of order against some of the pork and some of the bad features of the bill. That is why it was defeated.

I believe that with a rewritten bill, we will easily have a crime bill passed in this Chamber, and I think we have to stop pointing fingers of blame and simply say that we all want to do something about crime but we do not want a bill that is filled with pork and we do not want a bill that says it pro-

vides 100,000 policemen when in fact it only provides 20,000.

Mr. Speaker, I urge the conference committee to come back with a better bill, a bill that we can all support and vote for.

CONGRESS SHOULD LISTEN TO THE PEOPLE'S DESIRES ON CRIME AND HEALTH CARE LEGISLATION

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

Mr. GRAMS. Mr. Speaker, last night the commonsense will of the American people prevailed as the so-called crime bill that was tough on taxpayers and soft on criminals was defeated.

As the crime bill goes back to conference for a much-needed facelift, the debate will shift to health care, and this Congress should heed some important lessons from the crime bill spectacle.

First, the American people do not like having their pockets picked. Just as the crime bill was a \$9 billion social program pork fest, the Clinton-Gephardt health care bill contains 17 new taxes that Americans cannot afford, do not want, and will not tolerate.

Second, the American people do not like having bad bills rammed through Congress. Believe it or not, the 900-page crime bill we voted on last night was given to us yesterday morning. And wouldn't you know, the 700-page Clinton-Gephardt plan was made available less than 2 days ago. Health care reform is the most significant issue we have dealt with in years and the White House and Democrat leadership were going to try to slip it through, just like the crime bill.

Until last night, that is.

Maybe now instead of picking the pockets of Americans and ramming a huge government-run health care plan through Congress, we will listen to what the people are saying and pause and craft and pass targeted health care reforms.

A CALL FOR A COOPERATIVE EFFORT TO PASS A TOUGH CRIME BILL

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

Mr. LEWIS of California. Mr. Speaker, my colleague from New York, Mr. SCHUMER, has been on the airwaves saying that yesterday's defeat on the crime bill reflects a pincer movement between the NRA and the Republican leadership of the House. Mr. SCHUMER's interpretation could not be farther from the truth.

It may be that Mr. SCHUMER's New York City district is much different

than my district in California. It may be his people were crying out for the millions of dollars in spending in new untested social programs. It may be that they are not concerned about the provisions in that bill which provide for the early release of thousands of convicted drug traffickers.

The people in my district in California know that drug traffickers are a key and driving force behind the crime impacting our communities. My district is interested in a crime bill that truly deals with the repeat criminals in our society.

So I have come to the floor to agree with my colleague, Mr. SCHUMER, about two things. First, he is right: If the people effectively communicate with Members across the country, they will be heard, and telephone calls and letters can make a difference. Second, we should bring a crime bill back to the floor. So, let's do so by one simple action: Provide an open rule that will allow amendments to the bill that would truly reflect people's concerns. I am confident that open debate on such amendments would lead to a tough crime bill that would help guarantee safety in the cities and on the streets in neighborhoods in America.

Mr. President, I urge you to call upon the bipartisan leadership of this House to allow open debate through an open rule concerning crime in America.

POLITICAL TAINT DARKENED ON APPOINTMENT OF INDEPENDENT COUNSEL TO INVESTIGATE THE PRESIDENT

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, on the floor this week I criticized the baggage-of-appearance problems surrounding the appointment of Kenneth Starr to investigate the President. I thought then, though, that the furore and delay of yet another appointment augured for going on with the Starr appointment and assumed a heavy burden of demonstrating impartiality.

Following new revelations, however, it is clear that for his sake and for the sake of the court that appointed him, Starr should bow out. Partisan letters to the court and contacts between a particularly partisan Senator and the judge, David Sentelle, a protege of JESSE HELMS, now give the court an appearance problem.

The entire point of our independent-counsel legislation is to remove the investigation not only from political taint but from the appearance of political taint. That taint has now darkened. We need a new independent counsel and a new court to appoint her.

NEW JERSEY TRAGEDY POINTS UP NEED FOR TOUGH CRIME BILL

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

Mr. CUNNINGHAM. Mr. Speaker, I witnessed two things on television last night. One was where the parents of a little girl in New Jersey named Megan spoke. They buried her last week. A sexual predator who had been convicted twice before lured her into a house and sexually abused her and killed the little girl.

The gentleman from New York [Mr. SCHUMER] voted in committee for the sexual language and then in conference personally took out that language.

The second item I witnessed last night was Mr. SCHUMER blaming the loss of his bill on others. I say to the gentleman from New York [Mr. SCHUMER] that Megan's parents asked administrators and anyone else to get in the face of the people who are weak on this issue and weak on crime. We do not want to get in the gentleman's face, but when you have \$9 billion of socialized spending and your liberal special interest, the ACLU, wants you to take out language that would protect the Megans of the world, that is the reason why the crime bill failed yesterday.

CONSTITUENTS' PROTEST AGAINST CRIMINAL CODDLING BILL MAY BE KEY TO BILL'S FAILURE

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

Mr. BARTLETT of Maryland. Mr. Speaker, it is far too simplistic to villainize the NRA and blame them for the failure of the crime-bill rule last evening. When this bill left the House, it had far too much pork in it, and it had a whole lot more when it returned.

When it left the House, it was aptly described as a "criminal coddling" bill, and one constituent called to ask us, "Please don't vote for the hug-a-thug bill" that was returned to us from conference.

A real reason that the bill failed was the rule itself and the fact that we did not have time to read this very large bill. But in the final analysis, the credit for killing this rule belongs to the American people who, in ever increasing numbers, called our offices to tell us, "Please don't vote for this bill."

□ 1040

DO NOT MISUSE THE INDEPENDENT LAW

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

Mr. PENNY. Mr. Speaker, I voted for the independent counsel law. I agree that we cannot expect an administration to investigate itself when there are allegations of wrongdoing. However, the use of the independent counsel process in the instance of Agriculture Secretary Mike Espy raises questions. As has been demonstrated over the years, these independent counsel investigations typically cost several hundred thousand dollars, some much more.

What was Secretary Espy's alleged misdeed? He evidently accepted a couple hundred dollars worth of travel, lodging, and sports events tickets from a food processing firm, and later reimbursed the firm for these costs.

Did Secretary Espy use bad judgment? Yes. Does this matter warrant an expensive legal investigation? I think not.

EPA SHOULD IMPLEMENT CLEAN AIR ACT AMENDMENTS OF 1990

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

Mr. KIM. Mr. Speaker, I rise today to introduce three very important pieces of legislation intended to rectify an unfair application of the law. These bills will direct the Environmental Protection Agency to write Federal Implementation Plans in accordance with the 1990 Amendments to the Clean Air Act.

My reasons for introducing these measures are twofold. First, to alleviate an extremely unfair situation that is facing my State of California. Second, for the benefit of every other State in this Nation that is working hard to meet the goals set forth in the Clean Air Act.

The EPA is currently being forced to comply with a court order, which was handed down in 1993, 3 years after this Congress amended the Clean Air Act, which requires them to implement a Federal plan in accordance with the provisions of the 1977 act. I am deeply disturbed by this court decision, which neglects to recognize the intent of the 1990 amendments that place the responsibility of creating such plans squarely on the shoulders of the States, in recognition of the need to be flexible.

Additionally, the implementation of this Federal plan is to occur at the same time that California is working diligently to meet the requirements of the 1990 provisions. This makes the court's order all that more confusing. Why must the State of California comply with two versions of the same law?

It is with this question in mind that I rise before this House today to make it clear to the courts, the EPA and the States, that it is the intent of Congress to only require a State to comply with the latest version of the law. If this injustice is not corrected, California, as

well as many other States, could face economic ruin.

The California Chamber of Commerce, for example, indicated that if this Federal plan is implemented it would result in the loss of a half-million jobs and \$50 billion a year in transportation and related costs alone. Small businesses would be especially hard-hit. I do not believe that any one of you, my fellow colleagues, could stand by and watch this happen to your State.

Therefore, I call on my colleagues today, to join me in putting an end to this devastating, or potentially devastating, precedent which will place jobs and economic stability at risk.

FAILURE TO PASS CRIME BILL RULE A CRIME

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

Mr. MORAN. Mr. Speaker, what happened to the crime bill yesterday was a crime. It is a crime that the National Rifle Association is able to determine the votes of the House of Representatives through their PAC's and through their political intimidation. But it would be a worse crime if the American people do not understand why this bill, this rule, was defeated yesterday.

It was not the spin that has been put on it by the other side, and even by some people on the Democratic side, that it was because it contained too much pork. That is nonsense.

The big increase in the conference report over the House bill that many of them voted for was for cops on the beat; \$3.4 billion was included for cops on the beat in the House bill; \$8.8 billion was included in the conference agreement, a doubling.

This business about hearing the midnight sports leagues, the midnight basketball that Rush Limbaugh and so many people talked about, was actually cut from the House bill to the conference bill that we voted on yesterday, from \$50 to \$40 million. The big increase, and all the social programs you did not hear about, the big increase was in grants to combat violence against women. That is where the money was. But we do not hear about that.

What happened yesterday was a crime. It should never be repeated again. It is up to the Members of this House to stand up next week and repeal that action.

PORKLESS CRIME BILL WILL GO THROUGH LIKE GREASED LIGHT- NING

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

Mr. DORNAN. Mr. Speaker, all this talk about the hard-hearted Repub-

lican leadership is so much nonsense. Do you know how it pains us to see that dyspeptic look on the face of Mr. MORAN and the Speaker? To see the President in high dudgeon? To see the gentlewoman from Colorado coming here verklempt? Mr. SCHUMER talked about the weapon of choice being the phone. Maybe he can call 844-4444, had have coffee talk about what a tragedy it was for the President that his crime bill went down. But under this bill if you dial 911 you are likely to get a social worker instead of a cop.

I would say that my colleagues on the other side of the aisle should spend as much time focusing on how to get tough on criminals as they are trying to get tough with conservative religious people, those that they call the "radical religious right."

There was a meeting yesterday, and I think Mr. MORAN was there, where the Democratic participants arranged for nine Capitol Hill policemen to guard the meeting of the Radical Right Task Force. Mr. FAZIO, Ms. SLAUGHTER, Mr. DURBIN, Mr. FARR of California, Ms. MCKINNEY, Mr. SWETT, Mr. SYNAR, Ms. PRYCE of Ohio, and, yes, JIM MORAN, were all there meeting to do something about "these Christians."

Let us do something about criminals instead. Strip out the pork, bring the bill back, and, Mr. Speaker, it will go through like greased lightning.

DEMOCRAT CRIME BILL MAKES NATION AS SAFE AS NEW YORK CITY

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

Mr. HUNTER. Mr. Speaker, the American people spoke last night. Congressmen do what their constituents want when they are 3 months out from an election, and that is what happened in the House of Representatives last night.

You know, the gentleman from New York [Mr. SCHUMER] offered us a crime bill that was intended to make our districts, our constituents, our voters, as safe as his district in New York City. And that was the problem.

Let me just say that six victims-right groups contacted us in the Republican Research Committee, the presidents of these groups, Justice for Murder Victims, Victims and Friends United, Advocates for Survivors of Violent Crime, Citizens for Law and Order, Organized Victims of Violent Crime, and League of Victims and Empathy. From across the Nation they contacted us, and their presidents came down against this crime bill.

Let me tell you why. They were against it because they said it does not repeal prison caps, it does not include habeas corpus reform, and it does not provide for training for judges and

prosecutors on victims rights. It contains no real truth-in-sentencing provisions. It eliminates provisions requiring mandatory restitution to victims of violent crimes.

The people know what was in this bill. They did not want it. They do not want their districts to be as safe as Mr. SCHUMER's district in New York City.

REPUBLICANS WANT A CRIME BILL

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

Mr. MICA. Mr. Speaker, President Clinton last night tried to blame the defeat of the rule on the crime bill on the Republicans and the NRA. My colleagues, he still does not get the message. Republicans and Americans want a crime bill. In fact, 58 Democrats, 25 percent of the majority party who voted no, want a crime bill.

But here is what we and the American people did not want. We have been robbed in the streets, we have been robbed in our homes, and now we do not want to be ripped off by this Congress. We want punishment, not sensitivity training. We want reform of the welfare system that spawned this mess, not more social programs. We wanted our hard-earned dollars to go for good education and job creation, not dance classes and midnight basketball. We want drug felons behind bars, not out on our streets. Finally, Mr. Speaker, we want the death penalty, not President Clinton's promise to abolish it by Executive order.

RIGHTS AND HEALTH OF SEXUAL OFFENSE VICTIMS MUST BE PROTECTED IN NEW CRIME BILL

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

Mr. ALLARD. Mr. Speaker, in the Crime Control Act of 1990, a provision said if States were to receive any funds from the Byrne grant then the State would have to establish a program allowing the victim of sexual assault to have the offender tested for the HIV virus.

I support the 1990 law because we need to protect the health and the rights of the victim, especially in the case of a sexual offense. When someone is raped, the victim has the right to know if their attacker carries this deadly disease.

However, even though the Federal Government requires a program for HIV testing for States, this provision was left out of the Federal crime bill. But now that we have the opportunity to strengthen the bill, I urge my colleagues to include this testing provision. A sex crime is just as heinous

whether it is State or Federal and should be treated the same. I believe if this is a State requirement it should also be a Federal requirement.

Without this provision, Congress is telling America that the rights of the victim of a sexual crime is less important than their sexual predator. We should protect the victims of crime and include the Senate provision and insist that Federal crimes be treated as harsh as State crimes. More importantly, the rights of the victim of a sexual crime must be put above the rights of the sexual predator.

□ 1050

THE CRIME BILL VOTE

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

Mr. MCCOLLUM. Mr. Speaker, I have heard a number of people out here today say to us that somehow the vote yesterday was to kill the crime bill. It was not. It was a vote on the rule. It was vote down on the rule.

Republicans voted against the rule, most of us at least, because we believe that there is way too much social welfare spending in this bill. It is a backdoor way that some folks on the other side of the aisle have found to try to get more great society programs into legislation in the law.

There is a simple way to solve the problem that we face now and have a truly bipartisan crime bill all of us want. There is no reason why we should be concerned about doing that. It would take a few hours to sit down and do it. If some reasonable people on both sides of the aisle were called together, I am a conferee, was a conferee, would like to go back and do it again, take \$5 billion or \$6 billion out of this \$9 billion of pork and social welfare spending that is in this bill and put it over into the prison side where it should be. Add to the prison money that is there so that we get enough money in the prison grant programs that we can actually do what we have been told is necessary to have \$10.5 billion to \$12 billion in order to provide enough money to the States to build the prisons beds necessary to take the repeat, second-time violent offenders off the streets and throw away the key.

That is what we need to be doing for prevention. That is the true crime prevention.

WHY THE RULE WAS DEFEATED

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, I agree with the gentleman from Florida that what needs to happen here is the crime bill needs to go back to conference and

we need to get out a crime bill that the majority of the House can support, that is a tough bill on crime.

I was a little concerned to hear the President of the United States suggest that what happened on the floor yesterday was a procedural trick. This was not a procedural trick. The only procedural trick was being done by the Democrats in bringing it out in a rule in the first place.

The fact is they could have brought the whole conference report to the floor without ever going to the Committee on rules. The reason why they knew they could not do that is because there were things in the conference report that were subject to points of order on the House floor that would have immediately sent the bill back to conference.

The entire conference report was flawed because of the procedural tricks that went on within the conference. What they were trying to do was cover their tails with what went on in the Committee on Rules, and they could not get it done on the House floor.

The President needs to be informed that what was happening here was that his own party voted unanimously in the Committee on Rules to try to cover up the procedural tricks that were done in the conference. We should have less of that. Let us bring bills to the floor that are clean so that we can all vote on them clean.

YESTERDAY'S VOTE

(Mr. STEARNS asked and was given permission to address the House for 1 minute.)

Mr. STEARNS. Mr. Speaker, the reason that the rule did not pass is because almost 60 Democrats voted with Republicans, majority of Republicans. Now, when we heard the President indicate that the reason the bill did not pass was because of the NRA and Republican leadership, that was not quite right.

The problem is that bill had too much social spending and not enough real crime efforts to decrease the amount of criminals on the street. Time and time again, Republicans have worked with the Democrats to help. For example, NAFTA, NAFTA passed because of a coalition. There right now is in Congress a coalition on a health care bill; that is, the Bilirakis-Rowland bill. We should be beginning as a group to get behind that bill and also GATT is another agreement that the Republicans are working with Democrats. So the Republicans are working with Democrats.

The reason this bill did not pass is not because of the NRA. It is not because of Republican leadership. It is because the American people did not want what that bill had.

FULL BUDGET DISCLOSURE ACT OF 1994

The SPEAKER pro tempore (Mr. MONTGOMERY). Pursuant to House Resolution 512 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. 4907.

□ 1054

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. 4907) to reform the concept of baseline budgeting, with Mrs. SCHROEDER in the chair. The Clerk read the title of the bill.

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

The gentleman from South Carolina [Mr. DERRICK] will be recognized for 15 minutes; the gentleman from Florida [Mr. GOSS] will be recognized for 15 minutes; the gentleman from South Carolina [Mr. SPRATT] will be recognized for 15 minutes; and the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 15 minutes.

The Chair recognizes the gentleman from South Carolina [Mr. DERRICK].

Mr. DERRICK. Madam Chairman, I yield myself 5 minutes.

I am delighted to day to bring to the floor H.R. 4906, the Full Budget Disclosure Act of 1994.

This will improve our budget process precisely as its short title suggests: by requiring full budget disclosure. The official title of H.R. 4907 is "a bill to reform the concept of baseline budgeting." I can assure the Members the bill will do just that.

Madam Chairman, I suspect most Americans finds the Federal budget process difficult to comprehend at best. Part of the problem is our confusing terminology; we just don't use the same budgetary terms and concepts that ordinary people do.

One of the concepts associated with Federal budgeting most difficult for ordinary Americans to understand is the notion of a budget baseline.

Under the law, when the President submits his budget to the Congress, and the Congress prepares its congressional budget, they start from something called a "current policy baseline." That baseline assumes for the budget year and subsequent years of continuation of the current spending level for programs and services, adjusted for inflation and certain other technical factors.

There is absolutely nothing wrong with the current policy baseline. After all, every American appreciates how inflation erodes the purchasing power of his dollars over time. All Americans know the same number of dollars won't buy today what they bought 10 years ago, or even last year.

This is why the law provides for cost-of-living adjustments to Social Security benefits. If we did not give cost-of-living adjustments, Social Security benefits would over time lose much of their value and recipients would lose much of their income as inflation eroded their checks' purchasing power.

Madam Chairman, inflation erodes the purchasing power of Federal tax revenues too. Any given number of Federal tax dollars doesn't buy the same quantity of goods and services today that it bought 10 years ago, or even last year. As a result, it takes more dollars to repair a mile of Federal highway, buy fuel for the Navy ships and aircraft, and to maintain government buildings and other assets. Government must deal with the same inflation that households do, and the current policy baseline helps policymakers to understand inflation's effect on programs.

But use of the current policy baseline has one drawback: it makes more difficult comparisons of how spending changes from year to year in actual terms. It is this problem H.R. 4907 is designed to solve.

Under the bill, the President and the Congress would have to include an additional baseline, a current funding baseline, in their budget documents. The current funding baseline would start from last year's spending level and would not be adjusted for inflation.

This additional baseline would allow people to see and understand how various budget proposals would change spending from year to year in constant dollars, without taking inflation into account.

By comparing the two baselines to proposed spending, for example, policymakers and the public could both understand that a budget proposal for a given program might very well represent an increase over last year in actual dollars, but not enough to keep pace with inflation—or effectively a cut in the program.

Or people could see how a proposal that represented an increase in actual dollars exceeded the amount needed to keep pace with inflation, and was effectively an expansion of the program in question.

H.R. 4907 will also require the Congressional Budget Office to include in its annual report to the budget committees a comparison to current spending levels, and an analysis of the causes of increased spending in mandatory programs from cost-of-living adjustments, changes in beneficiaries, higher health-care costs, and other factors. This provision will help us better understand the reasons for growth in those so-called entitlement programs.

I am convinced H.R. 4907 will improve the budget process, that it will result in full budget disclosure, and that it will help both policymaker and ordinary Americans to understand the

budget process better. My colleague from South Carolina [Mr. SPRATT] has done excellent work on this legislation. I urge all Members to support the Spratt bill.

Madam Chairman, I reserve the balance of my time.

□ 1100

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

Madam Chairman, as I said during the debate on the rule, baseline budgeting is one of our most confusing, irresponsible, inside-the-beltway creations. Under current law, Congress and the President are able to increase the dollars spent on a particular account, while publicly claiming to have cut the budget. The reason for this is that when committee's sit down to decide funding for next year's programs, instead of starting with the actual dollar amount spent the previous year, they use a figure that has been automatically inflated. Both discretionary and entitlement spending are subject to this twisted accounting. As a Member of the Bipartisan Commission on Entitlement Reform, I am hopeful that we will be able to address the dangerous trends in mandatory spending in the near future. But as the ranking member of the Budget Committee, Mr. KASICH, pointed out to us in rules earlier this week, it's far too early to declare victory on the discretionary side of the budget. Comprising an estimated \$400 billion in taxpayer funds each year, any excess growth in the discretionary area is a serious concern.

While I am pleased that we have the chance to address the baseline problem today, I am concerned that the Spratt bill, H.R. 4907, will only add to the current confusion. Instead of replacing the single, flawed, baseline we currently use, the Spratt bill will keep that one and add a second baseline consisting of the current year's actual spending. This two-headed monster has two major problems: It is confusing, and it will not be effective in controlling future spending.

The confusion will stem from having two baselines instead of one. While it is difficult to determine when a cut is really a cut now, just wait until the Washington spin doctors are able to have a choice of baselines.

The second problem is the bill's lack of effectiveness. During the markup of the Spratt bill in Rules Committee, I confirmed with the chairman and the bill's sponsor that this bill will not change the current law baseline. Let me repeat; under this bill, the legal baseline will remain unchanged.

An alternative to the confusion and ineffectiveness of H.R. 4907 is the Kasich-Penny-Stenholm substitute. This simple and responsible alternative calls for a single baseline consisting of the current year's actual spending level. In addition, it requires that com-

mittee reports include a comparison between current year spending and revenue levels with the proposed increase or decrease in percentage terms. Finally, the substitute provides for a comprehensive review of entitlement spending trends on a yearly basis from the Congressional Budget Office.

Madam Chairman, I agree that it is high time that we reform the inflationary budget baseline. The choice before us should be clear: Support the common-cents amendment, and reject the convoluted approach of the Spratt bill.

Madam Chairman, I reserve the balance of my time.

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

Madam Chairman, the bill before us, H.R. 4907, is very basic. It requires two baselines to be set up in the format of the budget. One is a current funding baseline. This represents actual funding in a given year, the current year, for a functional program in the budget. CBO calls this a freeze.

We had an agreement on the floor yesterday that with respect to the current funding baseline, as defined in our bill, H.R. 4907, and in the substitute, there is no difference, no distinction. They are the same. This bill provides for a current funding baseline, just as Penny-Kasich-Stenholm would.

We also, however, provide for another baseline, which is a baseline used all the time in this institution, and used of necessity. It is called a current policy baseline, commonly sometimes called a current services level of funding—what it takes to carry forward existing programs that are embedded in permanent law, paying the same level of benefits after inflation, serving the same beneficiary population according to the terms of eligibility that are on the statute books, a current policy baseline.

Madam Chairman, our opposition says what they want is one giant scorecard. I would invite everybody who has an opportunity to read the "Minority Views" on this bill that are printed in the committee report, because the "Minority Views" recognize that in fact there are several different baselines used, and they will continue to be used because they are practical, they are good analytical devices, and they are the things that have been used for years and will continue to be used for these reasons.

For example, Madam Chairman, the minority acknowledges that baselines used by the Committee on Appropriations are always actual funding, unadjusted, and if you look at the Committee on Appropriations reports, each of the 13 reports will provide you with this year's funding and next year's funding, and will tell you what has been increased or decreased. That is a baseline that we do not provide for, because it is already used. We are not

enshrining it in this particular bill, but it is another baseline.

The opposition derides us for attempting to set up a second baseline and claims that this is double-speak, that we are going to confuse the American people.

In truth, as they well know—as everyone well knows who has dealt with the budget here—the current services or current policy baseline exists because it is a useful device for measuring the adequacy of the current budget. For that reason, we have it. For that reason, it will continue, regardless of the outcome of this legislation.

In fact, Madam Chairman, one of the best defenses of the current policy or current services baseline is made in the minority report. This particular report says that when you are dealing with reconciliation, and I am reading from the report now:

Where baselines really make a difference is mandatory spending and revenues, since these are used when it comes to reconciliation instructions. These instructions tell committees to find so much in "savings" or revenues by changing existing direct spending or tax laws. The amount of "savings" or revenues are derived by using the baseline of projected costs or revenues for the budget year and the outyears that would occur with no change in current law.

They go on to give an example of how a mandatory program at \$100 million would increase to \$150 million, but in reconciliation, instructions would be stated to require a \$25 million reduction. They acknowledge that this is useful, this is useful. It is necessary, because permanent laws would provide for these programs to increase, unless we take action and do something about them. So we have to know. We have to have some measure of how they are going to increase in order to take action and to decrease them.

Madam Chairman, this is what the minority says:

No one should deny Congress credit for taking action to restrain the growth in spending for programs, since these are often difficult choices to make.

Not cuts, but restraints in growth:

On the other hand, it is difficult to convince the public that we are reducing spending and deficits when they see both continue to climb.

So what they want to get at is public perception, but you acknowledge that for purposes of operating this place, we need a current services baseline. They make the case for it right here.

That is all we are saying. Give the public the same baseline that the gentleman from Minnesota [Mr. PENNY], the gentleman from Ohio [Mr. KASICH], and the gentleman from Texas [Mr. STENHOLM] would require. We are willing to do that, the same definition, but at the same time let us use internally what they make the case for in their own minority views, the current services baseline.

□ 1110

In fact, the gentleman makes the case here. When we do that, the current services baseline is going to continue to exist, as I have argued continually, because it is such a useful device; it is a necessary device in making reconciliation devices.

You admit in here the Committee on Appropriations is still going to use a very simple and basic technique of taking this year's funding and you will also have an adjusted current funding baseline. There are going to be three baselines, regardless of what this bill does. So in formatting the budget, let us have two useful baselines, the current funding baseline and the current policy baseline, and let us not try to have some artificial construct that would overcome what is inevitably going to be the operating procedure in this institution.

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

Mr. SPRATT. I yield to the gentleman from Florida.

Mr. GOSS. I asked the gentleman to yield as a courtesy because he did read from the minority report. We agree we have to have someplace to start from. All we are asking is it be the real starting place with the real numbers and there just be one starting place, not two. I think that is going to be crystal clear to people, that this is what we spent and this is what we are going to spend this year. That is all we are asking.

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

Mr. SPRATT. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Let me address what the gentleman is talking about, because we have the biggest discretionary budget in defense. One of the problems we have when they send a budget over to us: Say in the 1980's they would exaggerate inflation and we would have a different figure right away. But if we do not put the inflation figures in, if we do not come up with figures that are realistic, it makes it impossible for us to make the adjustments necessary to come up with a realistic bill.

For instance, the bill has decreased by 35 percent in budget authority and 23 percent in outlays since 1984, about a 10-year period. This year they did not put cost of living in. Last year they did not put cost-of-living in for personnel. Personnel costs are \$70 billion for defense. I said, last year, we were going to pay the troops more. Even though nobody else is going to get a cost-of-living increase, the troops are going to get more. That did not sound like a lot of money. It was \$11 billion if we count the tail. So if we do not consider inflation in the overall presentation, we have got a real problem. In other words, the first thing we would have to do is exactly what they have done

when they have sent their presentation over to us. That is the problem.

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

Mr. SPRATT. I yield to the gentleman from Minnesota.

Mr. SABO. One of the purposes of baseline is to have some understanding of historically what is happening with programs in the relative level of funding. If I understand the gentleman accurately, when one looks at defense in budget authority from its peak in 1985, in inflation adjusted dollars, budget authority has gone down 35 percent. As I understand it, our friends who want to amend this bill would say it had only gone down about 10 percent, because that is what the change in dollars without any inflation adjustments would be, which most accurately historically reflects what has changed in defense spending over the last 9 or 10 years.

Mr. MURTHA. When we are talking about the bill, we are sitting in subcommittee, and it takes the staff weeks to get the budget proposals together that are sent over to us. The gentleman from Minnesota is on the committee and he knows what I am talking about. We try to at first figure out what the accurate figures are. I know that what the gentleman is trying to do is come up with accurate figures in the baseline, but if you do not have inflation built in, it is impossible for us to get the amount of money we need out of the budget. We do not have any leeway at all is what it amounts to. We always evaluate their inflation figures. Sometimes we reduce what they consider the inflationary costs and sometimes we do not. But we believe that in real dollars when we look at it, it has only declined 10 percent, but if we include inflation, it has declined by 35 percent. So we can see that we are not getting a realistic picture. It would be impossible for us to operate. The first thing we would have to do is put in the inflation figures. I do not see how we could operate under the premise that the gentleman from Texas is recommending. At least I do not see how it happens in a bill that we try to handle. So I have to agree with the Spratt idea.

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

Mr. SPRATT. I yield to the gentleman from Texas.

Mr. STENHOLM. The argument we make, nothing in our amendment precludes this discussion and these numbers and these concerns that the gentleman is expressing. All we are saying is we should start from one baseline and if we need to have increases for the valid reasons the gentleman from Pennsylvania is talking about, we justify those reasons, but we compare it back to one baseline. There is not a big difference between that. There is a big difference between the confusing aspects, though, if we are suggesting the

second baseline is a valid baseline of which we have the money to pay for it. That is the problem. We are running \$200 billion deficits, we have a cap on discretionary spending that we have to move to. So any increases have to be justified. We think it makes more sense for us to justify them on one baseline, and if we have an increase, call it what it is so people will understand we are getting an increase for the purpose of what we are increasing it.

Mr. SPRATT. Madam Chairman, if I could reclaim my time, we would agree with that to an extent. We will give the public and the Congress that information, but we will also retain the essential common sense of having a current services baseline because as the minority report correctly observes, it is absolutely necessary when we are determining whether or not what entitlement programs in particular are going to cost and to what extent spending growth must be restrained in these programs. Without that baseline, we have got no reliable estimate of what 70 percent of the budget direct spending is going to be in the outyears.

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

Mr. SPRATT. I yield to the gentleman from Minnesota.

Mr. SABO. If I might direct another question to my friend, the gentleman from Pennsylvania who chairs the Subcommittee on Defense. When you put out a committee report for your bill this year, if I remember accurately, it shows what was appropriated for last year's bill and it shows what is appropriated for next year's bill. Is that not accurate?

Mr. MURTHA. And also we usually have a 5-year projection in our bill if we ever are able to get it from the Defense Department. I understand what the gentleman is trying to do and I understand the problem. But if we do not build inflation in, the first thing we would do is to put the inflationary figures in the bill. Otherwise I am not sure how you operate.

Mr. SPRATT. I thank the gentleman for his statement.

Madam Chairman, I reserve the balance of my time.

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

Madam Chairman, I would rise in reluctant opposition to H.R. 4907 and in support of the Penny-Kasich-Stenholm substitute. Before I do so, I would like to express again my concern and disappointment that the Committee on Government Operations which has jurisdiction over this matter waived our jurisdiction and did not consider this measure or this issue. I think the discussion that has just gone on about what some would view as an arcane, esoteric subject indicates that it is a complex area that really should be

fully considered through the committee process. I would, therefore, register again my dismay that the Democratic leadership chose to have the Committee on Government Operations waive its jurisdiction.

I would like to commend the gentleman from South Carolina [Mr. SPRATT] for his work in crafting the budget bills that we have considered over the past several weeks, even though we did not consider them in committee, and to recognize the great service he has provided this body in bringing these bills to the floor. The task he has been given in drafting meaningful budget reform legislation, which at the same time satisfies the desires of spending advocates is not a job that I would covet. Frankly it is not a job that I am sure I would accept. Nevertheless, I believe that the gentleman from South Carolina [Mr. SPRATT] has very honestly tried to resolve the conflicting and sometimes very confusing signals that he has received on baseline budgeting, which has become, as I say again, readily apparent this morning.

Unfortunately confusing signals can occasionally lead to confusing legislation and that I suspect is the essence of H.R. 4907.

H.R. 4907 would establish, as we have heard, two separate statutorily equal baselines for discretionary spending, one which includes inflation adjustments, and one without.

Because the bill creates both a current policy baseline which adjusts for inflation and a current funding baseline which reflects current year's spending without an inflation adjustment, future budget and spending debates would likely be even less clear under the Spratt bill than is now the case.

□ 1120

While one group of Members might well be discussing an inflation-adjusted baseline, a second could readily be referring to the equally sanctioned unadjusted spending baseline, and the result, I think would be Members talking at cross-purposes, ships passing in the night, and a public unable to understand how program spending is rising or falling.

The Spratt bill would defeat the very purpose of baseline reform, that is, to provide a clear, ambiguous picture of spending growth.

While the very same information would be available under the Penny-Kasich-Stenholm approach, their amendment would establish one single baseline to reflect current spending, and any adjustments to the program funding would be revealed through a single, unadjusted baseline to provide a clear comparison of current and future spending. In addition, the Kasich approach would provide comparisons on entitlement spending which is not re-

quired, if I understand it, under H.R. 4907.

So, Madam Chairman, because the Penny-Kasich-Stenholm amendment provides the only real opportunity for clear, honest, and understandable budget debates while at the same time assuring access to information on programs, trends, and inflation needs, I would urge the adoption of the amendment.

Madam Chairman, I reserve the balance of my time.

Mr. DERRICK. Madam Chairman, I yield 3 minutes to the gentleman from Texas [Mr. STENHOLM].

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

Madam Chairman, I again want to try to make this basic point from our perspective: We would like to see one baseline, and that when we consider appropriation bills that we are comparing what we are being asked to spend in the future with what we spent last year. All of the relevance of baseline or current services or inflation-adjusted figures can still be made, just as the gentleman from Pennsylvania made a moment ago very relevant opinions that in some cases, if you do not keep up with inflation, there are certain cuts that are going to have to occur. But those should not be conceived from the standpoint if inflation goes up 103 and we grant 102 that we have cut somebody 1 percent. It should be that we ought to be debating that we are increasing.

I do not understand when this country and so many of the people particularly in this body came to the conclusion that cost-of-living adjustments, inflation-guaranteed increases, are an inherited right of anybody. No business can grant increases based on inflation unless they are making a profit.

We are losing \$200 billion-plus a year right now in the United States of America, Inc. How anyone believes that they have a right to an inflation-adjusted figure for any purpose beats me.

But we think that it will, in fact, be more relevant, and we will get more honest debate and get more honest conclusions if we start right here in this body saying to everyone, "Here is what you got last year, here is what we are giving this year." If it is an increase, "This is why we are increasing it," and if it is a cut, "This is why we are cutting it." If you want to make the argument that we have to make inflation-increased adjustments, make that argument, but make certain that in fact you explain why that increase goes up. That is all this argument is about.

That is why I encourage you to vote for the Penny-Kasich-Stenholm amendment. Vote against the Spratt amendment, because that is the only way we are truly going to get this explained in a way in which the average American can understand it.

Madam Chairman, there are some who will say that the debate on baseline budgeting is a meaningless exercise. I disagree. The way that we talk about the choices we face in the Federal budget has a significant impact on the outcome of policy. This debate is about bringing some honesty into the way that we talk about budgets.

The current budget process is enormously confusing and strongly biased in favor of deficit spending. Baseline budgeting distorts the process by making it appear that programs are incurring a spending cut when in fact they simply are receiving a smaller increase that expected.

The base bill before us today improves the current process by ensuring that Members will be able to compare proposed spending levels with the previous year's spending levels. The base bill has taken many of the provisions of the Common Cents Budget Reform Act that I introduced along with TIM PENNY and JOHN KASICH. Unfortunately, the base bill will create additional confusion in the budget process by adding a second official baseline. The base bill will make it even more difficult for the public to understand the budget process around here. More importantly, the base bill will continue the current bias toward higher spending created by the current services budgeting.

The Penny-Kasich-Stenholm amendment will eliminate the bias toward higher spending that is included in the base bill by replacing the current services baseline with a freeze baseline. Our amendment would put some west Texas tractor seat common sense in the budget process by requiring that budget proposals compare their budgets to the amount actually spent the prior year rather than against estimates of future spending. We should recognize increases in spending for what they are and not talk about cutting spending for what they are and not talk about cutting spending when we really are voting to increase spending.

The folks at the Stamford Dairy Queen understand that if you received \$100 last year and receive \$99 this year, that is a spending cut. If you receive \$101 this year, that is an increase, even if you thought you were going to get \$102 this year. The small business men and women of this country understand that if you are operating in the red, you can't afford to give cost-of-living adjustments to everyone.

The Penny-Kasich-Stenholm amendment will improve the decisionmaking process by changing the way we talk about budget decisions. If you want to put some truth in budgeting, vote for the Penny-Kasich-Stenholm substitute and against the Spratt substitute.

Mr. GOSS. Madam Chairman, I yield 4 minutes to the distinguished gentleman from Delaware [Mr. CASTLE].

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

The gentleman from Texas [Mr. STENHOLM], I think, spoke as eloquently to the issues that I would like to speak to as anybody possibly could.

I watched this debate, and I have listened to it, and certainly everybody who has spoken, particularly those who have defended the baseline budgeting as it exists, are great contributors to

this Congress and are leaders in this Congress, and I respect that. I respect all that they have done. I do not mean to disagree with this particular bill as it is drafted, although I think the amendment, which is the Penny-Stenholm-Kasich amendment, is a far greater improvement to it.

But the bottom line is I do not think the public really comprehends what we are doing in the Congress of the United States with the budget, and as I sit here longer and longer, month by month, I begin to realize more and more why we have the budget deficit we do. Thank God this year we have started to at least deal with, if not pass, the issues of the line-item veto, with the enhanced rescissions which later passed, the balanced-budget amendment, and now we are dealing with baseline budgeting. Maybe later today we are dealing with emergency spending reforms which I think are needed. But the bottom line is, I think, one of the great problems we have is with baseline budgeting.

When you have a budget which actually begins each year with inflation built in, with demographic changes built in, with program costs built in, you have admitted defeat. You are never going to be able to balance your budget.

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

Mr. CASTLE. I yield to the gentleman from Minnesota.

Mr. SABO. Where is this budget that starts from this mythical baseline as you call it, every year?

Mr. CASTLE. Where is the budget?

Mr. SABO. Yes. I am curious. I have been budget chair 2 years. I put a chairman's mark in front of the committee for 2 years. I have never started with my mark to the committee being a baseline. A baseline is a measurement. It is not a budget.

Mr. CASTLE. Reclaiming my time, but it is used constantly by Members of Congress, not you necessarily, but by Members of Congress, by the White House of both parties, to say they are going to have savings on the budget.

Mr. SABO. Sure. It is a measurement.

Mr. CASTLE. It is an increased baseline.

Mr. SABO. It is a measurement of what is happening, just as last year's is a measurement.

Mr. CASTLE. It is a failure, it is a failure. I reclaim my time. It is a failure to recognize the fact of having a dollar amount in the year before, and you are actually spending more because you are starting with a new baseline which is artificial.

Mr. SABO. I would ask the gentleman to go to this year's budget resolution and find any number that refers to baseline in the budget document.

Mr. CASTLE. Whether it is referred to baseline in the document or not is

irrelevant, because it is constantly referred to as baseline by everybody here with the understanding that all of this is put in.

Mr. SABO. This is a historic measurement of what we are doing, and that is accurate.

Mr. CASTLE. What I am simply asking for is the fact we start in all of our reporting with the figures from the year before, and that if we want to add in these figures, we show how they are being added. Maybe you do it in your budget process, but it does not come out that way in the public process.

Mr. SABO. We show last year's number, and we show this year's number. That is in the budget now, sir.

Mr. CASTLE. I have enjoyed this discussion with the chairman, but the bottom line is, in Washington, DC, we are still presenting the budget where the inflation is automatically built in.

I agree with the gentleman from Texas [Mr. STENHOLM], why should we have an inflation-adjusted budget presented to us as if it is a given right. I think the time has come we start looking at the flat amount that was spent the year before. Should we reduce it or increase it for whatever the reasons may be? Come to those conclusions and budget in that manner. If we do that, I believe that you are going to see budgets in this Congress which are going to more approximate what they should be in terms of the expenditures of the United States of America getting closer to a balanced budget and ultimately dealing with the deficit problems of the United States of America.

I was just handed a document which shows baseline budgeting in the budget document which the chairman just spoke to, so perhaps he does not understand his own document.

Mr. DERRICK. Madam Chairman, I yield 2½ minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Madam Chairman, I believe the baseline proposal of the gentleman from South Carolina [Mr. SPRATT] is clearly the best and fairest alternative before us, and I urge all Members to support it.

The argument here is over baselines, and, specifically, about what baseline gives us the best information for making spending decisions. A baseline is one of those Washington terms, but there is nothing arcane about the concept. A baseline is a method of comparison. Our current baseline tells us how much we will need to spend to purchase the same amount of goods and services as last year. It is a dynamic measure—not a static one, because it increases or decreases with inflation and deflation, with population growth or population loss.

I happen to believe the current baseline is the most useful one, because if the Federal Government is going to provide fewer services to my constituents, I want to know about it. I do not

want to tell my constituents not to worry because we are spending the same amount as last year—when because of inflation, we are actually cutting services by 3- or 5-percent.

The authors of the alternative amendment are more interested, I believe, in knowing how much spending increases in nominal dollars. I completely agree that that is a useful thing to know, and if that is what they want to talk to their constituents about, I will not quarrel.

But why not do both? Why not look at spending from both perspectives, as Mr. SPRATT suggests? I do not think that understanding both sides of the equation will lead to more confusion; I believe it will enlighten us as to what is really going on in the budget. And I believe that would be worthwhile.

I urge my colleagues to vote against the Penny/Stenholm proposal, and for the Spratt proposal.

□ 1130

Mr. CLINGER. Madam Chairman, I would like to now yield 3 minutes to a valued member of the Committee on Government Operations, the gentleman from Florida [Mr. MICA].

Mr. MICA. Madam Chairman and my colleagues, as a new Member of this body coming recently from the private business sector, I have become accustomed to viewing the legislative process with a certain amount of healthy cynicism. I expect the Congress to do little yet claim a lot; to achieve modestly and trumpet loudly; to spend extravagantly and to save occasionally. I even expect us to do it with winks and nods and vague debates designed to obscure the reality of our true actions.

Even with this perspective, I am a little surprised by H.R. 4907. This bill, which comes to us as part of the leadership's A-to-Z sellout deal has no other purpose really other than to confuse future budget and spending debates, in my opinion.

While billed as an effort to provide more-informed budget discussions through baseline reform, H.R. 4907 would in fact simply cloud those debates through the introduction of two statutorily equal yet contrary budget baselines. H.R. 4907 would create both a current policy baseline and a current funding baseline, the first, which adjusts for inflation, and the second, which does not.

If passed, H.R. 4907 would encourage spending debates where groups of Members, in discussing the same \$300 million program cut, could by using different baselines lines be hailing a major spending reduction on the one hand while decrying a budget-busting on the other.

If confusing to Members, just imagine the reaction of our constituents, the public, to this hocus-pocus and the resulting erosion in public trust.

By way of contrast to H.R. 4907, the Penny-Kasich-Stenholm substitute

would create one single budget baseline to show this year's spending level pure and simple, no inflation adjustments, no gadgets, no gimmicks. If spending went up, we would call it an increase; if spending went down, we would know it is a cut. To me that makes sense.

Because the Penny-Kasich-Stenholm substitute provides the House its only real true opportunity to vote for real baseline budgeting reform in this Congress, I support the amendment's adoption and urge defeat of the Spratt alternatives.

Finally, Madam Chairman and my colleagues, you can fool some of the Members some of the time, but we do not need a two-baseline budget approach to fool more of the Members and the public all of the time.

Mr. DERRICK. Madam Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. SABO].

Mr. SABO. I thank the gentleman for yielding this time to me.

I would suggest to the last gentleman who spoke, he should read an Appropriations Committee report one year. He would find the numbers there.

Last year, the President's request, committee recommendations, minus and plus from last year, from the President's request.

But I rise in support of the Spratt bill. There are three, and probably more, ways to accurately measure what we are doing as we deal with fiscal questions. One is last year's comparison to this year, that is accurate. We should know that.

We also need to know what historically is happening with programs. As it relates to discretionary programs, we need to know its impact, the impact of what we are doing in relationship to inflation. The reality is from 1985 inflation-adjusted dollars, defense has been cut 35 percent rather than simply 10 percent from the actual BA authority of 1985. That accurately reflects history and should be part of our documents.

Another measurement which we often use for larger programs is their relationship to gross domestic product. We show those regularly as a percentage of the gross domestic product. Again an accurate reflection of history.

What Mr. SPRATT's bill does is say that we can use all of those judgments and that they are accurate.

I must say to my friends who are proposing an alternative today, they would in fact skew any look at discretionary programs from the point of view of a program adjusted by inflation versus entitlements where inflation is built into the program, where inflation remains a part of the baseline.

If anything, the proposal skews our discussion more and more away from discretionary and more and more to entitlement programs.

Mr. GOSS. Madam Chairman, at this time I yield 2½ minutes to the distin-

guished chief budgeteer on our side, the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. I thank the gentleman for yielding this time to me.

Madam Chairman, a picture truly is worth a thousand words. This chart here—and we will bring this back during the debate on the amendment—represents the National Science Foundation's spending. What essentially happened is that we increased the National Science Foundation by \$221 million over 5 years. Yet the increase of \$221 million over 5 years—you can see how it goes up each year. This is the National Science Foundation over 5 years. You can see clearly it is growing.

Any American family would feel good if their wages were growing like this. But in Washington terms, when you are living in Peoria or Columbus or in Waseca, Minnesota, you do not get told that the National Science Foundation is increasing like this. You read in the newspaper that the National Science Foundation was subject to a \$476 million cut.

Now, come on, folks; that is not the way we want to budget in this town.

This increase, under no set of circumstances, under any set of explanations whatsoever, this cannot be called a cut. One place, one place, Disney World would be the only place that this could be labeled a cut or maybe some scam game out in Las Vegas.

This is an increase.

What we are suggesting in the Penny-Kasich-Stenholm amendment is that we call this an increase. Is it true that from one year to the next year that costs go up? Well, of course they do. But some costs go down. And in addition to that, you have to begin to prioritize.

We are not prejudging, we are not prejudging whether spending ought to go up or whether it ought to go down. What we are suggesting is that the American people be told that this is a spending increase. We are suggesting that the American people no longer be told that this is a spending cut.

Now, how can we afford to talk in terms that we can all understand in this country when we are going to have to deal with the immense problem of the budget deficit; not the budget deficit itself but the size and the scope of the Government and implications of the size and the scope of the Government beginning to suck resources out of the private sector, damaging the ability of this country to be prosperous in the outyears.

□ 1140

If I have to talk to anybody in this gallery today, and I have to tell them we need to reduce spending, I certainly want to be talking to them in language they understand. This is an increase in anybody's definition, not a cut.

Mr. DERRICK. Madam Chairman, I yield 3 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Madam Chairman, as my colleagues know, I get awfully tired of cynics in this House, and I also get awfully tired of the things people know that ain't so.

I say to my colleagues, What you really have going here is a competition between biases. You got one set of folks who would like to see the budget always biased in favor of additional spending, you got another set of folks who would like to see it biased against spending, and in my view it should not be biased at all. That is the difference between the Stenholm and Spratt amendments. STENHOLM simply says, regardless of what happens in real life, the measure you start from when we take a look at a budget is what last year's dollar numbers were period. SPRATT says, because we might like to know what the impact is on Social Security recipients, because we might like to know what the impact is on our national defense and other key endeavors, he simply says to look at both ways, one from an unadjusted base, another from an adjusted base.

Now in light of the misstatements that have been made on the floor, Madam Chairman, I have here copies of 6 of the 13 Committee on Appropriations reports. We issue a report for every appropriation bill each year. My colleagues will not find in a one of them, not a one of them, numbers that are based on an inflated budget baseline. We start in all instances with the amount appropriated in the previous year. Then we list what is being appropriated in the coming year, and we compare it, either up or down, on the basis of a nonadjusted baseline.

So, do not give me this baloney that we spend more money because we start with the wrong baseline. We do not. We use the unadjusted base line.

All the gentleman from South Carolina [Mr. SPRATT] is suggesting is that, when we are looking at defense, it would be kind of nice to know if whether over 5 years or not the purchasing power of our programs have reduced by 30 percent or not because, if we get in a shooting war, it would be kind of nice if we had a whole submarine rather than two-thirds of a submarine. It would be kind of nice to know that we had the same effective combat power, even after inflation has eaten into it, that we had 10 years ago.

Now that is not used for budgeting purposes. I say, you do not build that money into the budget, but you have it available so people understand what the real-world effect is.

AARP has written us a letter in support of the Spratt amendment and in opposition to the Stenholm-Penny-Kasich amendment because they do not want to see the system biased in a way which will push the pressure to lower Social Security payments, and we should not want to bias it in that way. I say, if you pass the Spratt-Stenholm

amendment, you are creating pressure to drive down Social Security payments. I do not think very many people want to do that.

When I bring the foreign aid bill to the floor—

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

Mr. OBEY. I yield to the gentleman from South Carolina.

Mr. SPRATT. It is the Stenholm-Penny-Kasich amendment which I hope the gentleman is speaking against. He said the Spratt—

Mr. OBEY. Madam Chairman, I apologize. I meant Stenholm-Kasich.

Mr. CLINGER. Madam Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. MCDADE] to engage in a colloquy.

Mr. MCDADE. Madam Chairman, I thank the gentleman from Pennsylvania [Mr. CLINGER].

I would like to, if I may, get the attention of my able friend, the gentleman from Wisconsin [Mr. OBEY], the chairman of the Committee on Appropriations.

I wanted to just try to clarify one thing, because, for Members, it is quite a busy day here, as we all know.

As I understand what he said was that there are many standards by which budgeteering occurs, but fundamentally, when the Committee on Appropriations begins to do a bill and take testimony, the baseline that we use is last year's level of expenditures.

Is that what the gentleman's point was?

Mr. OBEY. Madam Chairman, if the gentleman would yield, that is the baseline which we show in our reports, but we have available to us other devices and, the public should have available those same devices so that they understand what the impact is on program as well as understanding how it relates to specific amount of dollars that we appropriated last year.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. MCDADE] has expired.

Mr. CLINGER. Madam Chairman, I yield 1 additional minute to the gentleman from Pennsylvania [Mr. MCDADE].

Mr. MCDADE. Madam Chairman, I thank the gentleman for having yielded an additional minute to me. I have been privileged to be a member of the Committee on Appropriations for 30 years. Let us focus, for example, on the defense budget. Let us assume that we have last year's level and for the first time in this year's budget we are going to buy an aircraft carrier if the Congress says yes. We fully fund the aircraft carrier in the current fiscal year budget; do we not?

Mr. OBEY. That is my understanding.

Mr. MCDADE. That is my understanding as well, and we do it in relation to last year's level of expendi-

tures, and we fully fund it so everybody in the Congress will know the out-year costs of that system, whether it be an aircraft carrier, or submarine, or whatever, and we have been doing that as a matter of course, as regular practice, in the Committee on Appropriations during my 30 years, but is that his understanding?

Mr. OBEY. That is exactly right.

Mr. MCDADE. I thank the gentleman from Wisconsin.

Mr. OBEY. And we intend to continue to do that, but we want people to have available as an analytical tool both baselines. We do not spend from the inflation-adjusted baseline, but people ought to know what the real-life impact is.

Mr. CLINGER. Madam Chairman, I yield 4 minutes to the gentleman from New Hampshire [Mr. ZELIFF], a member of the Committee on Government Operations.

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

Mr. ZELIFF. I yield to the gentleman from Ohio.

Mr. KASICH. Madam Chairman, I appreciate the gentleman from New Hampshire [Mr. ZELIFF] yielding.

Let me say that I have in my hand the budget document, and the simple fact of the matter is, if we look at the 5-year spending bill, it actually increases in the budget document, and then the committee changed from the baseline, from the inflated growth level, shows cuts.

This is how we budget.

The simple fact of the matter is we take the baseline increases, exactly what we are trying to prevent in this bill, and we show anything below that level as a cut. So, in this country a cut is an increase. An increase is a cut in these budget documents.

Mr. ZELIFF. OK.

I rise in opposition to H.R. 4907 with all great due respect to my friend, the gentleman from South Carolina [Mr. SPRATT] and in support of the Penny-Kasich-Stenholm substitute, and I associate my remarks with the gentleman from Texas [Mr. STENHOLM]. The two-baseline system in this legislation will give us continued confusion, not reform. We need to have a clear bottom line to tell us whether real spending cuts have been made or whether we have simply slowed the growth in spending. The Penny-Kasich-Stenholm approach gives us this much needed businesslike reform.

The Penny-Kasich-Stenholm amendment provides for a true baseline with real numbers, not Mickey Mouse numbers that are so confusing no one knows what they mean.

As a small businessman by trade, let me illustrate this point. An employee goes to his boss and asks for a \$1 per hour raise. The employer in turn offers a rise of 50 cents an hour. Under current budget rules, rules that would

continue under this legislation, the baseline budget would show this raise as a 50 cents an hour cut in spending for accounting purposes. Under the Penny-Kasich-Stenholm amendment, the raise would cost 50 cents an hour additional over the previous year's spending. My friends can be the judge. Which process makes the most sense in terms of fiscal accountability?

I am pleased that we are beginning to at least talk about reforming the flawed budget process, but we should not delude ourselves into thinking that we are doing anything more than tinkering at the margins.

Budget process reform is important, but let us not kid ourselves; we would not be here today if it were not for the leadership's determined effort to derail the A to Z spending cut effort.

And what has the leadership offered us in reform? Fundamental reform and real cuts in spending, or more tinkering at the margins?

A bipartisan group of 230 Members who cosponsored our bill and 204 Members who signed the discharge petition are supporting the A to Z plan to bring about real cuts in Federal spending and the elimination of wasteful Government programs.

□ 1150

This effort is desperately needed. We are in debt to the tune of \$4.7 trillion, a level that is expected to rise to \$6 trillion in the next 5 years. We are paying out \$212 billion this year on the interest on the debt. By the year 2002 the interest on the debt will be \$272 billion. A recent report by the bipartisan entitlement report commission indicates that by the year 2002 spending for entitlements and interest on the debt will consume all expected Federal revenue, leaving nothing for other programs.

So what has the leadership offered us to deal with the situation? Expedited rescissions authority that does very little, a budget-control bill that does nothing to control entitlement growth, and budget-disclosure legislation that establishes a confusing process of two separate budget guidelines.

Has the leadership followed through on a commitment to give us one day to consider entitlement cuts? No. Is there any serious effort at spending cuts so far? No; we are simply tinkering around the margins.

Madam Chairman, some of the process reforms sound real good, but A to Z remains the best way to curb runaway wasteful spending. If we want real reform, if we want to make a real difference, and if we want to cut wasteful Federal spending and protect future generations from being saddled with our huge debt, then I encourage all the Members to join 204 of our colleagues and sign the A to Z discharge petition No. 16 today. Let us stop playing games. Let us give the American people real reform. It is time for all of us

to stop talking the talk and start walking the walk.

The CHAIRMAN. The Chair would like to announce that the gentleman from South Carolina [Mr. DERRICK] has 1 minute remaining, the gentleman from South Carolina [Mr. SPRATT] has 2 minutes remaining, the gentleman from Florida [Mr. GOSS] has 3 minutes remaining, and the gentleman from Pennsylvania [Mr. CLINGER] has 2½ minutes remaining.

Mr. DERRICK. Madam Chairman, I reserve the right to close.

The CHAIRMAN. The Chair recognizes the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Madam Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. PRICE].

Mr. PRICE of North Carolina. Madam Chairman, anyone concerned about responsible budgeting, deficit reduction, and intelligent budget process improvements can confidently support the Spratt baseline budget proposal, and they ought to oppose the Penny-Kasich-Stenholm substitute. That is because the Spratt measure is a balanced measure that would provide more information rather than less and would present that information in an easily understandable form.

We would be able to look at budget proposals both from the standpoint of current funding and from the standpoint of what it would take to maintain current policy. Both of these kinds of information are essential to responsible budgeting. By contrast, the Stenholm-Penny-Kasich proposal would narrow the amount of information used in drafting the budget because it would require Congress only to consider the previous year's nominal spending level. As the gentleman from Wisconsin [Mr. OBEY] and the gentleman from Pennsylvania [Mr. McDADE] have already made clear, we already use that point of comparison in presenting all of our appropriation bills. But in evaluating spending levels we do need information about what it would take to maintain current levels of coverage of benefits or program activity.

It is silly not to consider inflation or caseload increases. Everyone knows that the value of a dollar changes year to year.

We have heard a lot of analogies drawn in this debate to family budgeting. If you are drawing up your family budget and you are deciding what you need for food, you are going to want to know not just what you spent last year for food but you are also going to want to know what the inflation rate has been and how much it is going to take to feed your family at this year's prices. That is the way a family budget works, and that is the kind of information we need for the Federal budget as well.

There has been a lot of talk about budget numbers being confusing. That

is actually rather patronizing, as though we were not able to understand this information or the American people could not handle it.

Talk about confusion: what we have in the Penny proposal is an artificial separation between entitlements and discretionary spending. The gentleman from Texas [Mr. STENHOLM] is properly concerned about the entitlement mentality in this country, but then why on earth would he leave entitlements out of this proposal? That invites far more confusion than does our present process.

Madam Chairman, the Spratt proposal would improve and expand the information available to us as we draw up the budget. The Penny-Kasich-Stenholm proposal would limit information and could distort the budget process. Support objective, informed budgeting. Support the Spratt substitute.

Mr. CLINGER. Madam Chairman, I reserve the balance of my time.

Mr. GOSS. Madam Chairman, I understand that I have 3 minutes remaining, and I yield all that time to the distinguished gentleman from Minnesota [Mr. PENNY].

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

Madam Chairman, an earlier speaker remarked that what we are really debating here is a question of spending bias, the bias in the debate. Some want to bias the debate in favor of spending, some want to bias the debate against additional spending. That does get to the heart of the issue.

The reason there is such resistance, unfortunately most of it on my side of the aisle, to the proposition that we ought to have a hard freeze as a baseline is because many Members of Congress prefer to have a spending bias in the way we develop our budgets.

The previous speaker just remarked that a family facing higher food costs has to anticipate those higher food costs and Congress ought to anticipate the higher costs that are attributable to all the programs we run as well. The difference is that if a family faces the same paycheck, they have to eat those higher food costs within the existing budget. Congress does not have to do that. We do not even admit that we have increased the budget unless the increase goes beyond the rate of inflation. Families do not have that luxury.

Our budget process does not make sense to most families in America because it is a nonsensical budget process. We start out with inflated baselines, and anything less than that is a cut, and that is absolute nonsense.

Several speakers have suggested that somehow this is going to put tremendous pressure on popular programs, and that the AARP opposes the Penny-Stenholm-Kasich substitute. The fact is that we treat entitlements in exactly the same manner that the Spratt

proposal treats entitlements. There is no difference between the two. That is a real herring.

Some would say that a process change is not going to cure our spending problem here on Capitol Hill, but if process did not matter, then why are people who are happy with the status quo so resistant to this change in our budget process? We need to change the terms of debate in Washington, DC. We still face deficits as far as the eye can see in the \$200 billion range per year. We need to change the spending bias.

The Penny-Stenholm-Kasich substitute establishes a hard-freeze baseline that will take away the spending bias. It will not deny the Budget Committee or the appropriators or others from using other comparisons in an inflation-adjusted budget, last year's budget, whatever, they want, but the official baseline against which all measures will be scored in the future would be a hard freeze. It will make our budget decisions more honest.

This debate does come down to that simple question of a bias. Do we want to continue a bias in favor of spending, or do we want to once and for all eliminate that bias? To vote for the Penny-Kasich-Stenholm substitute is to vote for honesty in budgeting.

Mr. CLINGER. Madam Chairman, may I inquire as to how much time remains?

The CHAIRMAN. The gentleman from Pennsylvania [Mr. CLINGER] has 2½ minutes remaining, and the gentleman from South Carolina [Mr. DERRICK] has 1 minute remaining.

Mr. CLINGER. Madam Chairman, I yield 1 minute to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Madam Chairman, I thank the distinguished gentleman from Pennsylvania for yielding this 1 minute to me.

I simply wanted to make a closing remark from our point of view. We have heard from the appropriators and we have heard various views from both sides of the aisle on the budget process. I do not think anybody is trying to suggest that the appropriators are trying to deceive the Members of Congress in the process we go through in the appropriation of discretionary funding.

We do get lots of comparisons. There is no question about that. As Members of Congress, we need to get those, and we need to know what we are talking about. There is no beef on that at all, as far as I can see. The problem here is what the public wants to know and what claims are made. We are simply trying to suggest that there ought to be one clear, simple, understandable way of presenting it, that this is what we spent last year and this is what we are going to spend this year.

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Nobody is saying that we should ignore inflation or all of the other fac-

tors, the cost of doing business. Nobody is suggesting we should do that. What we are really saying is when we make claims, that they should be accurate and based on the fact that we spent this last year, we are going to spend this this year, and this is why. I do urge support of the Penny-Kasich-Stenholm amendment.

Mr. CLINGER. Madam Chairman, I yield 1½ minutes to the gentleman from California [Mr. COX], a member of the committee.

Mr. COX. Let me give just three examples of how baseline budgeting misleads everyone here in Congress and the American people. Republicans and Democrats this year offered amendments to reform the U.S. Marshal's Service. The amendments increased spending on the program by \$9 million. You and I would call this a spending increase, but opponents of this commonsense effort at reform called it a \$5 million spending cut. This is inside-the-beltway nonsense.

A second proposal would have allowed funding for the Bureau of Alcohol, Tobacco, and Firearms to grow by \$15 million. The congressional budget process could not resist calling this a \$2 million cut. More nonsense.

The State Department is a frequent target for reform. Republicans this year proposed restructuring the Department, but allowing its budget to increase by \$25 million. Stop, said the big spenders. You are slashing the Department's spending by \$77 million. Once again, this is the budget-baseline-beltway-nonsense factor at work.

We are on the right track here. We are on the way to commonsense reform, and I support the Stenholm-Penny-Kasich substitute.

Madam Chairman, Thomas Jefferson once noted, he who permits himself to tell a lie once, finds it much easier to do it a second and third time, until at length it becomes habitual. He tells lies without attending to it and the truth without the world believing him.

Jefferson was right. Baseline budgeting is a lie, one that eats away at our credibility. We should abandon this process forthwith.

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

Madam Chairman, it is clear people out in the countryside don't understand and appreciate the current policy baseline that we use in the Federal budget. What they understand is comparing proposed changes in funding for Federal programs to last year's level.

The Spratt bill will require budgets to include another baseline comparing spending not only to the current policy baseline, but also to the previous year's level. Both comparisons are relevant and instructive, and in fact necessary to a complete understanding of the budget. I believe the bill will improve the process both for policymakers and the American people.

Doing away with the current policy baseline and substituting the current funding baseline, as the Stenholm-Penny-Kasich amendment would do, will not result in full budget disclosure. It will merely substitute different information for what we use now. All the information is necessary to have full budget disclosure, and I commend the gentleman from South Carolina [Mr. SPRATT] for his hard work on this legislation.

I urge all Members to support the Spratt bill and reject the Penny-Kasich-Stenholm substitute.

Mr. FRANKS of Connecticut. Madam Chairman, I would have to say that very few of my constituents know that there are automatic spending increases every year in budget bills. They do not realize that a program spending cut passed by Congress—rare though this is—may not necessarily mean that less money will be spent on this program than the previous year. Yes, there are two definitions of a spending cut in Washington. I define a spending cut as actually reducing spending from the previous year. The majority party in Congress defines it as a legislative reduction from an automatic increase determined by the Congressional Budget Office and the Office of Management and Budget using assumptions of current law, inflation, and economic, and demographic changes.

Supposedly, the Budget Control Act will eliminate this deception. But while this bill has a powerful-sounding name, it does not really do anything to reform the budget process. The Budget Control Act will allow both definitions—my definition and the majority definition—to be used in budgeting. While this is an improvement over the current way spending cuts are portrayed, Congress can do better. I will vote for the Stenholm-Penny-Kasich substitute, which requires that all spending proposals be compared to the prior year's actual enacted levels. Under this substitute, the deceptive way spending cuts are portrayed would be completely eliminated. This can only benefit voters when they evaluate their representative's positions on cutting spending.

The CHAIRMAN. All time for general debate has expired. Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be 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 is as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Full Budget Disclosure Act of 1994".

SEC. 2. PURPOSE.

The purpose of this Act is to require that budget documents provide the Congress with comprehensive data on budget trends.

SEC. 3. THE BASELINE.

(a) DEFINITION.—Section 250(c)(5) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended to read as follows:

"(5)(A) The term 'current policy baseline' means the projection (described in section 257) of current-year levels of new budget authority, outlays, receipts, and the surplus or

deficit into the budget year and the out-years.

"(B) The term 'current funding baseline' refers to the baseline as set forth in section 257 without any adjustment described in section 257(c)(1) for inflation other than the adjustment set forth in section 257(c)(2) for expiring housing contracts."

(b) CONFORMING AMENDMENTS.—Sections 251, 252, 253, and 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 are amended by inserting "current policy" before "baseline" each place it appears.

SEC. 4. THE PRESIDENT'S BUDGET.

(a) Paragraph (5) of section 1105(a) of title 31, United States Code, is amended to read as follows:

"(5) except as provided in subsection (b) of this section, estimated expenditures and appropriations for the current fiscal year and estimated expenditures and proposed appropriations the President decides are necessary to support the Government in the fiscal year for which the budget is submitted and the 4 fiscal years following that year;"

(b) Section 1105(a)(6) of title 31, United States Code, is amended by inserting "current fiscal year and the" before "fiscal year".

(c) Section 1105(a)(12) of title 31, United States Code, is amended by striking "and" at the end of subparagraph (A), by striking the period and inserting "; and" at the end of subparagraph (B), and by adding at the end the following new subparagraph:

"(C) the estimated amount of expenditure and appropriation for the same activity, if any, in the current fiscal year."

(d) Section 1105(a) of title 31, United States Code, is amended by adding at the end the following new paragraphs:

"(30) a comparison of estimated new budget authority and outlays for each function and subfunction for the current fiscal year with proposed new budget authority and outlays for the fiscal year for which the budget is submitted, along with the proposed increase or decrease of spending in percentage terms for each function and subfunction.

"(31) a comparison for each function and subfunction of the current policy baseline level of new budget authority and outlays for the year for which the budget is submitted with the proposed new budget authority and outlays for the year for which the budget is submitted, including changes in percentage terms for each function and subfunction."

SEC. 5. CONGRESSIONAL BUDGET.

Section 301(e) of the Congressional Budget Act of 1974 is amended by—

(1) inserting after the second sentence the following: "As soon as practicable after the President's budget submission under section 1105(a) of title 31, United States Code, the Committee on the Budget of each House shall provide to its members the estimated level of outlays for the current year in each function and subfunction."; and

(2) striking "and" at the end of paragraph (9), by striking the period and inserting a semicolon at the end of paragraph (10), and by adding at the end the following new paragraphs:

"(11) a comparison (for each function) of estimated outlays and revenues for the current fiscal year with proposed spending and revenue levels for the budget year and each out-year, including the increase or decrease (in percentage terms) of spending; and

"(12) a comparison (for each function) of proposed outlays and revenues for the budget year with the current policy baseline projection for that year, including changes (in percentage terms)."

SEC. 6. CONGRESSIONAL BUDGET OFFICE REPORT TO COMMITTEES.

(a) The first sentence of section 202(f)(1) of the Congressional Budget Act of 1974 is amended to read as follows: "On or before February 15 of each year, the Director shall submit to the Committees on the Budget of the House of Representatives and the Senate a report for the fiscal year commencing on October 1 of that year with respect to fiscal policy, including (A) alternative levels of total revenues, total new budget authority, and total outlays (including related surpluses and deficits) compared to comparable levels for the current year and (B) the levels of tax expenditures under existing law, taking into account projected economic factors and any changes in such levels based on proposals in the budget submitted by the President for such fiscal year."

(b) Section 202(f)(1) of the Congressional Budget Act of 1974 is amended by inserting after the first sentence the following new sentence: "That report shall also include a table on sources of growth in the estimated total current policy baseline spending for mandatory programs for the budget year and the ensuing 4 fiscal years, which shall include changes in outlays attributable to the following: cost-of-living adjustments; changes in the number of program recipients; increases in medical care prices, utilization and intensity of medical care; and residual factors."

(c) Section 202(f)(3) of the Congressional Budget Act of 1974 is amended by striking "and" before "(B)", and by inserting before the period at the end the following: ", and (C) all direct spending programs".

(d) Section 308(a)(1)(C) of the Congressional Budget Act of 1974 is amended by inserting "and shall include a comparison of those levels to comparable levels for the current fiscal year" before "if timely submitted".

The CHAIRMAN. No other amendment shall be in order, except the amendments printed in House Report 103-689. 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, and shall not be subject to amendment.

Debate time on each amendment will be equally divided and controlled by the proponent and an opponent of the amendment.

If more than one of the amendments printed in the report is adopted, only the last one to be adopted shall be considered as finally adopted and reported to the House.

It is now in order to consider amendment No. 1 printed in House Report 103-689.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. PENNY

Mr. PENNY. Madam Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. PENNY:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Baseline Reform Act of 1994".

SEC. 2. THE BASELINE.

(a) The second sentence of section 257(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(1) by inserting "but only for the purpose of adjusting the discretionary spending limits set forth in section 601(a)(2) of the Congressional Budget Act of 1974" after "for inflation as specified in paragraph (5); and

(2) by inserting "but only for the purpose of adjusting the discretionary spending limits set forth in section 601(a)(2) of the Congressional Budget Act of 1974" after "to offset pay absorption and for pay annualization as specified in paragraph (4)".

(b) Section 1109(a) of title 31, United States Code, is amended by adding after the first sentence the following new sentence: "These estimates shall not include an adjustment for inflation for programs and activities subject to discretionary appropriations."

SEC. 3. THE PRESIDENT'S BUDGET.

(a) Paragraph (5) of section 1105(a) of title 31, United States Code, is amended to read as follows:

"(5) except as provided in subsection (b) of this section, estimated expenditures and appropriations for the current year and estimated expenditures and proposed appropriations the President decides are necessary to support the Government in the fiscal year for which the budget is submitted and the 4 fiscal years following that year;"

(b) Section 1105(a)(6) of title 31, United States Code, is amended by inserting "current fiscal year and the" before "fiscal year".

(c) Section 1105(a)(12) of title 31, United States Code, is amended by striking "and" at the end of subparagraph (A), by striking the period and inserting "; and" at the end of subparagraph (B), and by adding at the end the following new subparagraph:

"(C) the estimated amount for the same activity (if any) in the current fiscal year."

(d) Section 1105(a)(18) of title 31, United States Code, is amended by inserting "new budget authority and" before "budget outlays".

(e) Section 1105(a) of title 31, United States Code, is amended by adding at the end the following new paragraph:

"(30) a comparison of levels of estimated expenditures and proposed appropriations for each function and subfunction in the current fiscal year and the fiscal year for which the budget is submitted, along with the proposed increase or decrease of spending in percentage terms for each function and subfunction."

SEC. 4. THE CONGRESSIONAL BUDGET.

Section 301(e) of the Congressional Budget Act of 1974 is amended by—

(1) inserting after the second sentence the following: "The starting point for any deliberations in the Committee on the Budget of each House on the concurrent resolution on the budget for the next fiscal year shall be the estimated level of outlays for the current year in each function and subfunction. Any increases or decreases in the Congressional budget for the next fiscal year shall be from such estimated levels."; and

(2) striking paragraph (8) and redesignating paragraphs (9) and (10) as paragraphs (10) and (11), respectively, and by inserting after paragraph (7) the following new paragraphs:

"(8) a comparison of levels for the current fiscal year with proposed spending and revenue levels for the subsequent fiscal years along with the proposed increase or decrease of spending in percentage terms for each function and subfunction; and

"(9) information, data, and comparisons indicating the manner in which and the basis

on which, the committee determined each of the matters set forth in the concurrent resolution;”.

SEC. 5. CONGRESSIONAL BUDGET OFFICE REPORTS TO COMMITTEES.

(a) The first sentence of section 202(f)(1) of the Congressional Budget Act of 1974 is amended to read as follows: “On or before February 15 of each year, the Director shall submit to the Committees on the Budget of the House of Representatives and the Senate a report for the fiscal year commencing on October 1 of that year with respect to fiscal policy, including (A) alternative levels of total revenues, total new budget authority, and total outlays (including related surpluses and deficits) compared to comparable levels for the current year and (B) the levels of tax expenditures under existing law, taking into account projected economic factors and any changes in such levels based on proposals in the budget submitted by the President for such fiscal year.”.

(b) Section 202(f)(1) of the Congressional Budget Act of 1974 is amended by inserting after the first sentence the following new sentence: “That report shall also include a table on sources of spending growth in total mandatory spending for the budget year and the ensuing 4 fiscal years, which shall include changes in outlays attributable to the following: cost-of-living adjustments; changes in the number of program recipients; increases in medical care prices, utilization and intensity of medical care; and residual factors.”.

(c) Section 308(a)(1) of the Congressional Budget Act of 1974 is amended—

(1) in subparagraph (C), by inserting “, and shall include a comparison of those levels to comparable levels for the current fiscal year” before “if timely submitted”; and

(2) by striking “and” at the end of subparagraph (C), by striking the period and inserting “; and” at the end of subparagraph (D), and by adding at the end the following new subparagraph:

“(E) comparing the levels in existing programs in such measure to the estimated levels for the current fiscal year.”

(d) Title IV of the Congressional Budget Act of 1974 is amended by adding at the end the following new section:

“GAO REPORTS TO BUDGET COMMITTEES

(a) “SEC. 408. On or before January 15 of each year, the Comptroller General, after consultation with appropriate committees of the House of Representatives and Senate, shall submit to the Congress a report listing all programs, projects, and activities that fall within the definition of direct spending under section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985.”.

(b) CONFORMING AMENDMENT.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 407 the following new item:

“Sec. 408. GAO reports to budget committees.”.

The CHAIRMAN. Pursuant to the rule, the gentleman from Minnesota [Mr. PENNY] will be recognized for 15 minutes and a Member opposed will be recognized for 15 minutes. Is the gentleman from South Carolina [Mr. SPRATT] opposed?

Mr. SPRATT. Madam Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from South Carolina [Mr. SPRATT] will control the 15 minutes in opposition.

The Chair recognizes the gentleman from Minnesota [Mr. PENNY].

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

Madam Chairman, with our colleagues, CHARLIE STENHOLM and JOHN KASICH, I am today offering an amendment to H.R. 4907, the Full Budget Disclosure Act of 1994, that will provide a very simple, but powerful and fundamental change in the budget process.

Here's the problem we face: even though President Clinton's budget cut spending by approximately \$250 billion over 5 years, Federal spending is slated to increase over that same time frame from \$1.4 to \$1.9 billion in 1999.

How can this be, since spending is being cut? The answer is the dirty-little secret of Federal budgeting: the budget is rigged to favor higher spending. Spending increases are built into the budget even before Congress considers spending cuts. As a result, the best Congress can ever do is reduce the growth of spending. Real spending cuts—where spending is reduced below actual spending levels is virtually unheard of and almost never done in Washington.

Current law requires budget proposals to be measured against a baseline which includes an automatic adjustment for inflation-plus all legislated changes scheduled to take effect rather than against actual spending levels. Against this baseline, any effort to simply slow down spending growth is shown as a cut, even if spending for the program would actually be higher than in the previous year.

The budget baseline's bias toward higher spending is very real. As Professor Allen Schick, one of the Nation's foremost experts on the budget process, wrote in his book “The Capacity To Budget,”

The current services budget... complicates doing that which is difficult to do even under the most favorable circumstances—cutting into the base. This is a significant bias because the difference between “current expenditures” and “current services” often is the most effective margin of choice for congressional decisionmakers. That is, when they cut programs, they frequently do so by holding the dollars increase below the rate of inflation.

To change this bias toward increased spending, our amendment requires that proposed spending for discretionary programs be compared to actual current-year spending levels, rather than solely to inflated projections of those levels for the forthcoming fiscal years.

Our amendment accomplishes this through four specific provisions:

First, it amends the legal definition of the baseline so that it no longer assumes automatic growth in discretionary spending due to inflation.

Second, it requires both the President and Congress to compare their budgets to the amount actually spent the prior year, rather than solely against the inflated baseline.

Third, it stipulates that Congressional Budget Office [CBO] cost estimates of pending legislation must include a comparison to the change in spending from the prior year's level.

Finally, our amendment instructs CBO to enumerate all the programs funded on an automatic, open-ended basis rather than subject to annual congressional review (entitlement programs) and identify the reasons behind their projected growth.

The Spratt bill, H.R. 4907, simply adds a second official baseline that is called current funding while leaving the current-law baseline requiring inflated spending in place. This approach simply does nothing to control spending or give a more accurate picture of actual spending.

Earlier this year, CHARLIE STENHOLM and JOHN KASICH and myself introduced the Common Sense Budget Reform Act, H.R. 4434. The House has debated and passed one of the four reforms proposed by H.R. 4434, expedited and enhanced rescission authority. Two of the remaining three proposals contained in H.R. 4434 are before the House today: the measure we are currently debating and another on emergency appropriations requests. In passing the Penny-Kasich-Stenholm baseline reform amendment and defeating the Spratt amendment, we will continue on the road of real budget process reform. I urge your support for real baseline reform. I urge your vote for the Penny-Kasich-Stenholm amendment.

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

Mr. PENNY. I yield briefly to the gentleman from Minnesota.

Mr. SABO. Madam Chairman, would the gentleman tell me how his bill changes the baseline for entitlements, where all the growth fundamentally is?

Mr. PENNY. Madam Chairman, reclaiming my time, we change the measurement of the spending for the entitlement programs in the same manner as the Spratt substitute, which is to say the baseline, if it is spelled out in law, would be a higher spending level.

Mr. SABO. In fact it does not change the baseline for entitlements. In fact, the gentleman's problem is not with the budget; it is with existing law.

Mr. PENNY. I would simply respond to my good friend and colleague from Minnesota, if I were here trying to change the baseline on entitlement programs to make it a hard freeze, he would be opposing that proposition as well. So I think it is a disingenuous question.

Madam Chairman, I reserve the balance of my time.

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Mr. SPRATT. Madam Chairman, I yield 3 minutes to the distinguished chairman of the Committee on Government Operations, the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Madam Chairman, I would like to point out that the amendment now offered denies the Congress the benefit of valuable and useful budget information. From my point of view, this would prohibit an inflation adjustment from the spending baseline.

While motivated by a desire to deny opportunities for increasing spending, the proposal would probably prohibit useful budget information, namely, the cost of last year's program if continued today, from being considered by the Congress.

Also there is a reality factor here. The concern about a built-in, automatic spending increase ignores the fact that tight discretionary caps, not the way budget data is presented, sets levels of spending.

Third, I would point out that the baseline preserves the role of Congress in setting spending priorities. The reason the budget incorporates baseline adjustments for inflation and other changes in the program is because the budget has to compare funding for different programs in different years. If Congress just passes last year's funding level and the programs actually cost more this year, then the cuts which the agency has to swallow are set by bureaucrats, not by those elected by the voters to represent them.

Finally, I support the bill offered by my distinguished colleague and subcommittee chairman in the Committee on Government Operations, who has put more information before the Congress. In creating two baselines, we will not cause anymore confusion. We will have better than this alternative because it recognizes that the current baseline presents useful information to Congress.

By requiring all information to be available, H.R. 4907 is not harmful to the budget and appropriations process.

I urge that the Stenholm-Penny-Kasich amendment be rejected.

Mr. PENNY. Madam Chairman, I yield 3 minutes and 30 seconds to the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. Madam Chairman, let me try to put this in even more ways than we already have. We wonder why the American people are for term limits and think this place is so screwed up.

We sit in the Committee on the Budget and we try to figure out what our spending levels are. I want to tell my colleagues, I try to say, how much did we spend last year or is this an increase, is this a cut, what is this? You have to do it from all these baselines.

In last year's budget debate, we actually tried to compare spending using, I am not kidding, folks, the capped baseline, the uncapped baseline, the capped baseline with health care reform, the budget baseline, the revised Bush baseline, the capped baseline with the Bush defense, the House Budget Committee

baseline, and the current services baseline.

Any time I tried to ask somebody, what were we doing last year, or is this an increase or a decrease, they would say, which baseline do you want us to use? I am saying ow we ought to forget about the Bush baseline, because we are like 2 years away from when he was President, but we will be using the Bush baseline next year under the current situation.

Now, when we have all these different baselines that we are trying to figure out what our spending level is from, can Members imagine a family in America trying to figure out how much they are going to spend last year based on 10 different ways of comparing it?

As a result of doing that, of course, we get to the picture that has 1,000 words. Only using those baselines, is it possible for the National Science Foundation to get a \$221 million increase. The National Science Foundation got a \$221 million increase, but in Washington, DC, and all across America, spread across the pages of our newspapers, it was called a \$476 million cut. This level of increase, an increase like this that any family would be happy to have in their daily income, this increase, my colleagues, under the current situation is called a cut.

I would like to enter into the record the functions from general government for the concurrent budget resolution that flat out says that we will increase spending from the year before and if we do not increase spending from the year before, it is called a cut. So that everyone across this country, when they are sitting there watching and hearing this debate and they do not know who is right and who is wrong, it will be in the record. Call my office and ask for the record and see the misuses that indicate cuts when in essence, you will see in here, it really is an increase.

And back to this National Science Foundation, this is the Mona Lisa of the debate.

We are going to win this fight with the Penny-Kasich-Stenholm amendment. What is going to happen is there is going to be a procedural effort to say that if we pass current law, we will be okay. After we pass the Penny-Kasich-Stenholm amendment, there will be an amendment that if it gets 218 votes, it will become law. In this situation, we could actually get the whole House to vote for our proposal to bring sanity to the budget process, yet still lose because Members come and vote to retain the status quo.

Members should vote no on the Spratt amendment. We will be back to talk about that later. But Members clearly must come to the floor and put their voting card in the machine, because the American people want honesty in budgeting. They want us here to do what they do at home. Pass Penny-Kasich-Stenholm. Bring sanity to the budget process.

Mr. SPRATT. Madam Chairman, I yield 3 minutes to the chairman of the Committee on Appropriations, the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Madam Chairman, I regret to say that the sponsors of the amendment do not understand their own amendment.

They claim that they are making no change in mandatory baselines. That is true if we read section 2 of their proposal. But if Members then read sections 3 and section 4, they will see that they require the very changes in entitlement measurements that they deny that they require. That is why the AARP opposes their amendment. Because while they deny that they have an effect on entitlements, they in fact do require that we compare for Social Security, for instance, that we require spending levels this year with last year without regard to growth in population, without regard to inflation.

If their claim is correct, then the only effect of the proposal would be on the Committee on Appropriations. The only problem is, the Committee on Appropriations already does what they ask. These are the 13 reports which describe the spending baselines for last year versus this year in the 13 bills we report to the House each year.

I invite any Member to come up here right now and show me where we use an inflation-adjusted baseline.

The gentleman from Ohio [Mr. KASICH], I invite him to do that now. Show me where the Committee on Appropriations uses an adjusted inflation baseline. He cannot do it because we do not do it.

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

Mr. OBEY. The gentleman can use his own time.

I do not care what he does on the budget resolution. Show me on your time.

Mr. KASICH. Madam Chairman, I already did.

□ 1220

I will buy you the biggest martini in town if you can show me where the Committee on Appropriations provides for an adjusted appropriation baseline. We do not do it.

So what it means, very simply, is this. If their bill does what they say it does, then it only has an effect on the Committee on Appropriations, and we already do what they say we ought to do. That means this bill is a nothing.

If their claim is incorrect, and they do in fact do what section 3 and 4 says, which is to require the kind of comparison that we put a squeeze on Social Security recipients' real income, then they do something very pernicious, and this amendment ought to be defeated.

However you interpret that depends on how you read this language, but the fact is that this language does not do what its sponsors say it does.

Mr. SPRATT. Madam Chairman, I yield 1 minute to the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Madam Chairman, I rise in strong opposition to the Stenholm substitute.

What Mr. STENHOLM is asking us to do is to change how we talk about the Federal budget in a way that makes no sense—even inside the beltway.

I want to make sure that we are all clear about the differences between the Stenholm substitute and the underlying bill. Mr. SPRATT's bill is a fair and balanced measure that provides for full range of information about changes in the budget from year to year—including information about the effect of inflation and changing economic conditions on programs.

In contrast, the Stenholm substitute would not give a fair and balanced picture of the Federal budget. Instead, it is designed to advance a political agenda to confuse the American public about the Federal budget. Under the Stenholm substitute any increase in spending from the previous year would be made to appear as if the President or Congress had increased spending even when the increase was only the result of inflation or growth in the population.

For those who might question whether there is a political agenda here, I would only point out that the Stenholm substitute would apply different rules to subsidies provided through the tax code. For tax expenditures, Mr. STENHOLM would require that "projected economic factors" be taken into account. For social programs like Medicare, these factors would not be considered.

Why is this? Why is Medicare not affected by economic factors, but intangible drilling, exploration and development costs for oil and gas producers are? The question answers itself.

Mr. STENHOLM wants us to tell the American people that if spending on Federal programs increases just to take account of inflation or increases in the number of beneficiaries, the increase is, in effect, an expansion of the program—even through nothing has changed.

Let's take a simple example. Let's look at what this will mean for a Medicare beneficiary—let's call her Mrs. Smith—and her doctor in a small rural community.

Under current law, Medicare pays physicians on the basis of a fee schedule. It increases the fee schedules each year to reflect the increased overhead that physicians face due to higher labor costs, office rent, supplies, and malpractice premiums.

Right now, Medicare will pay 80 percent of the fee schedule amount for an office visit. Let us say in Mrs. Smith's area, the Medicare fee schedule is \$50. So Medicare pays \$40, and she pays \$10.

Next year, Medicare increases its fee schedule in the area to, say, \$55. Medi-

care still covers 80 percent, so it will pay \$44, and she will pay \$11.

Now, under Mr. STENHOLM's amendment, the budget would only show that Medicare spending had increased by \$4. It wouldn't show that Medicare spending had to increase by \$4 just to keep Mrs. Smith even.

We didn't entitle Mrs. Smith to any new services. We didn't make more people eligible for the program. And we keep the limits on physician spending—limits which are enforced through updates to the fee schedule—in place.

In fact, all we did was to keep our promise to Mrs. Smith to pay 80 percent of her doctor bills. Yet under Mr. Stenholm's approach, keeping our promise is displayed as a program expansion.

Now if we asked Mrs. Smith whether we had expanded Medicare, she would look at us as if we had lost our minds. Her out-of-pocket costs have gone up \$1—and would have gone up \$5 if Medicare had not paid its share.

Under the Stenholm substitute, the only way we could say that the Medicare program did to expand would be to freeze the fee schedule at \$50. Meanwhile, back in the real world, Mrs. Smith's doctor has this problem. His labor costs, office rent, and supplies are still going up, so he'll have to raise his fees if he wants to keep his practice going.

Let's say he raises his fee to \$55. Mrs. Smith will have to pay the full \$5 increase, as well as the \$10 coinsurance.

What do you think Mrs. Smith would say if we were to ask her whether Medicare had just been cut? She'd look at us as if we had lost our minds. Of course it has been cut, she would say; it is only common sense.

I think most Americans know a program cut when they see one. That's what the Stenholm substitute is, and no amount of semantic juggling can disguise it.

I urge a vote for common sense and against the substitute.

Madam Chairman, I have a letter here from the American Association of Retired Persons, and they are against the Stenholm-Penny amendment. They say it would create a budget make-believe scenario in which people did not age. I also have a letter from the White House in opposition.

Madam Chairman, I include these letters for the RECORD:

THE WHITE HOUSE,
Washington, DC, August 12, 1994.

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

DEAR MR. SPEAKER: On behalf of the President and his economic team, we are writing again to urge members of the House of Representatives to oppose the Stenholm-Penny-Kasich substitute and to express our preference for the Spratt Full Budget Disclosure proposal. We want to clarify that this substitute would prohibit the use of economically-important information such as inflation in determining baselines for the discre-

tionary budget. This would be a set-back for rational and reasonable budget-policy making.

A far more balanced and fair approach is the one included in the Spratt Baseline Budget proposal, which would allow for comparisons to both current funding levels and what it would take to maintain current policy.

The Stenholm-Penny-Kasich alternative would eliminate real comparisons of how year-to-year spending would actually impact on the services provided to real people's lives. No credible form of budgeting in today's economy completely disallows taking into account changes in inflation. Consider a five-year period during which inflation or the cost of living increases by 3% each year. The compounded total inflation is 16%. If a program, like Head Start, WIC or veterans' hospitals were to be cut 10% in real terms, the Stenholm-Penny-Kasich substitute would require that this cut to millions of Americans be presented only as a spending increase. Such a budget requirement would make the budget process less forthright and less informative as to how year-to-year changes were affecting real people's lives.

The Spratt proposal, on the other hand, would provide a fair, balanced and full-information alternative. It would allow two methods of budget reporting—both the present system of comparing budget proposals to the "current services baseline" and comparisons of changes in actual dollar amounts from year to year.

We urge you to oppose the Stenholm-Penny-Kasich substitute and to support the Spratt Baseline Budget proposal.

Sincerely,

ALICE M. RIVLIN,
Acting Director, Office
of Management and
Budget.

ROBERT E. RUBIN,
Assistant to the President
for Economic
Policy.

VOTE FOR H.R. 4907

VOTE AGAINST STENHOLM/PENNY/KASICH
SUBSTITUTE

H.R. 4907 requires two baselines in the budget format:

(1) A "current funding baseline," representing actual funding for a function or program in the current year—what CBO calls a "freeze."

(2) A "current policy baseline," representing what is commonly called the "current services" level of funding.

The "current funding baseline" shows how much spending will increase or decrease.

The "current policy baseline" shows next year's cost of keeping a program running at the same level as this year without any change in policy.

Both baselines are useful, and H.R. 4907 provides for both.

Stenholm/Penny/Kasich provides for only one baseline and bans use of the "current policy" or "current services baseline."

AARP supports Spratt (H.R. 4907) and says the substitute will "lead to enormous pressure to cut programs such as Social Security and Medicare."

OMB supports Spratt (H.R. 4907) and calls Stenholm/Penny/Kasich "a set-back for rational budget policy-making."

AARP,
August 12, 1994.

Hon. JOHN M. SPRATT, Jr.,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE SPRATT: The American Association of Retired Persons (AARP) supports your legislation H.R. 4907, the Full Budget Disclosure Act. The legislation would allow year to year changes in the budget baseline for discretionary and mandatory spending levels to be described in two ways: a current funding baseline and a current policy baseline. This dual track approach allows for a reasonable and informative presentation of budget data that can promote meaningful debate about how to allocate budget resources.

The Association opposes a substitute that will be offered by Representatives Penny, Kasich and Stenholm. Current budgeting procedure for entitlements recognizes that spending levels need to be adjusted for increases in the beneficiary population and changes in inflation and in the economy. The substitute would require budgets to be presented without these adjustments. This is patently unreasonable. In effect, it would create a budget make believe scenario in which people don't age.

Portraying year to year changes in Social Security and Medicare without adjustments for such basic factors is misleading and is certain to intensify efforts to cut benefits for reasons that are unrelated to the needs of these programs. For example, under the substitute, cost of living adjustments (COLAs) would be viewed as a spending increase despite the fact they are the only means to help beneficiaries keep up with rising costs for goods and services. This flies in the face of Congress' original intent providing for annual COLAs.

AARP believes that Congressional debate about the budget must be based on an accurate portrayal of our spending needs and commitments. Your legislation helps achieve this goal.

Sincerely,

JOHN ROTHER,
Director,
Legislation and Public Policy.

Mr. PENNY. Madam Chairman, I yield 1½ minutes to the gentleman from Ohio [Mr. FINGERHUT].

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

Madam Chairman, this is an important debate, and I am glad we are having it on the floor. I rise in support of the Penny-Kasich-Stenholm amendment and in opposition to the amendment offered by the gentleman from South Carolina [Mr. SPRATT].

The argument here seems to be that good government, consistent government, requires reporting these different kinds of baselines. I served in the Ohio State Senate, as did the gentleman from Ohio [Mr. KASICH], and I served on the Finance Committee. We had a large budget, nowhere near what the budget of the Federal Government is, but we had a large budget.

Every year we sat down with how much we spent last year and what the recommendations of the Governor were for spending for the next year, and we debated the alternatives offered by the majority and the minority party about

how much programs needed to be increased or what other programs could survive at the current levels, or even could take cuts. It did not seem to us that we misunderstood the concept that some programs' expenses grew and other programs' expenses did not grow. We understood it, we debated it, we explained it, and we made decisions.

The second serious argument that is made on the floor here today is with regard to entitlements. Entitlement programs, particularly those that impact senior citizens, do expand in cost every year. They expand in cost for two reasons. One is that the number of seniors who are eligible for those programs, particularly Social Security and Medicare, grow; and the second is that we have adopted some laws, this body has adopted laws, which increase payments automatically. They are commonly called COLA's.

It seems to me again, Madam Chairman, that these are not concepts that we cannot explain to the public. Indeed, we would do much better if we did explain to them that the reason why we are spending more money on Medicare next year, and we are spending more money next year on Medicare, and we will the year after that, and we will the year after that, is because there are more seniors, and because their costs have gone up. It is an honest way of explaining it. They might just support the increase.

Mr. SPRATT. Madam Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. SABO], the distinguished chairman of the Committee on the Budget.

Mr. SABO. Madam Chairman, I rise in opposition to the amendment. There is lots of rhetoric today, and a lot of it I think goes by what actually happens.

The reality is, we need different measurements as we look at this year's budget, as we look at budgets over a period of time. The Spratt bill, his substitute basically says we look at a variety of ways of measuring the budget. That is what we should do.

My friends who offer this amendment say, if I understand their amendment correctly, that we consider inflation, we consider changes in beneficiaries, for all the entitlement programs, but if we look at any historic pattern of what happens with discretionary spending, we ignore the impact of inflation. That makes no sense to me.

I have listened and read the rhetoric from the advocates of this amendment. They fundamentally disagree with existing law, which provides for inflation adjustment for a whole series of programs. They object to having, automatically, additional participants come into the program. They really would like that to be wiped off the books. That is not a budgetary problem, that is a problem of law.

Madam Chairman, if they want to fundamentally change that, they

should introduce a bill to repeal indexing, repeal automatic growth in beneficiaries for programs. Then that would reflect in what we do in budgets. That is really what they want to do.

I say to the gentleman, then do it, put a bill in. Have hearings on it. I would not agree with it, but that would be the honest way to deal with it. What they are talking about is not a problem of the budget, it is a problem of law that they do not agree with. The budget reflects current law, which it should do.

Madam Chairman, if anything, their proposal skews the whole budget process in understanding it more toward entitlements and away from the options of discretionary spending, where the Congress makes judgments each year.

As I said earlier, Madam Chairman, to measure the budget between this year and last year is accurate. To measure it in other fashions is also accurate. To measure it in other fashions is also accurate, and needs to be part of what we look at when we understand the Federal budget.

Mr. PENNY. Madam Chairman, I yield 2½ minutes to my colleague, the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Madam Chairman, I want to commend and acknowledge to the Committee on Appropriations that the reports that they put out do accurately reflect last year's spending and this year's spending, and the baseline argument is irrelevant to the appropriations process, as it, in fact, pertains to appropriation bills. I am curious as to why they are fussing so much about this, however, from that standpoint. That I do not understand.

Madam Chairman, it is also interesting, when we start looking at the mandatory, for the most part, both of our bills are exactly alike in what we call for regarding mandatory proposals. The only difference is they require that both baselines be presented to the public.

We provide that only one baseline be presented to the public. That is the only reason why we are here occupying the House's time today, is because we believe the American public needs to understand the one baseline.

The Penny amendment does not prevent anyone, though, from putting pen to paper and figuring out how much a program need to be increased in order to keep up with inflation. As the gentleman from South Carolina, JOHN SPRATT, said yesterday, the Committee on the Budget will continue to provide various options for spending levels on different programs.

That is fine. That provides very good, necessary information for the policy-makers to make those decisions. However, the heart of the argument today is very simple. To the American people, we need to present one baseline, comparing to last year's spending. If it

is in mandatory spending, we do it exactly the same way the Spratt amendment is. We say "Let us show the American people why the increases are, in fact, there, whether they are by law or whether they are by any other estimation, or whether they are by any other action of this Congress."

What I am really opposed to is in our budget, in which, in Function 800, for example, 1993 spending was \$12.3 billion, 1998 spending under a freeze is \$13.9 billion.

□ 1230

To me that is an increase of 1.6. But according to what we put out to the American people, it is a cut of 0.6. That is the relevancy of this whole argument today. That is the only thing that is relevant. That is why I say support the Penny-Kasich-Stenholm amendment, oppose the Spratt amendment, and let us present to the American people one honest presentation of the budget.

Madam Chairman, I rise in strong support of the Penny-Kasich-Stenholm amendment which would bring greater honesty to the budget process by eliminating the current services baseline and replacing it with a baseline that would be based on the previous year's spending levels.

The current budget process is enormously confusing and strongly biased in favor of deficit spending. Baseline budgeting distorts the budget process by making it appear that programs are incurring a spending cut when, in fact, they simply are receiving a smaller increase than expected.

The base bill before us today improves the current process by ensuring that Members will be able to compare proposed spending levels with the previous year's spending levels. I am concerned, however, that creating two official baselines will create additional confusion in the budget process. More importantly, the base bill will continue the current bias toward higher spending created by the current services budget.

Our amendment would eliminate the bias toward higher spending and put some west Texas tractor seat common sense in the budget process by requiring that budget proposals compare their budgets to the amount actually spent the prior year rather than against estimates of future spending. We should recognize increases in spending for what they are and not talk about cutting spending when we really are increasing spending.

The folks at the Stamford Dairy Queen understand that if you received \$100 last year and receive \$99 this year, that is a spending cut. If you receive \$101 this year, that is an increase, even if you expected to receive \$102 this year. The small business men and women of this country understand that if you're operating in the red, you cannot afford to give cost-of-living increases to everyone.

The argument that our amendment will narrow the amount of information available to Members when making budget decisions is wrong. Our amendment does not prevent anyone from taking a calculator and figuring out how much a program needed to be increased

in order to keep up with inflation or other factors. As we all know, there are countless benchmarks that are used to compare proposed spending levels. For example, Members can easily find out how much it would cost to fully fund Head Start, meet the national security objective or any other number of projected spending levels that are not officially part of the baseline. The Budget Committee will continue to provide Members with various options for spending levels on different programs, including the amount that a program needed to increase to keep pace with inflation. To argue that eliminating the official status of current services budgeting will somehow prevent anyone from providing this information is extremely misleading. What our amendment would do is take away the official status given to these inflated estimates that is used to create a presumption that programs should be increased at the rate of inflation.

I completely concur that there are programs that need and deserve increases in spending from last year's level for any number of good and valid reasons. Our amendment does not prevent us from increasing spending on programs. What it does is force us to debate these increases for what they are and require that supporters of programs justify why they should be increased instead of relying on current services budgeting to automatically justify an increase. We cannot afford to assume that spending on every program will increase by 3 or 4 percent a year.

There have been some suggestions that if this substitute passes, we will have to explain to Social Security recipients or military retirees why they will not be harmed if Congress provides identical funding levels from 1 year to the next. Anyone who has read our amendment knows that this argument is a red herring. Our amendment allows the baseline to reflect increases in spending that are required by law such as COLA's for military and civilian retirees and Social Security as well as other entitlement programs. Our amendment will bring greater accountability to these programs, however, by requiring the Congressional Budget Office to report on the specific reasons for growth in these blank check items. By bringing greater attention to all of the sources of growth in entitlement spending, we hope to further the educational process about these programs.

By changing the way we talk about budgetary decisions, our amendment will improve the decisionmaking process and the outcome of these decisions. Vote for the Penny-Kasich-Stenholm amendment to bring common sense into the budget process.

Mr. SPRATT. Madam Chairman, I yield myself 3½ minutes.

Madam Chairman, the opposition to our base bill, supporters of this substitute, come down to making the argument that what we are talking about is public perception, we want the public to be able to understand the budget better, and I fully appreciate that argument. But I think we have obscured in our zeal to make this argument the fact that the baselines now provided to the public and to the Congress and to anyone else who cares to look amply at lay out existing spending. We had Con-

gressional Research Service go through the different budget documents and tell us how baseline spending was presented. Here, for example, is a page from the President's budget:

Current Services Estimates, the first column in it is 1993 Actual. We have got an actual spending line.

Here is a CBO projection of outlays by category in the budget outlook published twice a year. The first column, in Outlays by Category is Actual 1993 Spending.

Here is a page taken from the report accompanying the budget resolution issued by the Committee on the Budget, Committee Recommendation, Function 570, Medicare. The first two columns: Budget Authority in the current year for discretionary spending and mandatory spending; and Outlays, actual spending. The actual baseline is presented there.

Here is a page from an appropriation bill. The same thing. Here is a comparative statement of new budget authority. All of these provide it.

The Budget Act, Section 1105, subsection 7 provides that the President must submit appropriation expenditures and receipts to the Government in the prior fiscal year as a beginning point of the budget so we can compare it.

All we are doing is taking that requirement and making it explicit as we extend it to the Committee on the Budget and to the CBO.

It is important that the public understand it but let us not lose sight of the fact that we have a stake in the budget, too, here in the Congress, a big stake. It is important that we understand the budget. It is important that we have it laid out and formatted and arrayed and displayed so that we can make use of it and use it as a working document because we have to make rational decisions based upon it.

In that connection, we have created something called the current services baseline and we did not create it to obfuscate, to obscure, we created it because it is useful, it is useful to know what it is going to take in order to keep existing programs going.

This current services budget is designed to show what receipts, what outlays, what budget authority will have to be if no changes are made to existing law. It does not say we cannot make the changes but it tells us, it tells the public, this is what we are going to have to do if we are not going to change permanent underlying entitlement and mandatory spending law. It warns us of future problems, it provides a starting point. All of these things are useful to have and that is why they exist. Not because we want to obscure or obfuscate.

What we have had on the other side in the support of this substitute is a strawman. The opponents of this base bill have created a strawman, a construct to the budget that does not correspond to reality. As the chairman of

the Committee on the Budget in talking about his resolutions has pointed out, as the chairman of the Committee on Appropriations has pointed out, actual spending baselines are there, we are going to keep them, enshrine them and require they be presented. But we are also going to keep something we have found useful, something that is going to exist regardless of the outcome of this vote, the current services baseline. We need both and that is why we need to vote down this substitute and vote for the base bill.

Mr. PENNY. Madam Chairman, I yield 1 minute to the gentleman from Georgia [Mr. DEAL].

Mr. DEAL. Madam Chairman, I thank the gentleman for yielding me the time.

Madam Chairman, I rise in support of the Penny-Stenholm-Kasich substitute.

Madam Chairman, we live in an age when it is difficult to know what is real and what is illusion. We are entertained by movies that distort reality through the skill of film splicers and the mixing of real people with cartoons.

In this body, however, we should make every effort to deal with facts and figures that are real. First of all, our deliberations are in the public view and we have a responsibility to simplify rather than confuse the public.

When Congress wisely decided to freeze discretionary spending at 1993 levels for 5 years, we placed ourselves in the same position as a working family that does not get a raise in their paycheck for 5 years. If you do not receive any more money this year than you did last year, you are certainly deceiving yourself if you drift off into the world of illusion. It might be nice to think about inflation and certainly you must consider the fact that a new baby may have been born—but if the dollars available this year are the same as they were last year—that is reality. It is this same reality that Congress must deal with.

Madam Chairman, I urge the adoption of this substitute.

Mr. SPRATT. Madam Chairman, I yield the balance of my time to the gentleman from South Carolina [Mr. DERRICK].

Mr. DERRICK. Madam Chairman, the committee ought to reject the Penny-Kasich-Stenholm amendment for one principal reason: It simply will not result in full budget disclosure. In fact, it will remove valuable, important information from the budget debate and will result in the American people having less information about the effect of Federal spending proposals, not more.

Madam Chairman, the current policy baseline that the President, the Congressional Budget Office, the congressional budget committees, and other use serves an important and valuable purposes. Every American knows inflation over time erodes the purchasing

power of tax dollars just as it erodes the purchasing power of individuals' incomes. When developing budget proposals for future years, the president and Congress must consider inflation's effect on the dollar and how many goods and services the dollar will buy.

If a program's funding is held below the level of inflation next year, then effectively the program has been cut since inflated dollars will buy slightly less next year than they buy now. I say slightly because fortunately inflation is extremely low right now. It has been argued that use of the current policy baseline allows policymaker to call increases in actual dollars cuts. That is true if they are making comparisons to the current policy baseline. But it is also true that the current policy baseline allows policymakers to characterize cuts as increases where spending, though higher in actual dollars, does not keep pace with inflation.

This is why it is important to adopt the base bill, so we can have a current funding baseline against which to compare budget proposals. If a program gets \$100 million this year and inflation is 3 percent, then it would take \$103 million next year to deliver the same level of services. If the President proposed \$102 million for the program, then with the additional baseline proposed in this bill, nobody would be deceived. People could compare the proposal to the two baselines and see readily that the proposal is an increase of \$2 million over this year, but \$1 million short of the amount required to keep pace with inflation.

If the amendment eliminated the current policy baseline altogether, then policymaker could get away with calling the \$102 million figure an increase, and the beneficiaries of the program might not really know it isn't actually enough to stay even.

That would be just like passing a law to skip next year's Social Security cost-of-living adjustment and telling the beneficiaries "We didn't cut your benefits. You'll get the same \$614 per month net year that you get this year." The statement would be technically correct, but it would not tell the whole story.

Madam Chairman, the Spratt bill will enable policymakers and the American people to see the whole story. The pending amendment would facilitate the same type of double-talk that the proponents say now occurs, only in a different way. The result would still be less than full budget disclosure.

Madam Chairman, I urge the committee to reject the amendment and support the Spratt bill.

Madam Chairman, I include for the RECORD a letter urging support of the Spratt proposal, as follows:

THE WHITE HOUSE,
Washington, August 12, 1994.

HON. THOMAS S. FOLEY,
House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: On behalf of the President and his economic team, we are writing again to urge members of the House of Representatives to oppose the Stenholm-Penny-Kasich substitute and to express our preference for the Spratt Full Budget Disclosure proposal. We want to clarify that this substitute would prohibit the use of economically-important information such as inflation in determining baselines for the discretionary budget. This would be a set-back for rational and reasonable budget-policy making.

A far more balanced and fair approach is the one included in the Spratt Baseline Budget proposal, which would allow for comparisons to both current funding levels and what it would take to maintain current policy.

The Stenholm-Penny-Kasich alternative would eliminate real comparisons of how year-to-year spending would actually impact on the services provided to real people's lives. No credible form of budgeting in today's economy completely disallows taking into account changes in inflation. Consider a five-year period during which inflation or the cost of living increases by 3% each year. The compounded total inflation is 16%. If a program, like Head Start, WIC or veterans' hospitals were to be cut 10% in real terms, the Stenholm-Penny-Kasich substitute would require that this cut to millions of Americans be presented only as a spending increase. Such a budget requirement would make the budget process less forthright and less informative as to how year-to-year changes were affecting real people's lives.

The Spratt proposal, on the other hand, would provide a fair, balanced and full-information alternative. It would allow two methods of budget reporting—both the present system of comparing budget proposals to the "current services baseline" and comparisons of changes in actual dollar amounts from year to year.

We urge you to oppose the Stenholm-Penny-Kasich substitute and to support the Spratt Baseline Budget proposal.

Sincerely,

ALICE M. RIVLIN,
Acting Director,
Office of Management and Budget.
ROBERT E. RUBIN,
Assistant to the President,
for Economic Policy.

Mr. PENNY. Madam Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. Madam Chairman, I rise in strong support of the Kasich-Penny-Stenholm amendment which sounds to me like just eminent common sense.

As we all know, our current budget process includes many pro-spending biases. Most notable, the current services budget utilizes a baseline which assumes that we will budget as if all programs are left to grow on automatic pilot. According to the Congressional Budget Office, over the next 5 years, total Federal spending will increase by \$360 billion from \$1.47 to \$1.83 trillion. During the same period, the Federal debt will increase from \$4.6 to \$6.3 trillion. We are not making progress on the national debt, and we should be honest

with our constituents about our spending habits.

Under the current services baseline, any reduction is labeled a spending cut regardless of the fact that the actual spending level is above the prior year's level. For example, many of us were attacked for allegedly voting for \$31 billion in Medicare cuts contained in the recent Penny-Kasich package. During the 5 years affected by Penny-Kasich, the Congressional Budget Office estimated that Medicare spending will rise from \$143 to \$239 billion, a 67-percent increase. In other words, even if the Penny-Kasich plan was adopted, Medicare spending would still rise from \$143 billion to approximately \$230 billion during the same period, a 61-percent increase. Even the largest deficit reduction package considered by Congress, the Solomon-Fawell-Upton budget, which would have reduced the deficit by \$698 billion over 5 years and resulted in a Federal budget surplus in 1999, would have permitted total Government spending to increase, albeit less than if we left the budget on autopilot.

We simply cannot leave our budget on autopilot. We must face the fact that Government spending is out of control, and carefully consider any spending increases. Rather than assume that programs are entitled to automatic spending increases, we need to require departments and agencies to make their case to Congress for spending increases. The Stenholm-Penny-Kasich amendment recognizes this and would change our budgetary process to compare proposed spending levels with the current-year funding levels. While this and other budgetary reforms are not a substitute to real spending cuts, the change is important. By using rhetorical devices biased toward spending increases, the current budget process promotes higher spending levels. Eliminating these biases will promote greater fiscal responsibility.

I urge all Members to support the Stenholm-Penny-Kasich amendment, and oppose the Spratt proposal.

Mr. PENNY. Madam Chairman, I yield myself the balance of my time.

Madam Chairman, fundamentally this is a debate about how Washington works. Our process here naturally unfortunately confuses the American people and does little to edify and inform them. We have appropriations in the Congress who constantly blame entitlements for causing the deficit. Yet when we bring entitlement cuts to the floor, they typically vote against them. We have legislators who clamor for a balanced budget amendment and yet they do not vote for the taxes or the spending cuts required to reach a balanced budget. We have Democrats who voted for Clinton's budget, declaring that it essentially beats or licks the deficit when under the Clinton budget we have deficits remaining in a \$200 billion range as far as the eye can see and entitlements remain uncontrolled. We have Republicans who blast Clinton's budget as unacceptable and one that does not cut enough. Yet they were unable to come together on a plan of their own that did as much in terms of deficit reduction.

With all of the nonsense that surrounds the debate over the budget, we in this Congress finally owe the American people at least one bit of common sense: We need to give them a budget in which a freeze is actually a freeze, in which cuts are actually cuts. The only way to do that is to vote for the Penny-Kasich-Stenholm amendment. I urge a "yes" vote.

Mr. PORTMAN. Madam Chairman, I rise today to express my strong support for the Penny-Kasich-Stenholm substitute amendment to H.R. 4907, the Full Budget Disclosure Act. It is time that we bring some integrity, honesty, and accountability to the budgeting process.

It is time to end the kind of gimmickry that could only exist in Congress: where an increase in spending can be touted as a spending cut. This amendment would simplify the current budget process by requiring that all budgetary proposals be compared with actual spending levels of the past year instead of baseline estimates. This would bring some rationality to the process. It would bring our budget process in line with those of our constituents. A spending increase would actually be an increase from last year's funding levels, while a spending cut would represent a true decrease. The Penny-Kasich-Stenholm amendment provides for genuine reform to the current confusing and dishonest baseline budgeting process.

Under the current system, Members of Congress can argue that they are supporting spending cuts which are actually increases over last year's levels. They do so because the funding levels are below a so-called baseline, which takes into consideration inflation and economic and demographic factors. Unamended, H.R. 4907 does little to address this problem, because it does not change the statutory definition of baselines, thereby preserving the inflated baseline.

On the other hand, the Penny-Kasich-Stenholm amendment eliminates all of the budget gimmicks that are currently used to shield Members from having to make real spending cuts. I urge my colleagues to vote for real reforms to the baseline budgeting process—support the Penny-Kasich-Stenholm amendment.

Mr. SMITH of Michigan. Madam Chairman, I rise today in strong support of the Penny-Kasich-Stenholm amendment to bring truth in budgeting to the Federal budget process. The Penny-Kasich-Stenholm amendment will require the Federal Government to use last year's funding level in planning for the next year's budget.

It is the right thing to do. For years, Congress has allowed the baseline to automatically include inflation without discussion. Now, under the new baseline of last year's spending level, we will be allowed to compare spending from year to year honestly—without confusion.

For Americans everywhere, that plan their budget based on the amount they are paid—not on what they assume they should spend after an adjustment for inflation, this bill is honest and understandable.

Madam Chairman, the passage of the Penny-Kasich-Stenholm amendment is a giant step forward to have honesty in budgeting. It is the right thing to do.

Mr. FRANKS of New Jersey. Madam Chairman, only in Washington, DC, can people de-

scribe an increase in spending as a spending cut. They can do this because of something called baseline budgeting, where estimates of inflation costs, new recipients and other economic projections become built in to future government spending. Only funding that goes beyond such estimates has to be called a spending increase.

If Congress does limit a real funding increase to less than these estimates, any of us can then talk as if we actually cut a program's spending. This practice—where a spending increase is called a cut—corrupts all talk about budgets here in Washington.

Madam Chairman, if we in Congress are truly serious about controlling spending, we must begin by eliminating such accounting tricks as baseline budgeting. We need to use real spending numbers as our basic budget reference, like what was spent last year on any program or department.

Madam Chairman, I urge my colleagues to support the Stenholm-Penny-Kasich amendment. Congress should be willing to talk about money like America's families do, where more money being spent could never be called a cut. Let's begin cleaning up the way we talk about spending here in Congress, let's eliminate baseline budgeting today.

Mr. GALLO. Madam Chairman, I rise today in support of the Penny-Kasich-Stenholm substitute to the legislation under consideration. I believe that this substitute will lend a much-needed measure of clarity to the Federal budget process.

As a former member of the Budget Committee and a current member of the Appropriation Committees, I understand and appreciate the effort the gentleman from South Carolina is making with his bill. I believe, however, that his effort can be improved by adoption of the substitute.

Adoption of this substitute will not forbid us to consider what spending levels might be needed from one year to the next in order to maintain a certain program at current services. It will, however, force us to state clearly exactly how our spending in 1 year compares with that in the previous year in ways that everyone can understand.

By using a measure that every American family uses to run its household—comparing this year's spending to last year's—the American people will finally be able to see whether Congress is truly cutting spending or not.

Adoption of the substitute will, once and for all, put an end to the curious phenomena in Washington—where spending more money this year than last year can actually be considered a spending cut.

□ 1240

The CHAIRMAN. The question is on the amendment is the nature of a substitute offered by the gentleman from Minnesota [Mr. PENNY].

The question was taken; and the Chairman announced that the yeas appeared to have it.

RECORDED VOTE

Mr. PENNY. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 247, noes 171, not voting 21, as follows:

[Roll No. 395]

AYES—247

Allard	Glickman	Moorhead
Andrews (NJ)	Goodlatte	Morella
Andrews (TX)	Goodling	Murphy
Archer	Gordon	Myers
Army	Goss	Neal (NC)
Bacchus (FL)	Grams	Nussle
Bacchus (AL)	Grandy	Orton
Baessler	Greenwood	Oxley
Baker (CA)	Gunderson	Packard
Baker (LA)	Hall (TX)	Pallone
Bailenger	Hancock	Parker
Barca	Hansen	Paxon
Barclay	Harman	Payne (VA)
Barrett (NE)	Hastert	Penny
Barrett (WI)	Hayes	Peterson (MN)
Bartlett	Hefley	Petri
Bateman	Hergert	Pickett
Bereuter	Hobson	Pombo
Bilirakis	Hoekstra	Pomeroy
Bliley	Hoke	Porter
Blute	Horn	Portman
Boehlert	Houghton	Poshard
Boehner	Huffington	Pryce (OH)
Bonilla	Hunter	Quillen
Browder	Hutchinson	Quinn
Brown (OH)	Hutto	Ramstad
Bunning	Hyde	Ravenel
Burton	Inglis	Regula
Buyer	Inhofe	Ridge
Callahan	Inslee	Roberts
Calvert	Istook	Roemer
Camp	Jacobs	Rogers
Canady	Johnson (CT)	Rohrabacher
Cantwell	Johnson (GA)	Ros-Lehtinen
Castle	Johnson (SD)	Roth
Clement	Johnson, Sam	Roukema
Clinger	Kasich	Rowland
Coble	Kim	Royce
Collins (GA)	King	Sangmeister
Combust	Kingston	Santorum
Condit	Klecicka	Sarpalius
Cooper	Klug	Saxton
Coppersmith	Knollenberg	Schaefer
Crane	Kobbe	Schenk
Crapo	Kreidler	Schiff
Cunningham	Kyl	Sensenbrenner
Darden	Lambert	Shaw
Deal	Lancaster	Shays
DeFazio	LaRocco	Shepherd
DeLay	Laughlin	Shuster
Deutsch	Lazio	Sisisky
Diaz-Balart	Leach	Skeen
Dickey	Lehman	Smith (MI)
Dooley	Levy	Smith (NJ)
Doollittle	Lewis (CA)	Smith (OR)
Dornan	Lewis (KY)	Smith (TX)
Dreier	Lightfoot	Snowe
Duncan	Linder	Solomon
Dunn	Livingston	Spence
Edwards (TX)	Long	Stearns
Ehlers	Lucas	Stenholm
Emerson	Machtley	Stump
English	Mann	Swett
Everett	Manzullo	Talent
Ewing	Margolies-	Tanner
Fawell	Mezvinsky	Tauzin
Fields (TX)	Mazzoli	Taylor (MS)
Fingerhut	McCollum	Taylor (NC)
Fish	McCrery	Thomas (CA)
Fowler	McCurdy	Thomas (WY)
Franks (CT)	McDade	Thurman
Franks (NJ)	McHale	Torkildsen
Frost	McHugh	Upton
Furse	McInnis	Valentine
Galleghy	McKeon	Vucanovich
Gallo	McMillan	Walker
Gekas	Meehan	Weldon
Geran	Menendez	Wolf
Gilchrest	Meyers	Young (AK)
Gillmor	Mica	Young (FL)
Gilman	Miller (FL)	Zeliff
Gingrich	Minge	Zimmer
	Molinar	

NOES—171

Abercrombie	Bevill	Brooks
Ackerman	Bilbray	Brown (CA)
Andrews (ME)	Bishop	Brown (FL)
Barlow	Blackwell	Bryant
Becerra	Bonior	Byrne
Bellenson	Borski	Cardin
Berman	Boucher	Carr

Chapman	Johnston	Romero-Barcelo
Clay	Kanjorski	(PR)
Clayton	Kaptur	Rose
Clyburn	Kennedy	Rostenkowski
Coleman	Kennelly	Roybal-Allard
Collins (IL)	Kildee	Rush
Collins (MI)	Klein	Sabo
Conyers	Klink	Sanders
Costello	Kopetski	Sawyer
Coyne	LaFalce	Schroeder
Cramer	Levin	Schumer
Danner	Lewis (GA)	Scott
de la Garza	Lipinski	Serrano
de Lugo (VI)	Lowe	Sharp
DeLauro	Maloney	Skaggs
Dellums	Manton	Skelton
Derrick	Markey	Slaughter
Dicks	Martinez	Smith (IA)
Dingell	Meek	Spratt
Dixon	Matsui	Stark
Durbin	McCloskey	Stokes
Engel	McDermott	Strickland
Eshoo	McKinney	Studds
Evans	McNulty	Stupak
Farr	Meek	Swift
Fazio	Miller (CA)	Synar
Filner	Mineta	Tejeda
Flake	Mink	Thompson
Foglietta	Moakley	Thornton
Ford (MI)	Mollohan	Torres
Ford (TN)	Montgomery	Torricelli
Frank (MA)	Moran	Towns
Gephardt	Murtha	Trafficant
Gibbons	Nadler	Tucker
Gonzalez	Neal (MA)	Unsoeld
Green	Norton (DC)	Velazquez
Gutierrez	Oberstar	Visclosky
Hall (OH)	Obey	Volkmer
Hamburg	Olver	Waters
Hamilton	Ortiz	Watt
Hastings	Owens	Waxman
Hefner	Pastor	Wheat
Hilliard	Payne (NJ)	Whitten
Hinchee	Pelosi	Wilson
Hoagland	Peterson (FL)	Wise
Hochbrueckner	Pickle	Woolsey
Holden	Price (NC)	Wyden
Hoyer	Rahall	Wynn
Hughes	Rangel	Yates
Jefferson	Reed	
Johnson, E. B.	Richardson	

NOT VOTING—21

Applegate	Gejdenson	Sundquist
Barton	Lantos	Underwood (GU)
Bentley	Lewis (FL)	Vento
Brewster	Lloyd	Walsh
Edwards (CA)	McCandless	Washington
Faleomavaega	Michel	Williams
(AS)	Reynolds	
Fields (LA)	Slattery	

□ 1300

The Clerk announced the following pair:

On this vote:
Mr. Lewis of Florida for, with Mr. Vento against.

Messrs. BEVILL, MOAKLEY, YATES, and GENE GREEN of Texas changed their vote from "aye" to "no."
Mr. POMEROY and Mr. MENENDEZ changed their vote from "no" to "aye."
So the amendment in the nature of a substitute was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order for the committee to consider amendment No. 2, printed in the House Report 103-689.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. SPRATT

Mr. SPRATT. Madam Chairman, I offer the amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. SPRATT: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Full Budget Disclosure Act of 1994".

SEC. 2. PURPOSE.

The purpose of this Act is to require that budget documents provide the Congress with comprehensive data on budget trends.

SEC. 3. THE BASELINE.

(a) DEFINITION.—Section 250(c)(5) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended to read as follows:

"(5)(A) The term 'current policy baseline' means the projection (described in section 257) of current-year levels of new budget authority, outlays, receipts, and the surplus or deficit into the budget year and the out-years.

"(B) The term 'current funding baseline' refers to the baseline as set forth in section 257 without any adjustment described in section 257(c)(1) for inflation other than the adjustment set forth in section 257(c)(2) for expiring housing contracts."

(b) CONFORMING AMENDMENTS.—Sections 251, 252, 253, and 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 are amended by inserting "current policy" before "baseline" each place it appears.

SEC. 4. THE PRESIDENT'S BUDGET.

(a) Paragraph (5) of section 1105(a) of title 31, United States Code, is amended to read as follows:

"(5) except as provided in subsection (b) of this section, estimated expenditures and appropriations for the current fiscal year and estimated expenditures and proposed appropriations the President decides are necessary to support the Government in the fiscal year for which the budget is submitted and the 4 fiscal years following that year."

(b) Section 1105(a)(6) of title 31, United States Code, is amended by inserting "current fiscal year and the" before "fiscal year".

(c) Section 1105(a)(12) of title 31, United States Code, is amended by striking "and" at the end of subparagraph (A), by striking the period and inserting "; and" at the end of subparagraph (B), and by adding at the end the following new subparagraph:

"(C) the estimated amount of expenditure and appropriation for the same activity, if any, in the current fiscal year."

(d) Section 1105(a) of title 31, United States Code, is amended by adding at the end the following new paragraphs:

"(30) a comparison of estimated new budget authority and outlays for each function and subfunction for the current fiscal year with proposed new budget authority and outlays for the fiscal year for which the budget is submitted, along with the proposed increase or decrease of spending in percentage terms for each function and subfunction.

"(31) a comparison for each function and subfunction of the current policy baseline level of new budget authority and outlays for the year for which the budget is submitted with the proposed new budget authority and outlays for the year for which the budget is submitted, including changes in percentage terms for each function and subfunction."

SEC. 5. CONGRESSIONAL BUDGET.

Section 301(e) of the Congressional Budget Act of 1974 is amended by—

(1) inserting after the second sentence the following: "As soon as practicable after the

President's budget submission under section 1105(a) of title 31, United States Code, the Committee on the Budget of each House shall provide to its members the estimated level of outlays for the current year in each function and subfunction." and

(2) striking "and" at the end of paragraph (9), by striking the period and inserting a semicolon at the end of paragraph (10), and by adding at the end the following new paragraphs:

"(11) a comparison (for each function) of estimated outlays and revenues for the current fiscal year with proposed spending and revenue levels for the budget year and each outyear, including the increase or decrease (in percentage terms) of spending; and

"(12) a comparison (for each function) of proposed outlays and revenues for the budget year with the current policy baseline projection for that year, including changes (in percentage terms)."

SEC. 6. CONGRESSIONAL BUDGET OFFICE REPORT TO COMMITTEES.

(a) The first sentence of section 202(f)(1) of the Congressional Budget Act of 1974 is amended to read as follows: "On or before February 15 of each year, the Director shall submit to the Committees on the Budget of the House of Representatives and the Senate a report for the fiscal year commencing on October 1 of that year with respect to fiscal policy, including (A) alternative levels of total revenues, total new budget authority, and total outlays (including related surpluses and deficits) compared to comparable levels for the current year and (B) the levels of tax expenditures under existing law, taking into account projected economic factors and any changes in such levels based on proposals in the budget submitted by the President for such fiscal year."

(b) Section 202(f)(1) of the Congressional Budget Act of 1974 is amended by inserting after the first sentence the following new sentence: "That report shall also include a table on sources of growth in the estimated total current policy baseline spending for mandatory programs for the budget year and the ensuing 4 fiscal years, which shall include changes in outlays attributable to the following: cost-of-living adjustments; changes in the number of program recipients; increases in medical care prices, utilization and intensity of medical care; and residual factors."

(c) Section 202(f)(3) of the Congressional Budget Act of 1974 is amended by striking "and" before "(B)", and by inserting before the period at the end the following: ", and (C) all direct spending programs".

(d) Section 308(a)(1)(C) of the Congressional Budget Act of 1974 is amended by inserting "and shall include a comparison of those levels to comparable levels for the current fiscal year" before "if timely submitted".

The CHAIRMAN. Pursuant to the rule, the gentleman from South Carolina [Mr. SPRATT] will be recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes.

Is the gentleman from Minnesota [Mr. PENNY] opposed?

Mr. PENNY. Madam Chairman, I am opposed to the amendment, and I would request the time.

The CHAIRMAN. The gentleman from Minnesota [Mr. PENNY] will be recognized for 15 minutes.

The Chair recognizes the gentleman from South Carolina [Mr. SPRATT].

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

Madam Chairman, I rise to move for judgment notwithstanding the verdict.

Madam Chairman, Members of the House have registered their opinion strongly in favor of having available to them and to the public a current funding baseline and the presentations we received from Budget Committee and from the Congressional Budget Office for functions and programs in the budget.

This bill before us, H.R. 4907, this bill about which we are to vote now, provides for that very same current funding baseline. It is in fact identical. We have agreed, there is no difference between current funding baseline required in the bill before us and in the required funding baseline in the Penny-Kasich-Stenholm substitute.

So you can have your cake and eat it too, because this bill clearly provides for that baseline which the House has just said it would like to have arrayed, presented, displayed in the budget presentations that come to the House.

But in addition, this bill would provide for a current policy or a current services baseline. What is a current services baseline?

Let me just read to the committee what the President's budget describes to be the current services baseline. It says it is designed to show what receipts, outlays, deficits, and budget authority would be if no changes are made in laws already enacted.

This baseline is not a prediction of the final outcome of the budget process nor is it a proposed budget; it is largely a mechanical application of existing laws. By itself, it commits no one to any particular policy, it does not constrain the choices available, but the commitments or constraints reflected in this are inherent in tax and spending policies contained in current law.

I submit to everyone here that it exists for a reason. It exists because it is useful, it exists because we have found it necessary for various reasons to have a current services baseline in order to do the budget every year.

The minority report to the Committee on Rules itself makes the case for having a current services baseline when it acknowledges if you are going to do reconciliation, you have to have a projection of what mandatory spending is going to be so you can reconcile against that, in order to reduce, if not cut, spending, at least reduce the rate of increase in spending. You have got to have a current services baseline to do it.

The argument is made here that the public needs to know exactly how much we are increasing the budget in actual dollars and cents, and we will give them that information because we have the same baseline.

But Congress also has, I argued earlier, a huge stake in the budget itself. We have to make the budget documents, as prepared by the President, by

the Office of Management and Budget, by CBO, by our own budget committee's working documents useful to us, so we can make comparisons, project spending and know what we have got to cut.

Let me submit to the House also that the public has an interest as well in knowing what current services are, because the current services baseline is a way of telling the public this is what it costs to keep programs such as social security and Medicare, popular programs, in place, running in place in existing law. If we are going to be able to continue the level of benefits adjusted for inflation for the expanding beneficiary population, this is what we have to spend. It is useful for us, in fact it is necessary for us, in order to do the budget because that constitutes well over 50 percent of the budget today.

But it is also useful for us to tell the public this is what we have to spend if we are going to keep pace with inflation if we are going to keep pace with the growing beneficiary population.

I think both we and the public need this additional baseline. You do not deny yourselves a thing by voting for the Spratt bill because the Spratt bill will preserve the baseline that we have just now dictated ought to be in the, must be, in the budget, but it will also give us a very useful baseline, a current services baseline.

I submit we should vote "yes" on this and have our cake and eat it too.

Madam Chairman, I reserve the balance of my time.

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

Fundamentally, this vote is simply designed to defeat the motion that was just adopted. If you voted "yes" on Penny-Kasich-Stenholm, you absolutely must vote "no" on Spratt because this amendment simply restores language that is in the base bill. If you vote for the previous amendment, you vote against this amendment.

□ 1310

This is one of those Capitol Hill procedures where we can do something and then undo it on a subsequent vote. It is another nonsensical procedure, but it happens all the time. The only way we can defeat this king-of-the-hill game is to vote no on Spratt.

The issue at play is the same. The debate will be almost identical to the debate just concluded, and for that reason I do not know that we need to eat up a lot of time here.

Bear in mind this measure supersedes the vote we just cast. To be consistent vote no on Spratt.

I reserve the balance of my time. Mr. SPRATT. Madam Chairman, I yield 1 minute to the gentleman from Alabama [Mr. BEVILL].

Mr. BEVILL. Madam Chairman, I rise in support of the Spratt amendment and urge the Members to vote yes

on this. We are in effect saying here this amendment that we have just passed, of course if it stays into effect, we are just in effect saying that we should not have any cost-of-living expenses on Social Security, cost of living. We are saying to some of my projects, like the flood control where we are talking about saving lives, we are saying, "You'll have to assume the inflation, and you can only put 90 percent of the bill, that flood control project."

We can just go on and on, and it just does not make sense to have this kind of change. It is false economics, and I urge everyone to vote for the Spratt amendment.

Mr. PENNY. Madam Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. Madam Chairman, we are going to have to get Mona Lisa out one more time here to explain what we are doing.

Now let me, first of all, say categorically this does not affect entitlement programs, and I am opposed to doing anything that has any impact whatsoever on Social Security, as what happened out here when we came out on our entitlement spending program. This is only discretionary spending.

This is the Mona Lisa. Now this Mona Lisa has a frown rather than a smile. What the gentleman from South Carolina [Mr. SPRATT] wants to do in his bill is to continue to have a chart that confuses people in terms of what our budgeting process is.

One more time, Madam Chairman, this represents a \$221 million increase in spending. It is described across the newspapers of this country as a \$476 million cut.

Now what we just passed was a proposal that budgets like they do in west Texas, and like they do in Minnesota, and like they do in Ohio, and what we are saying is an increase or a decrease in spending will be determined by what we spent the previous year. That is what we just passed.

Now we went on a baseball strike, we are in a baseball strike, but we play a little baseball here this morning because we just doubled off the wall with the Penny-Kasich-Stenholm amendment. We doubled off the wall because we actually passed the elimination of this kind of spending, this kind of budgeting. It is gone. The runner is on second base, and now there is a line drive in the outfield, and the gentleman from South Carolina [Mr. SPRATT] wants to throw the runner out at second base and continue to confuse the issue.

What I am suggesting here today is let us bring the runner home, let us drive the runner access the plate, and let us complete the job today, and, by completing the job today, we will budget like they do in west Texas, and in Minnesota, in Ohio and California, just like families do it.

We must reject this because, if we do not reject it, even though it is an improvement in the process, it will still be awfully confusing. The last thing we need with a \$6 trillion national debt and budget deficits in the outyears projected to skyrocket is confusion when we try to communicate to the taxpayers of this country. Let us call a cut a cut.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. KASICH] has expired.

Mr. PENNY. Madam Chairman, I yield 30 additional seconds to the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. Just remember this picture. We do not want to keep doing it this way, and, if my colleagues do not want to keep doing it this way because the American people do not want to do it this way, reject the Spratt substitute. Let us keep the Penny and Stenholm amendment in place, and let us get back to something where we can communicate to everyone without confusion so that we can deal rationally and sensibly with the Federal budget programs.

Mr. SPRATT. Madam Chairman, I yield myself such time as I may consume, and would the gentleman from Ohio [Mr. KASICH] remain in the well?

I say to the gentleman,

After your baseball analogy I feel a little like Abbott and Costello, who's on first, who's on second. I'm not sure where you're coming from because I have heard you argue repeatedly with regard to the defense budgets that it needs to be stated in the current services context. It's useful for us to know that \$280 billion in 1990 doesn't buy \$280 billion of defense in 1995. Why not let the Congress and the public have that kind of projection of what it costs to keep our defense apace with the—

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

Mr. SPRATT. I yield to the gentleman from Ohio.

Mr. KASICH. Madam Chairman, I am glad the gentleman from South Carolina [Mr. SPRATT] raised the issue because, when we were voting on the last amendment, several Members on our side argued we think it is more useful to list defense spending on the basis of the baseline, and I said I think that is wrong. I think we ought to list defense as an increase or a decrease based the same way we do with everything else, and I would tell the gentleman,

When you're trying to discuss increases or decreases in the Budget Committee, if you just ignore baselines, people don't even know what language you're talking in.

So, what I would say to the gentleman is I think it would be helpful in this House if we refer to defense spending increases or cuts based on the previous year's level, not on baselines, and, if the gentleman hears me do that again, I want him to call me on it.

Mr. SPRATT. Madam Chairman, I reclaim my time and say simply we will

give the public and the Congress two baselines, the one the gentleman wants and the over which is a useful reminder of what it costs to keep defense where it was. That is all we are saying.

Mr. SABO. Madam Chairman, will the gentleman yield, and would the gentleman from Ohio [Mr. KASICH] keep his chart up?

Mr. SPRATT. I yield to the chairman of the Committee on the Budget.

Mr. SABO. Madam Chairman, I say to the gentleman, "I'm just curious, my friend. How much bigger is that last bar than the first bar? About two, three times as big?"

Mr. KASICH. No, I would not think it is that big.

Mr. SABO. About twice the size, twice the size of the first bar?

Mr. KASICH. Does the gentleman mean this to this?

Mr. SABO. Yes, three times as big?

Mr. KASICH. Probably.

Mr. SABO. And what is the actual change in dollars the first year to the—

Mr. KASICH. Well, the—

Mr. SABO. About 6, 7 percent?

Mr. KASICH. Let me explain—

Mr. SABO. The gentleman is a master of deception with his charts.

Mr. KASICH. Let me explain to the gentleman. Let me answer.

I say, "Under your definition of this bill, this \$221 million increase is called a \$476 million cut—

Mr. SABO. I am not asking about my description. I am asking about the description the gentleman is showing to the House and to the public. A 6, 7 percent change in actual dollars is in the chart that looks like a 300 percent change.

Mr. KASICH. The gentleman's definition shows this going downwards. I mean that is the problem. Let us get on the same page.

Mr. SPRATT. Madam Chairman, I reclaim my time and yield 2 minutes to the distinguished chairman of the Committee on Appropriations, the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Madam Chairman, I think the distinguished chairman of the Committee on the Budget has just pointed out the incredible deception that we find in the chart just used by the gentleman from Ohio. The base number for the first bar was 3.1. The final bar number was 3.35. Now, if the gentleman can tell me how that small a change in dollars results in a doubling visually on that bar graph, I would suggest to him he needs a new pair of glasses. The numbers do not match the story the gentleman is trying to tell on the graph.

I simply want to say that this debate has nothing whatsoever to do with spending.

□ 1320

This issue has only to do with what kind of information is made available to the public and to the Congress.

The gentleman from South Carolina [Mr. SPRATT] simply says that we ought to provide comparisons to both the current funding baseline, which is not inflation adjusted, and also to the current policy baseline, which is inflation adjusted. Members of the public and Members of this House have a right to see the budget from both perspectives.

Now, the gentleman on this side of the aisle who just spoke says it has nothing to do with entitlements. He then proceeded to say he was sick of seeing budgets for defense adjusted on the basis of the inflated baseline.

The fact is, they are not. I have the defense appropriation report right here. The first column reads, Appropriated, 1994. It lists the dollar amount for military personnel. The next line lists the amount spent in 1985. Then it compares the costs not with an inflation-adjusted baseline, but with the regular noninflated baseline.

So if in fact the gentleman is correct on entitlements, and he is not, but if he were, then this amendment would have absolutely no effect on discretionary spending whatsoever.

I urge you to vote for the Spratt amendment. It is the only unbiased and honest amendment before the House.

Mr. PENNY. Madam Chairman, I was just curious to know if it would save time if we replay the earlier debate.

Madam Chairman, I yield 1 additional minute to the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. Madam Chairman, this is very illustrative of how we do it. This is how we reflect the increase in spending, and you are complaining about the chart. The way we ought to do is flip it over. This is the way you would have it read. See, that is the problem with this process.

Now, you know what is really curious? What is really curious is George Bush gives us in 1990 a one-half trillion dollar deficit reduction program. This President gives us a one-half trillion dollar deficit reduction program. If that is true, why has the national debt gone from \$4.5 trillion to \$6 trillion? If you can explain to me why we are cutting all this spending and having massive deficit reduction, why is it the deficit is going through the roof?

I will tell you why. We are not cutting spending, we are only counting cuts as slower increases in growth than what the bureaucrats in town want to do. I will tell why the people of this country do not want to budget it any more. They want to throw it out and do it with a straight line based on the year before. Madam Chairman, reject the Spratt amendment. Maintain the Penny-Stenholm proposal.

The CHAIRMAN. The gentleman from Minnesota [Mr. PENNY] has 10 minutes remaining, and the gentleman from South Carolina [Mr. SPRATT] has 5 minutes remaining.

Mr. PENNY. Madam Chairman, I yield 2 minutes to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Madam Chairman, our debate is getting a little bit amusing now that we are replaying it for the third and fourth time.

You know, the important thing for us to remember, and I will start and conclude by this, is if you really want to contribute to the cynicism of the American people, vote for Spratt and then try to explain why you voted for Penny-Kasich-Stenholm and then voted immediately to overturn it. You cannot do it, folks.

Now, we can get into debate on the scales on charts. The fundamental here is it does not matter what the scale of the chart is. It is which direction the spending is going in and whether we are calling it an increase or decrease. That is all that is relevant.

In the last few days, the American Association of Retired People has used some very questionable judgment in some of the pronouncements concerning what is going on in this body and inside the beltway, and they are doing it again today. Because there is no relevance whatsoever to suggesting that either of these bills has anything to do with Social Security, Medicare, or any other program, bills that are both alike except for one major difference, and that is why we are debating it here today.

The gentleman from Wisconsin [Mr. OBEY] is correct. All of those who argue that we need all kinds of information are correct. What we are arguing is let us not confuse the American people with our policy business that we do in the Committee on the Budget. Let us tell the American people there is one budget baseline.

The people that drink coffee in the Dairy Queen in Stanford, TX, do not understand when we explain it to them any other way than this. If you get \$100 this year and you get \$99 next year, for whatever reason, that is a cut. If you get \$101, that is an increase. That is the fundamental debate in this whole area of discussion today.

Madam Chairman, vote "no" on Spratt, particularly if you voted "yes" on Penny, because you cannot explain it any other way, unless you wish to continue the confusion on the American people of having dual baselines and all of the things that go with it.

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

Mr. EHLERS. Madam Chairman, I hope you do not mind if I try to inject a little rationality into the discussion, but I simply have to rise and defend my colleague from Ohio, who has been falsely accused of doctoring the chart to make it look favorable to his comments.

I would point out the little zig here. For those of you who are not mathe-

maticians, I simply say this indicates a zero suppression. Anyone looking at a chart with a little zig there, should consider you are doing a comparative analysis, rather than an absolute one. The chart is perfectly accurate and illustrates that in fact the amount of spending has been increasing.

In the remainder of my time I simply want to comment on the previous speaker, Mr. STENHOLM's comments, and he is absolutely right. When the American automobile manufacturers publicize the price of their new car, and it has gone up \$200, they are comparing it to the previous year's price. They do not advertise well, if you take the baseline adjusted for inflation, we are cutting the cost of our cars by \$50 a year. Every press release that goes out, every statement made, every comparison by the buying public says in fact the price has gone up, and that is what is happening with our budget.

I urge that we reject the Spratt amendment.

Mr. PENNY. Madam Chairman, I yield 30 seconds to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Madam Chairman, I want to thank my colleague for explaining not only to me, but also for the people of the Stanford Dairy Queen, what that signature means on that, because I think the whole world will know better now what we are talking about in the charts. I appreciate the edification.

Mr. PENNY. Madam Chairman, I yield 1 minute to the gentleman from New Hampshire [Mr. SWETT].

Mr. SWETT. Madam Chairman, I thank my colleague from Minnesota for yielding.

I just want to add to, and I hope very briefly, the common sense that I am hearing out of people like the gentleman from Texas [Mr. STENHOLM] and the gentleman from Minnesota [Mr. PENNY] with regard to this amendment.

We have got to represent in our budgets the things that we are doing here in Washington in terms that most Americans can understand and believe. That is what we dealt with on Wednesday with the congressional accountability legislation, where we voted to bring Congress under every law that it passes for the rest of the country. That is what we have to do here when we talk budgets with small business people, with housewives, with those American citizens that live throughout the country and are trying to make sense out of these convoluted and complicated processes.

We are not changing the numbers. We are not misrepresenting anything. We are putting it all in terms that the average American can easily grasp. I think, quite honestly, it will make it easier for many of us here in Congress to understand as well. We have already had the zig explained. Now we have to make sure we get the zag out of there

and come up with a budget we all understand. I urge support for the Penny amendment, and no vote on the Spratt amendment.

Mr. SPRATT. Madam Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. SABO], the distinguished chairman of the Committee on the Budget.

Mr. SABO. Madam Chairman, I rise in support of the Spratt amendment. If you wanted the most complete, total information available using a variety of options, you support Spratt. You compare it to last year, you compare it to existing law, you compare it to the existence of inflation.

To the last speaker, I would only say when he plans for the future and having resources available to educate his kids, I hope he considers the long-term impact of inflation. Most Americans do. When Americans plan for their retirement, they consider the impact of inflation. We should too. When we look at what has historically happened in our country, we need to know how programs have changed, dollar for dollar. But we also need to know how it has been impacted by inflation.

□ 1330

When we measure the wage base of the American public and how, frankly, it has declined for millions of Americans over the last 20 years, we use inflation to understand that change and what is happening to millions of working Americans.

So, Madam Chairman, if we want to preserve the most options and understand what is happening with Federal budget policy, rather than fitting some little dogma, we vote for the Spratt amendment.

Mr. PENNY. Madam Chairman, I yield 1 minute to the gentleman from Ohio [Mr. HOKE].

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

I just wanted to add an anecdote from last summer that I thought might be of interest to the House.

Then Director of OMB, Leon Panetta, was in Cleveland for a roundtable conference. He is now, of course, the President's Chief of Staff. We were talking about the budget.

And I said we ought to start cutting with the Government, the Federal Government, ourselves. And Mr. Panetta said, "We did, we cut the pay of Federal workers."

And I looked at him and I said, "That is not true. We didn't cut the pay of Federal workers at all."

He said, "Yes, we have decreased the amount of the increase."

I said, "Mr. Panetta, when you say to the people in Parma, OH or in Rocky River that you have cut their pay, that means that if they made \$34,000 this year, they will make \$35,000 next year. That is a pay cut. It is not a decrease in an increase."

Mr. Panetta looked at me like I was from another planet. This is the former chairman of our distinguished Committee on the Budget.

That is the whole problem that we have got here in Washington with this baseline budgeting. I call it the dark alchemy of numbers.

Mr. PENNY. Madam Chairman, I yield 1 minute to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Madam Chairman, I think when we go to explain how we are cutting spending to the American public, they do not understand because of the current system we are in.

I talked to my Mom. And I said, Mom, we are going to have a turkey for Thanksgiving, but next year the whole family is going to come so we need 10 turkeys. But came this year, the family called up and said, Mom, we cannot come. So we canceled the 10 turkeys and we stuck with the one turkey.

Under this system, we would tell the American public that we just cut 90 percent of the turkey expenditures. It is just not true.

We need to tell the American people instead of being able to confuse them, let them know exactly what they are spending.

As far as inflation, we could take care of inflation every year, because that happens yearly, not biyearly.

Mr. PENNY. Madam Chairman, I yield 1 minute to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Madam Chairman, not one person in this Nation sits at their kitchen table and plans for the next year, assuming they are going to get a salary increase equal to inflation.

Nobody does. It would be awfully nice if they could. Most of them do not get a salary increase equal to inflation.

Why does this Congress continue to believe it is all right for us to assume the budget is going to go up by inflation and only above inflation that we should tell the citizens of America that we increase spending? Get real.

This is about sunshine. This is about honesty. This is about accountability. And this is easy. The simple things in life matter. We will never ever cast a more important vote than we will cast today on this issue for deficit reduction. Because if we pass this, from now on the public will be able to see whether we increase spending 1 percent or 2 percent and we can say, yes, that is less than inflation.

They will be able to see what we are doing and judge us by our work.

Mr. PENNY. Madam Chairman, in urging a no vote on Spratt for those who voted yes on Penny, I yield my final minute and a half to the gentleman from California [Mr. COX].

Mr. COX. Madam Chairman, a recent survey of the American people asked them do you trust Congress to do the

right thing most of the time. One percent said yes.

Why are the American people so cynical? It is because we can do things like call a spending increase a spending cut.

If we abolish baseline budgeting, we will not stop spending increases. We will simply require that when we increase spending, we say so. And we do not call it a cut.

Recently, a bipartisan coalition proposed reforms in 12 Federal programs. Overall the proposal allowed spending to grow by \$18 billion. But using this baseline budgeting technique, the supporters of big spending were able to claim that the coalition wanted to cut spending these in programs by \$11 billion.

Now we are going to compound the deficit of baseline budgeting by using a procedural trick called king of the hill. After pretending to say that we stopped baseline budgeting, we can come back and use king of the hill to undo it all.

The Penny-Kasich-Stenholm amendment passed by 247 to 171. It abolishes baseline budgeting. Now the Spratt amendment is offered to repeal it. Cynical Members of Congress who just minutes ago voted to abolish the accounting trick that says a spending increase is really a cut can now vote to put this accounting slight of hand back into the big spenders bag of tricks. This is double deception.

Thomas Jefferson once noted, "He who permits himself to tell a lie once finds it much easier to do it a second and a third time until at length it becomes habitual. The falsehood of the tongue leads to the falsehood of the heart and in time depraves all good dispositions."

Jefferson was right. The baseline is a lie and it eats away at the credibility of this Congress. The king-of-the-hill procedure is a deceit. We should abandon use of this practice at once.

I urge my colleagues to vote "no" on this double deception.

The CHAIRMAN. All time of the gentleman from Minnesota [Mr. PENNY] has expired.

Mr. SPRATT. Madam Chairman, I yield myself the balance of my time.

Madam Chairman, let me first make the argument that a vote for Spratt for the underlying base bill is completely consistent, even though you may have voted for the Stenholm-Penny-Kasich substitute. Why is that?

Undoubtedly Members of the House voted for Penny-Kasich-Stenholm because they wanted to have a frozen baseline. They wanted to have this year's spending baseline against which to measure increases in next year's budget. I understand that.

Indeed, we have, as a first step in this bill, accommodated that desire on the part of all Members and the desire of the public by having a current funding baseline authorized in this bill. It represents actual funding, what CBO calls a freeze.

There is also a need expressed by the fact that we use it continually for a current policy baseline both for us and for the public. And so if Members vote now for Spratt, we will simply say we want to have what we voted for before. We want the current funding baseline. But we would also like to have and have it displayed in the budget documents the current policy baseline.

Those who want to argue that an increase is an increase and a cut is a cut will have the current funding baseline against which to measure what is an increase and what is a cut. Those who would like to say, we are not keeping the Social Security Program adequately funded, we are not keeping Medicare adequately funded to maintain the benefits that are existing this year and next year, would have a current policy baseline as well.

We talk about entitlements but it applies to defense as well. If you want a current policy baseline so that you can say, do not fool yourself, a \$1 billion increase in defense is not an increase, it is really a decrease. It will mean less pay, less O&M, less things that we essentially need for financial security. You need the current policy baseline for that purpose.

So this is a consistent vote. Members can vote to uphold what they voted for before because that is in this bill. But vote also for something useful, something analytically purposeful, the current policy baseline.

Vote for Spratt. Vote for good budget, full disclosure.

Mr. CONYERS. Madam Chairman, I rise in support of the legislation proposed by Representative SPRATT, a member of the Government Operations Committee, to reform our budget laws and provide more complete budgetary information to Congress.

H.R. 4907 reforms the baseline concept for the congressional budget and appropriations process. Currently, a program's baseline is adjusted each year so its spending level keeps pace with inflation and other factors. These adjustments make sure that Members of Congress, when asked to vote on budget and appropriations bills, are aware of the full cost of today's programs. H.R. 4907 would keep this baseline calculation and add a current funding baseline, which is not adjusted to reflect inflation.

In a series of Government Operations Committee hearings, several of our colleagues criticized the current baseline as providing for automatic spending increases and permitting Congress to call reductions in the size of the baseline increase a cut in spending.

These colleagues would prohibit inflation adjustments as Congress considers program funding levels. However, inflation is a very real cost for Federal programs.

The current baseline lets Members know that \$1 of services this year is worth 97 cents next year because of inflation. Many Members want to know this information because it represents real reductions in programs, whether for kids or the Pentagon.

The new baseline estimate proposed in this bill would give Members a program's

uninflated baseline. This should satisfy those Members who think the most important information is how much we spent last year.

Unlike the alternatives we will consider today, H.R. 4907 puts all of the information, with and without inflation, adjustments, before Members of Congress. We should not put new restrictions on the information Members of Congress can, and cannot, consider when making spending decisions. We cannot do our job if we have only half of the needed information.

If we are to impose spending cuts, we need to know what the full impact of these decisions will be. We cannot do this if we ignore the current costs of today's problems by focusing only on last year's costs. Under such a formula, Congress would always be behind the curve in addressing today's urgent priorities.

Madam Chairman, I urge adoption of H.R. 4907. The legislation will present all of the information Members of Congress need to fully evaluate spending decisions. I urge opposition to amendments which require Congress to turn a blind eye to today's needs. Thank you, and I yield back the balance of my time.

□ 1340

The CHAIRMAN. All time has expired.

The question is on the amendment in the nature of a substitute offered by the gentleman from South Carolina [Mr. SPRATT].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SPRATT. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 170, noes 243, not voting 26, as follows:

[Roll No. 396]

AYES—170

Abercrombie	Derrick	Johnson, E.B.	Sarpallus	Torres	
Ackerman	Deutsch	Johnston	Sawyer	Torrice	
Andrews (ME)	Dicks	Kanjorski	Schumer	Towns	
Applegate	Dingell	Kaptur	Scott	Traficant	
Barlow	Dixon	Kennedy	Serrano	Tucker	
Becerra	Durbin	Kennelly	Sharp	Unsold	
Bellenson	Edwards (CA)	Kildee	Skaggs	Velazquez	
Berman	Engel	Klein	Skelton	Visclosky	
Bevill	Eshoo	Klink	Slaughter	Volkmer	
Bilbray	Evans	Kopetski	Smith (IA)	Waters	
Bishop	Farr	Kreidler	Spratt	Watt	
Blackwell	Fazio	LaFalce	Stark	Waxman	
Bonior	Flner	Levin	Stokes	Wheat	
Borski	Flake	Lewis (GA)	Strickland	Whitten	
Boucher	Foglietta	Lowey	Studds	Wilson	
Brooks	Ford (MI)	Maloney	Stupak	Wise	
Brown (CA)	Ford (TN)	Manton	Swift	Woolsey	
Brown (FL)	Frank (MA)	Markey	Tejeda	Wyden	
Bryant	Gephardt	Martinez	Rush	Wynn	
Byrne	Gibbons	Matsui	Sabo	Yates	
Cardin	Gonzalez	McCloskey	Sanders		
Carr	Green	McDermott			
Chapman	Gutierrez	McKinney			
Clay	Hall (OH)	McNulty			
Clayton	Hamburg	Meek			
Clyburn	Hamilton	Menendez			
Coleman	Hastings	Mfume			
Collins (IL)	Hefner	Miller (CA)			
Collins (MI)	Hilliard	Mineta			
Conyers	Hinchey	Mink			
Costello	Hoagland	Moakley			
Coyne	Hochbrueckner	Mollohan			
de la Garza	Holden	Moran			
de Lugo (VI)	Hoyer	Murtha			
DeLauro	Hughes	Nadler			
Dellums	Jefferson	Neal (MA)			
			Allard	Franks (NJ)	Machtley
			Andrews (NJ)	Frost	Mann
			Andrews (TX)	Furse	Manzullo
			Archer	Gallely	Margolis
			Army	Gallas	Mezvinsky
			Bachus (AL)	Gekas	Mazzoli
			Baessler	Geren	McCollum
			Baker (CA)	Gilchrist	McCrery
			Baker (LA)	Gillmor	McCurdy
			Barca	Gilman	McDade
			Barca	Gingrich	McHale
			Barrett (NE)	Glickman	McHugh
			Barrett (WI)	Goodlatte	McInnis
			Bartlett	Goodling	McKeon
			Bateman	Gordon	McMillan
			Bentley	Goss	Meehan
			Bereuter	Grams	Meyers
			Bilbrakis	Grandy	Mica
			Bliley	Greenwood	Miller (FL)
			Blute	Gunderson	Minge
			Boehlert	Hall (TX)	Molinari
			Boehner	Hancock	Moorhead
			Bonilla	Hansen	Morella
			Browder	Harman	Murphy
			Brown (OH)	Hastert	Myers
			Bunning	Hayes	Neal (NC)
			Burton	Hefley	Nussle
			Buyer	Herger	Orton
			Callahan	Hobson	Oxley
			Calvert	Hoekstra	Packard
			Camp	Hoke	Pallone
			Canady	Horn	Parker
			Cantwell	Houghton	Paxon
			Castle	Huffington	Payne (VA)
			Clement	Hunter	Penny
			Clinger	Hutchinson	Peterson (MN)
			Coble	Hutto	Petri
			Collins (GA)	Hyde	Pickett
			Combest	Inglis	Pombo
			Condit	Inhofe	Porter
			Cooper	Inslee	Portman
			Coppersmith	Istook	Poshard
			Cox	Jacobs	Pryce (OH)
			Cramer	Johnson (CT)	Quillen
			Crane	Johnson (GA)	Quinn
			Crapo	Johnson (SD)	Ramstad
			Cunningham	Johnson, Sam	Ravenel
			Danner	Kasich	Regula
			Darden	Kim	Ridge
			Deal	King	Roberts
			DeFazio	Kingston	Roemer
			DeLay	Kleccka	Rogers
			Diaz-Balart	Klug	Rohrabacher
			Dickey	Knollenberg	Ros-Lehtinen
			Dooley	Kolbe	Roth
			Doollittle	Kyl	Roukema
			Dornan	Lambert	Rowland
			Dreier	Lancaster	Royce
			Duncan	LaRocco	Sangmeister
			Dunn	Laughlin	Santorum
			Edwards (TX)	Lazio	Saxton
			Ehlers	Leach	Schaefer
			Emerson	Lehman	Schenk
			English	Levy	Schiff
			Everett	Lewis (CA)	Schroeder
			Ewing	Lewis (KY)	Sensenbrenner
			Fawell	Lightfoot	Shaw
			Fields (TX)	Linder	Shays
			Fingerhut	Lipinski	Shepherd
			Fish	Livingston	Shuster
			Fowler	Long	Sisisky
			Franks (CT)	Lucas	Skeen

NOES—243

Smith (MI)	Swett	Vucanovich
Smith (NJ)	Talent	Walker
Smith (OR)	Tanner	Weldon
Smith (TX)	Tauzin	Wolf
Snowe	Taylor (MS)	Young (AK)
Solomon	Taylor (NC)	Young (FL)
Spence	Thomas (CA)	Zeliff
Stearns	Torkildsen	Zimmer
Stenholm	Upton	
Stump	Valentine	

NOT VOTING—26

Bacchus (FL)	Lloyd	Sundquist
Balinger	McCandless	Synar
Barton	Michel	Thomas (WY)
Brewster	Montgomery	Underwood (GU)
Faleomavaega	Pickle	Vento
(AS)	Reynolds	Walsh
Fields (LA)	Romero-Barcelo	Washington
Gejdenson	(PR)	Williams
Lantos	Rostenkowski	
Lewis (FL)	Slattery	

□ 1358

The Clerk announced the following pairs:

On this vote:

Mr. Pickle for, with Mr. Barton against.

Mr. Vento for, with Mr. Thomas of Wyoming against.

Ms. FURSE changed her vote from "aye" to "no."

Mr. NEAL of Massachusetts changes his vote from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. GEJDENSON. Madam Chairman, today I was absent for rollcall votes Nos. 395 and 396. Had I been present, I would have voted against the Penny amendment, No. 395, and in favor of the Spratt amendment, No. 396.

PERSONAL EXPLANATION

Mr. BALLENGER. Mr. Speaker, unfortunately I missed rollcall vote 396 on the Spratt amendment to H.R. 4907, the Full Budget Disclosure Act of 1994. Had I been present, I would have voted "no."

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MCDERMOTT) having assumed the chair, Mrs. SCHROEDER, 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. 4907) to reform the concept of baseline budgeting, pursuant to House Resolution 512, she 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 the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the

Whole? If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, 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 the third time.

The SPEAKER pro tempore. 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. COLEMAN. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Was the gentleman on his feet?

Mr. COLEMAN. The gentleman was on his feet.

The SPEAKER pro tempore. The Chair will recognize that the gentleman was on his feet. The Chair will count for the yeas and nays. Those favoring the yeas and nays will rise and be counted. Members may be seated.

The Chair will count the House. In a House of obviously more than 220 Members, the Chair counts 45 in favor of a vote by the yeas and nays. Therefore, an insufficient number has arisen.

The yeas and nays were refused.

So the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DERRICK. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks, and include extraneous material, on H.R. 4907, the bill just passed.

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

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 1426. An act to provide for the maintenance of dams located on Indian lands by the Bureau of Indian Affairs or through contracts with Indian tribes.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 2921. An act to authorize appropriations for the preservation and restoration of historic buildings at historically black colleges and universities;

H.R. 4569. An act to extend and make amendments to the President John F. Ken-

nedy Assassination Records Collection Act of 1992;

H.R. 4606. An act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1995, and for other purposes;

H.R. 4812. An act to direct the Administrator of General Services to acquire by transfer the Old U.S. Mint in San Francisco, California, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 4606) "An Act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1995, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HARKIN, Mr. BYRD, Mr. HOLLINGS, Mr. INOUE, Mr. BUMPERS, Mr. REID, Mr. KOHL, Mrs. MURRAY, Mr. SPECTER, Mr. HATFIELD, Mr. STEVENS, Mr. COCHRAN, Mr. GORTON, Mr. MACK, and Mr. BOND, to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2243) "An Act to amend the Federal Trade Commission Act to extend the authorization of appropriations in such Act, and for other purposes."

The message also 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. 4506) "An Act making appropriations for energy and water development for the fiscal year ending September 30, 1995, and for other purposes."

The message also announced that the Senate agree to the amendments of the House of Representatives to the amendments of the Senate numbered 2, 4, 8, 28, 48, and 49, to the above-entitled bill.

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

S. Con. Res. 60. Concurrent resolution expressing the sense of the Congress that a postage stamp should be issued to honor the 100th anniversary of the Jewish War Veterans of the United States of America.

The message also announced that pursuant to Public Law 99-498, the Chair, on behalf of the President pro tempore, reappoints William C. Hiss of Maine, to the Advisory Committee on Student Financial Assistance for a 3-year term effective October 1, 1994.

LEGISLATIVE PROGRAM

(Mr. GINGRICH asked and was given permission to address the House for 1 minute.)

Mr. GINGRICH. Mr. Speaker, I ask to proceed for the purpose of receiving the

schedule from the majority leader, and I yield to my good friend, the gentleman from Missouri, for that purpose.

Mr. GEPHARDT. I thank the gentleman for yielding. There will not be further votes today.

On Monday, August 15, the House will not be in session.

Tuesday, August 16, the House will meet at 10:30 a.m. for morning hour. The House will meet at noon on Tuesday for 12 bills under suspension. The bills are:

H.R. 1103, Secondary Transmissions Of Superstations And Network Stations For Private Home Viewing;

H.R. 2866, Headwaters Forest Act;

H.R. 4884, Criminal Justice Information Services Placement Assistance Act;

H.R. 4867, High Speed Rail Development Act of 1994;

H.R. 4868, Railroad Unemployment Insurance Amendments Act of 1994;

H.R. 2178, Hazardous Materials Transportation Act Amendments;

H.R. 4812, To Direct The AGS To Acquire Title To The Old U.S. Mint In San Francisco, CA;

H.R. 4709, To Make Certain Technical Amendments;

H.R. 3508, Tribal Self-Governance Act of 1994;

H.R. 2947, Two Year Extension Of The Black Revolutionary War Patriots Foundation To Establish A Memorial;

H.R. 2815, Farmington Wild and Scenic River Act; and

H.R. 1305, Minor Boundary Adjustments and Miscellaneous Park Amendments.

We will try to not have votes until 5 o'clock on Tuesday afternoon on the suspension bills.

On Wednesday, August 17, and the balance of the week, the House will meet at 10 a.m. on Wednesday, Thursday, and possibly Friday. We will have H.R. 4906, Emergency Spending Control Act of 1994, subject to a rule; H.R. 3433, providing for the management of the Presidio, subject to a rule; H.R. 4908, hydrogen and fusion research and development programs authorization, subject to a rule; S. 2182, Department of Defense authorization conference report, subject to a rule; H.R. 3355, the Omnibus Crime Control Act conference report again, subject to a rule; H.R. 3800, Superfund Reform Act of 1994, subject to a rule; S. 349, Lobbying Disclosure Act of 1994 conference report; and S. 3, Congressional Spending Limit and Election Reform Act of 1994, conference report, subject to a rule.

There are other conference reports that may be brought up at any time.

I would say to the gentleman, we are continuing on both sides with different groups of Members working with the Congressional Budget Office on scoring the various health bills. It is our intention to try to get to health care if and when the Congressional Budget Office

is finished that material. As the Members know, this is an interactive process and there is no way to predict, unfortunately, when that will be finished and we will just have to keep Members apprised on a day-by-day basis of where we are on that.

Mr. GINGRICH. If I could ask the majority leader, first I want to reconfirm for Members if they are back by 5 o'clock on Tuesday, that is when votes, in your judgment, will probably begin, for Members in terms of arranging plans, is that correct?

Mr. GEPHARDT. The gentleman is correct.

Mr. GINGRICH. I want to walk through the health thing if I could for just a second. As I understand it, this is an extraordinary complex business and we have talked about it at length together, making sure that the Congressional Budget Office scoring is accurate, which takes time, and at the same time having an opportunity to interact with the authors of each bill because, as the gentleman knows, as we go through each part of this process it changes the whole nature of what we are doing.

I have two questions I guess. One is should Members for the present time plan on the week after next being here, or does the gentleman have any notion at this stage what plans they should make for the week after next?

Mr. GEPHARDT. We will have to advise them again next week on a day-by-day basis as we see where we are with the Congressional Budget Office work. As the gentleman knows, we have procedures without a recess motion that could be used to keep the House in session as long as the Senate is in session, and we anticipate it will be. We can go 3 days to 3 days under our rules and allow Members to not be here for votes, but keep the House in session and continue to work to see if we can get a solution to the CBO analysis problem.

Mr. GINGRICH. My second question is on the health side we had talked at one point about a very orderly procedure, which I found very attractive to begin the debate in an orderly way and have plenty of general debate time because of the intensity and scale of this issue, allow all of the various proponents of different bills to have a chance, and then move into a process with a second rule looking at any amendments, and looking at voting on the various alternatives.

In your judgment, the gentleman and the Democratic leadership yet decided whether we should wait until we are certain of the whole scoring process before we begin the initial general debate, or whether we should try to begin that late next week, or again, just for the purpose of those Members on both sides who may want to prepare remarks on an issue of this importance, do you have any thoughts at this stage on how we might proceed?

Mr. GEPHARDT. I do not want to stop anyone from writing a speech. But I do think that we are going to have hearings next week in the Rules Committee. We will continue on the bills. I think Members can anticipate that they may want to be involved in testifying there.

But I do think that it is hard to have meaningful debate on these bills until we know exactly what their provisions are, and again, the provisions may have to change as a result of the scoring necessities.

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Mr. GINGRICH. I would rather have us, as you know, go in an orderly manner, so you are not going to get any complaints on our side if we allow the scoring and the drafting and the technicalities to be worked out prior to beginning debate.

Because I think on an issue that affects the whole country on this scale, that is the right way to do it. So you will not hear any carping or complaining.

One other item, I noticed you mentioned here H.R. 3355, the Omnibus Crime Control Act. I would just like to comment and report to the House that a few minutes ago Senator DOLE and I along with four members of the conference sent a letter to the President on Air Force One offering to meet early this evening and discuss the possibility of bipartisan help in reporting the conference and that the 11 Republicans who voted "yes" yesterday on the rule have also sent a letter to the President indicating a desire to work with him in a bipartisan manner to get this bill re-written.

So I just want Members to know we are prepared, if necessary, to work starting this weekend in a bipartisan manner to reopen the conference and to try to get to a passable crime bill as early as possible.

Mr. GEPHARDT. We have been meeting with a lot of our Members today to talk about the crime bill. We are trying to work toward a solution.

ADJOURNMENT FROM TODAY, FRIDAY, AUGUST 12, 1994, TO TUESDAY, AUGUST 16, 1994

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10:30 a.m. on Tuesday, August 16, 1994.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the business

in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

NORTHERN GREAT PLAINS RURAL DEVELOPMENT ACT

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture be discharged from further consideration of the Senate bill (S. 2099) to establish the Northern Great Plains Rural Development Commission, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

Mr. ROBERTS. Mr. Speaker, reserving the right to object, I shall not object, but under my reservation, I yield to the distinguished chairman to explain the purpose of the bill.

Mr. DE LA GARZA. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the Northern Great Plains Rural Development Act would establish a commission to study and make recommendations regarding the economic development needs of the rural northern Great Plains States of South Dakota, North Dakota, Nebraska, Minnesota, and Iowa.

Mr. Speaker, S. 2099, the Northern Great Plains Rural Development Act, would establish a commission to study and make recommendations regarding the economic development needs of the rural northern Great Plains States of South Dakota, North Dakota, Nebraska, Minnesota, and Iowa.

The legislation seeks to achieve this objective by seeking and encouraging the participation and input of a broad range of interested citizens in these States. The Commission proposed in the bill would be comprised of 10 members. Five are to be selected by the States with each Governor appointing one member, and five are to be selected by the Federal Government with the Secretary of Agriculture appointing one member from each of the five States.

The legislation requires the Commission to hold hearings, conduct studies, and determine the appropriate strategies for promoting development in the rural areas of the Northern Great Plains. The bill also states that the Commission will terminate in not less than 2 years.

Mr. Speaker, S. 2099 will provide a mechanism for State and local leaders, working with USDA, to develop a long-term, cooperative plan that enables the rural areas of these States to build on their shared and unique strengths and to overcome their common problems.

I commend the gentleman from South Dakota [Mr. JOHNSON] for introducing in the House the companion bill to this measure. The

bill has support from lawmakers in all of the States included in the bill.

The Committee on Agriculture has approved this legislation by voice vote. And I urge my colleagues in the House to support its passage.

Mr. ROBERTS. Mr. Speaker, further reserving the right to object, this legislation passed the Senate by unanimous consent on June 22 and was routinely reported by the Committee on Agriculture by voice vote; it is identical to a companion House bill, H.R. 4388. There was no dissent on the Republican side concerning this legislation in Committee.

The bill sets up a rural development commission to study the economic problems of the northern Great Plains, specifically the States of South and North Dakota, Nebraska, Minnesota, and Iowa. It requires input from a wide array of interest groups, including local, regional and State governments, nonprofit organizations, agricultural and business groups in the area. They are required to come up with a strategy to address the economic needs of the region, which are similar to the problems of our agricultural economy nationally.

This legislation is similar to the Mississippi Delta Commission that was authorized in 1988, but the authorization expires following the Commission's report or within 2 years of enactment. It is my understanding funds have been provided in the Senate agricultural appropriations bill. The bill has broad support among the Members representing congressional districts in the regions and unanimous support from those States in the other body.

I would urge adoption of the bill.

Mr. 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 Senate bill, as follows:

S. 2099

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 "Northern Great Plains Rural Development Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) the rural economy of the Northern Great Plains is undergoing a substantial and potentially threatening transformation;

(2) the rural Northern Great Plains suffers from substantial measurable poverty, unemployment, outmigration, underemployment, aging of the population, and low per capita income;

(3) the Northern Great Plains is highly rural and has a highly dispersed population, and contains many Native American reservations;

(4) many of the basic industries of the rural Northern Great Plains in natural resources are under stress;

(5) a concerted Federal, State, and local public and private effort is needed if the

rural Northern Great Plains is to share in the general prosperity of the United States;

(6) the creation of jobs and expansion of existing businesses, including small businesses, offer the greatest hope for rural economic growth and revitalization in the Northern Great Plains;

(7) the availability of capital, technology, market information, infrastructure development, educational opportunities, health care, housing, recreational activities, and resource development are essential to successful business development in the rural Northern Great Plains;

(8) the transportation needs of the rural Northern Great Plains must be addressed through highway and bridge construction, air service availability, and rail service and river transport development;

(9) because of the social, geographic, weather, historical, and cultural ties of the rural Northern Great Plains as well as common economic problems, planning for this unique region is desirable and urgently needed; and

(10) in the rural Northern Great Plains, the tourism industry offers significant additional potential for supporting economic development and job growth, fostered by the wise stewardship of natural resources.

SEC. 3. PURPOSE.

The purpose of this Act is to establish the Northern Great Plains Rural Development Commission to study and make recommendations regarding the economic needs and economic development of the rural Northern Great Plains by seeking and encouraging the participation of interested citizens, public officials, groups, agencies, businesses, and other entities in developing a 10-year rural economic development plan for the Northern Great Plains.

SEC. 4. DEFINITIONS.

As used in this Act:

(1) CHAIRPERSON.—The term "chairperson" means the chairperson of the Commission.

(2) COMMISSION.—The term "Commission" means the Northern Great Plains Rural Development Commission.

(3) NORTHERN GREAT PLAINS.—The term "Northern Great Plains" means the States of North Dakota, South Dakota, Nebraska, Iowa, and Minnesota.

(4) STATE.—The term "State" means a State in the Northern Great Plains.

SEC. 5. ESTABLISHMENT.

There is established a Commission to be known as the "Northern Great Plains Rural Development Commission".

SEC. 6. MEMBERSHIP AND ORGANIZATION.

(a) MEMBERSHIP.—The Commission shall be composed of 10 members, of whom—

(1) 1 member shall be appointed by the Governor of each State; and

(2) 1 member shall be appointed from each of the States by the Secretary of Agriculture.

(b) TERM.—Each member of the Commission shall serve for such term as the official who appoints the member determines is appropriate.

(c) QUORUM.—Five members of the Commission shall constitute a quorum, but the Commission may establish that a lesser number shall constitute a quorum for the purpose of conducting hearings.

(d) MEETINGS.—

(1) FIRST MEETINGS.—Five or more members appointed under subsection (a)(1) shall determine the date, time, and place of the first meeting, and shall call the first meeting. At the first meeting, the members of the Commission shall appoint a chairperson

from among the members appointed under subsection (a)(1). The first meeting of the Commission shall be held not later than 45 days after the date of enactment of this Act.

(2) **ADDITIONAL MEETINGS.**—The Commission shall conduct such additional meetings as the Commission determines are appropriate.

(e) **APPOINTMENTS.**—Each appointment under this Act shall be made not later than 30 days after the date of enactment of this Act.

(f) **VACANCIES.**—A vacancy on the Commission shall not affect the powers of the Commission and shall be filled in the same manner in which the original appointment was made.

(g) **HEADQUARTERS.**—The Commission shall establish the location for the headquarters of the Commission.

SEC. 7. DUTIES.

(a) **PLAN.**—The Commission shall identify and study the economic development, infrastructure, technology, telecommunications, capital, employment, transportation, business resource development, education, health care, housing, and recreation needs of the Northern Great Plains and develop a 10-year plan that makes recommendations and establishes priorities to address the needs.

(b) **PREPARATION OF PLAN.**—In developing the plan, the Commission shall, with respect to the Northern Great Plains—

(1) sponsor and conduct investigations, research studies, and field hearings;

(2) review and evaluate available research, studies, and information on conditions in the areas referred to in subsection (a);

(3) study the economy, identifying strengths, weaknesses, participation levels, opportunities, and methods of addressing outmigration;

(4) develop a profile of, and a description of resources devoted to, economic development (including tourism), human resources (including demographics, outmigration, poverty, Native Americans, education, and training), infrastructure (including air, water, highway, rail, and telecommunications), and natural resources;

(5) study and evaluate the economic development resources, coordination, collaboration, and "best practices" of the Federal, State, and local governments, nonprofit organizations, universities, businesses, agricultural and natural resources groups, foundations, cooperatives, and other organizations;

(6) identify methods of facilitating the employment and business startups of unemployed, underemployed, and low-income individuals and households;

(7) identify effective methods for promoting development on Native American reservations;

(8) study the availability of methods of delivering public, private, and nonprofit capital and technical assistance for business startups and expansions, including farming and ranching;

(9) evaluate the availability of, need for, and strategies for providing and maintaining, the infrastructure, including air, water, highway, rail, and telecommunications;

(10) study the structure and potential development of major industries, including agriculture, timber, mining, tourism, and manufacturing (including the use of advanced technologies and processes and adding value to raw materials and component parts);

(11) study the competence and availability of the labor force, including the health, educational, training, housing, and economic needs of the labor force;

(12) develop an inventory of water, mineral, energy, timber, agricultural, fishery, wildlife, and other natural resources;

(13) assess the comparative cost of doing business;

(14) assess the international trading levels, markets, and practices, and potential opportunities;

(15) assess the interconnection between metropolitan and rural areas and identify methods through which the areas can collaborate;

(16) assess methods by which small communities and regions are collaborating or can collaborate in economic development initiatives;

(17) evaluate—

(A) the distribution and impact of Federal spending, including grant-in-aid programs, research, and Federal procurement, and compare the level of spending in these categories with spending in other regions of the country; and

(B) the extent to which reliance on Federal, State, and local government outlays for poverty programs can be reduced by outlays targeted for economic development;

(18) identify Federal, State, and local government programs, policies, and regulations that enhance or obstruct the development of businesses and well-paying jobs with long-term potential and that effectively use the skills, education, and training of the labor force;

(19) evaluate the potential for States to jointly finance projects and activities of regional benefit; and

(20) analyze such other issues as the Commission determines are relevant to future economic development.

(c) **DEVELOPMENT OF PLAN.**—In developing the plan, the Commission shall—

(1) provide a forum for the consideration of the problems of the rural Northern Great Plains and proposed solutions, and establish and utilize citizens groups, special advisory councils, public hearings, and conferences;

(2) seek and encourage the participation of interested citizens, public officials, groups, agencies, economic development organizations, natural resource organizations, and other organizations;

(3) make the Commission accessible to the individuals, groups, agencies, and organizations referred to in paragraph (2) by holding at least 1 well publicized public hearing in each State; and

(4) consult with—

(A) Federal, State, and local government agencies, including the Departments of Agriculture, Commerce, Education, Labor, Health and Human Services, Housing and Urban Development, and Transportation, and the Small Business Administration, bank regulatory agencies, and rural development councils;

(B) banks, insurance companies, venture capital companies, and other for-profit financial institutions;

(C) nonprofit and community-based development organizations, revolving loan funds, and other organizations;

(D) industry and sectoral organizations;

(E) foundations and universities; and

(F) other organizations involved in economic development activities.

SEC. 8. COMPENSATION OF MEMBERS.

(a) **MEMBERS APPOINTED BY GOVERNORS.**—Each member of the Commission appointed by a Governor of a State may be compensated by the State that the member represents.

(b) **MEMBERS APPOINTED BY THE SECRETARY.**—Each member appointed by the Secretary of Agriculture, who is not otherwise employed by the United States Government, shall receive compensation at a rate

determined by the Secretary of not to exceed the daily equivalent of the lowest annual rate of basic pay payable for grade GS-15 of the General Schedule under section 5332 of title 5, United States Code, including travel-time, for each day the member is engaged in the actual performance of the duties of the Commission. A member of the Commission appointed by the Secretary who is an officer or employee of the United States Government shall serve without additional compensation.

(c) **TRAVEL AND OTHER EXPENSES.**—Each member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of services for the Commission. Each member of the Commission shall also be reimbursed by the United States Government for other necessary expenses incurred by the member in the performance of the duties of the member.

SEC. 9. POWERS AND ADMINISTRATIVE PROVISIONS.

(a) **EXPERTS AND CONSULTANTS.**—The Commission may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code.

(b) **FINANCIAL AND ADMINISTRATIVE SERVICES.**—The Commission may enter into agreements with the Administrator of General Services for the procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as are agreed on by the chairperson and the Administrator of General Services.

(c) **CONTRACTS.**—Subject to subsection (d), the Commission may enter into contracts with Federal and State agencies and private firms, institutions, and agencies for the conduct of research and surveys, the preparation of reports, and other activities necessary to carry out the duties of the Commission.

(d) **SUPPLIES, SERVICES, PROPERTY, AND CONTRACTS.**—The Commission may procure supplies, services, and property, and make contracts in any fiscal year, only to such extent and in such amounts as are provided in appropriation Acts.

(e) **HEARINGS.**—The Commission or, on the authorization of the Commission, a member of the Commission may, for the purpose of carrying out this Act, hold such hearings, sit and act at such times and places, and request the attendance and testimony of such witnesses and the production of such books, records, memoranda, papers, and documents as the Commission or the member considers appropriate.

(f) **INFORMATION.**—The Commission may acquire directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality, information, suggestions, estimates, and statistics for the purpose of this Act. Each department, bureau, agency, board, commission, office, establishment, or instrumentality shall provide, to the extent permitted by law, the information, suggestions, estimates, and statistics directly to the Commission, upon request by the chairperson.

(g) **PERSONNEL.**—

(1) **IN GENERAL.**—Without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule

pay rates, the chairperson of the Commission may appoint, terminate, and fix the compensation of an Executive Director and such additional personnel as the chairperson determines are necessary to enable the Commission to carry out the duties of the Commission.

(2) **COMPENSATION.**—The rate of compensation of the Executive Director may not exceed 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 such title. The rate of compensation of all other personnel may not exceed a rate equal to the daily equivalent of the lowest annual rate of basic pay payable for grade GS-15 of the General Schedule under section 5332 of such title.

(h) **ASSISTANCE FROM OTHER AGENCIES.**—Upon request of the Commission, the head of any Federal agency may make any of the facilities and services of the agency available to the Commission or detail any of the personnel of the agency to the Commission, on a reimbursable basis, to assist the Commission in carrying out the duties of the Commission under this Act. If the head of an agency determines that the agency cannot make the facilities, services, or personnel available to the Commission, the head shall notify the chairperson in writing.

(i) **POSTAL SERVICES.**—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

SEC. 10. REPORTS.

(a) **INTERIM REPORT.**—Before the end of the 270-day period beginning on the date of the first meeting of the Commission under section 6(d)(1), the Commission shall submit a report to the Secretary of Agriculture, the President pro tempore of the Senate, the Committee on Agriculture, Nutrition, and Forestry of the Senate, the Speaker of the House of Representatives, the Committee on Agriculture of the House of Representatives, the President, and the Governor of each State, describing the findings and activities of the Commission and the further activities necessary to carry out the duties of the Commission.

(b) **FINAL REPORT.**—

(1) **IN GENERAL.**—Before the end of the 18-month period beginning on the date of the first meeting of the Commission under section 6(d)(1), the Commission shall submit to the Secretary of Agriculture, the President pro tempore of the Senate, the Committee on Agriculture, Nutrition, and Forestry of the Senate, the Speaker of the House of Representatives, the Committee on Agriculture of the House of Representatives, the President, and the Governor of each State, a report describing the findings and activities of the Commission and recommendations in accordance with paragraph (2) regarding specific actions that are necessary to promote the economic development of the rural Northern Great Plains while preserving, to the maximum extent possible, the natural beauty and habitat of the Northern Great Plains.

(2) **RECOMMENDATIONS.**—

(A) **REGIONAL COLLABORATION.**—The Commission shall, with respect to the Northern Great Plains—

(i) determine the most effective and appropriate method for ensuring continued collaboration within the region on economic development matters, considering regional compacts, cooperatives, foundations, development corporations, and other agreements and organizations;

(ii) identify the organizational structure, method of financing, functions, and participating organizations, of the collaboration referred to in clause (i);

(iii) identify methods of effective multi-community, substate, and small region development; and

(iv) assess the interconnection between metropolitan and rural areas and identify methods of collaboration between the areas.

(B) **BUSINESS DEVELOPMENT.**—The Commission shall, with respect to the rural Northern Great Plains—

(i) recommend methods of diversifying the rural economy, including the development and financing of value-added and new-use agricultural products;

(ii) develop methods to promote and finance beginning owner-occupied farming and ranching operations;

(iii) recommend methods of promoting entrepreneurial development, including business startups and expansions;

(iv) recommend methods in which the public, private, and nonprofit sectors can help increase international trading levels and penetrate new markets in agricultural, manufactured, and service products;

(v) evaluate the potential utility of business and manufacturing networks in target sectors;

(vi) assess the competitiveness of manufacturers and the use of modern technology, processes, and information by the manufacturers, and methods of assisting manufacturers lacking the technology, processes, or information;

(vii) recommend methods in which capital and technical assistance can be provided on a regional or sectoral basis to business startups and expansions by public, private, and nonprofit organizations; and

(viii) recommend ways in which Federal and State resource conservation programs can be used to encourage tourism in the region.

(C) **CAPITAL.**—The Commission shall, with respect to the rural Northern Great Plains—

(i) determine if there are capital needs in the economy, and in what part of the economy the needs are located, and recommend how governmental, nonprofit, cooperative, community-based, microlending, banking, venture, seed, and nonbanking financing sources can assist in meeting the needs;

(ii) identify such strategies in organization, regulations, policy, marketing, and coordination as are needed to implement a plan to meet the needs referred to in clause (i); and

(iii) recommend methods of utilizing secondary financial markets to increase the capital available for business development.

(D) **INFRASTRUCTURE.**—The Commission shall, with respect to the rural Northern Great Plains—

(i) prepare a plan to preserve, finance, and operate effective freight railroad service in coordination with States, the Federal Railroad Administration, the Interstate Commerce Commission, rail operators, shippers, and the financial community;

(ii) prepare an assessment and agreement on the capital needs, coordination, and financing of telecommunications infrastructure, in cooperation with the Department of Agriculture, the National Telecommunications and Information Administration of the Department of Commerce, the Federal Communications Commission, the public utilities commission of each State, telephone companies and cooperatives, representative users, and such other entities as the Commission determines are appropriate; and

(iii) recommend strategies for addressing air, water, and highway needs.

(E) **HUMAN RESOURCES.**—The Commission shall, with respect to the rural Northern Great Plains—

(i) identify methods of facilitating the employment and business startups of individuals who are not effectively participating in the labor force, including unemployed, underemployed, and low-income individuals and households;

(ii) identify methods of coordinating on a regional or sectoral basis education and training programs that are tied to economic development initiatives, especially programs that address the outmigration of youth; and

(iii) study the competence and availability of the labor force and the effects of the health, educational, training, housing, and economic needs of the labor force, and identify regional strategies addressing the needs.

(F) **GOVERNMENT PROGRAMS, POLICIES, AND REGULATIONS.**—The Commission shall submit to the appropriate government, nonprofit, and private sector organizations recommendations for modifications or additions to the programs, policies, and regulations referred to in section 7(b)(18) to promote the rural development of the Northern Great Plains.

SEC. 11. TERMINATION.

The Commission shall terminate on the earlier of—

(1) 120 days after the date of submission of the final report under section 10; and

(2) 2 years after the date of enactment of this Act.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The Senate bill 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.

PLANT VARIETY PROTECTION ACT AMENDMENTS OF 1993

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent to call up the bill (H.R. 2927) to amend the Plant Variety Protection Act to make such act consistent with the International Convention for the Protection of New Varieties of Plants of March 19, 1991, to which the United States is a signatory, and for other purposes, and ask for its immediate consideration in the House.

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. Mr. Speaker, reserving the right to object, I shall not object, and I yield to the gentleman from Texas [Mr. DE LA GARZA] the chairman of the Committee on Agriculture, to explain the nature and purpose of the bill.

Mr. DE LA GARZA. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the Plant Variety Protection Act Amendments of 1994 would conform current U.S. law with the articles of the International Convention for the Protection of New Varieties of Plants of 1991, otherwise referred to as the UPOV.

Mr. Speaker, H.R. 2927, the Plant Variety Protection Act Amendments of 1994, would conform current U.S. law with the articles of the International Convention for the Protection of New Varieties of Plants of 1991, otherwise referred to as the UPOV Convention.

The primary purpose of this legislation is to strengthen the intellectual property rights of plant breeders and accommodate recent advancements in plant science knowledge and technology.

Since 1970, the Plant Variety Protection Act [PVPA] has provided for the issuance of certificates of plant variety protection. These certificates assure the the developers of novel varieties of sexually reproduced plants have the exclusive rights to sell, reproduce, import, or export such varieties, or use them in the reproduction of hybrids or different varieties.

In order to provide our plant breeders protection in other countries as well, the United States became a member of the UPOV Convention in 1981. The UPOV currently has 25 member countries and provides for uniform practices in the construction and administration of plant variety protection laws in the various member states.

After several years of negotiations, the UPOV Convention was significantly revised in 1991 to provide improved protection for innovative plant varieties. The United States is a signatory to the 1991 agreement. The bill before the House today would conform the current Plant Variety Protection Act to the 1991 UPOV agreement.

Briefly, the major provision of H.R. 2927 would: Prohibit the unauthorized sale of seed by farmers to others; establish new definitions; use the date of filing for protection as the basis for determining eligibility for protection; require that protected varieties be sold by variety name only—with a narrow exemption provided for certain turf and forage grass seeds; extend protection to first generation hybrids; extend the period of protection from 18 to 20 years for most crops and from 18 to 25 years for trees and vines.

Mr. Speaker, each of these changes are needed to conform U.S. law to the 1991 act of the UPOV Convention. In addition, and at the request of the potato industry, a provision is made for including tuber-propagated varieties within the scope of the PVPA.

Mr. Speaker, the development of new plant varieties is time-consuming and costly.

Many years must be spent in the development of a single new variety, with no guarantee of its success or profit. By granting an owner of a variety the right to prevent unauthorized sale of seed of that variety, this legislation will provide that owner with the opportunity to recover the costs of development.

Mr. Speaker, H.R. 2927 will encourage and protect the investment in research into new varieties necessary to respond to the changing needs of American agriculture. I urge my colleagues in the House to support passage of this legislation.

Mr. ROBERTS. Mr. Speaker, further reserving the right to object, I thank the gentleman for his explanation.

Mr. Speaker, I rise in support of H.R. 2927, the Plant Variety Protection Act Amendments of 1993. This legislation is an important step towards fulfilling

the obligation incurred by the United States as a result of our participation in the International Convention for the Protection of New Varieties.

The development of new plant varieties is important to production agriculture. Not only to increase production of agricultural commodities, but to develop other qualities as well, such as pest and disease resistance. However, the development of these new varieties is time-consuming and costly.

The underlying concept of the International Convention for the Protection of New Varieties and this enabling legislation is simple enough. It maintains that by granting the owner of a variety the right to prevent unauthorized use or sale of the seed of that variety, the owner will have the opportunity to recover the cost of development and profit from their work. This profit then encourages the production of new varieties.

New varieties enable the Nation's farmers to respond to changing climatic conditions, reduce threats from damaging pests, and increase efficiencies that benefit both their own bottom line and the budgets of consumers. This legislation will play an important role in ensuring that Americans continue to enjoy the highest quality food and fiber at the lowest prices.

Again, Mr. Speaker, I underscore my support for this legislation and urge its adoption.

Mr. 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. 2927

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "Plant Variety Protection Act Amendments of 1993".

(b) REFERENCES TO PLANT VARIETY PROTECTION ACT.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Plant Variety Protection Act (7 U.S.C. 2321 et seq.).

SEC. 2. DEFINITIONS AND RULES OF CONSTRUCTION.

Section 41 (7 U.S.C. 2401) is amended to read as follows:

"SEC. 41. DEFINITIONS AND RULES OF CONSTRUCTION.

"(a) DEFINITIONS.—As used in this Act:

"(1) BASIC SEED.—The term 'basic seed' means the seed planted to produce certified or commercial seed.

"(2) BREEDER.—The term 'breeder' means the person who directs the final breeding creating a variety or who discovers and develops a variety. If the actions are conducted by an agent on behalf of a principal, the principal, rather than the agent, shall be considered the breeder. The term does not include

a person who redevelops or rediscovers a variety the existence of which is publicly known or a matter of common knowledge.

"(3) ESSENTIALLY DERIVED VARIETY.—

"(A) IN GENERAL.—The term 'essentially derived variety' means a variety that—

"(i) is predominantly derived from another variety (referred to in this paragraph as the 'initial variety') or from a variety that is predominantly derived from the initial variety, while retaining the expression of the essential characteristics that result from the genotype or combination of genotypes of the initial variety;

"(ii) is clearly distinguishable from the initial variety; and

"(iii) except for differences that result from the act of derivation, conforms to the initial variety in the expression of the essential characteristics that result from the genotype or combination of genotypes of the initial variety.

"(B) METHODS.—An essentially derived variety may be obtained by the selection of a natural or induced mutant or of a somaclonal variant, the selection of a variant individual from plants of the initial variety, backcrossing, transformation by genetic engineering, or other method.

"(4) KIND.—The term 'kind' means one or more related species or subspecies singly or collectively known by one common name, such as soybean, flax, or radish.

"(5) SEXUALLY REPRODUCED.—The term 'sexually reproduced' includes any production of a variety by seed.

"(6) UNITED STATES.—The terms 'United States' and 'this country' mean the United States, territories and possessions of the United States, and the Commonwealth of Puerto Rico.

"(7) VARIETY.—The term 'variety' means a plant grouping within a single botanical taxon of the lowest known rank, that, without regard to whether the conditions for plant variety protection are fully met, can be defined by the expression of the characteristics resulting from a given genotype or combination of genotypes, distinguished from any other plant grouping by the expression of at least one characteristic and considered as a unit with regard to the suitability of the plant grouping for being propagated unchanged. A variety may be represented by seed, transplants, plants, and other matter.

"(b) RULES OF CONSTRUCTION.—For the purposes of this Act:

"(1) SALE OR DISPOSITION FOR NONREPRODUCTIVE PURPOSES.—The sale or disposition, for other than reproductive purposes, of harvested material produced as a result of experimentation or testing of a variety to ascertain the characteristics of the variety, or as a by-product of increasing a variety, shall not be considered to be a sale or disposition for purposes of exploitation of the variety.

"(2) SALE OR DISPOSITION FOR REPRODUCTIVE PURPOSES.—The sale or disposition of a variety for reproductive purposes shall not be considered to be a sale or disposition for the purposes of exploitation of the variety if the sale or disposition is done as an integral part of a program of experimentation or testing to ascertain the characteristics of the variety, or to increase the variety on behalf of the breeder or the successor in interest of the breeder.

"(3) SALE OR DISPOSITION OF HYBRID SEED.—The sale or disposition of hybrid seed shall be considered to be a sale or disposition of harvested material of the varieties from which the seed was produced.

"(4) APPLICATION FOR PROTECTION OR ENTERING INTO A REGISTER OF VARIETIES.—The

filing of an application for the protection or for the entering of a variety in an official register of varieties, in any country, shall be considered to render the variety a matter of common knowledge from the date of the application, if the application leads to the granting of protection or to the entering of the variety in the official register of varieties, as the case may be.

"(5) **DISTINCTNESS.**—The distinctness of one variety from another may be based on one or more identifiable morphological, physiological, or other characteristics (including any characteristics evidenced by processing or product characteristics, such as milling and baking characteristics in the case of wheat) with respect to which a difference in genealogy may contribute evidence.

"(6) **PUBLICLY KNOWN VARIETIES.**—

"(A) **IN GENERAL.**—A variety that is adequately described by a publication reasonably considered to be a part of the public technical knowledge in the United States shall be considered to be publicly known and a matter of common knowledge.

"(B) **DESCRIPTION.**—A description that meets the requirements of subparagraph (A) shall include a disclosure of the principal characteristics by which a variety is distinguished.

"(C) **OTHER MEANS.**—A variety may become publicly known and a matter of common knowledge by other means."

SEC. 3. RIGHT TO PLANT VARIETY PROTECTION; PLANT VARIETIES PROTECTABLE.

Section 42 (7 U.S.C. 2402) is amended to read as follows:

"SEC. 42. RIGHT TO PLANT VARIETY PROTECTION; PLANT VARIETIES PROTECTABLE.

"(a) **IN GENERAL.**—The breeder of any sexually reproduced plant variety (other than fungi or bacteria) who has so reproduced the variety, or the successor in interest of the breeder, shall be entitled to plant variety protection for the variety, subject to the conditions and requirements of this Act, if the variety is—

"(1) new, in the sense that, on the date of filing of the application for plant variety protection, propagating or harvested material of the variety has not been sold or otherwise disposed of to other persons, by or with the consent of the breeder, or the successor in interest of the breeder, for purposes of exploitation of the variety—

"(A) in the United States, more than 1 year prior to the date of filing; or

"(B) in any area outside of the United States—

"(i) more than 4 years prior to the date of filing; or

"(ii) in the case of a tree or vine, more than 6 years prior to the date of filing;

"(2) distinct, in the sense that the variety is clearly distinguishable from any other variety the existence of which is publicly known or a matter of common knowledge at the time of the filing of the application;

"(3) uniform, in the sense that any variations are describable, predictable, and commercially acceptable; and

"(4) stable, in the sense that the variety, when sexually reproduced, will remain unchanged with regard to the essential and distinctive characteristics of the variety with a reasonable degree of reliability commensurate with that of varieties of the same category in which the same breeding method is employed.

"(b) **MULTIPLE APPLICANTS.**—

"(1) **IN GENERAL.**—If 2 or more applicants submit applications on the same effective filing date for varieties that cannot be clearly

distinguished from one another, but that fulfill all other requirements of subsection (a), the applicant who first complies with all requirements of this Act shall be entitled to a certificate of plant variety protection, to the exclusion of any other applicant.

"(2) **REQUIREMENTS COMPLETED ON SAME DATE.**—

"(A) **IN GENERAL.**—Except as provided in subparagraph (B), if 2 or more applicants comply with all requirements for protection on the same date, a certificate shall be issued for each variety.

"(B) **VARIETIES INDISTINGUISHABLE.**—If the varieties that are the subject of the applications cannot be distinguished in any manner, a single certificate shall be issued jointly to the applicants."

SEC. 4. APPLICATIONS.

Section 52 (7 U.S.C. 2422) is amended—

(1) in paragraph (1), by adding at the end the following new sentence: "The variety shall be named in accordance with regulations issued by the Secretary";

(2) in the first sentence of paragraph (2), by striking "novelty" and inserting "distinctiveness, uniformity, and stability";

(3) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(4) by inserting after paragraph (2) the following new paragraph:

"(3) A statement of the basis of the claim of the applicant that the variety is new."

SEC. 5. BENEFIT OF EARLIER FILING DATE.

Section 55(a) (7 U.S.C. 2425(a)) is amended—

(1) by redesignating the first and second sentences as paragraphs (1) and (2), respectively;

(2) in paragraph (1) (as so designated), by inserting before the period at the end the following: ", not including the date on which the application is filed in the foreign country"; and

(3) by adding at the end the following new paragraph:

"(3)(A) An applicant entitled to a right of priority under this subsection shall be allowed to furnish any necessary information, document, or material required for the purpose of the examination of the application during—

"(i) the 2-year period beginning on the date of the expiration of the period of priority; or

"(ii) if the first application is rejected or withdrawn, an appropriate period after the rejection or withdrawal, to be determined by the Secretary.

"(B) An event occurring within the period of priority (such as the filing of another application or use of the variety that is the subject of the first application) shall not constitute a ground for rejecting the application or give rise to any third party right."

SEC. 6. CONTENTS AND TERM OF PLANT VARIETY PROTECTION.

Section 83 (7 U.S.C. 2483) is amended—

(1) in the second sentence of subsection (a), by striking "by variety name";

(2) in the first sentence of subsection (b)—

(A) by striking "eighteen" and inserting "20"; and

(B) by inserting before the period at the end the following: ", except that, in the case of a tree or vine, the term of the plant variety protection shall expire 25 years from the date of issue of the certificate"; and

(3) in subsection (c), by striking "repository: Provided, however, That" and inserting "repository, or requiring the submission of a different name for the variety, except that".

SEC. 7. PRIORITY CONTEST.

(a) **PRIORITY CONTEST; EFFECT OF ADVERSE FINAL JUDGMENT OR INACTION.**—Sections 92 and 93 (7 U.S.C. 2502 and 2503) are repealed.

(b) **INTERFERING PLANT; VARIETY PROTECTION.**—

(1) **REDESIGNATION.**—Chapter 9 of title II (7 U.S.C. 2501 et seq.) is amended by redesignating section 94 (7 U.S.C. 2504) as section 92.

(2) **AMENDMENTS.**—Section 92 (as so redesignated) is amended—

(A) by striking "The owner" and inserting "(a) The owner"; and

(B) by striking the second sentence.

(c) **APPEAL OR CIVIL ACTION IN CONTESTED CASES.**—

(1) **TRANSFER.**—Section 73 (7 U.S.C. 2463) is amended by transferring subsection (b) to the end of section 92 (as redesignated by subsection (b)(1)).

(2) **REPEAL.**—Section 73 (as amended by paragraph (1)) is repealed.

(d) **CONFORMING AMENDMENT.**—Section 71 (7 U.S.C. 2461) is amended by striking "92".

SEC. 8. INFRINGEMENT OF PLANT VARIETY PROTECTION.

Section 111 (7 U.S.C. 2541) is amended—

(1) in subsection (a)—

(A) by striking "novel" the first two places it appears and inserting "protected";

(B) in paragraph (1), by striking "the novel" and inserting "or market the protected";

(C) by striking "novel" each place it appears in paragraphs (2) through (7);

(D) by striking "or" each place it appears at the end of paragraphs (3) through (6);

(E) by redesignating paragraphs (7) and (8) as paragraphs (9) and (10), respectively; and

(F) by inserting after paragraph (6) the following new paragraphs:

"(7) condition the variety for the purpose of propagation;

"(8) stock the variety for any of the purposes referred to in paragraphs (1) through (7);";

(2) by redesignating subsection (b) as subsection (f); and

(3) by inserting after subsection (a) the following new subsections:

"(b) The owner of a protected variety may authorize the use of the variety under this section subject to conditions and limitations specified by the owner.

"(c) This section shall apply equally to—

"(1) any variety that is essentially derived from a protected variety, unless the protected variety is an essentially derived variety;

"(2) any variety that is not clearly distinguishable from a protected variety;

"(3) any variety whose production requires the repeated use of a protected variety; and

"(4) harvested material (including entire plants and parts of plants) obtained through the unauthorized use of propagating material of a protected variety, unless the owner of the variety has had a reasonable opportunity to exercise the rights provided by this Act with respect to the propagating material.

"(d) It shall not be an infringement of the rights of the owner of a variety to perform any act concerning propagating material of any kind, or harvested material, including entire plants and parts of plants, of a protected variety that has been sold or otherwise marketed with the consent of the owner in the United States, unless the act involves further propagation of the variety or involves an export of material of the variety, that enables the propagation of the variety, into a country that does not protect varieties of the plant genus or species to which the variety belongs, unless the exported material is for final consumption purposes.

"(e) It shall not be an infringement of the rights of the owner of a variety to perform

any act done privately and for noncommercial purposes."

SEC. 9. RIGHT TO SAVE SEED; CROP EXEMPTION.

The first sentence of section 113 (7 U.S.C. 2543) is amended by striking "section: *Provided, That*" and all that follows through the period and inserting "section."

SEC. 10. LIMITATION OF DAMAGES; MARKING AND NOTICE.

Section 127 (7 U.S.C. 2567) is amended by striking "novel" each place it appears.

SEC. 11. OBLIGATION TO USE VARIETY NAME.

Section 128(a) (7 U.S.C. 2568(a)) is amended by adding at the end the following new paragraph:

"(4) Failure to use the name of a variety for which a certificate of protection has been issued under this Act, even after the expiration of the certificate."

SEC. 12. TRANSITIONAL PROVISIONS.

(a) **IN GENERAL.**—Except as provided in subsection (b), any variety for which a certificate of plant variety protection has been issued prior to the effective date of this Act, and any variety for which an application is pending on the effective date of this Act, shall continue to be governed by the Plant Variety Protection Act (7 U.S.C. 2321 et seq.), as in effect on the day before the effective date of this Act.

(b) **APPLICATIONS WITHDRAWN AND REFILED.**—If a pending application is withdrawn and refiled after the effective date of this Act, eligibility for protection and the terms of protection shall be governed by the Plant Variety Protection Act, as amended by this Act.

SEC. 13. EFFECTIVE DATE.

This Act and the amendments made by this Act shall become effective 180 days after the date of enactment of this Act.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. DE LA GARZA

Mr. DE LA GARZA. Mr. 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. DE LA GARZA: Strike all after the enacting clause and insert:

SECTION 1. SHORT TITLE; REFERENCES.

(a) **SHORT TITLE.**—This Act may be cited as the "Plant Variety Protection Act Amendments of 1994".

(b) **References to Plant Variety Protection Act.**—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Plant Variety Protection Act (7 U.S.C. 2321 et seq.).

SEC. 2. DEFINITIONS AND RULES OF CONSTRUCTION.

Section 41 (7 U.S.C. 2401) is amended to read as follows:

"SEC. 41. DEFINITIONS AND RULES OF CONSTRUCTION.

"(a) **DEFINITIONS.**—As used in this Act:

"(1) **BASIC SEED.**—The term 'basic seed' means the seed planted to produce certified or commercial seed.

"(2) **BREEDER.**—The term 'breeder' means the person who directs the final breeding creating a variety or who discovers and develops a variety. If the actions are conducted by an agent on behalf of a principal, the principal, rather than the agent, shall be considered the breeder. The term does not include a person who redevelops or rediscovers a variety the existence of which is publicly known or a matter of common knowledge.

"(3) **ESSENTIALLY DERIVED VARIETY.**—

"(A) **IN GENERAL.**—The term 'essentially derived variety' means a variety that—

"(i) is predominantly derived from another variety (referred to in this paragraph as the 'initial variety') or from a variety that is predominantly derived from the initial variety, while retaining the expression of the essential characteristics that result from the genotype or combination of genotypes of the initial variety;

"(ii) is clearly distinguishable from the initial variety; and

"(iii) except for differences that result from the act of derivation, conform to the initial variety in the expression of the essential characteristics that result from the genotype or combination of genotypes of the initial variety.

"(b) **METHODS.**—An essentially derived variety may be obtained by the selection of a natural or induced mutant or of a somaclonal variant, the selection of a variant individual from plants of the initial variety, backcrossing, transformation by genetic engineering, or other method.

"(4) **KIND.**—The term 'kind' means one or more related species or subspecies singly or collectively known by one common name, such as soybean, flax, or radish.

"(5) **SEED.**—The term 'seed', with respect to a tuber propagated variety, means the tuber or the part of the tuber used for propagation.

"(6) **SEXUALLY REPRODUCED.**—The term 'sexually reproduced' includes any production of a variety by seed, but does not include the production of a variety by tuber propagation.

"(7) **TUBER PROPAGATED.**—The term 'tuber propagated' means propagated by a tuber or a part of a tuber.

"(8) **UNITED STATES.**—The terms 'United States' and 'this country' mean the United States, the territories and possessions of the United States, and the Commonwealth of Puerto Rico.

"(9) **VARIETY.**—The term 'variety' means a plant grouping within a single botanical taxon of the lowest known rank, that, without regard to whether the conditions for plant variety protection are fully met, can be defined by the expressions of the characteristics resulting from a given genotype or combination of genotypes, distinguished from any other plant grouping by the expression of a at least one characteristic and considered as a unit with regard to the suitability of the plant grouping for being propagated unchanged. A variety may be represented by seed, transplants, plants, tubers, tissue culture plantlets, and other matter.

"(b) **RULES OF CONSTRUCTION.**—For the purposes of this Act:

"(1) **SALE OR DISPOSITION FOR NON-REPRODUCTIVE PURPOSES.**—The sale or disposition, for other than reproductive purposes, of harvested material produced as a result experimentation or testing of a variety to ascertain the characteristics of the variety, or as a by-product of increasing a variety, shall not be considered to be a sale or disposition for purposes of exploitation of the variety.

"(2) **SALE OR DISPOSITION FOR REPRODUCTIVE PURPOSES.**—The sale or disposition of a variety for reproductive purposes shall not be considered to be a sale or disposition for the purposes of exploitation of the variety if the sale or disposition is done as an integral part of a program of experimentation or testing to ascertain the characteristics of the variety, or to increase the variety on behalf of the breeder or the successor in interest of the breeder.

"(3) **SALE OR DISPOSITION OF HYBRID SEED.**—The sale or disposition of hybrid seed shall be considered to be a sale or disposition of harvested material of the varieties from which the seed was produced.

"(4) **APPLICATION FOR PROTECTION OR ENTERING INTO A REGISTER OF VARIETIES.**—The filing

of an application for the protection or for the entering of a variety in an official register of varieties, in any country, shall be considered to render the variety a matter of common knowledge from the date of the application, if the application leads to the granting of protection or to the entering of the variety in the official register of varieties, as the case may be.

"(5) **DISTINCTNESS.**—The distinctness of one variety from another may be based on one or more identifiable morphological, physiological, or other characteristics (including any characteristics evidenced by processing or product characteristics, such as milling and baking characteristics in the case of wheat) with respect to which a difference in genealogy may contribute evidence.

"(6) **PUBLICLY-KNOWN VARIETIES.**—

"(A) **IN GENERAL.**—A variety that is adequately described by a publication reasonably considered to be a part of the public technical knowledge in the United States shall be considered to be publicly known and a matter of common knowledge.

"(B) **DESCRIPTION.**—A description that meets the requirements of subparagraph (A) shall include a disclosure of the principal characteristics by which a variety is distinguished.

"(C) **OTHER MEANS.**—A variety may become publicly known and a matter of common knowledge by other means."

SEC. 3. RIGHT TO PLANT VARIETY PROTECTION; PLANT VARIETIES PROTECTABLE.

Section 42 (7 U.S.C. 2402) is amended to read as follows:

"SEC. 42. RIGHT TO PLANT VARIETY PROTECTION; PLANT VARIETIES PROTECTABLE.

"(a) **IN GENERAL.**—The breeder of any sexually reproduced or tuber propagated plant variety (other than fungi or bacteria) who has so reproduced the variety, or the successor in interest of the breeder, shall be entitled to plant variety protection for the variety, subject to the conditions and requirements of this Act, if the variety is—

"(1) new, in the sense that, on the date of filing of the application for plant variety protection, propagating or harvested material of the variety has not been sold or otherwise disposed of to other persons, by or with the consent of the breeder, or the successor in interest of the breeder, for purposes of exploitation of the variety—

"(A) in the United States, more than 1 year prior to the date of filing; or

"(B) in any area outside of the United States—

"(i) more than 4 years prior to the date of filing; or

"(ii) in the case of a tree or vine, more than 6 years prior to the date of filing;

"(2) distinct, in the sense that the variety is clearly distinguishable from any other variety the existence of which is publicly known or a matter of common knowledge at the time of the filing of the application;

"(3) uniform, in the sense that any variations are describable, predictable, and commercially acceptable; and

"(4) stable, in the sense that the variety, when reproduced, will remain unchanged with regard to the essential and distinctive characteristics of the variety with a reasonable degree of reliability commensurate with that of varieties of the same category in which the same breeding method is employed.

"(b) **MULTIPLE APPLICANTS.**—

"(1) **IN GENERAL.**—If 2 or more applicants submit applications on the same effective filing date for varieties that cannot be clearly distinguished from one another, but that fulfill all other requirements of subsection (a), the applicant who first complies with all requirements of this Act shall be entitled to a certificate of plant variety

protection, to the exclusion of any other applicant.

"(2) REQUIREMENTS COMPLETED ON SAME DATE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), if 2 or more applicants comply with all requirements for protection on the same date, a certificate shall be issued for each variety.

"(B) VARIETIES INDISTINGUISHABLE.—If the varieties that are the subject of the applications cannot be distinguished in any manner, a single certificate shall be issued jointly to the applicants."

SEC. 4. APPLICATIONS.

Section 52 (7 U.S.C. 2422) is amended—

(1) in paragraph (1), by adding at the end the following new sentence: "The variety shall be named in accordance with regulations issued by the Secretary.";

(2) in the first sentence of paragraph (2), by striking "novelty" and inserting "distinctiveness, uniformity, and stability";

(3) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively;

(4) by inserting after paragraph (2) the following new paragraph:

"(3) A statement of the basis of the claim of the applicant that the variety is new.";

(5) in paragraph (4) (as redesignated by paragraph (3)), by inserting "(including any propagating material)" after "basic seed".

SEC. 5. BENEFIT OF EARLIER FILING DATE.

Section 55(a) (7 U.S.C. 2425(a)) is amended—

(1) by redesignating the first and second sentences as paragraphs (1) and (2), respectively;

(2) in paragraph (1) (as so designated), by inserting before the period at the end the following: ", not including the date on which the application is filed in the foreign country"; and

(3) by adding at the end the following new paragraph:

"(3)(A) An applicant entitled to a right of priority under this subsection shall be allowed to furnish any necessary information, document, or material required for the purpose of the examination of the application during—

"(i) the 2-year period beginning on the date of the expiration of the period of priority; or

"(ii) if the first application is rejected or withdrawn, an appropriate period after the rejection or withdrawal, to be determined by the Secretary.

"(B) An event occurring within the period of priority (such as the filing of another application or use of the variety that is the subject of the first application) shall not constitute a ground for rejecting the application or give rise to any third party right."

SEC. 6. NOTICE OF REFUSAL; RECONSIDERATION.

The first sentence of section 62(b) (7 U.S.C. 2442(b)) is amended—

(1) by striking "six months" and inserting "at least 30 days, and not more than 180 days"; and

(2) by striking "in exceptional circumstances".

SEC. 7. CONTENTS AND TERM OF PLANT VARIETY PROTECTION.

Section 83 (7 U.S.C. 2483) is amended—

(1) in subsection (a)—

(A) by designating the first through fourth sentences as paragraphs (1) through (4), respectively; and

(B) by striking paragraphs (2) and (3) (as so designated) and inserting the following new paragraphs:

"(2) If the owner so elects, the certificate shall—

"(A) specify that seed of the variety shall be sold in the United States only as a class of certified seed; and

"(B) if so specified, conform to the number of generations designated by the owner.

"(3) An owner may waive a right provided under this subsection, other than a right that is elected by the owner under paragraph (2)(A).";

(2) in the first sentence of subsection (b)—

(A) by striking "eighteen" and inserting "20"; and

(B) by inserting before the period at the end the following: ", except that, in the case of a tree or vine, the term of the plant variety protection shall expire 25 years from the date of issue of the certificate"; and

(3) in subsection (c), by striking "repository: Provided, however, That" and inserting "repository, or requiring the submission of a different name for the variety, except that".

SEC. 8. PRIORITY CONTEST.

(a) PRIORITY CONTEST; EFFECT OF ADVERSE FINAL JUDGMENT OR INACTION.—Sections 92 and 93 (7 U.S.C. 2502 and 2503) are repealed.

(b) INTERFERING PLANT VARIETY PROTECTION.—

(1) REDESIGNATION.—Section 94 of the Act (7 U.S.C. 2504) is redesignated as section 92.

(2) AMENDMENTS.—Section 92 (as so redesignated) is amended—

(A) by striking "The owner" and inserting "(a) The owner"; and

(B) by striking the second sentence.

(c) APPEAL OR CIVIL ACTION IN CONTESTED CASES.—

(1) TRANSFER.—Section 73 (7 U.S.C. 2463) is amended by transferring subsection (b) to the end of section 92 (as redesignated by subsection (b)(1)).

(2) REPEAL.—Section 73 (as amended by paragraph (1)) is repealed.

(d) CONFORMING AMENDMENTS.—

(1) Section 71 (7 U.S.C. 2461) is amended by striking "92".

(2) Section 102 (7 U.S.C. 2532) is amended by inserting "or tuber propagable" after "sexually reproducible" each place it appears.

SEC. 9. INFRINGEMENT OF PLANT VARIETY PROTECTION.

Section 111 (7 U.S.C. 2541) is amended—

(1) in subsection (a)—

(A) by striking "novel" the first two places it appears and inserting "protected";

(B) in paragraph (1), by striking "the novel" and inserting "or market the protected";

(C) by striking "novel" each place it appears in paragraphs (2) through (7);

(D) in paragraph (3), by inserting ", or propagable by a tuber or a part of a tuber," after "sexually multiply";

(E) by striking "or" each place it appears at the end of paragraphs (3) through (6);

(F) by redesignating paragraphs (7) and (8) as paragraphs (9) and (10), respectively; and

(G) by inserting after paragraph (6) the following new paragraphs:

"(7) condition the variety for the purpose of propagation, except to the extent that the conditioning is related to the activities permitted under section 113;

"(8) stock the variety for any of the purposes referred to in paragraphs (1) through (7).";

(2) by redesignating subsection (b) as subsection (f); and

(3) by inserting after subsection (a) the following new subsections:

"(b)(1) Subject to paragraph (2), the owner of a protected variety may authorize the use of the variety under this section subject to conditions and limitations specified by the owner.

"(2) In the case of a contract between a seed producer and the owner of a protected variety of lawn, turf, or forage grass seed, or alfalfa or clover seed for the production of seed of the protected variety, the producer shall be deemed to be authorized by the owner to sell such seed and to use the variety if—

"(A) the producer has fulfilled the terms of the contract;

"(B) the owner refuses to take delivery of the seed or refuses to pay any amounts due under the contract within 30 days of the payment date specified in the contract; and

"(C) after the expiration of the period specified in subparagraph (B), the producer notifies the owner of the producer's intent to sell the seed and unless the owner fails to pay the amounts due under the contract and take delivery of the seed within 30 days of such notification. For the purposes of this paragraph, the term 'owner' shall include any licensee of the owner.

"(3) Paragraph (2) shall apply to contracts entered into with respect to plant varieties protected under this Act (7 U.S.C. 2321 et seq.) as in effect on the day before the effective date of this provision as well as plant varieties protected under this Act as amended by the Plant Variety Protection Act Amendments of 1994.

"(4) Nothing in this subsection shall affect any other rights or remedies of producers or owners that may exist under other Federal or State laws.

"(c) This section shall apply equally to—

"(1) any variety that is essentially derived from a protected variety, unless the protected variety is an essentially derived variety;

"(2) any variety that is not clearly distinguishable from a protected variety;

"(3) any variety whose production requires the repeated use of a protected variety; and

"(4) harvested material (including entire plants and parts of plants) obtained through the unauthorized use of propagating material of a protected variety, unless the owner of the variety has had a reasonable opportunity to exercise the rights provided under this Act with respect to the propagating material.

"(d) It shall not be an infringement of the rights of the owner of a variety to perform any act concerning propagating material of any kind, or harvested material, including entire plants and parts of plants, of a protected variety that is sold or otherwise marketed with the consent of the owner in the United States, unless the act involves further propagation of the variety or involves an export of material of the variety, that enables the propagation of the variety, into a country that does not protect varieties of the plant genus or species to which the variety belongs, unless the exported material is for final consumption purposes.

"(e) It shall not be an infringement of the rights of the owner of a variety to perform any act done privately and for noncommercial purposes."

SEC. 10. RIGHT TO SAVE SEED; CROP EXEMPTION.

The first sentence of section 113 (7 U.S.C. 2543) is amended by striking "section: Provided, That" and all that follows through the period and inserting "section."

SEC. 11. LIMITATION OF DAMAGES; MARKING AND NOTICE.

Section 127 (7 U.S.C. 2567) is amended by striking "novel" each place it appears.

SEC. 12. OBLIGATION TO USE VARIETY NAME.

Section 128(a) (7 U.S.C. 2568(a)) is amended—

(1) by inserting "or tubers or parts of tubers" after "plant material"; and

(2) by adding at the end the following new paragraph:

"(4) Failure to use the name of a variety for which a certificate of protection has been issued under this Act, even after the expiration of the certificate, except that lawn, turf, or forage grass seed, or alfalfa or clover seed may be sold without a variety name unless use of the name of a variety for which a certificate of protection has been issued under this Act is required under State law."

SEC. 13. ELIMINATION OF GENDER-BASED REFERENCES.

(a) The last sentence of section 7(a) (7 U.S.C. 2327(a)) is amended by striking "his designee shall act as chairman" and inserting "the designee of the Secretary shall act as chairperson".

(b) Section 10(a) (7 U.S.C. 2330(a)) is amended by striking "he" and inserting "the Secretary".

(c) Section 23 (7 U.S.C. 2353) is amended—
 (1) in the second sentence, by striking "he" and inserting "the officer"; and
 (2) in the third sentence, by striking "he" and inserting "the person".
 (d) Section 24 (7 U.S.C. 2354) is amended—
 (1) in the first sentence of subsection (a), by striking "him" and inserting "the witness"; and
 (2) in the second sentence of subsection (c)—
 (A) by striking "his fees and traveling expenses" and inserting "the fees and traveling expenses of the witness"; and
 (B) by striking "him" and inserting "the witness".
 (e) The last sentence of section 27 (7 U.S.C. 2357) is amended by striking "he" each place it appears and inserting "the person".
 (f) The first sentence of section 44 (7 U.S.C. 2404) is amended by striking "he" and inserting "the Secretary".
 (g) Section 53 (7 U.S.C. 2423) is amended—
 (1) in subsection (a), by striking "one (or his successor)" and inserting "one person (or the successor of the person)"; and
 (2) in subsection (b), by striking "he" and inserting "the Secretary".
 (h) Section 54 (7 U.S.C. 2424) is amended by striking "his successor in interest" and inserting "the successor in interest of the breeder".
 (i) Section 55 (7 U.S.C. 2425) is amended—
 (1) in subsection (a)(2) (as redesignated by section 5(1)), by striking "his application" and inserting "the application filed in the United States"; and
 (2) in subsection (b), by striking "his predecessor in title" and inserting "the predecessor in title of the person".
 (j) The first sentence of section 62(b) (7 U.S.C. 2442(b)) is amended—
 (1) by striking "him" and inserting "an applicant";
 (2) by striking "an applicant shall" and inserting "the applicant shall"; and
 (3) by striking "he" and inserting "the Secretary".
 (k) The second sentence of section 72 (7 U.S.C. 2462) is amended by striking "his variety as specified in his application" and inserting "the variety as specified in the application".
 (l) Section 82 (7 U.S.C. 2482) is amended by striking "his signature" and inserting "the signature of the Secretary".
 (m) Section 83 (7 U.S.C. 2483) is amended—
 (1) in subsection (a) (as amended by section 7(1)(A))—
 (A) in paragraph (1), by striking "(or his successor in interest) his heirs and assignees" and inserting "(or the successor in interest of the breeder)"; and
 (B) in paragraph (4), by striking "his discretion" and inserting "the discretion of the Secretary"; and
 (2) in subsection (c), by striking "he" and inserting "the last owner".
 (n) Section 86 (7 U.S.C. 2486) is amended—
 (1) in the first sentence, by striking "him" and inserting "the Secretary"; and
 (2) in the third sentence, by striking "he" and inserting "the person".
 (o) Section 91(c) (7 U.S.C. 2501(c)) is amended by striking "he" and inserting "the Secretary".
 (p) The fourth sentence of section 92(b) (as transferred by section 8(c)(1)) is amended by striking "he" and inserting "the Secretary".
 (q) The first sentence of section 111(f) (as redesignated by section 9(2)) is amended by striking "his official capacity" and inserting "the official capacity of the officer or employee".
 (r) Section 112 (7 U.S.C. 2542) is amended by striking "his successor in interest" and inserting "the successor in interest of the person".
 (s) Section 113 (7 U.S.C. 2543) is amended—
 (1) in the first sentence—
 (A) by striking "him" and inserting "the person"; and

(B) by striking "his farm" and inserting "the farm of the person"; and

(2) in the third sentence, by striking "his actions" and inserting "the actions of the purchaser".

(t) Section 121 (7 U.S.C. 2561) is amended by striking "his".

(u) Section 126(b) (7 U.S.C. 2566(b)) is amended by striking "his" and inserting "the".

(v) Section 128(a) (7 U.S.C. 2568(a)) is amended by striking "he" and inserting "the Secretary".

(w) Section 130(a) (7 U.S.C. 2570(a)) is amended by striking "his official capacity" and inserting "the official capacity of the officer or employee".

SEC. 14. TRANSITIONAL PROVISIONS.

(a) IN GENERAL.—Except as provided in this section, any variety for which a certificate of plant variety protection has been issued prior to the effective date of this Act, and any variety for which an application is pending on the effective date of this Act, shall continue to be governed by the Plant Variety Protection Act (7 U.S.C. 2321 et seq.), as in effect on the day before the effective date of this Act.

(b) APPLICATIONS REFILED.—

(1) IN GENERAL.—An applicant may refile a pending application on or after the effective date of this Act.

(2) EFFECT OF REFILE.—If a pending application is refiled on or after the effective date of this Act—

(A) eligibility for protection and the terms of protection shall be governed by the Plant Variety Protection Act, as amended by this Act; and

(B) for purposes of section 42 of the Plant Variety Protection Act, as amended by section 3 of this Act, the date of filing shall be the date of filing of the original application.

(c) LABELING.—

(1) IN GENERAL.—To obtain the protection provided to an owner of a protected variety under the Plant Variety Protection Act (7 U.S.C. 2321 et seq.) (as amended by this Act), a notice given by an owner concerning the variety under section 127 of the Plant Variety Protection Act (7 U.S.C. 2567) shall state that the variety is protected under such Act (as amended by this Act).

(2) SANCTIONS.—Any person that makes a false or misleading statement or claim, or uses a false or misleading label, concerning protection described in paragraph (1) shall be subject to the sanctions described in section 128 of the Plant Variety Protection Act (7 U.S.C. 2568).

SEC. 15. EFFECTIVE DATE.

This Act and the amendments made by this Act shall become effective 180 days after the date of enactment of this Act.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from Texas [Mr. DE LA GARZA].

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.

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1406) to amend the Plant Variety Protection Act to make such Act consistent with the International Convention for the Protection of New Varieties of Plants of March 19, 1991, to which the United States is a signatory, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1406

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "Plant Variety Protection Act Amendments of 1994".

(b) REFERENCES TO PLANT VARIETY PROTECTION ACT.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Plant Variety Protection Act (7 U.S.C. 2321 et seq.).

SEC. 2. DEFINITIONS AND RULES OF CONSTRUCTION.

Section 41 (7 U.S.C. 2401) is amended to read as follows:

"SEC. 41. DEFINITIONS AND RULES OF CONSTRUCTION.

"(a) DEFINITIONS.—As used in this Act:

"(1) BASIC SEED.—The term 'basic seed' means the seed planted to produce certified or commercial seed.

"(2) BREEDER.—The term 'breeder' means the person who directs the final breeding creating a variety or who discovers and develops a variety. If the actions are conducted by an agent on behalf of a principal, the principal, rather than the agent, shall be considered the breeder. The term does not include a person who redevelops or rediscovers a variety the existence of which is publicly known or a matter of common knowledge.

"(3) ESSENTIALLY DERIVED VARIETY.—

"(A) IN GENERAL.—The term 'essentially derived variety' means a variety that—

"(i) is predominantly derived from another variety (referred to in this paragraph as the 'initial variety') or from a variety that is predominantly derived from the initial variety, while retaining the expression of the essential characteristics that result from the genotype or combination of genotypes of the initial variety;

"(ii) is clearly distinguishable from the initial variety; and

"(iii) except for differences that result from the act of derivation, conforms to the initial variety in the expression of the essential characteristics that result from the genotype or combination of genotypes of the initial variety.

"(B) METHODS.—An essentially derived variety may be obtained by the selection of a natural or induced mutant or of a somaclonal variant, the selection of a variant individual from plants of the initial variety, backcrossing, transformation by genetic engineering, or other method.

"(4) KIND.—The term 'kind' means one or more related species or subspecies singly or collectively known by one common name, such as soybean, flax, or radish.

"(5) SEED.—The term 'seed', with respect to a tuber propagated variety, means the tuber or the part of the tuber used for propagation.

"(6) SEXUALLY REPRODUCED.—The term 'sexually reproduced' includes any production of a variety by seed, but does not include the production of a variety by tuber propagation.

"(7) TUBER PROPAGATED.—The term 'tuber propagated' means propagated by a tuber or a part of a tuber.

"(8) UNITED STATES.—The terms 'United States' and 'this country' mean the United States, territories and possessions of the United States, and the Commonwealth of Puerto Rico.

"(9) VARIETY.—The term 'variety' means a plant grouping within a single botanical taxon of the lowest known rank, that, without regard to whether the conditions for plant variety protection are fully met, can be defined by the expression of the characteristics resulting from a given genotype or combination of genotypes, distinguished from any other plant grouping by the expression of at least one characteristic and considered as a unit with regard to the suitability of the plant grouping for being propagated unchanged. A variety may be represented by seed, transplants, plants, tubers, tissue culture plantlets, and other matter.

"(b) RULES OF CONSTRUCTION.—For the purposes of this Act:

"(1) SALE OR DISPOSITION FOR NONREPRODUCTIVE PURPOSES.—The sale or disposition, for other than reproductive purposes, of harvested material produced as a result of experimentation or testing of a variety to ascertain the characteristics of the variety, or as a by-product of increasing a variety, shall not be considered to be a sale or disposition for purposes of exploitation of the variety.

"(2) SALE OR DISPOSITION FOR REPRODUCTIVE PURPOSES.—The sale or disposition of a variety for reproductive purposes shall not be considered to be a sale or disposition for the purposes of exploitation of the variety if the sale or disposition is done as an integral part of a program of experimentation or testing to ascertain the characteristics of the variety, or to increase the variety on behalf of the breeder or the successor in interest of the breeder.

"(3) SALE OR DISPOSITION OF HYBRID SEED.—The sale or disposition of hybrid seed shall be considered to be a sale or disposition of harvested material of the varieties from which the seed was produced.

"(4) APPLICATION FOR PROTECTION OR ENTERING INTO A REGISTER OF VARIETIES.—The filing of an application for the protection or for the entering of a variety in an official register of varieties, in any country, shall be considered to render the variety a matter of common knowledge from the date of the application, if the application leads to the granting of protection or to the entering of the variety in the official register of varieties, as the case may be.

"(5) DISTINCTNESS.—The distinctness of one variety from another may be based on one or more identifiable morphological, physiological, or other characteristics (including any characteristics evidenced by processing or product characteristics, such as milling and baking characteristics in the case of wheat) with respect to which a difference in genealogy may contribute evidence.

"(6) PUBLICLY KNOWN VARIETIES.—

"(A) IN GENERAL.—A variety that is adequately described by a publication reasonably considered to be a part of the public technical knowledge in the United States shall be considered to be publicly known and a matter of common knowledge.

"(B) DESCRIPTION.—A description that meets the requirements of subparagraph (A) shall include a disclosure of the principal characteristics by which a variety is distinguished.

"(C) OTHER MEANS.—A variety may become publicly known and a matter of common knowledge by other means."

SEC. 3. RIGHT TO PLANT VARIETY PROTECTION; PLANT VARIETIES PROTECTABLE.

Section 42 (7 U.S.C. 2402) is amended to read as follows:

"SEC. 42. RIGHT TO PLANT VARIETY PROTECTION; PLANT VARIETIES PROTECTABLE.

"(a) IN GENERAL.—The breeder of any sexually reproduced or tuber propagated plant variety (other than fungi or bacteria) who has so reproduced the variety, or the successor in interest of the breeder, shall be entitled to plant variety protection for the variety, subject to the conditions and requirements of this Act, if the variety is—

"(1) new, in the sense that, on the date of filing of the application for plant variety protection, propagating or harvested material of the variety has not been sold or otherwise disposed of to other persons, by or with the consent of the breeder, or the successor in interest of the breeder, for purposes of exploitation of the variety—

"(A) in the United States, more than 1 year prior to the date of filing; or

"(B) in any area outside of the United States—

"(i) more than 4 years prior to the date of filing; or

"(ii) in the case of a tree or vine, more than 6 years prior to the date of filing;

"(2) distinct, in the sense that the variety is clearly distinguishable from any other variety the existence of which is publicly known or a matter of common knowledge at the time of the filing of the application;

"(3) uniform, in the sense that any variations are describable, predictable, and commercially acceptable; and

"(4) stable, in the sense that the variety, when reproduced, will remain unchanged with regard to the essential and distinctive characteristics of the variety with a reasonable degree of reliability commensurate with that of varieties of the same category in which the same breeding method is employed.

"(b) MULTIPLE APPLICANTS.—

"(1) IN GENERAL.—If 2 or more applicants submit applications on the same effective filing date for varieties that cannot be clearly distinguished from one another, but that fulfill all other requirements of subsection (a), the applicant who first complies with all requirements of this Act shall be entitled to a certificate of plant variety protection, to the exclusion of any other applicant.

"(2) REQUIREMENTS COMPLETED ON SAME DATE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), if 2 or more applicants comply with all requirements for protection on the same date, a certificate shall be issued for each variety.

"(B) VARIETIES INDISTINGUISHABLE.—If the varieties that are the subject of the applications cannot be distinguished in any manner, a single certificate shall be issued jointly to the applicants."

SEC. 4. APPLICATIONS.

Section 52 (7 U.S.C. 2422) is amended—

(1) in paragraph (1), by adding at the end the following new sentence: "The variety shall be named in accordance with regulations issued by the Secretary.";

(2) in the first sentence of paragraph (2), by striking "novelty" and inserting "distinctiveness, uniformity, and stability";

(3) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively;

(4) by inserting after paragraph (2) the following new paragraph:

"(3) A statement of the basis of the claim of the applicant that the variety is new.";

and

(5) in paragraph (4) (as redesignated by paragraph (3)), by inserting "(including any propagating material)" after "basic seed".

SEC. 5. BENEFIT OF EARLIER FILING DATE.

Section 55(a) (7 U.S.C. 2425(a)) is amended—

(1) by redesignating the first and second sentences as paragraphs (1) and (2), respectively;

(2) in paragraph (1) (as so designated), by inserting before the period at the end the following: ", not including the date on which the application is filed in the foreign country"; and

(3) by adding at the end the following new paragraph:

"(3)(A) An applicant entitled to a right of priority under this subsection shall be allowed to furnish any necessary information, document, or material required for the purpose of the examination of the application during—

"(i) the 2-year period beginning on the date of the expiration of the period of priority; or

"(ii) if the first application is rejected or withdrawn, an appropriate period after the rejection or withdrawal, to be determined by the Secretary.

"(B) An event occurring within the period of priority (such as the filing of another application or use of the variety that is the subject of the first application) shall not constitute a ground for rejecting the application or give rise to any third party right."

SEC. 6. NOTICE OF REFUSAL; RECONSIDERATION.

The first sentence of section 62(b) (7 U.S.C. 2442(b)) is amended—

(1) by striking "six months" and inserting "at least 30 days, and not more than 180 days"; and

(2) by striking "in exceptional circumstances".

SEC. 7. CONTENTS AND TERM OF PLANT VARIETY PROTECTION.

Section 83 (7 U.S.C. 2483) is amended—

(1) in subsection (a)—

(A) by designating the first through fourth sentences as paragraphs (1) through (4), respectively; and

(B) by striking paragraphs (2) and (3) (as so designated) and inserting the following new paragraphs:

"(2) If the owner so elects, the certificate shall—

"(A) specify that seed of the variety shall be sold in the United States only as a class of certified seed; and

"(B) if so specified, conform to the number of generations designated by the owner.

"(3) An owner may waive a right provided under this subsection, other than a right that is elected by the owner under paragraph (2)(A).";

(2) in the first sentence of subsection (b)—

(A) by striking "eighteen" and inserting "20"; and

(B) by inserting before the period at the end the following: ", except that, in the case of a tree or vine, the term of the plant variety protection shall expire 25 years from the date of issue of the certificate"; and

(3) in subsection (c), by striking "repository: Provided, however, That" and inserting "repository, or requiring the submission of a different name for the variety, except that".

SEC. 8 PRIORITY CONTEST.

(a) PRIORITY CONTEST; EFFECT OF ADVERSE FINAL JUDGMENT OR INACTION.—Sections 92 and 93 (7 U.S.C. 2502 and 2503) are repealed.

(b) INTERFERING PLANT VARIETY PROTECTION.—

(1) REDESIGNATION.—Chapter 9 of title II (7 U.S.C. 2501 et seq.) is amended by redesignating section 94 (7 U.S.C. 2504) as section 92.

(2) AMENDMENTS.—Section 92 (as so redesignated) is amended—

(A) by striking "The owner" and inserting "(a) The owner"; and

(B) by striking the second sentence.

(c) APPEAL OR CIVIL ACTION IN CONTESTED CASES.—

(1) TRANSFER.—Section 73 (7 U.S.C. 2463) is amended by transferring subsection (b) to the end of section 92 (as redesignated by subsection (b)(1)).

(2) REPEAL.—Section 73 (as amended by paragraph (1)) is repealed.

(d) CONFORMING AMENDMENTS.—

(1) Section 71 (7 U.S.C. 2461) is amended by striking "92,".

(2) Section 102 (7 U.S.C. 2532) is amended by inserting "or tuber propagable" after "sexually reproducible" each place it appears.

SEC. 9. PROMPT PAYMENT.

Chapter 9 of title II (7 U.S.C. 2501 et seq.) (as amended by section 8) is further amended by adding at the end the following new section:

"SEC. 93. PROMPT PAYMENT.

"If a seed grower contracts with the holder of a certificate of plant variety protection issued under this Act, or a licensee of the holder, to produce lawn, turf, or forage grass seed, alfalfa, or clover seed, protected under this Act, payments due the grower under the contract shall be completed not later than the earlier of—

"(1) 30 days after the contract payment date; or

"(2) May 1 of the year following the production of the seed."

SEC. 10. INFRINGEMENT OF PLANT VARIETY PROTECTION.

Section 111 (7 U.S.C. 2541) is amended—

(1) in subsection (a)—

(A) by striking "novel" the first two places it appears and inserting "protected";

(B) in paragraph (1), by striking "the novel" and inserting "or market the protected";

(C) by striking "novel" each place it appears in paragraphs (2) through (7);

(D) in paragraph (3), by inserting ", or propagate by a tuber or a part of a tuber," after "sexually multiply";

(E) by striking "or" each place it appears at the end of paragraphs (3) through (6);

(F) by redesignating paragraphs (7) and (8) as paragraphs (9) and (10), respectively; and

(G) by inserting after paragraph (6) the following new paragraphs:

"(7) condition the variety for the purpose of propagation, except to the extent that the conditioning is related to the activities permitted under section 113;

"(8) stock the variety for any of the purposes referred to in paragraphs (1) through (7);";

(2) by redesignating subsection (b) as subsection (f); and

(3) by inserting after subsection (a) the following new subsections:

"(b) The owner of a protected variety may authorize the use of the variety under this section subject to conditions and limitations specified by the owner.

"(c) This section shall apply equally to—

"(1) any variety that is essentially derived from a protected variety, unless the protected variety is an essentially derived variety;

"(2) any variety that is not clearly distinguishable from a protected variety;

"(3) any variety whose production requires the repeated use of a protected variety; and

"(4) harvested material (including entire plants and parts of plants) obtained through the unauthorized use of propagating material of a protected variety, unless the owner of the variety has had a reasonable oppor-

tunity to exercise the rights provided by this Act with respect to the propagating material.

"(d) It shall not be an infringement of the rights of the owner of a variety to perform any act concerning propagating material of any kind, or harvested material, including entire plants and parts of plants, of a protected variety that has been sold or otherwise marketed with the consent of the owner in the United States, unless the act involves further propagation of the variety or involves an export of material of the variety, that enables the propagation of the variety, into a country that does not protect varieties of the plant genus or species to which the variety belongs, unless the exported material is for final consumption purposes.

"(e) It shall not be an infringement of the rights of the owner of a variety to perform any act done privately and for noncommercial purposes."

SEC. 11. RIGHT TO SAVE SEED; CROP EXEMPTION.

The first sentence of section 113 (7 U.S.C. 2543) is amended by striking "section: *Provided, That*," and all that follows through the period and inserting "section."

SEC. 12. LIMITATION OF DAMAGES; MARKING AND NOTICE.

Section 127 (7 U.S.C. 2567) is amended by striking "novel" each place it appears.

SEC. 13. OBLIGATION TO USE VARIETY NAME.

Section 128(a) (7 U.S.C. 2568(a)) is amended—

(1) by inserting "or tubers or parts of tubers" after "plant material"; and

(2) by adding at the end the following new paragraph:

"(4) Failure to use the name of a variety for which a certificate of protection has been issued under this Act, even after the expiration of the certificate, except that lawn, turf, or forage grass seed, alfalfa, or clover seed may be sold without a variety name unless use of the name of a variety for which a certificate of protection has been issued under this Act is required under State law."

SEC. 14. ELIMINATION OF GENDER-BASED REFERENCES.

(a) The last sentence of section 7(a) (7 U.S.C. 2327(a)) is amended by striking "his designee shall act as chairman" and inserting "the designee of the Secretary shall act as chairperson".

(b) Section 10(a) (7 U.S.C. 2330(a)) is amended by striking "he" and inserting "the Secretary".

(c) Section 23 (7 U.S.C. 2353) is amended—

(1) in the second sentence, by striking "he" and inserting "the officer"; and

(3) in the third sentence, by striking "he" and inserting "the person".

(d) Section 24 (7 U.S.C. 2354) is amended—

(1) in the first sentence of subsection (a), by striking "him" and inserting "the witness"; and

(2) in the second sentence of subsection (c)—

(A) by striking "his fees and traveling expenses" and inserting "the fees and traveling expenses of the witness"; and

(B) by striking "him" and inserting "the witness".

(e) The last sentence of section 27 (7 U.S.C. 2357) is amended by striking "he" each place it appears "and inserting "the person".

(f) The first sentence of section 44 (7 U.S.C. 2404) is amended by striking "he" and inserting "the Secretary".

(g) Section 53 (7 U.S.C. 2423) is amended—

(1) in subsection (a), by striking "one (or his successor)" and inserting "one person (or the successor of the person)"; and

(2) in subsection (b), by striking "he" and inserting "the Secretary".

(h) Section 54 (7 U.S.C. 2424) is amended by striking "his successor in interest" and inserting "the successor in interest of the breeder".

(1) Section 55 (7 U.S.C. 2425) is amended—

(1) in subsection (a)(2) (as redesignated by section 5(1)), by striking "his application" and inserting "the application filed in the United States"; and

(2) in subsection (b), by striking "his predecessor in title" and inserting "the predecessor in title of the person".

(j) The first sentence of section 62(b) (7 U.S.C. 2442(b)) is amended—

(1) by striking "him" and inserting "an applicant";

(2) by striking "an applicant shall" and inserting "the applicant shall"; and

(3) by striking "he" and inserting "the Secretary".

(k) The second sentence of section 72 (7 U.S.C. 2462) is amended by striking "his variety as specified in his application" and inserting "the variety as specified in the application".

(l) Section 82 (7 U.S.C. 2482) is amended by striking "his signature" and inserting "the signature of the Secretary".

(m) Section 83 (7 U.S.C. 2483) is amended—

(1) in subsection (a) (as amended by section 7(1)(A))—

(A) in paragraph (1), by striking "(or his successor in interest)" and inserting "(or the successor in interest of the breeder)"; and

(B) in paragraph (4), by striking "his discretion" and inserting "the discretion of the Secretary"; and

(2) in subsection (c), by striking "he" and inserting "the last owner".

(n) Section 86 (7 U.S.C. 2486) is amended—

(1) in the first sentence, by striking "him" and inserting "the Secretary"; and

(2) in the third sentence, by striking "he" and inserting "the person".

(o) Section 91(c) (7 U.S.C. 2501(c)) is amended by striking "he" and inserting "the Secretary".

(p) The fourth sentence of section 92(b) (as transferred by section 8(c)(1)) is amended by striking "he" and inserting "the Secretary".

(q) The first sentence of section 111(f) (as redesignated by section 9(2)) is amended by striking "his official capacity" and inserting "the official capacity of the officer or employee".

(r) Section 112 (7 U.S.C. 2542) is amended by striking "his successor in interest" and inserting "the successor in interest of the person".

(s) Section 113 (7 U.S.C. 2543) is amended—

(1) in the first sentence—

(A) by striking "him" and inserting "the person"; and

(B) by striking "his farm" and inserting "the farm of the person"; and

(2) in the third sentence, by striking "his actions" and inserting "the actions of the purchaser".

(t) Section 121 (7 U.S.C. 2561) is amended by striking "his".

(u) Section 126(b) (7 U.S.C. 2566(b)) is amended by striking "his" and inserting "the".

(v) Section 128(a) (7 U.S.C. 2568(a)) is amended by striking "he" and inserting "the Secretary".

(w) Section 130(a) (7 U.S.C. 2570(a)) is amended by striking "his official capacity" and inserting "the official capacity of the officer or employee".

SEC. 15. TRANSITIONAL PROVISIONS.

(a) IN GENERAL.—Except as provided in this section, any variety for which a certificate of plant variety protection has been issued

prior to the effective date of this Act, and any variety for which an application is pending on the effective date of this Act, shall continue to be governed by the Plant Variety Protection Act (7 U.S.C. 2321 et seq.), as in effect on the day before the effective date of this Act.

(b) APPLICATIONS REFILED.—

(1) IN GENERAL.—An applicant may refile a pending application on or after the effective date of this Act.

(2) EFFECT OF REFILEING.—If a pending application is refiled on or after the effective date of this Act—

(A) eligibility for protection and the terms of protection shall be governed by the Plant Variety Protection Act, as amended by this Act; and

(B) for purposes of section 42 of the Plant Variety Protection Act, as amended by section 3 of this Act, the date of filing shall be the date of filing of the original application.

(c) LABELING.—

(1) IN GENERAL.—To obtain the protection provided to an owner of a protected variety under the Plant Variety Protection Act (7 U.S.C. 2321 et seq.) (as amended by this Act), a notice given by an owner concerning the variety under section 127 of the Plant Variety Protection Act (7 U.S.C. 2567) shall state that the variety is protected under such Act (as amended by this Act).

(2) SANCTIONS.—Any person that makes a false or misleading statement or claim, or uses a false or misleading label, concerning protection described in paragraph (1) shall be subject to the sanctions described in section 128 of the Plant Variety Protection Act (7 U.S.C. 2568).

SEC. 16. EFFECTIVE DATE.

This Act and the amendments made by this Act shall become effective 180 days after the date of enactment of this Act.

MOTION OFFERED BY MR. DE LA GARZA

Mr. DE LA GARZA. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DE LA GARZA moves to strike all after the enacting clause of S. 1406 and insert in lieu thereof the text of H.R. 2927, as passed by the House.

The motion was agreed to.

The Senate bill 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.

A similar House bill (H.R. 2927) was laid on the table.

GENERAL LEAVE

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the two bills just considered and passed.

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

There was no objection.

NATIONAL POW/MIA RECOGNITION DAY

Mr. WYNN. Mr. 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.

196) designating September 16, 1994, as "National POW/MIA Recognition Day" and authorizing display of the National League of Families POW/MIA flag, and ask for its immediate consideration.

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. GILMAN. Mr. Speaker, reserving the right to object, I do not object, but I would simply like to inform the House the minority has no objection to the legislation now being considered, and, Mr. Speaker, as the chief sponsor of House Joint Resolution 360, I rise in support of this legislation.

Mr. Speaker, I thank the distinguished chairman of the Post Office and Civil Service Committee, the gentleman from Missouri [Mr. CLAY], and our good ranking minority member, the gentleman from Indiana [Mr. MYERS], for bringing this important resolution to the floor today. Their support for veterans and Americans in uniform is well known and appreciated by this Member.

Mr. Speaker, I rise in full support of Senate Joint Resolution 196, designating September 16, 1994, as "National POW/MIA Recognition Day" and authorizing display of the National League of Families POW/MIA flag—a day when our veteran posts, our schools, our libraries, and our mass media can remind all Americans of our courageous servicemen whose fates are still undetermined from the Vietnam war.

In 1992, candidate Clinton told the POW/MIA family groups and veteran organizations that he would never lift the trade embargo against the Communist government of Vietnam until the fate of thousands of POW's and MIA's from the Vietnam war was resolved. President Clinton, against the advice of the American Legion, the National League of Families, the National Alliance of Families, and other veterans and family organizations lifted the trade embargo. His rationale for doing so was that the Vietnamese Government was cooperating with our efforts to account for our men.

Regrettably, besides some access to old crash sites that has been on many occasions, fully investigated by Vietnamese, Soviet, and Chinese personnel years ago, the Vietnamese Government has done virtually nothing to account for hundreds of Americans they have information on. The Government of Vietnam continues to withhold from our investigators access to prison records and military reports that were written at the time of the shoot downs and captures. The meticulous Communist recordkeepers tell us that the books were eaten by worms, damaged by weather, or hold sensitive national security information.

Meanwhile, our State Department continues to move full speed ahead,

with its plans to open a Liaison Office that looks more and more like an Embassy as official relations between our Nation and the Socialist Republic of Vietnam appears to be a foregone conclusion.

Despite my reservations, it is my sincere hope that the administration's normalization of trade and relations with Vietnam eventually pays dividends and that next year there will not be a need for this resolution.

Accordingly, I urge my colleagues to vote for Senate Joint Resolution 196.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from California [Mr. ROHRBACHER].

Mr. ROHRBACHER. Mr. Speaker, I rise in strong support of House Joint Resolution 369.

Mr. Speaker, I would like to congratulate the gentleman from New York [Mr. GILMAN] on the courageous effort he has made on this issue over the years. It has just been something he has not let go of, and he has been tremendously responsible.

Mr. Speaker, I would again like to congratulate the gentleman from New York [Mr. GILMAN] who for many, many years has kept the faith not only with the American people but with those men and women who went to Vietnam to protect the interests of the United States of America and to fight for freedom.

Mr. Speaker, when we gave our word to them, the gentleman from New York [Mr. GILMAN] did not forget and has kept the faith with them over the years.

Mr. Speaker, I am very proud to be with the gentleman here today to declare that September 16 should be a day in memory of our MIA/POW's. This issue has, unlike the exemplary job Mr. GILMAN has done, has been a disgrace on the part of so many American officials and so many elected officials as well.

I remember when I was a young reporter shortly after the MIA/POW's were supposedly all returned, I was a young reporter and interviewed Richard Nixon in Los Angeles. I will never forget that interview because I asked him whether or not he was certain all of our MIA/POW's had been returned from Vietnam. And he gave me a statement to that effect.

However, after the interview, I thought to myself the President did not give me any reason to believe that all of the MIA/POW's were returned except that he was satisfied. It seemed to me if he was satisfied and that was not just a public statement, he would have given me reasons to believe that.

So I walked away from that interview so many years ago, 20 years ago now, saying, "You know, I don't think he was telling me the truth. I think he thinks there may still be some MIA/POW's in Vietnam." The question we

have to ask ourselves, at that time why would the Vietnamese have ever given up all of their leverage on the United States of America in order to give back all of those people who had been there bombing them and participating in the war against them?

At that time the war was still going on in Cambodia, war was still going on in Laos, in fact, a war was still going on in South Vietnam. There was every reason to question whether or not the Vietnamese gave back all of those POW/MIA's at that time.

We have heard over and over and over again these years that the Communist regime in Hanoi has been cooperative. Well it just ain't so.

The history of our dealings with Hanoi in terms of our MIA/POW record is a record of deceit, foot-dragging, and manipulation. It is a history of we ourselves bending over backward to give the very best interpretation of all of Hanoi's actions. It is a history of a mindset on the part of American officials to debunk the entire MIA/POW issue, especially if there are any live-sighting reports about possible POW/MIA's still in the hands of the Communists.

Now, are there still live POW's, especially after all of these years? I happen to believe it is likely that they kept some Americans after claiming they returned them all. That does not mean these men would still be alive today. I do not know if they are or not, and I am not saying they were kept. What I do know is that the American people have been lied to on this issue over and over again.

What I do know is Hanoi has not been cooperating as we have been told on this issue.

Mr. Speaker, less than a year ago, I was up on the Cambodian-Vietnamese border with our American POW teams out there in the jungle, trying to find, desperately working under horrible conditions, having to cut landing pads out of the jungle in order to try to find a hospital where some of our MIA/POW's were kept near the end of the war.

The trouble is Hanoi could tell us the location of this hospital, which was a major facility during the war, simply by having any one of the thousands of North Vietnamese who were stationed at that hospital go to the scene and help our people locating it.

But instead our teams have been put through a grueling practice over and over again, trying their hardest, working long hours to find even the minuscule bit of information.

One of our own colleagues, PETE PETERSON of Florida, was held for 6 years as a prisoner of war. On the way over to Vietnam I asked PETE if he has been a prisoner of war, designated as a prisoner of war the entire time he was held captive. He told me, "no," in fact during the first 3 years of his captivity he

was labeled as an MIA, meaning even his family did not know that he was being held captive by the North Vietnamese.

During that time that he was kept there, and I think this is important, Mr. PETERSON was kept totally separate from all other Americans. No one knew that he was being held captive. In fact, had he been kept instead of declared a POW, we would not have known he would have been there at all. It is possible other Americans were held in the same way. I am not saying that is absolutely the case, but that it is worth putting pressure on the Vietnamese instead of bending over backward giving them the benefit of the doubt.

When I was with them negotiating this issue, they told me that record that PETE PETERSON—the prison in which he was held those 6 years, were not available to us. Now, those records could have disclosed to us whether or not there were other prisoners in this status listed as MIA and being part of the prison population. In fact, we have not been given the record of any of those prisons.

That to me indicates the Vietnamese have been deceptive. We do not need to bend over backward in the POW/MIA issue, to normalize relations, rush in with a trading relationship with people who are treating us with that type of arrogance.

I would say during this time period the one hope that any people have of actually coming to the truth, to finding out what happened in there in Southeast Asia to our MIA/POW's, is to make sure we as American citizens keep the pressure up on our own Government and on Hanoi. That is why this resolution today is so important. That is why on September 16, I hope that all Americans will fly their MIA/POW flags at their local libraries and people will come forward and give radio interviews and talk to other Americans and others about the issue of MIA/POW's. We should never forget this war in Vietnam.

We should never forget the lessons we learned there. There are a lot lessons to be learned. But most importantly, never forget the men and women who marched off. They placed their lives on the line for us, and we should make sure they are never forgotten, because we are sending a message to our current defenders that we will always be behind them and will never ever leave them behind.

Mr. GILMAN. Mr. Speaker, further reserving the right to object, I thank the gentleman from California [Mr. ROHRBACHER] for his very strong supportive statements in support of the resolution.

Mr. Speaker, further reserving the right to object, I am pleased to yield to a longtime proponent of our need to explore and to get a full resolution of our

MIA/POW issue, the gentleman from California [Mr. DORNAN].

Mr. DORNAN. I thank the gentleman from New York, the stalwart colleague from New York, who has been a leader on this issue for the better part of a quarter of a century.

Mr. Speaker, I am going to be uncharacteristically brief on this issue because our colleague and whip and one of our leaders, deputy whip, Mr. WALKER, has a privileged motion and I want to stay to hear that.

There is not anything I can say to add to the perfect remarks of the gentleman from California [Mr. ROHRBACHER] and to the perfect remarks of the gentleman from New York [Mr. GILMAN] on this issue.

□ 1430

Last week, I was going to make a speech on this because it was the 30th anniversary of the shutdown of our friend, Ev Alvarez, on August 5, 1964. What we did not know until 9 years later, Ev was to turn out not to be our longest-held prisoner. An Army Green Beret, Maj. Floyd Thompson, was taken prisoner March 26, 1964, served 1 week less than 9 years. His wife waited for him. MIA for all those years. So, this was the better part of a decade, this agony.

What I will do is just associate myself with the remarks, with the perfect remarks, of the gentleman from California [Mr. ROHRBACHER].

Mr. Speaker, I am going to put in the RECORD what the gentleman from New York [Mr. GILMAN] and I have agreed is the outstanding article by our friend, Dr. Frank Gaffney, last week on the warehoused remains of our heroes and why the Vietnamese can still not be trusted on this issue, and I would call my colleagues and the Nation's attention, through C-SPAN, to this month's Reader's Digest on the 30th anniversary of Ev Alvarez' shutdown. There is a superb article of how this man's faith, his Christian faith, his Catholic faith, which I will speak about in my special order tonight, how that sustained him through the darkest months when he was the only prisoner. They never let him know that they had Floyd Thompson, never saw him during all those 9 years.

I thank the gentleman for letting me speak, and I support, of course, Senate Joint Resolution 196.

Mr. Speaker, here is the superb article by Frank Gaffney, it is both heart-breaking and enraging to true patriots.

The article follows:

[From the Washington Times, July 26, 1994]

SMOKING GUN IN MIA COVERUP?

(By Frank Gaffney, Jr.)

One would think that, if a picture is worth a thousand words, 2,000 photos recently displayed at a national convention in Crystal City should be worth 2 million words. In fact, these pictures should translate into much more than a voluminous book's worth of

wordage. They should clear the way for a final, honest accounting of what happened to the hundreds of men left behind at the end of the Vietnam war.

The photographs, which were presented publicly for the first time at the annual Washington meeting of the National Alliance of POW-MIA Families, were taken more than 20 years ago by the North Vietnamese army and news agency. They show American prisoners of war, aircraft crash sites and pilot identification cards.

Some of the subjects are among those prisoners who returned at the end of the war. But many others are servicemen—photographed alive or dead—who are still officially considered "unaccounted for."

Incredibly, these materials were secretly withheld from the public—including family members of some of those servicemen appearing in these photographs who claim the U.S. government had not previously informed them about the existence of these photos, even though the Defense Department now acknowledges having them for more than two years. The National Alliance obtained these formerly "TOP SECRET" photos from a former agent of the Defense Intelligence Agency.

The explanation for this stunning withholding of information relevant to the POW-MIA issue may lie in the fact that these photos represent damning new evidence of the extent to which the American and Vietnamese governments have covered up critical information on missing U.S. servicemen. Among other things, they document the great lengths to which North Vietnam went to document its inventory of captured or dead American prisoners and their equipment—to the point of labeling and warehousing prisoners' uniforms, flight helmets and aircraft identification numbers.

In addition, hundreds of pilot identification cards—including those of men still listed as missing—are shown in pristine condition. There are also photos depicting Vietnamese searching through crash sites together with Soviet bloc advisers, indicating there is much more information in Hanoi and Moscow that can and must be made public.

Importantly, these photos also appear to put to rest several, long-disputed issues:

Some American servicemen officially listed as missing in the Vietnam conflict were captured alive. Consequently, it is no longer possible to accept Hanoi's excuses—or those of its apologists—to the effect that it has no knowledge of the fate of these individuals.

American servicemen listed as missing or deceased "with body unrecoverable," were at one point in the hands of Vietnamese and Soviet bloc officials. The remains of such servicemen can no longer be considered irretrievably lost.

The Vietnamese government was meticulous in its record-keeping about captured or deceased American pilots. Claims that Hanoi has been fully forthcoming with what little documentation it had concerning U.S. POW-MIAs—or, alternatively, that worm- or water-damage or carelessness resulted in everything else being lost—should be seen for what they are: part of a long-running, cynical manipulation of such information by Vietnam.

Vietnamese excavation teams examined downed aircraft even in extremely remote areas. This proves that most crash sites—now being excavated by joint American and Vietnamese military teams at great cost to U.S. taxpayers—were scoured during the war and any prisoners, or their bodies, were re-

moved long ago. Consequently, the illusion of great cooperation from Hanoi in investigating these sites should cease to be a justification for further steps toward normalizing bilateral relations.

The U.S. government has still not come clean about all that it knows concerning our unaccounted-for servicemen. Notwithstanding its professed commitment to declassify all relevant information, the Clinton team appears to be continuing the practice of past U.S. administrations in resisting full disclosure, for example, of electronic intercepts that support the National Alliance's photo collection on two points: (1) American servicemen were abandoned in Vietnam at the war's end and (2) that fact was assiduously covered up in the years since. And Clinton personnel choices make an early end to the cover-up unlikely; a virulent anti-war activist, Charles Searcy, was the president's choice to run POW-MIA affairs at the Pentagon, and the most respected field investigator, Garnett Bell, was replaced by young officers who have no background in the issue or in Southeast Asia.

Addressing the questions raised by Hanoi's photographs should be the sole focus of meetings like that between Secretary of State Warren Christopher and his Vietnamese counterpart in Bangkok this month. This effort should be accompanied by a new and independent evaluation of all available information related to the missing Americans. Clearly, unless and until Hanoi and Washington are fully forthcoming, there must be no further progress toward establishing full diplomatic and economic relations with communist Vietnam.

At a minimum, the National Alliance's photo exhibit ought to be displayed in the House and Senate office buildings, where it would be readily accessible to members of Congress, journalists and the public at large. It is especially important that this reminder of unfinished business be kept squarely in mind as President Clinton puts a new generation of Americans in uniform at risk of a similar fate in places like Bosnia, Haiti and the Golan Heights.

Mr. GILMAN. Mr. Speaker, further reserving the right to object, I want to thank the gentleman from California [Mr. DORNAN] for his supportive arguments.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. McDERMOTT). 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. 196

Whereas the United States has fought in many wars and thousands of Americans who served in those wars were captured by the enemy or listed as missing in action;

Whereas many American prisoners of war were subjected to brutal and inhumane treatment by their enemy captors in violation of international codes and customs for the treatment of prisoners of war, and many such prisoners of war died from such treatment;

Whereas many of these Americans are still listed as missing and unaccounted for, and the uncertainty surrounding their fates has caused their families to suffer tragic and continuing hardships;

Whereas, in the Joint Resolution entitled "Joint Resolution designating September 21,

1990, as 'National POW/MIA Recognition Day', and recognizing the National League of Families POW/MIA flag", approved August 10, 1990, the Federal Government officially recognized and designated the National League of Families POW/MIA flag as the symbol of the Nation's concern and commitment to accounting, as fully as possible, for Americans whom are still prisoners of war, missing in action, or unaccounted for in Southeast Asia; and

Whereas the sacrifices of the Americans whom are still missing in action and unaccounted for from all our Nation's wars and their families are deserving of national recognition and support for continued priority efforts to determine the fate of those missing Americans: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF NATIONAL POW/MIA RECOGNITION DAY.

September 16, 1994, is designated "National POW/MIA Recognition Day", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe that day with appropriate ceremonies and activities.

SEC. 2. REQUIREMENT TO DISPLAY NATIONAL LEAGUE OF FAMILIES POW/MIA FLAG.

(a) IN GENERAL.—The POW/MIA flag shall be displayed, as a symbol of the concern and commitment of the United States to accounting, as fully as possible, for Americans whom are still prisoners of war, missing in action, or unaccounted for and to ending the uncertainty for their families and the Nation—

(1) at all national cemeteries and the National Vietnam Veterans Memorial on May 30, 1994 (Memorial Day), September 16, 1994 (National POW/MIA Recognition Day), and November 11, 1994 (Veteran's Day); and

(2) on, or on the grounds of, the buildings specified in subsection (b) on September 16, 1994.

(b) BUILDINGS.—The buildings specified in this subsection are—

(1) the White House;

(2) the Capitol Building; and

(3) the buildings containing the primary offices of the—

(A) Secretary of State;

(B) Secretary of Defense;

(C) Secretary of Veterans Affairs; and

(D) Director of the Selective Service Commission.

(c) POW/MIA FLAG.—As used in this section, the term "POW/MIA flag" means the National League of Families POW/MIA flag recognized officially and designated by section 2 of the Joint Resolution entitled "Joint Resolution designating September 21, 1990, as 'National POW/MIA Recognition Day', and recognizing the National League of Families POW/MIA flag", approved August 10, 1990 (36 U.S.C. 189).

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.

PRIVILEGES OF THE HOUSE—RETURNING TO THE SENATE THE SENATE AMENDMENTS TO H.R. 4554

Mr. GIBBONS. Mr. Speaker, I rise to a question of the privileges of the

House, and I offer a privileged resolution (H. Res. 518) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 518

Resolved, That Senate amendment No. 83 to the bill H.R. 4554 making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1995, and for other purposes, in the opinion of this House, contravenes the first clause of the seventh section of the first article of the Constitution of the United States and is an infringement of the privileges of this house and that such bill with the Senate amendments thereto be respectfully returned to the Senate with a message communicating this resolution.

The SPEAKER pro tempore. The resolution constitutes a question of privileges of the House.

The gentleman from Florida [Mr. GIBBONS] will be recognized for 30 minutes, and the gentleman from California [Mr. THOMAS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. GIBBONS].

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

Mr. Speaker, House Resolution 518 is a simple resolution returning to the Senate the bill, H.R. 4554, because it contravenes the constitutional requirements that revenue measures originate only in the House of Representatives.

Specifically, the Senate amendments to H.R. 4554 provide that amounts are to be credited to the appropriations for the Food and Drug Administration "from fees established and collected to cover the costs of regulation of products under the jurisdiction of the Food and Drug Administration." These fees are not limited to cover only the costs of providing specified regulatory activities. Further, the FDA would not be required to change the fees, in appropriate amounts, only to those persons who benefit from such regulatory activities. Instead, the Senate amendments would allow the FDA to charge a broad cross-section of the public in order to fund the costs of its activities in general. Thus, these fees are not true regulatory fees, but constitute revenues which would fund the Government generally.

Therefore, I am asking that the House insist on its constitutional prerogatives. While the House, by adopting this resolution, will preserve its prerogative to originate revenue matters, I want to make it clear to all Members that our action does not constitute a rejection of the Senate bill on its merits. Our action today is merely procedural in nature. It makes it clear to the Senate that the appropriate procedure for dealing with revenue measures is for the House to act first on a revenue bill and the Senate to add its amendments and seek a conference.

Mr. THOMAS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the privileged resolution offered by the chairman of the Committee on Ways and Means.

Some folks may think that this appears to be a rather arcane battle and arcane discussion. It is, in fact, fundamental to an ordered process. The rules of the game in our society is the Constitution of the United States, and in Article I, Section 7, it says all bills for raising revenues shall originate in the House of Representatives. But the Senate may propose or concur with amendments, as on other bills.

The chairman has outlined a fee structure in the bill that we are asking to send back to the Senate. The fee structure in fact raises more money than the fees cover. If you are going to collect more in revenue than you are going to use for a particular purpose, you can call it whatever you want, but it is raising revenue under the Constitution, and the Constitution says that is the right and the privilege of the House of Representatives to originate. All the resolution does is simply tells the other body that we must insist on this constitutional requirement.

Now when the House adopts this privileged resolution to return the bill to the Senate, it does not prejudice the amendment's consideration in any constitutionally accepted manner. Certainly the Senate sponsors are free to seek an appropriate House-generated revenue bill to accomplish that purpose. Whether or not the substance of the measure should be approved and whatever context is to be considered is certainly a discussion for another day. For now the issue is simply: Will the House of Representatives enforce its prerogatives under the Constitution?

Mr. Speaker, I think that should be fairly simple for all of the Members of the House to understand and agree with the chairman, and I support the privileged resolution.

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

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

Mr. GIBBONS. I yield to the gentleman from Wisconsin.

Mr. OBEY. Let me simply say that what is at issue here is whether or not the House will take an action which is called blue-slipping the appropriation bill for agriculture for the coming fiscal year. The reason the Committee on Ways and Means wants to do that is because the Senate inappropriately adopted an amendment which is clearly an effort simply to legislate more spending in the agriculture appropriation bill above the amount that would be allowed for the budget caps, and the way they do that is to inappropriately use a revenue device. I grant that. As chairman of the Committee on Appropriations, I fully appreciate the need for the Senate to cease and desist on

items like this. But there are a number of ways that it can be done it seems to me. The committee can, if it chooses, pursue its right today. I fully recognize that right. If the committee pursues it in this manner, however, and if the Senate bill manager cannot obtain unanimous consent to vacate the ill-advised Senate action, then it means that we are forced to repass the agriculture appropriation bill in this House, repass it again in the Senate, consuming additional time at a time when this institution is already under great duress and great stress because of the large nature of the bills such as the health care bill and the crime bill which we are still trying to wrestle with.

□ 1440

An alternative manner in which to proceed would still preserve the rights of the Committee on Ways and Means to blue-slip this bill when it comes back from conference if the offending provision has not been removed. I have made it quite clear, both orally and in a letter to the chairman of the committee, that our committee will not come back from conference with that offending provision. We reject it outright and would insist that it not be included.

I cannot prevent the committee from exercising its right to offer this resolution today. They are correct. The committee does have the right and privilege to offer the resolution. But in a constructive atmosphere, one does not always need to exercise every right and privilege that one has. At least when that right is exercised, it would be good for this institution if that right were exercised in a way which took into account the greater needs of the institution at the moment.

I take a back seat to no one in my insisting that the Senate follow constitutional dictates, and I fully acknowledge the right of the Committee on Ways and Means to take this action. But I would suggest that a more constructive way in which to take it would be to withhold this action for the moment and allow us to remove the offending provision in conference.

Our committee did not, after all, place that offending matter in the bill. It was done in the Senate. They added the amount of spending that is in question. And we made quite clear it will be taken out and we will not bring an agriculture appropriation bill back to the floor if the Senate does not back off on its provision.

It seems to me that that would be a far more constructive way to deal with the situation at hand, rather than to add to the gridlock which we have around here by requiring this House, if the Senate does not do what it ought to do, to repass again an appropriation bill, and have the Senate repass it again, at a time when our focus ought

to be on health care and ought to be on crime.

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

Madam Speaker, I thank the chairman of the Committee on Appropriations for his remarks. I have no argument with him about the substance of his remarks. I think he has been very straightforward and very professional and very gentlemanly in his approach. But we think it is appropriate that we send this back to the Senate at this time.

The SPEAKER pro tempore (Ms. BROWN of Florida). Does the gentleman from California wish to use further time?

Mr. THOMAS of California. I do, Madam Speaker. I yield myself such time as I may consume.

Madam Speaker, the chairman of the Committee on Appropriations talked about the greater needs of this institution. I think what is at issue is the Constitution of the United States. The issue is not inconvenience. The issue is not politics. The issue is not time. In part, the issue is you folks have controlled this body for so long that inconvenience, politics, and time may be more important than the primary and fundamental issue of the Constitution. The greater needs of the institution in the long run are met by making sure that we do not, for convenience, politics, or time, decide that something as fundamental as the origination of a bill, should take second place.

Madam Speaker, I yield to the gentleman from Pennsylvania [Mr. WALKER] such time as he may consume.

Mr. WALKER. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, we are faced here with a real problem and one that is developing, and I congratulate the gentleman from Florida [Mr. GIBBONS], the chairman of the Committee on Ways and Means, for the work he has done in the past to protect the House and the Constitution, and I congratulate him for what he is doing here today.

This is not the first instance of this. It is about the fourth instance of this within just the last 4 or 5 weeks.

Back on July 14, the Treasury-Postal appropriations bill, we had a similar kind of concern. And to his credit, the gentleman from Florida [Mr. GIBBONS], represented on the floor by the gentleman from New York [Mr. RANGEL], came to the floor and did what he is doing today: Assured the privileges of the House with regard to tax measures were protected.

Then on July 21, another bill came over, not an appropriations bill this time, but the Veterans Health Programs Improvement Act of 1994 came over with a revenue measure attached. Once again the Committee on Ways and Means did what it was that should be done. The gentleman from Florida

[Mr. GIBBONS] came to the floor and protected the privileges of the House at that point, as should be done on those kinds of measures.

But the Senate was not finished. On July 21, they also added another tax measure to a bill that day, the Toxic Substance Control Act, which was also brought over with a revenue measure attached. Once again, the gentleman from Florida [Mr. GIBBONS], to his credit, came to the House floor and protected the privileges of the House on this particular tax measure.

What I am saying is there is a pattern here in the Senate now showing itself up in the appropriation bills. Prior to this, there was the appropriation bill on Commerce and Justice. On that particular one, an accommodation was worked out much in the way that the gentleman from Wisconsin [Mr. OBEY] has described to the House here. It was not blue-slipped on the way to conference, but was eligible for a blue slip on the way out of conference.

The Senate, seeing that action, has not decided they are also going to do it in yet another bill, the Agriculture, Rural Development, and Food Development Administration.

This simply cannot be allowed to happen. The fact is that we cannot put aside the Constitution in order to accommodate our legislative agenda in the House of Representatives. The Constitution is very firm on this point, and the Senate knows exactly what it is doing because it is doing it over, and over, and over, and over again, just within the last few weeks.

They are doing so because it allows them to escape a budget control mechanism that has been put in their way, and that is that they cannot spend more than they have revenues to accomplish. So what they are now trying to do is spend more and add the revenues on in the Senate.

We in the House should not accommodate that. We should make absolutely certain that our prerogatives with regard to taxing and spending are absolutely protected.

That is what is happening here right now. The prerogatives of the House are being protected by the resolution of the gentleman from Florida [Mr. GIBBONS]. I congratulate him for it. It is something we need to do each time this challenge is brought before us. We cannot allow the matters to be resolved somewhere in conference committees in the hope it will come back the right way.

We need to understand that this is not just a matter of an appropriations bill. It has now been in several committees where they have pulled the same kind of trick. I do not think the Senate is going to understand until we get to the point that every bill that they send over of this type is immediately sent back to them.

So, again, I thank the gentleman for what he has done.

Mr. DORNAN. Madam Speaker, will the gentleman yield?

Mr. THOMAS of California. I yield to the gentleman from California.

Mr. DORNAN. Madam Speaker, if I am following this correctly, by putting new taxes, user fees or any other type of taxes, into an appropriations bill in the other body, they are opening up a window for more spending. Ergo, this is the much heard about tax and spending that goes on up here on Jenkins Hill.

Mr. WALKER. Madam Speaker, if the gentleman will yield further, precisely. Thank goodness the Constitution protects us from that. We have an opportunity here now to uphold what our forefathers in their wisdom knew about the Constitution, and that is that any revenue measures ought to start in the people's body. This one did not, and we are now going to send it back to the Senate, because they did not do it the right way, and we thank the gentleman from Florida [Mr. GIBBONS] for allowing the House to do this in the right way.

I thank the gentleman from California [Mr. THOMAS] for yielding.

Mr. OBEY. Madam Speaker, will the gentleman yield?

Mr. THOMAS of California. I yield to the gentleman from Wisconsin.

Mr. OBEY. Madam Speaker, I would simply like to reiterate one point, and I am not going to push this to a rollcall vote. I understand what is going to happen. But I simply want to say that in my view, this is not a question of the Constitution. This is not a question of constitutional prerogatives. It is a question of at what time, at what point, and under what manner, the constitutional prerogative is going to be exercised.

□ 1450

I believe that constitutional prerogatives are like opinions. Just because we have them, we do not always have to express them, at least not at the immediate time.

It just simply seems to me that the same purpose could be accomplished, the constitutional prerogative could be protected, if we were allowed to simply proceed to take out the offending Senate action in the conference.

I fully agree with the gentleman from Pennsylvania. I think this is simply an end run on spending caps. I resent it very much, and I am not going to allow it to happen. But the problem is that the process which the gentleman is pursuing today leaves us at the mercy of the ability of the other body to be responsible.

I think that under some circumstances that might be a very weak reed to lean upon and so it seems to me that the better course would be for us to responsibly take the offending matter out without requiring each house to go through another set of hoops. That is what I was trying to accomplish here today. I am sorry I could not do it.

Mr. THOMAS of California. Madam Speaker, reclaiming my time, I appreciate the gentleman's comments, but I think the history, as was outlined by the gentleman from Pennsylvania, clearly indicates that were this the first offense, obviously the option that the chairman of the Committee on Appropriations now seeks as an alternative might be appropriate. But when the Senate has done this not once a year, not twice a year, but when it does it three and four times a month, I think what we are about here is in part behavior modification and that perhaps this inconvenience by the way in which we are upholding our constitutional right might, in fact, get the Senate to understand that if they are responsible at the outset, they will not have to be responsible at the backend, as the gentleman from Wisconsin is concerned about, in terms of their ability to do it the right way.

It seems to me that an immediate response by the House of Representatives, in perhaps the most inconvenient way possible, will mean that we will not have to address this in the future.

Therefore, I support the resolution by the chairman of the Committee on Ways and Means, the gentleman from Florida.

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

Mr. GIBBONS. Madam Speaker, 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.

A motion to reconsider was laid on the table.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, and under a previous order of the House, the following Members are recognized for 5 minutes each.

HEALTH CARE, SMALL BUSINESS, AND GRASS ROOTS

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

Mr. DERRICK. Madam Speaker, ever since health care reform became a serious possibility certain factions interested in killing the initiative have spread disinformation and alarmist propaganda vilifying the entire effort. They portray reform as a murky conspiracy to enslave the public, or a malicious attempt to destroy business, or a bureaucratic campaign to expand Government control over the people.

The propaganda machines fired up by the defenders of the status quo have been working overtime. They've conducted an all out effort to convince the

American people that they don't want health care reform. But reality will always belie propaganda, especially when the propaganda contradicts the people's experience.

The American people want and need health care reform. Mass mailings, phone banks and rabid talk show hosts can't persuade them otherwise. Americans aren't impressed with arguments that reform will ruin the quality of their health care and cost them more money. Americans already know that every year they pay more for less health care. They've been watching what health care they could afford evaporate.

If Congress lacks the courage to reform the health care system now, the situation will continue to deteriorate, more Americans will lose their coverage, and the blame will be ours.

Americans know the system needs reform to remedy the problems they face every day. Seventy-eight percent of Americans favor universal coverage, and 75 percent even favor employers sharing responsibility with their employees to pay for health insurance. Well-funded lobbying groups such as the NFIB aim their rhetoric at small businesses, telling them that reform is a job-killer that will close them down. The truth is that small business will benefit greatly from reform. As it stands they pay up to 50 percent more for the health insurance than large firms. A third of them see their insurance premiums rise by 25 percent every year, and the burden of covering the growing numbers of uninsured Americans is getting shifted onto their shoulders. The status quo hurts small business.

Wednesday a group of small business owners from Virginia, Pennsylvania, New York, and Washington, DC, took time away from their businesses to come to the Capitol and voice their support for health care reform. They know that reform will level the playing field for small businesses. It will lower their overhead tied up in health care costs, making it easier and cheaper to operate. These businessmen and women are members of the Small Business Coalition for Health Care Reform, a grass roots organization representing 626,000 businesses employing 5.5 million people. Unlike the NFIB, a well-funded lobbying group representing big-money interests, the Small Business Coalition supports reform.

Where groups such as NFIB are trying to kill reform and preserve the status quo beloved by their funders, the Small Business Coalition knows how much small business has to gain from reform. Their members, the small business grass roots, agree.

It's important to remember that grass roots organizations found the support for health care reform. Reform won't benefit a particular special interest, unless you define America as a spe-

cial interest. Small businesses will gain from reform, but the focus of reform is the mass of employed, hard working, middle-income Americans who, despite their labors, still can't afford health care for themselves or their families. Anti-reform propaganda tries to convince people that reform will limit their options or degrade the quality of their health care.

That's not much of an argument for people who can't afford any health care or insurance at all. If anything, by guaranteeing coverage and insurance that can't be taken away, health care reform expands the average American's health care options.

Americans know it, and they overwhelmingly support reform. You can see the support by looking at the growing number of grass-roots organizations representing millions of Americans who have declared their support for the Guaranteed Health Insurance Act. They include labor unions, consumer advocacy groups, medical providers, health advocacy groups, teachers, education groups, family advocates, senior citizen groups, farmers, veterans and children's advocates.

In short, there are myriad organizations who know that their members can only benefit from health care reform. Members of Congress shouldn't confuse these voices with mere special interests. The voice they hear expresses America's will, and the will is for health care reform.

□ 1500

LEGITIMATE OPPOSITION TO THE CRIME BILL RULE

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

Mr. HORN. Madam Speaker, it is utter nonsense to say that all of those who voted against the rule on the crime bill yesterday afternoon put the interests of the powerful National Rifle Association above those of their constituents. Yet, that is what some who are uninformed are saying.

This Member happened to campaign for a ban against assault rifles. This Member voted for a ban against assault rifles. This Member will again vote for a ban against assault rifles when the conference report on the Violent Crime Control and Law Enforcement Act of 1994 properly comes before this Chamber.

What bothered a number of us, Madam Speaker, was the arrogance and the misuse of the rules which was involved in the rule that preceded yesterday's conference report. It violated what this Chamber is all about; that is, a Chamber that seeks to reflect the people's will.

The minority is tired of having proposals brought in here that you cannot

read in time, that are rammed down our throat with some pseudo sense of urgency. Of course there is urgency about crime. We see it, those of us from urban America. But where was the sense of urgency when this was happening 2, 3 years ago, months ago, et cetera?

The conference committee certainly took its time. They finished in late July. On the Republican side, we did not get the printed report with the agreed measure to be submitted to the Senate and the House, and then to the President, until 3:20 p.m. yesterday afternoon. We voted at about 5 p.m.

The conference report contained hundreds of pages, many of which had never been considered by the Senate or the House. They were add-ons put in by the Democratic majority in that conference committee.

What particularly concerned us, Madam Speaker, is when the very able and powerful chairman of the Committee on the Judiciary went before the Committee on Rules and was specifically asked to identify where were the point of order problems. That means where were the activities, programs, legal language, et cetera in the bill that violated existing House rules in the final reconciled version submitted by the conferees.

He refused to answer that question. He said he was not sure he knew, and then he said even if he did know, he would not tell them since it might be used against the bill on the floor. The Committee on Rules is an agent of the House of Representatives. When you insult our agent, you also insult our House. It is tragic that the nine member Democratic majority of that committee did not pursue what the four member Republican minority sought.

When a committee chairman seeks to waive the House rules prior to consideration of a bill, the members of the Committee on Rules are entitled to know what it is that they are waiving. To the average citizen, this might sound complicated, but if the Members do not know what they are voting on, how can they possibly reflect the will of the people? It is the people to whom we are responsible. We are not responsible to a chairman, we are not responsible to a committee, we are responsible to the people, and to civility and following the rules of this Chamber.

Madam Speaker, when we swear and take an oath on opening day to support the Constitution of the United States, that includes the rules of the House of Representatives, pursuant to that Constitution. I suspect some rules we have here such as the "king-of-the-hill" rule and other modern creations which prevent the process should be challenged in court. Certainly the founders would never have dreamed them up.

The timing of the vote violated the Legislative Reorganization Act of 1970, in that the 443-page conference report

was not available to Members of the House 3 days ahead of its consideration. That situation is intolerable. That is why the chairman of Judiciary sought a waiver of the rules.

In addition, on another subject related to the crime bill, I am informed by the gentleman from Florida [Mr. MCCOLLUM], the author of many of the Republican anticrime bills, and the most knowledgeable member of the Committee on the Judiciary, that when the anticrime bill left the Senate, it left at a price tag of \$22 billion.

When it left the House, it left at a price tag of \$26 billion. When it was done with by the Senate and House conferees who prepared the conference report which contained the final version of the proposed law, the price tag had increased to \$33 billion. That is an \$11 billion increase! That amount of an increase has seldom been seen.

In addition, Madam Speaker, items were added in conference, as I noted, which had never been in either bill. They came as a surprise to the Republican members in the conference if they were ever consulted. The Representatives in the House, each of us elected by the people, have a right to know what is in the legislation before them.

Besides great changes in the amount of money involved, there were vital matters of substance, which were drastically changed.

Items which had been passed by both the House and the Senate by overwhelming votes were simply thrown on the cutting room floor.

One example was offered by our distinguished colleague, SUSAN MOLINARI, a Republican from New York. Her amendment would have changed the Federal rules of evidence to allow prosecutors in sexual assault and child molestation cases to introduce evidence that the defendant has committed similar crimes in the past. The Senate approved it by a vote of 75 to 19. The House supported it by a vote of 348 to 62 on a motion to instruct the House conferees to include this language in the final version of the proposed law.

Similarly, the distinguished gentleman from Washington [JENNIFER DUNN] also a Republican offered the Sexually Violent Predators Act. This amendment would notify communities when convicted sexual predators moved into their area, giving families warning that danger exists in their neighborhoods. The Senate had adopted the language unanimously. A motion to instruct the House conferees to support this language was adopted by the House by a vote of 407 to 13.

Madam Speaker, with this type of disregard to the will of this House, when both of these important proposals were overwhelmingly approved by this Chamber, yet ended up littered on the cutting room floor, with no respect for the democratic process of this Cham-

ber, I think many more should have voted against the rule than did.

Last night I watched the press conferences held by several of the contesting parties to the issues involved in this legislation. I had a feeling that several of them should have had a good night's sleep before commenting on the defeat of the rule.

If the Democratic majority in the next conference will get the message that not only Republicans but dozens of Democrats want to reduce the proposed legislation by several billion dollars in social programs which compete with already existing ones, then we will have a better bill.

If the Democratic majority in the next conference will get the message that not only Republicans but dozens of Democrats want to restore the Federal rules of evidence re those who commit sexual assault and molest children to the language approved by both Houses, then we will have a better bill.

If the President and the Democratic leadership in the House will wake up and accept the offer repeatedly made by the Republican whip and Republican leader to be NEWT GINGRICH to engage in bipartisan collaboration so that Republicans will participate in the take-offs and not simply the crash landings, then we will have better public policy and a more united Congress and Nation. The gentleman from Georgia [Mr. GINGRICH] has made that offer ever since the successful collaboration we had on NAFTA the North American Free-Trade Agreement.

Let us work together and we can adopt an effective anticrime bill and a sensible health care bill.

Madam Speaker, I was particularly impressed with the comments of the ranking Republican on Judiciary when he spoke on the problems with the handling of this legislation. There are few members of this body more respected than the gentleman from New York [Mr. FISH]. HAMILTON FISH is dedicated to public service just as his family has been for almost two centuries. When he is upset, it is time for the House to listen to his thoughtful and wise comments.

Mr. FISH. Mr. Speaker, I rise in opposition to the rule. This conference report contains provisions which I oppose and, in addition, the conference committee deleted provisions which I supported. However, my opposition to this rule is based as much on procedural objections as it is on substantive policy.

As we all know, violent crime is a devastating national problem. Violent crime has increased in this country over 23 percent since 1988. A violent crime is committed once every 22 seconds and a murder is committed once every 22 minutes. A rape occurs every 5 minutes and a robbery every 47 seconds. Over 70 percent of the violent crimes committed in our country are committed by repeat offenders.

These are not just statistics. The victims of these crimes are real people—they are our constituents—and the ultimate victim is society. The crime epidemic has brought with

it the pestilence of fear and Congress should address this complex problem in a comprehensive, realistic and bipartisan way. Whether we are Republicans or Democrats this is a national crisis that we share and partisan politics should not interfere with the best solutions.

Back in March, following action in the House Judiciary Committee on the Violent Crime Control and Law Enforcement Act of 1994, I went before the Rules Committee urging that certain key amendments be made in order. Those were amendments put forward by the Republican members of our Committee and reflected a number of very valid and valuable approaches to the serious problem of crime we have in this country.

Unfortunately, when this legislation was brought to the floor in April, several of my Republican colleagues were prevented from offering amendments under a highly restrictive rule. Still other Republican amendments were allowed but they were subjected to a king-of-the-hill procedure that prevented any real genuine opportunity for success.

Subsequently, after the legislation was passed by the House of Representatives, I appointed the four most senior Republican members of the House Judiciary Committee to serve on the conference committee on the Crime bill. For many weeks and months, the conference committee did not meet. Republican members were routinely excluded from closed door meetings during this time period. Then, finally, when the conference committee briefly convened, Republican Members were routinely refused key documents and several significant Republican amendments were dropped or weakened. Numerous Republican proposals were defeated in conference through the utilization of the proxy vote mechanism. Ultimately, none of the Judiciary Republican conferees signed the conference report. How could they approve a document which they had no part in formulating?

Furthermore, the conference report itself is a document that has been conspicuous by its absence. As of yesterday evening, the Members of this House did not have a complete, final copy of the conference report. The conference version, as I understand it, is almost four inches thick, it is over 1,000 pages long. How do we evaluate a major piece of legislation that no one has been permitted to read?

Mr. Speaker, I stand here as the Ranking Republican on the House Judiciary Committee. The upcoming vote on the rule is a procedural vote that must be evaluated in the light of these events. The rules process goes to the very heart of our role as legislators and our rights as Members of this House. I am angered and dismayed about the manner in which Republican Members have been denied their rightful role on this very important public policy question.

Mr. Speaker, I will vote "no" on this rule because of the tactics used by the Majority party—tactics which insult the Republican Members of this House and the American citizens we were elected to represent.

Madam Speaker, I attach an excerpt from "How Our Laws Are Made" which has been prepared by the Congressional Research Service. It explains the role of the Committee on Rules.

X. OBTAINING CONSIDERATION OF MEASURES

Obviously certain measures pending on the House and Union Calendars are more important and urgent than others and it is necessary to have a system permitting their

consideration ahead of those that do not require immediate action. Because all measures are placed on those calendars in the order in which they are reported to the House, the latest bill reported would be the last to be taken up if the calendar number alone were the determining factor.

SPECIAL RESOLUTIONS

To avoid delays and to provide some degree of selectivity in the consideration of measures, it is possible to have them taken up out of order by obtaining from the Committee on Rules a special resolution or "rule" for their consideration. That Committee, which is composed of majority and minority Members but with a larger proportion of majority Members than other committees, is specifically granted jurisdiction over resolutions relating to the order of business of the House. Usually the Chairman of the committee that has favorably reported the bill appears before the Committee on Rules accompanied by the sponsor of the measure and one or more Members of the Chairman's committee in support of the request for a resolution providing for its immediate consideration. If the Committee on Rules is satisfied that the measure should be taken up it will report a resolution reading substantially as follows with respect to a bill on the Union Calendar:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. ____) entitled, etc., and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed ____ hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on ____, the bill shall be read for amendment under the five-minute rule. At the conclusion of the 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, and 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.

If the measure is on the House Calendar the resolution reads substantially as follows: *Resolved*, That upon the adoption of this resolution it shall be in order to consider the bill (H.R. ____) entitled, etc., in the House.

The resolution may waive points or order against the bill. When it limits or prevents floor amendments, it is popularly known as a "closed rule".

SPECIAL COUNSEL IN WHITEWATER INVESTIGATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland [Mr. HOYER] will be recognized for 5 minutes.

Mr. HOYER. Madam Speaker, I rise to speak of a matter that is troubling me, and I think troubling other individuals. Some years ago, we created a special counsel, a special prosecutor, if you will. That position was created to assure objective, nonpartisan, nonpolitical review of possible wrongdoing within the executive department.

The reason for doing that was so that the Attorney General, who is appointed by the President of the United States,

and who is the office to whom the U.S. attorneys report, would not be in effect in the chain of command as it related to the investigation of alleged wrongdoing of, in this case, her boss, the President.

I supported that legislation, and supported it when we reauthorized it recently. Because that legislation had not been reauthorized and signed into law when the question of Whitewater arose, and after the requests of the Members of the Republican Party in particular, concurred in, ultimately by the administration, the Attorney General, because the legislation was not in effect, appointed a special prosecutor for the purpose of investigating Whitewater.

□ 1510

After she had done so, she carefully reviewed prospective nominees and she chose for that position a Republican, a Republican who was known for his integrity and his legal skill, a Republican who in fact had experience as a prosecutor and was known to be a thorough and fair investigator. That gentleman's name was Fiske.

Subsequent to his appointment, he undertook the investigation and has made certain reports. The same people who had demanded the appointment of a special prosecutor, the same people who believed Mr. Fiske was a fair-minded, judicious prosecutor with personal and legal integrity have subsequently criticized him because they did not like his findings. His findings, of course, were that there was no transgression of law, no laws broken, no ethical violations in relationship to the communications between the Treasury Department and the White House.

These Republicans, frankly, were not satisfied. Ten Republicans have written to the Federal court. But I get ahead of my story.

Subsequent to that appointment, we did in fact pass the reauthorization to the special prosecutor law. That law provides for a panel, appointed by the Chief Justice of the U.S. Supreme Court, to have the authority to choose a special prosecutor. That panel is currently composed of Judge David Sentelle and two other judges. Judge Sentelle was appointed by Chief Justice Rehnquist. Chief Justice Rehnquist, of course, was in the Nixon Cabinet and appointed by Nixon to the Supreme Court. Judge Sentelle as I understand it, is the first nonretired judge to chair this special prosecutor selection panel of Federal judges. The other two judges who sit on that panel are retired judges as has historically been the case. One of the other judges was appointed by a Republican and one by a Democrat, President Johnson.

I mentioned the 10 Members of this body who wrote to Judge Sentelle and the panel requesting that Mr. Fiske be removed as the special prosecutor. Mr.

Fiske has been at this for months. Mr. Fiske and the staff that he has collected at a cost of over \$2 million in effect were asked by these 10 to be replaced, to be set aside, not because there was a question frankly of the results, although I suggest that they were upset with the results, but because they alleged that there was a conflict of interest.

INTRODUCTION OF THE FINANCIAL SERVICES COMPETITIVENESS ACT

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

Mr. NEAL of North Carolina. Madam Speaker, with the 21st century rapidly approaching, it is time that the legal framework of the U.S. financial services industry catch up with the marketplace. The technology of today, from computers to communications, has changed the face of financial services.

Unfortunately, our laws impose an antiquated legal structure on the new and competitive financial marketplace. As a result, we have a system that is tremendously inefficient and costly. It undercuts our international competitiveness, limits consumer choice and convenience, and ultimately suppresses economic growth.

Dramatic shifts in financial distribution networks and product lines have resulted in a rapid decline in the relative role of banks and other depository intermediaries. From 1980 to 1990, banks' market share fell a full 10 percentage points, from 37 to 27 percent of total financial intermediary assets. By 1990, banks had lost more than one-fourth of the market share with which they began the decade.

Madam Speaker, Congress has the ability to provide our financial system with the tools it needs to develop a better and more efficient system for the delivery of financial products while, at the same time, ensuring the safety and soundness of insured deposits. Our objective should be to ensure that our financial service firms are able to provide consumers and businesses with the most cost-efficient and highest quality financial products and to compete fairly in a global marketplace, while operating in a safe and sound manner.

Our regulatory system for financial services providers must also move toward the 21st century. Our present system is a patchwork of market and institutional regulation resulting from ad hoc responses to the historical developments, with no central theme. It is a house built over time without any floor plan or, indeed, any plan at all.

Even today, bills are introduced in Congress that react only to specific issues of immediate concern. One such example is H.R. 3447, the Securities Regulatory Equality Act of 1993, which responds to the narrow issue of bank sales of mutual funds.

I know from personal experience that bills often are drafted and amendments are crafted, not to deal with regulatory problems in a comprehensive manner, but to avoid or attain jurisdiction by one congressional committee or another. We are left with a hodge-podge of partial solutions to larger problems, the creation

of competitive inequities among market participants, uneven regulations for similar activities across industries and forum shopping by regulated parties. The inability of the House to deal with the larger problems of the financial services sector in a comprehensive manner increases costs for our economy, to the detriment of both efficiency and safety.

One of my purposes in introducing this legislation, Madam Speaker, is to try to get Members to focus on the need to deal with these issues in a comprehensive way. We should not keep careening from one narrow issue to another, be it mutual fund sales disclosures, the use of derivatives, or the underwriting of securities, while pretending that the underlying nature of the financial services industry is the same as it was in 1933.

The world has changed in the past 60 years, but our financial services laws have not kept pace. It is time to recognize that the entire legal structure of the industry has become outmoded and is badly in need of change. Our response should not just be to try to apply another quick fix to whatever problem has caught our eye today. Sooner or later, and I believe sooner, we must break the cycle of temporary patchwork responses to innovations within the financial services industry and consider comprehensive reform. If not, we will be left with the financial services equivalent of hand-cranked telephones and quill pens in a world of cellular phones and fax machines.

Madam Speaker, the Financial Services Competitiveness Act, which I am introducing today, will facilitate a debate addressing the basic structure problems that are the result of outdated affiliation and activities restrictions contained in the Bank Holding Company Act, the Glass-Steagall Act and various other laws. It is designed to modernize the legal and regulatory framework while simultaneously imposing strong safeguards and more effective regulations. The legislation does not seek to realign the jurisdiction of regulators, but rather provide for the functional regulation of financial activities.

Under the bill, federally insured depository institutions would be permitted to affiliate with other financial and nonfinancial businesses. Thus, a bank with federally insured deposits, an insurance company and a company underwriting securities could all be owned by the same diversified financial services holding company.

Allowing affiliations would permit firms to increase their operating efficiencies and better serve their customers. Consumers would benefit from greater convenience, lower prices and enhanced competition. All financial services providers could offer similar options through the holding company structure. It provides competitive equality. It does not favor one industry over another. It encourages more effective competition.

At the same time, there would be safeguards to protect the taxpayer-backed deposit insurance funds. Each subsidiary of a holding company would be required to be separately capitalized. In addition, each holding company would be required to maintain adequate levels of capital in its depository institutions, and if it failed to do so, it would be required to divest the financial institutions and as well as infuse additional capital to bring the institutions into

capital compliance. This provision in particular would insure that diversified financial services holding companies take seriously their responsibility of owning an insured depository institution subsidiary. It also would provide American taxpayers with an extra level of protection—a troubled bank would turn first to its diversified financial holding company, and not the taxpayer.

In addition, banking subsidiaries would not be permitted to engage in nonbanking activities. Each subsidiary would be regulated by the appropriate regulator as under existing law, meaning that securities subsidiaries would be regulated by the Securities and Exchange Commission, insurance subsidiaries by State insurance regulators and financial institutions by the appropriate banking regulator.

Madam Speaker, it is readily apparent that the existing legal structure is not consistent with market realities and the globalization of the financial marketplace. It is time to craft our Nation's financial services policy to strengthen the system instead of restricting and detracting from the health and dynamism of the market.

I recognize that we will not be modernizing our financial services industry this year. But the Financial Services Competitiveness Act will help focus the debate on the need to accomplish modernization. I am pleased that the bill has strong bipartisan cosponsorship—Representatives MCCOLLUM, LAFALCE, FRANK, LAROCO, ORTON, DOOLEY, RIDGE, BAKER of Louisiana, and KING are joining me in introducing the bill today—and I look forward to working with them and others in this Congress to lay the groundwork for consideration of this extremely important issue.

A section by section analysis of this important legislation follows:

THE FSCA—"FINANCIAL SERVICES COMPETITIVENESS ACT"

SECTION BY SECTION ANALYSIS

To create an open and competitive marketplace for financial services which ensures the safety and soundness of the nation's financial system as well as the availability of innovative financial products and services for consumers, business and government at the lowest possible cost.

Section 1—Title

This section provides that this Act may be cited as the "Financial Services Competitiveness Act".

Section 2—Findings and Purpose

The Congress finds that (1) outdated statutes and regulations inhibit innovation, efficiency, and competition in the financial services industry to the detriment of consumers and providers, and (2) new legal framework for financial services must be created which will accord all financial services companies equal opportunity to serve the full range of credit and financial needs in the marketplace and (3) expanded product and service opportunities for all components of the financial services industry would strengthen individual intermediaries as well as the overall financial system, and (4) rapid globalization of the financial services marketplace and the emerging interdependence of major financial markets further underscore the necessity of modernizing domestic laws to maintain the competitiveness of U.S. intermediaries and the preeminence of U.S. financial markets, and (5) regulation of separate segments, subsidiaries and affiliates along functional lines without regard to

ownership and control would serve national priorities better than the present system.

The purpose of the Act is to promote the safety and soundness of the nation's financial system, the availability of financial products and services to consumers, businesses, charitable institutions and governments in an efficient and cost-effective manner, to promote a legal structure governing providers of financial services that permits open and fair competition and affords all financial services companies equal opportunity to serve the full range of credit and financial needs in the marketplace, to ensure that domestic financial institutions and companies are able to compete effectively in international financial markets and to encourage regulation of financial activities and companies along functional lines without regard to ownership, control or affiliation.

Paragraph (1)—Affiliate—defines the term "affiliate" of a company to mean any other company which controls, is controlled by or is under common control with such company.

Paragraph (2)—Adequately Capitalized—defines the term "adequately capitalized" to have the same meaning as in section 38(b) of the Federal Deposit Insurance Act.

Paragraph (3)—Appropriate Federal Banking Agency—defines "appropriate Federal banking agency" to mean the Comptroller of the Currency in the case of national banks or District banks, the Federal Reserve Board in the case of member banks (other than national banks), the Federal Deposit Insurance Corporation in the case of insured state banks that are not members of the Federal Reserve System and the Director of the Office of Thrift Supervision in the case of savings associations.

Paragraph (4)—Bank Holding Company—defines the term "bank holding company" as it is defined in section 2(a) of the Bank Holding Company Act of 1956, as amended.

Paragraph (5)—Board—defines the term "Board" to mean the Board of Governors of the Federal Reserve System.

Paragraph (6)—Company—defines the term "company" to mean any corporation, partnership, business trust, association or similar organization. However, corporations that are majority owned by the United States or any State are excluded from the definition of company.

Paragraph (7)—Control—defines the term "control" as the power directly or indirectly to direct the management or policies of a company or to vote 25% or more of any class of voting securities of a company.

There are four exceptions from the definition of control. These pertain to ownership of voting securities acquired or held by a company:

(1) as agent, trustee or in some other fiduciary capacity;

(2) as underwriter, for such period of time as will permit the sale of those securities on a reasonable basis;

(3) in connection with or incidental to market-making, dealing, trading, brokerage or other securities-related activities, provided that such shares are not acquired with a view toward acquiring, exercising or transferring control of the management or policies of the company;

(4) for the purpose of securing or collecting of a prior debt until two years after the date of acquisition.

In addition, no company formed for the sole purpose of proxy solicitation shall be deemed to be in control of another company by virtue of its acquisition of voting rights of the other company's securities.

Paragraph (8)—Depository Institution Holding Company—defines the term "depository institution holding company" as having the same meaning as in section 3(w)(1) of the Federal Deposit Insurance Act.

Paragraph (9)—Diversified Financial Services Holding Company—defines a DFSHC to be any company that files a notice with the Board that it intends to comply with the provisions of this section, and controls an insured depository institution or either:

(i) has, within the preceding twelve months filed a notice pursuant to subsection (b) of this section to establish or acquire control of an insured depository institution or a company owning such an insured depository, or

(ii) controls a company which, within the preceding twelve months, has filed an application for Federal deposit insurance, provided, that such notice or application has not been disapproved by the appropriate Federal banking agency.

Paragraph (10)—Financial Institution—defines the term "financial institution" to include any bank, savings association, insurance company, finance company, real estate company, securities company or other financial services company that is regulated, supervised or examined under the laws of any State.

Paragraph (11)—Insured Depository Institution—defines the term "insured depository institution" to have the same meaning given to it in section 3(c)(2) of the Federal Deposit Insurance Act.

Paragraph (12)—Representative—defines the term "representative" to include any agent, principal, solicitor, broker, director, or officer, employee or other representative of any company, insured depository institution or affiliate thereof.

Paragraph (13)—Savings and Loan Holding Company—defines the term "savings and loan holding company" as having the meaning given to it in section 10(a) of the Home Owner's Loan Act.

Paragraph (14)—Savings Association—defines the term "savings association" as having the meaning given to it in section 3(b) of the Federal Deposit Insurance Act.

Paragraph (15)—State—"State" is defined as having the meaning given to it in section 3(a) of the Federal Deposit Insurance Act.

Section 4—Establishment of a Diversified Financial Services Holding Company

Section 4 creates a new type of financial company, a diversified financial services holding company (DFSHC), and sets out the terms and conditions under which a company can be established and must be operated.

No person may take any action which causes any company to become a diversified financial services holding company without submitting prior notice to the Board of such person's intention to establish a diversified financial services holding company. The Board shall establish requirements and procedures for the submission of the notice.

A bank holding company shall lose its status as a bank holding company immediately upon filing the notice of its election to become a DFSHC. Similarly, a savings and loan holding company that elects to become a DFSHC will lose that status upon filing the notice of its election to become a DFSHC.

To assure that each depository institution controlled by a DFSHC would be subject to regulation and supervision by an appropriate Federal banking agency, owners of an insured depository institution would not be able to avail themselves of the opportunity to become a DFSHC, unless they agree to convert such uninsured institution into an insured depository institution.

The provisions of Glass-Steagall do not apply with respect to the affiliation of any bank that is an affiliate of a diversified financial services holding company with such company or any other affiliate of the company.

Section 5—Compliance With Change in Control Requirements

This section provides that any DFSHC wishing to acquire control of an insured depository institution or company owning such institution must comply with the requirements of the Change in Control Act.

Section 6—Adequate Capitalization

This section governs the capitalization of insured depository institutions that are controlled by a DFSHC.

Subsection (a)—Notification—In the event of a finding by the appropriate Federal banking agency that an insured depository institution controlled by a DFSHC is not adequately capitalized, such agency shall immediately provide a written notification of such non-compliance to the DFSHC.

Subsection (b)—Bond, Guaranty, Deposit or Surplus Account—At the time of the notification described in subsection (a) or at any time thereafter, the appropriate Federal banking agency may in its discretion require a DFSHC in an amount equal to the capital deficiency set forth in the notification to either:

(A) provide a bond, guaranty or similar undertaking in a form prescribed by the appropriate Federal banking agency,

(B) place and thereafter maintain on deposit in a segregated, earmarked account at the insured depository institution cash or investment securities (i.e., securities of the type that may be held by national banks for their own account pursuant to section 5136 of the Revised Statutes, as amended, or other liquid assets as the appropriate Federal banking agency may permit),

(C) make a contribution to the surplus capital of the insured depository institution which shall be segregated from and not treated as capital, or

(D) reduce the amount of total assets of the institution, until the insured depository institution is capitalized pursuant to an agreement entered into between the DFSHC and the appropriate Federal banking agency or is otherwise made to become adequately capitalized; or the DFSHC has divested control of the insured depository institution pursuant to subsection (d) described below.

Upon receipt of the notification described in subsection (a) an insured depository institution shall not declare or pay a dividend to any shareholder and, upon appointment of a conservator pursuant to subsection (c), the DFSHC shall immediately return to such insured depository institution any dividends received from such insured depository institution during the period beginning 270 days prior to the receipt of the notification.

Subsection (c)—Appointment of Conservator—If the DFSHC fails to comply with any of the requirements of subsection (b), or the DFSHC fails within 45 days of its receipt of the notification described in subsection (a) to cause the insured depository institution to become adequately capitalized or to enter into an agreement with the appropriate Federal banking agency to cause the insured depository institution to become adequately capitalized, the appropriate Federal banking agency shall appoint a conservator for the insured depository institution.

Subsection (d)—Divestiture—If within 90 days of receipt of the notification described

in subsection (a), a DFSHC has not caused the depository institution to become adequately capitalized or entered into an agreement acceptable to the appropriate Federal banking agency to cause the insured depository institution to become adequately capitalized, the appropriate Federal banking agency shall order divestiture. The appropriate Federal banking agency may cause the DFSHC to infuse additional capital into the insured depository institution if upon divestiture the insured depository institution would not be adequately capitalized.

Subsection (e)—Termination of Conservatorship; Rescission of Divestiture Order—If after the appointment of a conservator or the issuance of a divestiture order a DFSHC causes the insured depository institution to become adequately capitalized, the appropriate Federal banking agency shall immediately terminate such conservatorship or rescind such order.

Subsection (f)—Aggregate Limit on Required Capital Infusions—The maximum liability of a DFSHC for any capital infusion required by an appropriate Federal banking agency shall not exceed the amounts necessary for the institution to become adequately capitalized.

Subsection (g)—Judicial Review—Within 10 days after the appointment of a conservator or upon receipt of an order of divestiture, the DFSHC may apply to the U.S. District Court for the judicial district in which its principal office is located or the U.S. District Court for the District of Columbia for an order requiring the removal of the conservator or for an injunction setting aside, limiting or suspending the enforcement, operation or effectiveness of any such order.

Subsection (h)—Capital of DFSHC—The appropriate Federal banking agency may not impose any requirement pertaining to the capital of the DFSHC. Any agreement entered into pursuant to this section between a DFSHC and an appropriate Federal banking agency with respect to the capital of an undercapitalized insured depository institution subsidiary of such company shall terminate when the institution becomes adequately capitalized.

Section (7)—Additional Provisions Relating to Regulation of Insured Depository Institution Subsidiaries

This section accomplishes two objectives. First, it prohibits adversely differential treatment of DFSHCs and their affiliates, including their insured depository institution affiliates, except as this Act specifically provides. Second, the subsection insures that State and Federal initiatives do not undermine achievement of the purposes of this Act. Whether couched as affiliation, licensing or agency restrictions or as constraints on access to state courts, such laws effectively perpetuate market barriers and deny consumers the opportunity to choose between different financial products and services.

Subsection (a)—Differential Treatment Prohibition—Preempts Federal and State laws, rules, regulations and orders that differentiate between (1) insured depository institutions controlled by a DFSHC from any other insured depository institution in a manner adverse to DFSHC controlled insured depository institutions or (2) DFSHCs or their affiliates from bank holding companies or savings and loan holding companies and their affiliates in a manner adverse to DFSHCs or their affiliates.

Subsection (b)—Relation to State Law—Preempts State laws that prevent or impede (1) any insured depository institution or af-

filiate thereof from being affiliated with a DFSHC or (2) any DFSHC or affiliate thereof from marketing or offering products and services of the DFSHC or any of its affiliates. This preemption does not apply to any State law relating to examination, supervision or regulation of providers of financial services or to the protection of consumers, except to the extent such laws are inconsistent with this section or with the purposes of this Act. Creates a private right of action to declare State laws to be in violation of this section and to enjoin their application.

Subsection (c)—Access to State Courts—Removes a common uncertainty under State licensing and qualification to conduct business statutes which leaves an out-of-state insured depository institution's access to another State's courts unresolved. So long as such an insured depository institution limits its activities to those which do not constitute the establishment or operations of a "domestic branch" in that State, it can qualify to maintain or defend in that State's court any action which could be maintained or defended by a company which is not an insured depository institution and is not located in that State, subject to the same filing, fee and other condition or requirements as may be imposed on such a company.

Subsection (d)—Representatives—Makes clear that a State may not impede or prevent any insured depository institution affiliated with a DFSHC or any DFSHC or affiliate thereof from marketing products and services in that State by utilizing and compensating its agents, solicitors, brokers, employees or other persons located in that State.

Subsection (e)—Affiliate and Control Defined—Contains a special definition of "affiliate" and "control" for purposes of section 7 only. Control is deemed to occur where a person or entity owns or has the power to vote 10% or more of the voting securities of another entity or where a person or entity directly or indirectly determines the management or policies of another entity or person. Unlike the definition of affiliate set forth in section 3, this definition encompasses not only corporate affiliations but affiliations between corporations and individuals.

Section (8)—Insider Lending and Tying Provisions

This section subjects DFSHCs to the tying provisions of section 106 of the Bank Holding Company Act Amendments of 1970 and to the insider lender prohibitions of section 22(h) of the Federal Reserve Act. These actions prohibit abusive tying between products and services offered by insured depository institutions and products and services offered by the DFSHC itself or by any of its other affiliates. The tying restrictions do not apply to products and services that do not involve an insured depository institution. The insider lending provisions severely limit loans by a depository institution to officers and directors of the depository institution. For purposes of both provisions, the appropriate Federal banking agency will exercise the rulemaking authority presently vested in the Federal Reserve with regard to these limitations.

Section (9)—Enforcement and Examination; Payment System Services; Oversight

This section details the jurisdiction and authority of the appropriate Federal banking agencies.

Subsection (a)—Administrative Enforcement—The appropriate Federal banking agency shall enforce this Act by using its examination and supervisory powers.

Subsection (b)—Examination—The appropriate Federal banking agency is empowered

to examine or require reports from any affiliate of an insured depository institution controlled by a DFSHC to solely assure compliance with this Act.

Subsection (c)—Federal Reserve Payment Services—All Federal Reserve services shall be available to all insured depository institutions on the same terms and conditions, except in instances that are necessary to avoid a material adverse effect on a large dollar payment system. The Federal Reserve may take enforcement action against an insured depository institution that has engaged in an activity that has resulted in a material adverse effect on a large dollar payment system.

Section (10)—Criminal and Civil Penalties
This section provides for criminal penalties for knowing and willful violations of the provisions of this Act. For companies found to be in violation of the provisions of this section the maximum penalty can be up to \$1 million per day for each day that the violation continues.

For individuals found to be in violation of the provisions of this section the penalty shall be a fine and/or a prison term. The maximum fine could be up to \$1 million per day for each day during which the violation continues. The maximum prison sentence shall be 5 years. In addition, individuals violating the provisions of this section will also be subject to the penalties provided for in Section 1005 of Title 18 for false entries in any book, report or statement to the extent that the violation included such false entries.

AGAINST HAITIAN INVASION

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

Mr. COOPER. Madam Speaker, evidence is mounting that the administration is planning to invade the country of Haiti while Congress is in the upcoming August recess. I have even heard rumors that troops from Fort Campbell on the Tennessee-Kentucky line already have orders to deploy to Haiti.

We in Congress need to have a full and fair debate on Haiti. I demand a vote before recess on whether the United States should invade Haiti. Already I have cosponsored 2 pieces of legislation which would achieve this objective, H. Con. Res. 269, the Goss-Kyl resolution against using force in Haiti unless American citizens are in clear and present danger; also H. Con. Res. 276, the Skaggs-Boehlert-Durbin resolution, in light of the U.N. resolution allowing use of force to hasten departure of the Haitian military dictatorship, demanding that the President, our President, get congressional approval before intervening militarily.

As the Persian Gulf crisis showed, when a President has time to inform the American people, he needs to do so. He needs to make sure he has the public's support. There is no imminent crisis forcing an invasion now in Haiti. There has been plenty of time to have a full and fair congressional debate.

Mr. President, we need a vote now, and I will vote against invading Haiti.

It is not enough to get U.N. approval as the administration has done. U.N. approval has nothing to do with U.S. approval. American interests must always come first.

I was for U.S. military involvement in the Persian Gulf crisis because there were vital United States interests at stake. The Pentagon supported our involvement there because we could win with minimum U.S. casualties and Saddam Hussein had been using weapons of mass destruction. We also in that instance had great international cooperation.

But I am against an invasion of Haiti. No major national interests are at stake in Haiti and there are no clear reasonable objectives for a military intervention. Even though some United States military experts think that an invasion itself would be relatively simple, building a democratic state in Haiti would take years. The Haitian military leadership is mounting a 2,000-strong civilian paramilitary group not to resist the invasion but to terrorize their fellow citizens. A civil war is likely to result after an invasion. Do we want to be in the middle of Haitian factions fighting each other? Remember, the last time we invaded Haiti, we stayed 19 years. Our Nation surely has higher priorities in the international community than being the world's policeman.

Madam Speaker, Aristide may have been democratically elected, but he seems to be an undemocratic leader. While he was in power in 1991, he flaunted his contempt for the rule of law and for democratic institutions.

Madam Speaker, I would urge the administration to get permission from this country to make sure that we have congressional approval and public support before we invade Haiti, before we use any military force in Haiti. We must ask our President not to take advantage of the congressional recess to start an invasion in Haiti.

WE MUST SAVE THE ASSAULT WEAPONS BAN

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from New York [Mr. NADLER] is recognized for 60 minutes as the majority leader's designee.

Mr. NADLER. Madam Speaker, I yield 5 minutes to the gentleman from Maryland [Mr. HOYER].

SPECIAL COUNSEL IN WHITEWATER INVESTIGATION

Mr. HOYER. Madam Speaker, I thank the gentleman for yielding me the time.

Madam Speaker, I was saying that we had appointed a special prosecutor and that a number of individuals had raised the issue of replacing Mr. Fiske. They raised the question of conflict of interest. They raised the question not

of actual conflict of interest but of perceived conflict of interest. The court panel, Judge Sentelle and his colleagues, decided after the legislation had passed just this past week to replace Mr. Fiske. It is interesting that the court took pains to point out that they did not question either Mr. Fiske's integrity, his ability, or the quality of his investigation.

What they did say, however, was the court, therefore, "deems it in the best interest of the appearance of independence contemplated by the act that a person not affiliated with the incumbent administration be appointed."

Let me reiterate that what they were seeking was to have an appearance of independence. That is to say, there was an allegation that Mr. Fiske knew Mr. Nussbaum, the previous counsel to the White House, when they had both practiced together in New York.

□ 1520

So the court said there might be an appearance of a conflict of interest, an appearance of nonobjectivity, an appearance that perhaps the public would not get what it sought in a special prosecutor, and that is an objective and thorough investigation. That certainly for every American is a worthy objective. But I would think that every American must have been shocked at the action that Judge Sentelle and his colleagues took, because in replacing Mr. Fiske they chose a gentleman, Mr. Starr, who I hasten to add is also a gentleman of good repute, perceived by his colleagues to have high integrity and significant ability.

However, the court purportedly trying to prevent the appearance of bias, appointed somebody who had been a member of the Reagan administration, Solicitor General in the Bush administration, has campaigned for a number of Republican candidates to replace candidates who are Democrats on the basis that they were supporting President Clinton, whose firm, the Washington Post reports, has volunteered on a pro bono bases to represent interests adverse to those of the White House, and a person who quite clearly is a partisan opponent of the President.

Now there may be a lot of partisan opponents of the President and there is nothing wrong with that in a democracy, in a free country. But if in fact we are replacing Mr. Fiske so we can preclude the appearance of bias, to then appoint a very strong opponent of this administration seems to be a strange conclusion indeed of Judge Sentelle and his colleagues that that would preclude the appearance of bias.

Let me go a step further. There are two U.S. Senators who have not in the Senate chamber necessarily, but out in public expressed their deep opposition to the Clinton administration, and indeed in many respects disrespect for and antipathy toward President Clin-

ton and this administration, and I refer to Senator JESSE HELMS and Senator FAIRCLOTH, both of North Carolina. The interesting thing is that Judge Sentelle was appointed to the Federal bench with the strong support of Senator JESSE HELMS. He then participates in appointing Mr. Starr, a strong Republican from Republican administrations to an allegedly objective, independent prosecutor role to investigate President Clinton.

The Washington Post reports further that there have been in recent weeks lunches between Judge Sentelle and Senator FAIRCLOTH, and I do not know whether Senator HELMS was present. Any fair-minded person might say that is certainly all right to have lunch, have discussions, have talks between these folks. But I ask Judge Sentelle, I ask the American people: Is that the appearance of objectivity? Is that the appearance of a lack of bias?

I want to tell my friends that I am surprised that Mr. Starr took this appointment. I am surprised that Mr. Starr, whom I do not know, but as I said has a representation for integrity and intellect, I am surprised that he would take this position. I am surprised that he would not respond to Judge Sentelle and his colleagues: "I believe that the appearance of bias is there, and if you are replacing Mr. Fiske to eliminate that, to appoint a partisan Republican advocate opponent of this administration does not meet, Judge Sentelle, your own test."

It is unfortunate that the judges did not follow their own advice. It is unfortunate the judges were insensitive to the necessity to have the integrity of this system upheld.

Madam Speaker, I will perhaps make further comments in the future as this matter develops. I thank the gentleman for yielding.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. BROWN of Florida). The Chair must ask all Members to refrain from personally referring to Members of the Senate by name.

Mr. NADLER. Madam speaker, I rise today because yesterday the National Rifle Association won a victory on the floor of this House which, if not reversed, will result in continued carnage in every city and town across this country. Yesterday opponents of the assault weapons ban contained in the crime bill united to defeat the rule and prevent the crime bill from reaching the floor for a vote.

Too many in this town have predicted that this vote kills any chance of enacting an assault weapons ban this year. I am here today to say that a majority of this House and a majority of the American people support this reasonable, indeed limited and conservative restriction on the private ownership of weapons of war, and hope indeed pray fervently that the assault weapons bill not be dropped from the crime

bill when it again comes to the floor of this House.

Madam Speaker, there is a war going on in the streets of America and the bad guys are winning. Frightened parents keep their kids off the street, and some neighborhoods parents make their children sleep in bathtubs because of the fear of drive-by shootings and of heavily armed gangs rampaging in their communities.

The statistics are staggering. Although assault weapons comprise only about one-half of 1 percent of the estimated 211 million privately owned firearms in the United States, they account for roughly 8 percent of all gun crimes, according to the Bureau of Alcohol, Tobacco and Firearms. Eight percent of the gun crimes does not sound like that big a problem, but the fact is that assault weapons are the favorite weapons of professional criminals. The fact is that assault weapons are 16 times more likely to be used in a crime than are other firearms. The fact is that with an assault weapon a criminal is able to discharge more ammunition at a higher velocity with greater accuracy and kill and maim more people, and do more damage than with conventional firearms. That is why the drug dealers prefer assault weapons. That is why psychotic mass murderers from Killeen, TX to Stockton, CA to Brooklyn, NY favor assault weapons.

□ 1530

The human toll of these weapons is staggering. As this House considers health care reform, every Member should be aware of the impact of assault weapons.

According to a report by the California attorney general's office:

The danger of the semiautomatic weapon is not yet the frequency with which it is used in crime or the volume which exists compared to other types of guns. Rather, the danger is the potential each semiautomatic weapon confers upon an individual to kill and wound a large number of people.

The Journal of the American Medical Association made the true impact of assault weapons abundantly clear in June of 1992 when it reported:

Wounds from high-velocity assault weapons resemble the wounds inflicted in the Vietnam war. They are often multiple and massive, and immediate treatment is critical to survival. High-velocity bullets may set up shock waves and cause cavitation effects resulting in unpredictable damage at sites far from the wound track. With low-velocity weapons, multiple wounds still occur, but the damage is localized to tissues adjacent to the wound track, and the full extent of the injury can usually be determined at the time of surgery. The estimated costs of treating penetrating trauma like that from an assault weapon varies from \$15,000 to \$20,000. A stay in intensive care is not unusual and may cost as much as \$150,000, and patients may require a long rehabilitation. These patients need a tremendous amount of care and can be a tremendous burden on hospitals. Most gunshot-wound patients are not cov-

ered by private insurance, and their costs are reimbursed by government insurance programs or are uncompensated. Thus, the public bears a major share of the costs.

The fact is that between 1986 and 1993 an estimated 29,000 assault weapons were used to commit crimes in the United States. This figure includes 1,598 homicides, 940 assaults, 224 robberies, and 4,500 narcotics violations, all committed with assault weapons.

Between 1990 and 1991 assault weapons were used in more than 1,350 crimes in Dallas, and the Los Angeles police seized over 850 assault weapons.

Too often our police officers are outgunned by the criminals. Although assault weapons account for only one-half of 1 percent of all weapons in the country, assault weapons were used in nearly 10 percent of all cop-killings, according to FBI statistics.

Assault weapons are 18 times more likely to be used in a cop-killing than any other type of firearm.

Is it any wonder then that every major national law enforcement organization supports the assault weapons ban? Whom are we to trust, the police who patrol our streets or the unreasoning fanatics of the arrogant gun lobby? Where will the National Rifle Association be when the next child is shot with a military weapon? We know where they will be, not helping that child or the family or the community; they will be in front of the television cameras pointing to the tragedy as proof that the child should have been carrying an AK-47 or a street-sweeper or a Tech 9.

Do not listen to them, and do not be afraid of them. Madam Speaker, we must not give in to the NRA. We must not allow drug dealers and murderers to wreak havoc in our communities. We must stop the killing. We must pass the assault weapons ban. We must not accept any excuses.

This House has already passed it, and it should not be dropped from the crime bill.

Today I am circulating a letter addressed to the Speaker urging that the leadership of this House stand firm on the assault weapons ban, and I urge my colleagues who want to stop the violence to sign this letter. I hope the American people will look to see if their Representatives knuckle under to the strong-arm tactics of the NRA. Let them know that you want your communities back. Let your Representatives know that you do not want to worry about your children every time they walk out the door, every time they go to school, and every time they stand by a window.

Sign the Nadler letter. Speak for the majority of Americans who want safe streets and a ban on assault weapons. Now is the time for action. Now is the time to make our voices heard to begin the process of taking our country back from the criminals.

This country needs a good, rational attack on crime and criminals. This country needs an assault weapons ban. This country needs to stop the killing.

COME TO LOATHE THE MILITARY

The SPEAKER pro tempore (Ms. BROWN of Florida). Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from California [Mr. DORNAN] is recognized for 60 minutes as the designee of the minority leader.

Mr. DORNAN. Madam Speaker, I had mentioned a week ago that on Wednesday and Thursday just past I would be doing two special orders, the first titled "Feeding Christians to the Media Jackals," and the second I had titled "... Come To Loathe the Military," a phrase taken from a letter that 23-year-old Bill Clinton wrote when he was avoiding the draft for the third and final time; the third time that a young high school graduate from Arkansas would go into uniform in his place. Clinton had used that expression in a letter to the head of the ROTC in the great State of Arkansas, Col. Eugene Holmes, who had survived the Bataan Death March and later was a colonel in command of the ROTC at the University of Arkansas.

Colonel Holmes' brother Bob had died over the skies of Germany. His remains came back on his Eighth Air Force bomber, and his remains were buried at the cemetery at Cambridge where on my last visit I attempted to find his grave but ran out of time. One of these days I will get back to visit the grave of Bob Holmes.

I hoped during the break, Madam Speaker, to visit with Colonel Holmes himself.

In that Clinton letter to Holmes dated December 3, 1969, Clinton had used that expression that he and other young people in that period, because of Vietnam, had come to loathe the military. They made the mistake of blaming our men, now our young women, in uniform for the political policies set by this country.

The letter that I think of when I say the "Holmes letter" was the letter that Colonel Holmes wrote to all of us—the American people—in mid-September of 1992 telling the Nation, advising the Nation, "Do not vote for his Governor," then-Governor Bill Clinton, because Clinton "did not have the patriotism or the integrity to be the President of the United States." These are the words of the Bataan Death March survivor, who had over 20 men die in his arms, who endured over 3 years of horrible captivity on a major island of the Philippines, and whose younger brother died on a bombing mission against Adolf Hitler's Third Reich.

FEEDING CHRISTIANS TO THE MEDIA JACKALS

I want to split my special order tonight, but I am going to start off, and

I know Colonel Holmes would approve of this, Madam Speaker, with my theme of "Feeding Christians to the Media jackals," because I introduced a piece of legislation today, House Resolution 519. I have 28 original cosponsors.

On this very day, our former Republican whip who is now serving as a distinguished U.S. Senator from the great State of Mississippi, TRENT LOTT, has introduced companion legislation identical in the Senate.

□ 1540

My House Resolution 519, I have it before me, I will read it and then I will discuss it.

But before I do, I want to discuss again briefly some of the great history of our House.

Almost certainly, if Joseph Kennedy II had survived the Second World War, he would have come to Congress rather than his younger brother, Jack. Today, August 12, is the 50th anniversary of the death of Joseph Patrick Kennedy, the oldest son of the nine children of Joseph Kennedy, Sr.

Let me read just very briefly how Joseph Kennedy gave his life for his Nation 50 years ago today and quickly mention some other spots around the world where young Americans were giving what Abraham Lincoln so beautifully called the "full measure of devotion," their mortal lives.

On this day, Navy Lt. (jg.) Joseph P. Kennedy, the older brother of Senator TED KENNEDY and Senator Robert Kennedy, two sisters, Rosemary and Kathleen, and John F. Kennedy, soon-to-be Congressman, Senator, President, and then assassinated in the 46th year of his life.

Joe Kennedy took off from Great Britain in a 4-engine aircraft known as a Privateer. Most of us would recognize it as a B-24 Liberator, the bomber that our Treasury Secretary Lloyd Bentsen and former Senator George McGovern flew in combat.

But the Navy version of the B-24 Liberator had an extremely large high profile single tail, and the Navy called it a Privateer. It was a big 4-engine bomber.

They loaded this airplane with high explosives, dynamite to the layman, from bow to stern and put on it exotic radio-controlled equipment.

Having bailed out of military planes twice in peacetime, I can assure you when you bail out there is a great risk of life. You wonder if you are going to make it. Joe Kennedy had never bailed out in his life from an aircraft, civilian or military. And he was going to bail out of this big aircraft with his copilot—usually they would have a crew of 10. I am afraid I did not look up the name of this young copilot who died with Joe Kennedy. Kennedy was going to get this airplane over the English Channel, and even in summertime, it

was pretty risky going across that channel. They were going to bail out of this aircraft once it had been guided by radio experimental controls toward the German submarine pens. They were to bail out and be rescued after they had launched this massive flying bomb, 4-engine bomber that of course would be destroyed when it flew right into the target.

Something went wrong, some tiny little spark, and Joe Kennedy and his courageous volunteer copilot, their remains were atomized somewhere over the English Channel, his fate known only to God, after they had lost radio contact.

He gave his life for his country in that struggle.

Life-and-death struggles were going on all over Brittany and the Normandy Peninsula.

The great George S. Patton, 3-star general at that time, had just broken out. He had run 35 miles yesterday, 50 years ago, and had taken a left turn and was about to close the Phalaise gap, which he came within a hair's breadth of doing, and maybe shortening the war, trapping an entire German army, an army that had been fighting since D-day in Normandy. In Brittany he had reached out his forces, particularly the 5th Armored Division, which adopted a very simple nickname, "Victory." The Victory Division was in the front, one of the spearhead units. We had crossed the beautiful Loire Valley, that beautiful chateau country. He had taken Nante and the French ports along Brittany. I only learned last night, reading something that I had never seen anywhere, that we never did conquer the German-held French ports of St. Milo and Lorean. They stayed German property until March 1945. Imagine how the areas around those citadels were littered with the bodies of young American infantrymen and armored artillery officers and men. We did take within a few days Brest and some of the other ports along there. And of course used those ports again to build up Patton's 3d Army and the 1st Army to make the final thrust across the Rhine in the dead of the worst winter, 50 years ago in March 1945.

What we always forget, and I have said this on the floor 4 or 5 times already in the last month, is the other struggles that were going on.

British forces took one of the most beautiful places in the world and liberated it today. They crossed the Arno yesterday into Florence and today they took the northern suburbs of Florence, 50 years ago today. The Russian Army, where more people were killed in combat than ever in history and probably ever again—God willing we never got ourselves into a nuclear conflict. In the South Pacific, in Guam, with the loss of almost 3,000 American lives and 17,000 Japanese lives, Guam was finally secure—secure except for the hundreds

of Japanese that went into the jungle and fought on, not until just the end of the war, but fought on for years. One of them, one of the last survivors, turning himself in finally 27 years later in 1972. But Guam was safe enough to start building those B-29 bases to bring Japanese Imperial warlords to a position of unconditional surrender in August and to sign a peace treaty September 2 of 1945.

I hope to be a U.S. Congressman next year at not only Iwo Jima's 50th anniversary on February 23 but there in Tokyo Harbor on September 2 for the 50th anniversary of the signing of that great end to a ghastly, horrible slaughter of 55 million human beings. Yes this is quite a date in history.

May I put in here some notes of important meetings going on that turned out to be Communist lies.

Churchill, 50 years ago today, was in the recently liberated city of southern France. And he was there meeting with Yugoslav leader Josip Tito and the royalist prime minister of the kind of put together from World War I the false state of Yugoslavia. That prime minister was Irvan Subasic. Tito swore that he would not impose a Communist Government on Yugoslavia. Tito was probably a Croat, mostly with Serbian support. Preying on and eventually executing Radij Mihalevic, he says, "I am not a communist, and there will be no communist government," in lies to the great Winston Churchill, lies to his face. I repeat the British Army, 8th Army, driving the Germans out of the Italian city of Fiorenzi, or Florence. By the way, Joseph Kennedy's mission was called Aphrodite. I wonder if that is taught in schools about the first of the Kennedy brothers who died violently serving his country. It is interesting that Joe's death came 1 year and 11 days after John F. Kennedy's PT boat was cut in half, when he lost two of his men, and he won the Navy Cross by swimming to the Tukulumbungara Island with his life preserve on one of his burned enlisted crew members in his teeth. Kennedy picked up there a painful back injury from the Japanese destroyer cutting him in half that gave him great pain until the day he was assassinated in Dallas 20 years and some months later—back pain from his service in World War II.

□ 1550

Now what was happening to George Bush, our last immediate President, the 41st President of the United States? This week, 50 years ago, George Bush flew his 41st, 42nd and 43rd combat missions, building up to September 2, when he bailed out for the second time. That time he lost both his crew members. The first time he ditched, and both were saved; that was his 48th combat mission. He went back, and, after his second bail out, he had every right to be sent back stateside. They

offered it to him. He had just done 30 days of unexpected submarine duty when the lifeguard submarine had picked him up. He was depth charged in that sub, had combat missions under the water, and he said, "No, I'm going back to my ship, the San Jacinto," and he flew ten more combat missions. But this was the week in the Marianas, bombing Iwo Jima, Chi Chi Jima, that George Bush got missions 41, 42 and 43.

Cut that half a century in half. Where was Clinton 25 years ago today?

Meeting with the pro-Hanoi movement to set up those coordinated demonstrations that he would lead in England while they were being led here by his friends, David Metzger and the deputy, No. 2 man at the State Department today, Strobe Talbott—all that pro-Hanoi gang. They were working on dual objectives for Clinton, crush and suppress his draft notice in which he was ordered to show up July 28 of 1969. He had that crushed, reversed, undone. I had never heard of that in my life before or since. Right to this day, never heard of that. And now he was spending all of August getting ready for the demonstrations in Europe and was about to head back at the end of this month, 25 years ago, to Oxford where all the evidence indicates he never went to class, never stood for his June exams and, thereby, never got his degree until they gave him the honorary one at the end of the week-long photo opportunity period during the 50th anniversary at Normandy.

So, that was what was going on 25 years ago. By the way, 25 years ago in Vietnam the 101st Airborne was still mourning its wounded from the battles in Hamburger Hill; the mini Tet offensive of September before was 11 months old. They were expecting another, a third, Tet offensive. That summer it never materialized, and it was Nixon's first year. His secret plan to end the war in Vietnam was not to be implemented until 3 years later when Nixon had watched another 15,000 or more lives squandered in Vietnam. That is why this Republican was never a fan of Nixon's conduct of the war. Our POWs were at about the half point in numbers. Some of them had already been there. As I said, Alvarez was shot down 30 years ago this month on August 5, and so he was at the halfway point of his—beyond the halfway point of his captivity, but hundreds more were to be taken in this off-again, on-again, uncertain struggle.

And, as I have said on this floor, and I will say it until the day I die, Vietnam was no different than France, no different than New Guinea, no different than Iwo Jima, no different than France on the first go-around in 1918. It was American men from the same type of family, the same type of background, the same kind of patriotic conservative upbringing, the same men that fought in Desert Storm. These are

all the same families, the same middle class background, with a few heroic, young, nobless oblige kids from wealthy families, and some poor kids generally, but they were the lucky ones because most poor kids were rejected by the draft board because they did not have a sufficient education to serve.

Remember 18,000,000 people were called by our draft board in World War II, and 6,000,000 of them were told—6,000,000—"We don't need you. You're not physically strong enough. You weren't fed well enough when you were young, and you don't have a sufficient education to even enter the Army as a G.I. doughboy, grand M-1 rifle-toting infantryman."

So, that is the background of my remarks today about what those men fought for.

As a young kid in the Second World War, I remember the Saturday Evening Post magazine's coming out with those Norman Rockwell paintings of Freedom of Speech, Freedom of Religion, Freedom from Want and Freedom from Fear. So, if I were doing a separate special order and starting out now, I would have ended the one called "Come to Loath the Military," and I would now be starting a special order entitled, "Feeding Christians to the Media Jackals."

Madam Speaker, here is my House Res. 519:

Mr. DORNAN submitted the following resolution, and in the CONGRESSIONAL RECORD, those people on C-Span that may want to look at it up in the library in their hometown that carries the CONGRESSIONAL RECORD, and most do, they will get the list of 28 cosponsors. I expect to have 150 before we adjourn here someday in the first week in October. Here is the resolution, which is also being introduced on the Senate side today, I repeat, by a great Senator from Mississippi, TRENT LOTT.

The resolution expresses the sense of the House of Representatives regarding religious intolerance:

Whereas the rights, liberties and freedoms derived from the Constitution of the United States are guaranteed to all citizens regardless of their religious beliefs or affiliations; and whereas individuals of all religious denominations have made substantial contributions to the establishment, preservation and protection of the system of government of the Nation; now, therefore, be it resolved that, one, the House of Representatives strongly opposes anti-Christians bigotry and all forms of religious intolerance and condemns all manifestations and expressions of religious bigotry and intolerance; two, the House condemns individuals and organizations that foster intolerance, suspicion, hatred or fear of individuals who, A, hold values rooted in religious tenet; B, participate in the political process to ensure that the laws of the Nation reflect such values; C, advocate public policies that are respectful of such values; and, D, it shall be the policy of the House to seek to ensure that the rights of individuals to participate in the political process of the Nation are not infringed on

the basis of their religious beliefs or affiliations.

Now, what motivated me, Madam Speaker, to have our legislative counsel draft this, I believe, important resolution? And what causes us to reaffirm what, when I was a young kid, was part of the whole American fabric of life, a respect for all religions? Well, it was, I am sorry to say, my friend, the gentleman from California [Mr. FAZIO], one of the Democrat leaders and deputy chair of the Democrat conference.

I came to this House on my first go-around in 1976. Vic came 2 years later. He is a decade younger than I am, but I remember him over by that leadership desk in January of 1979 with little blond and red-headed children. They looked like my children just a few years before, and I went over and introduced myself, and I said, "Boy, can I borrow some of these kids? They're just duplicates of mine, only a couple of decades younger."

The gentleman from California [Mr. FAZIO] and I have always, always had nothing but the most cordial of relations during our whole time here in Congress. I assume with that good paisano name, FAZIO, that he might be a fellow Roman Catholic. So I asked him and he said no, that he was Episcopalian or something, and I said, "Well, great," I said, "I'm glad to have you on board from northern California. This is an exciting time to be serving our country."

Since that time, I have crossed swords with the gentleman from California [Mr. FAZIO] in debate on this floor only once. He apparently did not know that Kate Michaelman had admitted publicly in Senate testimony that she had aborted her fourth child—it was her first abortion, the other three daughters were born alive—and that she was a Catholic, and had done it with a heavy heart. Kate Michaelman is now the spokesperson for NARAL, the National Abortion Rights Action League. I had mentioned this fact on the floor of the House. Mr. FAZIO thought I was revealing some personal secret of hers. He took me on, I took him on, and on a point of personal privilege we resolved the matter. It is the only time we crossed verbal swords in this House. But I think my pal from California, VIC FAZIO, is walking on very slippery ground when he goes down to the National Press Club and talks about firebreathing Christians and gives egregious, and I cannot believe sincere, advice, to my party, the party that he is in opposition to here 90 percent of the time. He held a press conference to suggest that Republicans must purge from our party all firebreathing Christians who have entered politics because they are worried about the cultural meltdown, the moral decline and the degradation, and what the prior speaker, the gentleman from New York [Mr. NADLER] said, the

bad guys and gals winning in the streets of our Nation, tearing our young people apart.

□ 1600

We cannot demonize, and that is a word that the New York Times and the Washington Post and the L.A. Times have commented on. We cannot demonize the marginalize people in our country whose primary obligation as they see it is to raise stalwart young men and women and to pass on to them the verities that they learned at their mothers' knees, that were reinforced by their dads and by their school teachers.

I can remember the first thing I had to write in my binder as a Air Force preflight aviation cadet was we hold these truths to be self-evident, and that all men are created equal. And I remember taking my soft plastic binder, and with a ball point pen, embedding into it, with a firm reliance on divine providence, we mutually pledge our lives, our fortunes, and our sacred honor. And those very words that were signed by 56 early American forefathers, many of which gave up their fortunes, and some of them gave up their sacred lives, and none of them gave up their honor.

There is Moses' face in this chamber, the only one of the 23 large marble medallions of lawmakers that is other than a left or right profile. It starts with Moses, the keystone, the lodestar, dead center, looking right down at you, Madam Speaker, and over your head are the words "In God we trust."

We are not going to strip out of our country our religious heritage.

I spent my 30th year proudly watching JOHN LEWIS, the distinguished gentleman from Georgia, up there on that stage with Martin Luther King, speaking on that great August day, 31 years ago, it is amazing, August 28th, 1963.

JOHN and I are the only two Members of this Chamber or the U.S. Senate who were present to hear Martin Luther King give his speech, "I have a dream." And that speech is the only words of Martin King, Reverend King, that supersedes his great words in his letter from a Birmingham jail, where he said, "The laws of God supersede every law of man."

I suppose the Democrats are so desperate this election year that they will try anything to hang onto their majority. My gosh, the Democrats have controlled this place for 40 years, since I was too young to vote. In my first election, I was 21 then, I was in pilot training in Florida—no, I moved to Texas for jet training by that time, and everybody I voted for in California by absentee ballot lost. Jim Wright got elected in November of 1954, Eisenhower lost the House and the Senate, and it was only his second year. We have sat on this side of the aisle ever since. We have never had anything but

minority loyal opposition on this side of the aisle. We are in our 40th year. We will come close, but I wouldn't put money that we will take it. And if Republicans do not take over Congress, the Democrats will continue to have liberals running the leadership positions and every committee for the 41st and 42nd year in a row. Totally unknown, that type of domination of one party in the first 150 years of our Nation's history.

And now, the Democrats are trying to save themselves from losing more than the average 14 seats. They may lose 20 seats. They may lose 30 seats. This conduct comes up, we might just have a seat change and turn this place upside down. We will move to that side of the aisle, and maybe in my last 2 years I will get to be Speaker pro tempore, standing up there and looking eloquent like you, Madam Speaker, which I have never done in 18 years of tenure around this place. Anything can happen.

But I will give my friend VIC, and he is my friend, the same warning that I gave my classmate from 1976, AL GORE, who is now the Vice President of the United States. I gave it to him to the right, of that door here, when he said Hi to me, warmly one morning. We have got good relations. And he had with him the prime minister of Ukraine. He introduced me to the prime minister.

I said AL, let me talk to you a second. I crossed that door, spoke to him by that half a pillar on the Republican side, I said AL, VIC FAZIO is giving my party advice. I don't know whether to take it seriously, about kicking activist Christians out of my party because they control the State organizations in six States. That kind of makes me happy. But let me give you some real advice. AL, we don't want a battle over religious belief. I said AL, are you aware that Mother Theresa is not part of the political religious left? She is certainly not the unbelieving pagan left in this country. She is not the country-club-Republican atheist right in this country. And she is not part of the National Council of Churches, that doesn't know where they stand one month to next. Mother Theresa is part of the conservative religious right. And I said AL, so is Pope John Paul II, who you have met with twice.

This is the religious right. What you are taking on would be one-quarter of this country. Because I speak for the majority of my church. I am in the mainstream of my faith. I may not agree with my bishops over certain forms of gun control or Central America or capital punishment or universal medical care—all of those are optional beliefs in my faith.

But the sacredness of human life, growing in a woman's womb, the sacredness of that life with an immortal soul for all of eternity infused into it

by God the Creator Himself? That belief is not optionable.

And when I hear that nine Members of this House go to a meeting yesterday, right here in our own building, guarded by nine Capitol Hill police in case something untoward happened—to a meeting of a task force called the Radical Right Task Force, it struck me that every caucus in this House, funded or not funded, usually has a positive purpose. For strong rational defense, for instance. Or the Hispanic Caucus. We are allowed to belong to that, even if we are not Hispanic. I am a southern Californian. I love Hispanic history in my adopted State. The Arts Caucus, I am on that even though I get on the floor here and get angry at certain NEA grants squandering our good taxpayers' money for pornography or blasphemy. I am in the Grace Caucus. We have got all these caucuses focused on a positive good.

I cannot recall—may find an exception over the weekend—of a task force or caucus ever formed in this House like the one that Mr. FAZIO that is focused on one group of people because of their religious beliefs.

Now, to be sure, that whole group would say, oh, we are not talking about the Pope or Mother Theresa or your run-of-the-mill average loyal or disloyal Catholic.

We are not talking about mainstream Protestant designations. We are not even talking about smaller Protestant groups like Christian Scientists or Mormons. We are talking about fundamentalists. That is the word they use in all of these fire-breathing press releases of theirs.

Fundamentalists. That word has taken on a terrifying meaning in Iran. It has taken on a terrifying meaning, when that is the way the general media describes terrorists who blow up the second and third tallest buildings in the world after the Chicago Sears Tower, it is the Trade Twin Towers in New York. Blowing them up, five people dead, a sixth dies horribly in pain with lung failure weeks later. Six people dead, 1,000 injured by people called radical fundamentalists.

I know that VIC never makes a move, nor does Mr. Clinton, without these focus groups, without this garbage of putting people in a theater somewhere and getting touchy-feely buzzers, to press a button every time they ask them a test question.

□ 1610

And boy, when those focus groups or pollsters tell you this is up or this is down, then you come out with this bizarre attack on fundamentalist Christians who have tended to avoid politics as Caesar's world. All my adult life, how many groups I have spoken to begging them to come into the political process so they can have home school for their child and keep their young

daughter innocent and try to teach their son to live up to the same standard of chasteness and decency that they are asking of his sisters. And then when they turn that son out into the angry, dangerous, violent and drug-ridden streets, they can expect that their son or daughter not to have their family values trampled upon. These people must come into the marketplace and get involved, they must make sure that Mosaic law and Christian principle and Jesus Christ's golden rule is written into law in this Chamber.

The dumbest, the most ignorant remark I have ever heard in my life is, you cannot legislate morality. What an asinine half-truthful statement. What that purports to mean is you cannot legislate morality in somebody's heart, which is an organ that we use to indicate the sensitive reasoning of brain power. You cannot do that.

But all law is a form of legislative morality. If not, why do we have St. Gregory over this door? Why do we have St. Alphonsus over the other door, St. Edward the Confessor, St. Lewis, whose mother said, "I would rather have my son dead at my feet than have him commit one grievous mortal sin." Why do we have Moses up here? Why do we have the great rabbi who rewrote all the Talmudic law, a genius, Maimonides, writing in 11th century Spain.

Oh, we have got some losers up here like Napoleon, but we still have his Napoleonic law. We have people who did not belong to any specific religion but who certainly believed in God, like Thomas Jefferson. I tend to believe that he was a sincere man when he wrote, with a firm reliance on divine providence. He meant every word of it.

Hammurabi, with his dark sides and did some killing. There are Greek and Roman people up there like Solon and Justinian who had their dark moments. But we have got Suleiman. We have got saints up on these walls. All law is a form of legislative morality.

It is easy to take down the tablets of Moses. Just off the top of my head, I remember when I was traveling against child pornography 3 years before I came here, finding the tablets on the front lawn of the courthouse in Duluth, MN, up in Lake Superior, in the capital city of Nevada. Are they still there? I did not know there were tablets on the wall of the third floor in the Montgomery County, MD, courthouse where the ACLU is trying to rip them down.

When Moses wrote, thou shalt not kill, did he say, you cannot defend yourself in uniform if you are a police officer, a police woman, in the military, a fighter pilot in the skies? No. He meant killing, murdering, immorally. But then we took his commandment and turned it into first-degree murder, second-degree murder, third-degree murder, voluntary manslaughter.

When he says, thou shalt not steal, did he foresee Bunco? Did he foresee a rip-off televangelist minister, a disgrace to religion, focused on greed and money, giving a bad name to religion but disappearing quickly, destroying themselves. They always do. Did he think about pickpocketing or, I said bunco artists, armed robbery, burglary, carjacking, home invasion? We are learning terms like carjacking and home invasion that we not even dreamed of when I first arrived in this Chamber. We have codified all of those stealing fever laws under mosaic commandments, thou shalt not steal.

When he says thou shalt not covet thy neighbor's wife, does that mean you could do it if you were a lesbian and she was separated from her husband? No, we do not have all that codification. It says basically, thou shalt not commit adultery and thou shalt not covet thy neighbor's wife. And it is left up to men and women of good will, with the guidance of religious leaders and lawmakers of principle, to decide what should be in the law and what should be taken care of by our hearts.

We know that there has not been a single person ever maybe in this Chamber, we left it to the States, who have tried to pass any laws against easy, quick, no-fault, cheap lying divorce. Never going to be adjudicated in my lifetime. I have never even thought of writing a law. But we know that quick, easy divorce, where children are involved is causing those angry streets out there. It turns into the community deserted children.

I do not like the term "dead beat dad." It may both start with a D and have a little alliteration to it, but dead beat dad sounds far too cute to me. This is a deserting, rotten person who brought children into the world and then ditches them and, so he can keep his Mercedes-Benz payments, does not contribute to the education of the children, let alone the funding of how they live and how they eat.

We all know when we study divorce that it turns loose a man. And unless he is a person of particular courage who becomes that Sunday visiting dad, his income goes up and the woman's income goes rock bottom and a life of terrible pain and struggle begins. That is for the States to decide and really for a change, a sea change of heart in culture, in our society.

The abortion battle is going to be with us forever, forever, because it is like slavery. It involves life. You cannot steal a human being's life and lock them up, as with a slave, and that can never be accomplished without turmoil and bringing a curse on your society. And you can never snuff out a human being's heartbeat in the womb of its mother and zero line its brain wave. You cannot ever do that. And that brain wave starts, that heartbeat starts at day 18, about, and the brain

wave, by day 40, is established. You can never snuff that out without having this always a matter of public concern.

I tell my friend VIC that when he reads editorials like this in the New York Times or a front-page story, he better run from this. Here is the New York Times, June 3d. This is the paper that gave VIC FAZIO some of these ideas. Conservative Christians have burst into view this year as an important, often divisive force in Republican politics. They now have control of six State organizations and are making inroads into several others. Front page. The mother paper of America.

Here is an editorial in the New York Times 4 days later:

"Many of the retrograde forces that brought us the ugliest Republican National Convention in recent memory," I was there. I did not see this festival of hate and fear. I saw some speeches I did not agree with, but it was dominant media culture, 95 percent liberal at the top of the networks, the three biggest papers in the country, they put this hate and fear spin on my Republican convention with a darn good platform.

It says, "The retrograde forces that brought us this national, ugliest national convention of recent memory have now conspired to nominate Oliver Lawrence North for the United States Senate in Virginia." That became a fait accompli.

"Mr. North's startling ascendancy is ominous evidence that the GOP remains vulnerable to the foot soldiers of fundamentalism."

Listen to this paragraph from my brilliant young friend, William Crystal.

"This month marks an important and alarming development in the politics of American religion." The month he is talking about is June. "As the influence in the Republican Party of 'fervent Christians' emerges as the hottest trendy story and talk show topic of the summer." And it persists, 2 months later. Why should just now there be all this dark talk about this subject is an interesting question.

The answer is not, despite what the Times suggest, that the religious right has "taken over" one of our two national parties and that our civil liberties, therefore, hang in the balance. It is by no means clear, in fact, that the influence of religious conservatives has increased much at all over the past many months.

We remember a front-page Washington Post story reporting significant Christian coalition participation in the Republican politics in more than half a dozen States a year ago. That story presumably about the same States featured with such drama not 2 weeks ago in the Times was in fact in September 1992.

□ 1620

Madam Speaker, at this point let me look for another few key articles to put

in here. I was over here at St. Peter's on the Hill, St. Joseph's on the Senate side, St. Peter's on the House side, and here, just like many churches, only a block away from what used to be, and I would like to think still is, the heart of the District of Columbia.

Madam Speaker, in the back of the church I picked up the standard Archdiocesan newspaper for this area of the country called the Catholic Standard. The senior publisher of this would be, of course, the Archbishop, James Cardinal Hickey.

Madam Speaker, I read in here in a front-page story that many of my colleagues are distraught at the role the Catholic Church is now playing in politics vis-a-vis the health debate. Leaders in the Catholic Church are demanding that there not be coverage of abortion on demand for any reason under the sun, or no reason whatsoever, for all 9 months, right up until 1 microsecond before labor begins. That is the Roman Catholic Church's stand.

I read on the cover that my friend and colleague, the gentlewoman from Colorado [PATRICIA SCHROEDER], is really upset with that, that the church is making these statements. She says that, "The church is now going to undermine women's health care needs."

That is my colleague, the gentlewoman from New York [NITA LOWEY], a Democrat from New York. She insisted that the church is using health care reform to repeal Roe versus Wade. No, it is not. It is a separate debate, although, of course, the church would like to repeal Roe versus Wade. I would, too. After all, the whole case was based on lies.

Madam Speaker, the name for the young woman, Roe, was a lie. She never was raped. She made it up. Whoever heard of a Supreme Court decision that significant and far-reaching based on a foul lie? She simply was not raped, and had that baby anyway. It was her third attempt at abortion.

The woman who uses this pseudonym, Roe, has three daughters, all grown up, in their twenties. They have never met, as far as I know. The daughters would like to reconcile, but they said, "Not until our mother says she is happy that she did not get to kill all three of us." That is the Roe in Roe versus Wade. The Wade was the district attorney in the State of Texas.

Madam Speaker, the gentleman from California [DON EDWARDS], who is in his last months; in just 88 days is the election, when he will be replaced in this Chamber; DON EDWARDS says, joining the debate, "I especially resent the fact that certain religious groups are entering this political fight here in Congress." He resents that fact? Certain religious groups? Come on, DON, you mean Catholic, Roman Catholic Church.

If you want to be a know-nothing, like the people that got a rowboat and

took a carved stone that the Vatican had sent for our Washington Monument, and took it out in the middle of the Potomac and dumped it, where it remains to this day, and that kind of know-nothing shut down the building of the Washington Monument for the better part of several decades; if you want to be a know-nothing about the Catholic Church, go ahead, take it on, DON.

Madam Speaker, the landscape of history for the better part of 1,900 years is littered with the forgotten and demeaned reputations of people who took on Holy Mother Church, or religion in general.

Let us have a debate about that some day. That is a good subject for our Oxford debate, casting the fire-breathing right to the media jackals. It would come up with a softer title than that.

Madam Speaker, here is a great lady that I have only had the opportunity to meet once, Helen Alvare, of the Life Issues Forum under the National Conference of Bishops. She says, "The best antidote (in addition to prayer, for the graces of dignity and holding your temper) is a good dose of the truth."

With that preamble, this spokeswoman for the Life Issues Forum of the Catholic Church takes apart these false claims. She says, "One of the claims is that the church is trying to take away what women presently have in private insurance." According to Alvare, "Virtually everyone who supports abortion mandates in health reform has claimed that most women have private insurance coverage of abortion. They say that unless abortion is 'a basic benefit,'" and it is, in the Gephardt and Mitchell health care reform plans, and of course, Clinton or Clinton-light or Hillary Clinton health care plan, all this abortion coverage is in there, making all of us pay for what we believe is the flat-out killing, and in some cases, in the cases of these abortionist doctors who kill 32 or more a day, knowledgeable, knowledgeable murder of innocent human life; not all of them, I guess there have to be stupid abortion doctors out there with a totally twisted and malformed conscience.

She goes on to say that is not a proven fact at all, and mandating abortion in every policy in this country. Not so, she says. "There is no conclusive proof that most private policies now cover abortion. Even if the claim were true, it would be irrelevant. What people can freely choose to buy or not buy" in abortion insurance coverage today "is no argument for forcing them under penalty of law to buy it tomorrow."

Then again, in answering my distinguished colleagues, the gentlewoman from New York [Mrs. LOWEY] and the gentlewoman from Colorado [Mrs. SCHROEDER] and the gentleman from California [Mr. EDWARDS], she goes on to say, "If those who claim they only

want to preserve the 'status quo' were honest," said Alvare, "they would insist that health care reform preserve people's ability to choose whether to buy abortion insurance. They would never insist that abortion be a 'basic benefit' that every person must own."

Then here is myth, too, that she explodes. "Another claim is that the church," and this speaks for most Christian denominations, "does not want women to benefit from health reform. This was the premise of Schroeder's argument as she harshly accused the church of plotting to harm women's health interests under cover of removing abortion mandates from health care. The Congresswoman included 'osteoporosis' in her list of woman's services and diseases targeted for destruction in the church's 'plot.'"

"In reality," comes back Mrs. Alvare, "the church has been in the forefront of efforts to promote access and quality services for women. Our hospitals," over 1,200 of them, "provide care to millions of women every year. And our respect life agenda includes both support for healing and opposition to killing."

"That is why * * * the church opposes legislation that would force individual abortion coverage, force Catholic hospitals into business relationships with abortionists, and force communities," and this includes Lutheran hospitals, "to open unwanted abortion clinics." She emphasized the word "force" in the statement.

As an aside, Alvare added, "The church thinks women deserve really good," excellent, "treatment for osteoporosis."

The argument that the bishops are really trying to overturn Roe versus Wade admittedly tries Alvare's patience. "It is legally impossible for Federal health care legislation to overturn Supreme Court decisions," she says firmly. "Roe could be overturned only by a constitutional amendment" or another whole group of flesh-and-blood people on the Supreme Court, people who have maybe had a life, unlike Justice Souter, who indicated one thing and votes the other, which so often happens with appointees to the Supreme Court.

She closes, "Unfortunately, Roe is the law. It made abortions legal on demand," for all 9 months, for any reason at all, "but a health insurance bill that mandates abortion coverage would go much," much, much "further. It would force abortion into the private lives of every family, every health provider, every community, and every taxpayer."

□ 1630

Alvare notes that if abortion is eliminated from the basic benefits package and made available as a supplemental benefit, abortion-on-demand is sadly going to remain legal but the rest of us

will not have to subsidize other people's decisions to kill their young in their womb.

Still another claim floating around the Halls of Congress is that the bishops are really trying to impose their religious values on everyone. Yeah, they're really having luck with that, aren't they? "Does this one sound familiar?" she asks. Every time an identifiable Catholic or Catholic institution speaks up in the public square about abortion, someone else raises this question.

She suggested practicing the following response in front of a mirror. She is recommending looking in a mirror for EDWARDS and LOWEY and PAT SCHROEDER. Look in a mirror, without a hint of impatience in your voice, and say this to yourself:

Being for unborn life is not a religious perspective, but a moral one shared by millions of Americans, religious and nonreligious. Opposition to government coerced involvement with abortion—China—is shared by even more millions. Poll after poll shows it. American women and men do not want universal insurance coverage with abortion mandates.

The final phony, false, lying claim is that the church really wants to make contraception illegal. I have never heard a sermon on making contraception illegal in the 45 years of my life since I was a middle teenager, not that I even heard it then, as anything but for the faithful.

She noted, Mrs. Alvarez, that contraception is an important moral issue but she makes this key distinction: It does not kill human life, which abortion does. In the area of contraception, the church is seeking conscience protections but not seeking to make it illegal or unavailable.

She pointed out that much of the rhetoric by prochoice advocates is a way to deflect attention from the truth.

"People don't lie about you or your arguments if they have good arguments themselves." Well said, Mrs. Alvarez.

Look, what I see here is a veiled attack, marginalizing and demonizing born-again, charismatic, evangelical, protestant Christians in order to try and cripple, intimidate, or to scare orthodox and traditional Jews, Serbian orthodox, Greek orthodox, Armenian orthodox, Russian orthodox, eastern orthodox, Greed orthodox, and traditional loyal orthodox Roman Catholics. By hitting at these groups that they think in their little focus groups do not have the clout to fight back, they think they can accomplish a major objective and save about 20 seats that they are probably going to lose in the coming election 88 days from this very day.

I would say for the sanity and the comity and the well-being and the de-

centy of debate and discourse in this Chamber, do not proceed with your battle plans. Task Force on Radical Right. JIM MORAN was in the well right today when I used his name as having been at this 9-policemen-guarded opening meeting yesterday, chaired by LOUISE SLAUGHTER. Do not do this.

I close, Madam Speaker and let my time clock run out on this: Intelligent, lovely black lady columnist Adrienne T. Washington that I read occasionally in the Washington Times, the headline of her article from this week, 3 days ago, August 9, caught my eye. It says ACLU Censors the Ten Commandments. I will start reading it and I will include it in the RECORD in its entirety:

For decades a 3-by-4-foot bronze plaque with a centuries-old message has blended into the brickwork of the Montgomery County Courthouse. It's been around so long it hangs virtually unnoticed.

But no longer.

The ACLU wants the plaque of the Ten Commandments taken down from its perch on the third floor of the Judicial Center in Rockville.

Is Moses next, the author of those commandments? I would guess so, in the long run. Do they not have more significant causes to champion?

Madam Speaker, you will find the rest of her article compelling reading.

Her last words are:

Those 10 commandments are a necessary reminder, something we can learn from, if not aspire to. It should stay right where it is as just one expression, one example, of what a whole lot of people believe it takes to truly live free in today's topsy-turvy world.

Madam Speaker, I include the Washington Times article for the RECORD, as follows:

[From the Washington Times, Aug. 9, 1994]

ACLU CENSORS THE TEN COMMANDMENTS

(By Adrienne T. Washington)

For decades a 3-by-4-foot bronze plaque with a centuries-old message has blended into the brickwork of the Montgomery County Courthouse. It's been around so long it hangs virtually unnoticed.

The American Civil Liberties Union wants the plaque of the Ten Commandments taken down from its perch on the third floor of the Judicial Center in Rockville, saying it violates the First Amendment separation of church and state.

Don't they have more significant causes to champion?

Arthur Spitzer, legal director of the Montgomery County chapter of the ACLU, told reporter Arlo Wagner of The Washington Times that the plaque should be removed "because the government should not be telling people to observe the Sabbath," among other religious teachings.

How ludicrous. Mr. Spitzer is wrong. If ever there was a place to hang the Ten Commandments, it's in the so-called hallowed halls of blind justice. Here, humankind may welcome a little divine guidance along with a little divine intervention.

Most of the criminal codes and civil laws of Western civilization are based on the Judeo-Christian ethics espoused in the Ten Commandments. Besides, what about the other First Amendment rights that guaran-

tee free speech and the right to religious freedom?

Wiping out any mention or symbol of religion or faith in all public places does not constitute religious freedom. This could be construed as religious censorship for some. Surely, the ACLU opposes censorship.

The Ten Commandments plaque was presented to the Montgomery officials by the Church Women of Montgomery County in 1940. Before the Judicial Center was built in 1981, the plaque hung outside Courtroom One in the District Court.

No doubt this plaque is like the hundreds of statues and monuments you walk by, drive by or stand by each day and never notice. Rather than take the Ten Commandments down, other religious and secular groups should be encouraged to place other placards that espouse their affirmations and thinking.

I fundamentally agree with the ACLU's position opposing adult-led prayer in public schools. It's too difficult to administer without offending someone.

But I firmly believe all students should learn about various world religions as part of their basic education. Just as they study history, geography and languages, people ought to know the difference between Hindus and Muslims, Christians and Jews, atheists and agnostics. Such information breeds religious tolerance. Lack of knowledge—like removing the Ten Commandments as though they don't exist—is what leads to more problems.

So why is Mr. Spitzer picking on the Ten Commandments?

Only three of the 10 tenets speak directly to God or religious practices. The rest speak to what should be appropriate behavior and interpersonal skills. And God knows we can't be reminded enough about common courtesy and human decency.

The Commandments were engraved on stone tablets and given to Moses by God at Mount Sinai. They are the foundation of divine law in the Old Testament. They are also paramount, individually or collectively, in the ethical systems of Judaism, Christianity and Islam.

And just in case your memory needs to be refreshed or you never learned the Commandments, let me give you the hit parade:

1. I am the Lord thy God. Thou shalt have no other gods before Me.
2. Thou shalt not take the name of the Lord thy God in vain.
3. Remember the Sabbath day, to keep it holy.
4. Honor thy father and thy mother.
5. Thou shalt not kill.
6. Thou shalt not commit adultery.
7. Thou shalt not steal.
8. Thou shalt not bear false witness against thy neighbor.
9. Thou shalt not covet thy neighbor's house.
10. Thou shalt not covet thy neighbor's wife, nor his manservant, nor his maidservant, nor his ox, nor his ass, nor anything that is thy neighbor's.

This is the fundamental moral code on which this country was founded, and to which the framers of the Constitution subscribed. I really don't think they thought the day would come that something as harmless as the Ten Commandments would be viewed as inappropriate to be seen in public building, especially a courthouse.

Montgomery County Attorney Joyce R. Stern unfortunately agrees with the ACLU's stance that the plaque, as presently displayed, does violate the Constitution. She ruled the plaque must be made part of a larger "historical display" to remain in the courthouse.

The Ten Commandments plaque is a necessary reminder, something we can learn from, if not aspire to. It should stay right where it is as just one expression, one example, of what a whole lot of people believe it takes to truly live free in today's topsy-turvy world.

RESTORATION OF THE COEUR D'ALENE BASIN

The SPEAKER pro tempore (Ms. BROWN of Florida). Under a previous order of the House, the gentleman from Idaho [Mr. LAROCO] is recognized for 5 minutes.

Mr. LAROCO. Madam Speaker, I rise today to address an issue of vital importance to me, to Idaho, and the State of Washington, the restoration of the Coeur d'Alene Basin.

The Coeur d'Alene Basin covers approximately 3,700 square miles in north Idaho, including Lake Coeur d'Alene, the Coeur d'Alene River, the St. Joe River, St. Maries River, the Spokane River, and various tributaries. The basin forms the foundation of the region's economy, drinking water supply, and natural habitat.

The Coeur d'Alene Basin attracts an estimated 800,000 visitors annually. It provides 30 percent of the water to the region's sole-source aquifer, which serves over 400,000 residents in north Idaho and eastern Washington. The basin provides habitat for migratory bird populations—including tundra swan and wood ducks—as well as endangered, threatened or candidate species, such as bald eagle and the bull trout.

In the 1800's silver was discovered on the south fork of the Coeur d'Alene River Valley which was the beginning of the Coeur d'Alene mining district known as the "Silver Valley." In 1886, the first mill was put into operation at the Bunker Hill mining complex. By 1891 mining was flourishing.

Over a period of 100 years the mines of the Silver Valley produced nearly 45 percent of the Nation's silver, 11 percent of its lead, and 9 percent of its zinc. However, they also produced a tremendous quantity of heavy metal-contaminated wastes—an estimated 72 million tons of tailings were discharged into the Coeur d'Alene River.

I view restoration of the basin as one of the highest priorities for the future of north Idaho. I have been working in cooperation with the State of Idaho, the Coeur d'Alene Tribe, the mining industry and local citizens to devise a comprehensive plan for restoring the basin.

With the help of the U.S. Fish and Wildlife Service, U.S. Geological Survey, and the Bureau of Land Management, I have drafted a Coeur d'Alene Basin restoration bill as an amendment to the Clean Water Act. The State and the tribe have also drafted a legislative proposal.

Today I will be introducing both restoration bills.

At the request of the tribe and the State, I am introducing The Coeur d'Alene Basin and Spokane River Restoration Act of 1994, a bill that would establish a nonprofit corporation, the Coeur d'Alene Basin Restoration Corp., to provide for the conservation, remediation, and restoration of the Coeur d'Alene Basin and Spokane River watersheds. The corporation would serve to streamline restoration efforts, assure local control and public input, and reduce administrative costs.

I am also introducing The Coeur d'Alene Basin Restoration Act of 1994. Written as an amendment to the Clean Water Act, this bill would convene a Coeur d'Alene Basin Management Conference to develop a comprehensive pollution prevention, control, and restoration plan for the Coeur d'Alene Basin. In addition, the bill includes measures to assure that efforts by Federal agencies, including the U.S. Fish and Wildlife Service, U.S. Geological Survey, and the Bureau of Land Management, are coordinated as part of a comprehensive restoration plan.

The introduction of these bills signifies a new cooperative effort to restore the Coeur d'Alene Basin. The Environmental Protection Agency has pledged its full support for a cooperative restoration effort, and it has moved a full-time EPA staff person to Coeur d'Alene. The State of Idaho, the Coeur d'Alene Tribe, mining company officials, and community leaders have begun earnest discussions on a comprehensive restoration effort.

I want to stress that both bills have been drafted from the ground up and public involvement will remain a focal point as they move through the legislative process.

Madam Speaker, Idahoans elected me to lead and to solve problems. I have pledged to be a strong voice in Congress and will continue to work collectively with the tribe, the mining industry, the State of Idaho and local citizens to solve this difficult problem.

I want to add in closing, Madam Speaker, that Speaker FOLEY joins me in trying to resolve the issues of the Coeur d'Alene Basin and I welcome his support in these endeavors.

□ 1640

REVOLVING DOOR JUSTICE

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

Mr. COLLINS of Georgia. Madam Speaker, I want to begin my remarks today and refer back to a 1-minute speech that I gave on this floor March 4, 1993. Leading into this 1-minute speech was the 2 previous days. On each of the 2 previous days to this March 4 date, I came to the well of this House to deliver a 1-minute speech

each of those days. The first day I referred my remarks not only to the Speaker but also to the President, and the Speaker challenged me and told me that I must refer all remarks to him. So I was out of order that day with those remarks as a freshman and unknowing to all of the rules.

The second day that I came to the well to give a 1-minute speech, I thought I was in order by reading excerpts from a letter from a constituent from Peachtree City, GA. In reading that letter and excerpts from that letter, the Speaker again hit the gavel and called my words out of order.

So the third day, not to be outdone, I came back to this well of the House for a 1-minute speech, and that 1-minute speech went something like this, Madam Speaker:

Mr. Speaker, during this time on each of the past 2 days I have stood in this well and referred to letters and phone calls that I have received from people throughout the Third District of Georgia. I expressed their concerns, their fears, and their definition of the character of those of us who are involved in their Government.

On each of those 2 days the Chair questioned my remarks and referred them to the Parliamentarian.

Mr. Speaker, I differed with that questioning.

Mr. Speaker, I will be out of order the day that I do not express the views of those who have sent me here to represent them.

Mr. Speaker, I will be out of order the day I fail to carry through with the promises that I made when I asked those same people to send me here to represent them.

Mr. Speaker, I will be out of order when I listen to the bureaucrats inside this Beltway instead of the people of the Third District of Georgia."

Madam Speaker, I wanted to refer to that out-of-order speech prior to speaking a little bit about the crime bill and the vote on the rule pertaining to the crime bill that took place here in this House yesterday, because the vote that I cast was a reflection of that out-of-order speech. It was a reflection of promises I had made when I was seeking this office. It was a reflection of the phone calls, the letters, the personal contact and the correspondence that I have received from the people of the Third District of Georgia.

Madam Speaker, when I received those correspondence or those contacts I did not ask those people questions other than listening to their requests, their comments. I only answered questions. I did not ask them what religion they were, I did not ask them what party they belonged to, I never ask them what race they are. I just listened to their comments, and that is the vote that I cast yesterday on the rule pertaining to the crime bill.

But, Madam Speaker, we can pass a crime bill in this House, and truthfully

we should pass a crime bill. But we need to pass a good crime bill. We need to pass a crime bill that will actually address the problem, and that is the problems of the criminal. Get criminals off the streets. We need to address it in an area and in a way that imposes punishment, a deterrent. Many may think or may even be used as scapegoats, but if they do wrong, they deserve punishment, no matter what their personal thoughts.

But in order to address crime and crime prevention, I think we need to focus in, too, on some of the cases of crime and where a crime resolves, what it is resolved around. Often times that is in the area of poverty. Financial conditions of a person or a family would lead someone or entice someone to do wrong. Poverty areas are areas where crime is rampant, such as detected by the fact that if you follow welfare spending you also follow spending on crime, and often these areas of poverty are also areas of welfare. Those people, a lot of those people who live there are impoverished, they have no hope. They see no hope, they see no promise. They see a community of people that just like them live with no hope. They see other neighborhoods on the TV and hear about it on the radio and read about it in the media that also have no hope.

Why do they have no hope? Again it is financial. Again it is an area we need to address. I think we need to address, it with jobs, job opportunities, something that gives them hope, something that gives independence.

We can do that. But we do not need to do it with government, government jobs. Government jobs are taxpayer payroll jobs. There is no hope in a government job as such, because government jobs are temporary jobs, and that is the reason, because it is temporary, there is no permanence to it. We need to turn to the private sector, and we need to encourage the private sector to go into these communities, these urban areas, and not only urban areas but rural areas and establish manufacturing, establish businesses that will create jobs and provide jobs and provide hope for those in those impoverished areas. And we can do that. That is not only the job of this House, but it is something that this House should and must do.

There are a couple of areas of the crime bill that I want to refer to other than just that area that was referred to yesterday quite often as social spending. One is the area of the provision that provides for 100,000 additional cops on the streets. That is a provision that sounds good. It is a provision that is supported by many people. Why is it supported by so many? Because when they see a cop on the beat, whether he is walking, or whether he is in his patrol car or on his motorcycle, it gives them a sense of security, because there

is someone in the area that is one of the good guys, the police.

But I question whether or not those 100,000 policemen are really again just a dead-end effort, because the funding for those policemen will fall far short, because there again it is temporary funding. The additional or continued policing by those cops who this encourages the hiring of will have to be picked up by those local entities. I know first hand and have had experience in that area. As a county commissioner in Butts County, GA, some 15 years or 16 years ago, there was a program, encouraged by the Federal Government, to hire deputy sheriffs, additional police, and for a small county and a small budget we took advantage of it, advantage of what we thought was a good thing. The only thing was it was good for only awhile, because the funds ran out. Then we as county commissioners and the governing body of that county had to fund those additional officers out of the treasury of that county.

So I think even though it sounds good, and it is good, it is good to have those people on the street, it is a little bit of false advertising from this House to say that we are furnishing the money, all of the money for those 100,000 policemen.

Another area that I want to address in the crime bill that was very controversial was that of the gun control provisions and what makes it so hard to swallow for many people across this country, and a lot of those in the Third District of Georgia. It is not the fact that we were eliminating through that procedure some guns. The real problem is that provision only pertained to a legal transfer of weapons, a legal transfer. It would stop the manufacture and prohibit the transfer of certain weapons. But it did not pertain and will not pertain and cannot pertain, and you will not pass any legislation in this House or in the other body that will pertain to the black market. And there are millions of weapons in that black market. They are passed, they are sold, they are given daily, and no legislation that we adopt will pertain to that weapon.

True, we can pass legislation that pertains to that person who is usually and normally a criminal that passes that weapon.

□ 1650

Back several months ago when we had the Brady bill on this floor, unlike this time with the crime bill, and I did not receive any phone calls from any of the people from the White House or the Cabinet, but when the Brady bill was on the floor, I received a call from Ms. Reno, and I was very pleased that she took the time to call me. I was impressed that she would call me, and she called to ask me to support the Brady bill and to oppose all amendments to it.

I told Ms. Reno I really appreciated her call, but I could not do that, because the people in the Third District of Georgia had asked me to oppose the Brady bill and support all amendments to it. It was not, as I informed her, the 3-day, 5-day, 7-day, 15-day, whatever the delay might be, that was not the emphasis; the problem and the concern of the people of the Third District of Georgia was this in the first step, the first step toward prohibition of weapons altogether.

Madam Speaker, you know, those people of the Third District of Georgia were right. Because immediately following the Brady bill came the ban on the assault weapons, the ban on the legal transfer of weapons, again, no ban on the black market and the transfer in that area. We need to rethink that and stop punishing and trying to deter or prevent law-abiding, legal purchases by people who are not of the criminal element.

Madam Speaker, again, I go back to the fact that we can, and we should, pass a crime bill. We should pass one that had the provision in it that I really liked in this one that the dealing with the fact that we were going to assist States with the construction of prisons, and they do need help. Many States are short of funds for the purpose of prison construction.

Fortunately, Georgia has built several prisons in recent years. My first year in the Georgia State senate, the first budget that came to the floor of the senate, there were no prisons included, but after several members of that senate body approached the appropriations committees, we were fortunate enough to include, before the finalization of that budget, some five prisons. All five have been built and opened, and along with three additional, along with additional boot camps, boot camps again, part of this crime bill that we are looking at that is in conference.

A Judge Kenneth Kilpatrick from Clayton County, GA, a State superior court judge there, sent information to Gov. Zell Miller pertaining to criminals, voicing the concern of many superior court judges in Georgia about the fact that criminals were being released from prison far before their sentences were completed or even long before even half of their sentences were completed. I have the package that Judge Kilpatrick sent to the Governor, Governor Zell Miller, and I want to read just two or three quotes from this package words and comments of Judge Kilpatrick.

First of all, and to quote him, he says, "Do not get hung up on the words 'violence' and 'one-third.' Violent offenders ought to be put away, but so should burglars, auto thieves, forgers, drug dealers, habitual offenders, and other criminals who are not normally called violent." And, again, he says,

"Why should anyone sent to a penitentiary get out after serving only 33 percent of their sentence?" That was the one-third he referred to. "One-third has become a buzzword that lacks common sense. Make three-fourths the law, build the prisons, and watch the fear leave our streets." he went on to tell the Governor, "Until we face the fact that there are several thousand predators and punks walking the streets who must be incarcerated, neither we nor our property will be safe."

And, finally, he referred to Cool Hand Luke in the movie, and to quote Cool Hand Luke, "What we have here is a failure to communicate." The judge says to the governor, "Well, what we have here is a failure to rehabilitate. Goodness knows they have had their chances. We need to incarcerate."

I want to read just about, well, four particular cases out of a number of cases that the judge cited, and what had upset him about the early release of prisoners. A John Michael Conn, convicted of vehicular homicide in the first degree on July 25, 1991. He was drunk, 0.16 percent alcohol blood content, when he hit and killed a 13-year-old boy riding on a bicycle. He received a split sentence, 15 years, split to serve 8, 7 on probation. Mr. Conn was paroled December 9, 1993, serving less than 18 months of his sentence, 13 percent of the sentence rendered.

Another one was John Frederic Freeman, convicted of possession with intent to distribute cocaine in September 1992. The pardons and parole board said Mr. Freeman will be released in March 1994, serving 18 months of a 10-year sentence.

Shane Dolan Knight, convicted of at least 18 counts of burglary and forgery in the first degree, given a sentence of 10 years, released after 22 months, serving 18 percent of his 10-year sentence, and last, Karlston R. Blackstock, convicted of three counts of burglary sentenced to 15 years, released in 48 months, serving 27 percent of his sentence.

No wonder we cannot get control over crime.

Madam Speaker, I want to refer to an article that was in the National Review of June 13, 1994, written by Wesley Smith as he talks about in other areas how the Federal courts and the Federal Government have intervened with States in the operation of prisons, which has led to an enormous amount of lawsuits filed in Federal courts by inmates.

In 1966 there were 218 such lawsuits; in 1993 there were 53,000 such lawsuits. I think that is an area we need to address also, Madam Speaker.

I am placing that in the RECORD at the conclusion of my remarks.

Madam Speaker, I say we need to assist States, but we also need to assure that there will be severe and swift punishment.

We had an opportunity during the debate and the amendments offered here on this floor to change the habeas corpus laws, limit the number of habeas corpus appeals at the Federal level. We chose not to do so. We only chose to increase the number of instances where the death penalty can be applied at the Federal level.

But, Madam Speaker, we do not apply the death penalty at the Federal level. We very seldom apply it at the State level due to the fact of the endless appeals that are allowed.

Madam Speaker, I do not know about other Members of this House, but I have witnessed two executions in Georgia in the last 3 years, execution of one person who had cold-bloodedly shot and killed with a shotgun a police officer. Madam Speaker, it took 17 years of appeal after appeal to finally carry out the will of the people and the law of Georgia.

□ 1700

The second execution that I witnessed was just this spring. A person who had attacked two women and beat their heads off with a club.

Again, it took 15 years to bring that person to justice. Madam Speaker, that is too long. The people are tired of those types of appeals, and it does not help the system when we carry the appeals process for that length of time. We must address the death penalty, the imposition of it, and change the laws so that we can do it in a swifter pattern.

Madam Speaker, if we are going to address crime and we are going to address welfare reform in this Nation, we have to do them together or we will not get very good results either way.

I think they ought to parallel each other, we must have tax reform, tax reform that will encourage people to take a risk and invest, invest in communities, go back to those communities to which I referred that we impoverished, locate businesses in those areas so that we can create jobs in those areas because many of those people have no way to commute to another area for another job.

Madam Speaker, there are a number of things that we can do, a number of things that we can do jointly in this body, and it must be and it should be a bipartisan effort. I say it should be, it does not have to be a bipartisan effort; there are enough members of one party in this House to do any or all of these things. But if we take the time and we put our heads together and communicate with each other in this House, as Cool Hand Luke said, "I think we are failing to communicate"—but we need to communicate with each other.

Madam Speaker, when I got to the office this morning, and usually I am there around 7, I penned out a quick letter to the President, took it out to the fax machine myself and faxed it

over to the White House, knowing I probably will never hear from it. I have sent a number of letters. Once in a while I will get a response, but it is not from President Bill Clinton, our President; it is from some staffer.

HOUSE OF REPRESENTATIVES,
Washington, DC, August 12, 1994.

MR. PRESIDENT: I voted against the Rule for the Crime Bill not as an anti-vote toward anyone but as a representative vote for the people I represent. I am sure this is true of most of us who voted No.

Mr. President, you are faced with several options. I will refer to two. First, push forward and oppose the public, creating additional problems for Members of Congress or; second, listen to those of us who are voicing the concerns of constituents. To do so we must have the opportunity to discuss such concerns.

I have asked several times for such an audience but to no avail.

We, Congress, can pass a crime bill. A crime bill which will address crime problems. However, it will be difficult or the results will not be as positive as they should be if name calling and finger-pointing continues.

I know it is wishful thinking but I do wish I could have a few minutes of your time.

Best Regards,

MAC COLLINS.

Mr. COLLINS of Georgia. Madam Speaker, I want to wish you best regards. I know that just as soon as I hush, you are headed toward Florida, and I hope you have an enjoyable weekend because I am headed to Georgia.

The document referred to follows:
[From the National Review, June 13, 1994]

JAILHOUSE BLUES

TRUTH IN SENTENCING

FEDERAL JUDGES SEEM INFINITELY SOLICITOUS OF THE INMATES OF STATE PRISONS, AND NEARLY INDIFFERENT TO THEIR VICTIMS, PAST AND FUTURE. HOW CAN LAW-ABIDING CITIZENS BEGIN TO REDRESS THE BALANCE?

(By Wesley Smith)

(Mr. Smith is deputy director of the Governors' Forum at the Heritage Foundation and a member of the advisory board of the Safe Streets Alliance)

In 1989 Kenny Parker filed suit against Nevada state officials for "cruel and unusual punishment." His complaint? They had given him a jar of creamy peanut butter, whereas he had explicitly ordered chunky. One of Parker's jailmates—convicted first-degree murderer David Bean—is suing the state because the jeans he was given were too tight, "causing rashes and epileptic seizures." Another Nevada inmate, convicted child molester Chris Chapman, is suing for copies of the North American Man-Boy Love Association newsletter, as a matter of First Amendment rights. Iowa prisoner Art Hartsock, wanting to "see what I'm missing while I'm in here," has demanded greater access to pornography.

These "rights" violations seem less constitutional than comical, but they are taken seriously by the federal judiciary. In 1993, the nation's prisoners filed over 53,000 lawsuits in federal court, generally against state governments. While most cases are dismissed as frivolous, the litigation explosion has cost the states hundreds of millions of dollars in legal fees and in the costs of complying with the courts' orders. In 1993 Nevada alone spent about \$700,000 in direct legal costs defending against suits like Parker's.

These legal costs, however, are dwarfed by the indirect costs on society as a whole. Most governors, state attorneys, and other criminal-justice officials say the prisoners'-rights movement is making state prisons un-governable. And federally imposed prison population caps and other decrees aimed at alleviating "overcrowding" have forced the early release of tens of thousands of violent criminals.

JUDICIAL TSUNAMI

In 1966 prisoners filed 218 suits in federal court to remedy arguably inhumane treatment in federal, state, and county prisons. Then the federal judiciary opened the flood-gates. By 1980 prisoner suits had increased twentyfold. In 1993 prisoners filed 53,713 lawsuits in federal courts—7,615 more suits than the Federal Government filed against criminals.

By 1993, four-fifths of all state prison systems and roughly one-third of the five hundred largest local jails were under federal-court supervision. And the courts are mostly not content to set broad guidelines for the states to interpret. In Arizona, for example, federal judges tell state prison officials the types of publications and typewriters they must buy for prisoners and the number of law clerks they must hire for the state's prison law libraries. (Delaware Attorney General Charles Oberly II says such rulings mean state prisoners have better access to law materials than he does.)

In South Carolina, Federal Judge James McMillan has given the state orders to purchase specific recreational equipment for prisoners, including three sets of horseshoe equipment, three guitars, five frisbees, fifty decks of playing cards, and a piano. In Alabama a federal judge orders the state to provide inmates air conditioning and televisions. In other states federal judges are seeing state-sponsored "cruel and unusual punishment" in prisons lacking basketball courts, weight rooms, televisions, workshops, or single-occupancy cells.

Under the guise of constitutional jurisprudence, the federal judiciary has aggressively replaced the criminal-justice policies of the fifty states with its own. Groups like the ACLU's National Prison Project argue that states must treat prisoners much as they do citizens at large. Federal judges have agreed; and in their pursuit to elevate the legal status of prisoners to that of law-abiding people, they have removed the concept of prison as punishment, and with it much of the deterrent effect of imprisonment.

Of course, prisoners have been quick to adopt this distorted view of their moral and legal status. An Illinois inmate demanded the right to use his cell as his place of residence for conducting drug-related activities. A Nevada inmate sued for the right to cross-dress, and 14 death-row inmates in California sued for the right to procreate through artificial insemination. Florida's Robert Procup sued when he got just one bread roll on his dinner plate, and sued again when prison officials failed to provide him a salad at lunch. When told by ABC's John Stossel that he was, after all, being punished, Procup replied, "Nobody sentenced me to punishment. They sentenced me to be separated from society"—a recurring theme of the prisoners'-rights movement. Procup was convicted of murder for cementing his business partner into a storage shed.

While federal judges see much decisions as principled constitutionalism, most prisoners see them as a weakness that demands to be exploited. Art Hartsock, the prisoner who won for himself and other inmates at

Anamosa State Prison the right to view pornographic magazines, is now preparing for another suit. His reasoning: "Every dollar they spend fighting a lawsuit is a dollar they can't spend building a place to lock me up."

At age 15 Willie Bosket killed two New York subway riders "for the experience." He has also tried to kill two prison guards, which is why prison officials chain him to his cell door for five minutes each day before moving him. Of the chaining Bosket says, "I feel several things. I feel humiliated. I feel an affront to my dignity. I feel vulnerable." A federal court afforded him a jury trial to decide whether he would continue to be chained. At his trial Bosket told jurors his only regret was that he had not killed the guard. He vowed to kill again.

Most criminals show a psychology of denial for their criminal actions. Nevada Deputy Attorney General Anne Cathcart says criminals "come into prison denying any wrongdoing, and they are constantly presented with further reasons to blame others. Unlimited access to federal courts gives them an added tool to vent their anger and rebel against the system."

This undermines rehabilitation efforts generally, as prisoners quickly learn that contempt for the system is rewarded. But the federal bench has even prohibited specific state rehabilitation plans as violative of prisoners' rights. After Governor Gerald Baliles discovered in 1986 that 85 percent of Virginia inmates were illiterate, he started a program that linked reading proficiency to early parole. The ACLU threatened suit, saying prisoners had a right to parole without literacy tests, so Baliles made the program voluntary and consequently much less successful. Governor Fife Symington thought pornography might not be healthy for Arizona inmates, many of whom are sex offenders, so he decided last January to prohibit all pornographic materials in the state's prisons. That sounded reasonable to Arizona citizens, but Federal Judge Muecke didn't agree; he has begun contempt hearings against the state.

EACH TO HIS OWN RELIGION

Federal encroachment took a dramatic leap forward last November when Congress passed the Religious Freedom Restoration Act. RFRA severely limits the power of government to restrict a prisoner's religious activities.

Before RFRA, a state could restrict certain practices in prison to maintain order. For instance, Illinois forbade inmates belonging to Aryan Nation's religious arm, the Church of Jesus Christ Christian, to distribute literature calling for the extermination of Jews and blacks. In 1992 they sued the state for the right to do so. Shortly after RFRA became law, they amended their complaint with new-founded RFRA rights. Under this new standard Illinois will almost certainly lose. Susan O'Leary, deputy chief legal counsel for the state, predicts that this will incite riots in Illinois prisons, which have a 66 percent black population.

In 1987, the followers of Yahweh Ben Yahweh and his "Temple of Love" demanded the right to distribute hate literature among inmates and lost in court. They are now suing again under RFRA and have already won at the district court level. The Temple of Love, like Aryan Nation, is seeking attorney fees and monetary damages for religious rights denied them before RFRA even became law. These remedies do not take into account the costs to the states of hiring additional guards or building new cells to separate these inmates from others for their protection.

Even before RFRA, some federal courts were reluctant to define what constitutes a genuine religion. A federal court in 1974 declared The Church of the New Song a religion; this church requires Harvey's Bristol Cream, filet mignon, and marijuana for its religious ceremonies. In Indiana inmates calling themselves the Black Gangster Disciples are claiming a "new Muslim" status, even though prison officials believe their aim is to infiltrate their gang into the older Muslim group. In Colorado, inmate Robert Howard, a practicing Satanist, is suing for the right to religious materials including the Satanic Bible, passages of which command the sacrificing of a "preferably Christian" female virgin and the using of candles made from the fat of unbaptized babies. With RFRA, States will have little discretion in restricting so-called religious activities such as these in order to maintain security.

Religion-based demands for special diets are particularly costly to the States. Nevada Attorney General Frankie Sue del Papa says providing a special religious diet winds up adding 65 per cent to the total cost of imprisoning one inmate. California Attorney General Dan Lungren estimates that if only 2 per cent of the national inmate population demands special religious diets, it will cost the States at least \$177 million annually.

Even if a state ultimately wins such a case, its taxpayers still lose. Since RFRA allows a state to restrict a religious practice only in a way that is least burdensome to the prisoner, few courts will be able to dismiss frivolous claims on summary judgment. Evidentiary hearings, expert witnesses, and transportation of prisoners, and state's witnesses to the hearings will be required to determine if the state is using a "least restrictive" penalty. And since RFRA applies retroactively, cases already won by States will be relitigated.

According to a Senate staffer who worked to modify RFRA, "Congress imagined Baptist preachers holding Bible studies in prison. Who could be against that? They failed to realize it would be Satanists, white supremacists, and those wanting better lunches that would really take advantage of RFRA protections." Of course, the more reasonable inmate requests that RFRA was aimed at protecting, like Bible classes, were rarely denied. And now, since all "religions" will be entitled to equal treatment, States will be forced to eliminate legitimate religious programs in order to avoid suits by other "religious" groups demanding equal funding.

THE IGNORED RIGHT

As the definition of prisoners' rights has mushroomed, basic constitutional rights like personal safety have actually diminished. Prisons have become more violent than ever before, and America's streets have become more dangerous, as federal judges force the early release of violent criminals to reduce "cruel and unusual" overcrowding.

Although the Supreme Court in *Rhodes v. Chapman* declared double bunking was not, per se, cruel and unusual, it reaffirmed the right of the federal judiciary to decide the constitutionality of state prison conditions by looking at the "totality of the circumstances." By the early 1980's the lower federal courts had begun to set prison population limits that forced the release of prisoners by the tens of thousands in the following years.

After a court in 1981 imposed a population cap in Texas prisons, the state parole board increased early releases by over 400 per cent with inmates serving an average of 2 months

for every year sentenced. This was followed by a 29 per cent surge of crime in Texas during the next decade, at a time when crime decreased nationally. The courts also mandated population reductions in county jails in Texas and across the country, forcing them to increase pre-trial releases. In Cook County, Illinois, almost 30,000 accused criminals are released before trial each year for this reason. Of that group, 67 percent are re-arrested on felony charges before their cases come to trial, over 25 percent of them for violent crimes.

The personal tragedies this federal policy has created are reported with numbing frequency in the nation's newspapers. Last June, Loran Cole, like other "nonviolent" criminals, was released early from a Florida prison to alleviate overcrowding; he had served only 18 months of a 66-month sentence for grand theft. Eight months later Cole was charged with the murder of John Edwards, an 18-year-old student at Florida State, and the kidnaping and rape of Edwards's sister. In Texas, Michael Blair served 18 months of a 10-year sentence for burglary and indecency with an 11-year-old girl (his actual crime, sexual assault, had been plea-bargained down). While still on parole in 1993, he raped and murdered 7-year-old Ashley Nicole Estell after kidnaping her from a park in an upscale Dallas community. Had he served even half his time, Blair would have been in prison on the day Ashley and her family went to the park. Kenneth McDuff was convicted and sentenced to death in 1968 for first-degree murder, for killing three teenagers execution style. McDuff's death sentence was commuted to life imprisonment when the Supreme Court outlawed capital punishment in 1972. This made him eligible for parole, which he got in 1989. Since then, he has been linked to the rape and murder of four women.

Just the threat of court-ordered releases has been enough to push state parole boards to release prisoners early. Between 1983 and 1993 the Georgia parole board released 36,006 violent and sex offenders—including 2,772 multiple sex offenders—after they had served an average of 36 percent of their sentences. In 1989, Governor Joe Frank Harris released 13,000 "nonviolent" prisoners under an emergency program to reduce prison populations when inmates threatened federal lawsuits. Since then the Georgia parole board has accelerated thousands of paroles. Although the parole board insists the released prisoners were "nonviolent," Clayton County Superior Court Judge Kenneth Kilpatrick says the early release of even nonviolent felons increases both nonviolent and violent crime, because short imprisonment suggests to criminals that any crime brings light punishment.

According to Department of Justice statistics, three-fourths of all violent criminals convicted in 1989 were back on the streets by December of 1993. Safe Streets Alliance President James Wootton [see sidebar, page 41] points out that 3.2 million criminals are out on parole or probation. Even modest early releases have been devastating. A study in Illinois in the early 1980s found that 21,000 prisoners released just 3 months early committed 23 homicides, 32 rapes, 262 arsons, 681 robberies, 2,472 burglaries, and 2,572 assaults during the 3-month period. Nationally, almost one-third of all violent crimes are committed by criminals on parole or pre-trial release. The federal courts have no apparent concern for the victims, however, but focus exclusively on the injustices they perceive as being committed against prisoners.

??? reform, it should dramatically limit federal-court jurisdiction over state prison administration. Article III of the Constitution gives Congress this power. If senators and congressmen refuse to use it, they should be held accountable by the voters for the foolish decisions of the federal judiciary in releasing criminals to rape and murder a second, third, and fourth time.

But there is no indication that Congress is willing to do so; therefore the States themselves will need to take matters into their own hands. They may be forced to confront Washington, as Governor Symington is doing in defying the federal court order that allows pornography in Arizona's prisons.

Governors like Symington, Mike Leavitt of Utah, and George Allen of Virginia, and hundreds of other state and local law-enforcement officials, see the current fight over control of state prisons as a small part of a larger problem. The federal judiciary's activism stems from an abstract theory of individual rights that disregards the rights of the community. Deliberately detached from the effects of their decisions on society, federal judges have acted as if they intended to strip communities of any power to defend themselves.

As recently elected Virginia Attorney General James Gilmore has said, it is the state's responsibility to make streets "as safe for our children as it was for us when we were growing up." The success of that agenda will be determined in large measure by the power of the States to free themselves from Washington's control.

CONFERENCE REPORT ON S. 2182

Mr. DELLUMS submitted the following conference report and statement on the bill (S. 2182), to authorize appropriations for fiscal year 1995 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:

CONFERENCE REPORT (H. REPT. 103-701)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2182), to authorize appropriations for fiscal year 1995 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 Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Defense Authorization Act for Fiscal Year 1995".

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Organization of Act into divisions; table of contents.

Sec. 3. Congressional defense committees defined.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.

Sec. 102. Navy and Marine Corps.

Sec. 103. Air Force.

Sec. 104. Defense-wide activities.

Sec. 105. Reserve components.

Sec. 106. Chemical demilitarization program.

Subtitle B—Army Programs

Sec. 111. Multiyear procurement authority for Army programs.

Sec. 112. Transfer to Marine Corps of M1A1 tanks replaced by M1A2 upgrades.

Sec. 113. Transfer of M1A1 tanks to the Marine Corps.

Sec. 114. Exception to mandatory retirement of OV-1 aircraft for aircraft deployed in Korea.

Sec. 115. Small arms industrial base.

Sec. 116. Bunker defeat munition acquisition program.

Sec. 117. Procurement of helicopters.

Subtitle C—Navy Programs

Sec. 121. Nuclear aircraft carrier program.

Sec. 122. Seawolf submarine program.

Sec. 123. Guidance sets for Trident II missiles.

Sec. 124. Prohibition on Trident II backfit.

Sec. 125. Inclusion of conversion of vessels in fast sealift program.

Sec. 126. Limitation on procurement of TAGS vessels.

Sec. 127. Naval amphibious ready groups.

Subtitle D—Air Force Programs

Sec. 131. Intertheater airlift programs.

Sec. 132. Settlement of claims under the C-17 aircraft program.

Sec. 133. Preserving the bomber industrial base.

Sec. 134. Limitation on retirement of bomber aircraft.

Sec. 135. Evaluation of restart of C-5B aircraft procurement.

Subtitle E—Other Matters

Sec. 141. Sales authority of working-capital funded Army industrial facilities.

Sec. 142. Identification in budget of funds for chemical demilitarization program military construction projects.

Sec. 143. Transportation of chemical munitions.

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.

Sec. 204. Molecular design material science.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Space launch modernization.

Sec. 212. Standoff air-to-surface munitions technology demonstration.

Sec. 213. Extension of prohibition on testing Mid-Infrared Advanced Chemical Laser against an object in space.

Sec. 214. Applicability of certain electronic combat systems testing requirements.

Sec. 215. Advanced Self Protection Jammer (ASPJ) program.

- Sec. 216. Advanced Lithography Program.
 Sec. 217. Federally funded research and development centers.
 Sec. 218. Digital Battlefield program.
 Sec. 219. Dual-use electric and hybrid vehicles.
 Sec. 220. Tactical antisatellite technologies program.
 Sec. 221. Limitation on dismantlement of intercontinental ballistic missiles.
 Sec. 222. Limitation on obligation of funds for seismic monitoring research.
 Sec. 223. Superconducting magnetic energy storage project.
 Sec. 224. Military satellite communications.

Subtitle C—Missile Defense Programs

- Sec. 231. Compliance of ballistic missile defense systems and components with ABM treaty.
 Sec. 232. Modifications to Anti-Ballistic Missile Treaty to be entered into only through treaty making power.
 Sec. 233. Revisions to the Missile Defense Act of 1991.
 Sec. 234. Limitation on flight tests of certain missiles.
 Sec. 235. Program elements for Ballistic Missile Defense Organization.

Subtitle D—Women's Health Research

- Sec. 241. Defense Women's Health Research Program.

Subtitle E—Other Matters

- Sec. 251. Requirement for submission of annual report of the Semiconductor Technology Council to Congress.
 Sec. 252. Report on oceanographic survey and research requirements to support littoral warfare.
 Sec. 253. LANSCE/LAMPF upgrades.
 Sec. 254. Study regarding live-fire survivability testing of F-22 aircraft.
 Sec. 255. University Research Initiative Support Program.
 Sec. 256. Manufacturing Science and Technology Program.
 Sec. 257. Defense experimental program to stimulate competitive research.
 Sec. 258. Study on convergence of Geosat and EOS altimetry programs.

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. Funds for depot-level maintenance and repair work.
 Sec. 305. Support for the 1996 Summer Olympics.
 Sec. 306. Support for the 1995 Special Olympics World Games.

Subtitle B—Defense Business Operations Fund

- Sec. 311. Oversight of Defense Business Operations Fund.
 Sec. 312. Review by Comptroller General of charges imposed by Defense Business Operations Fund.
 Sec. 313. Limitation on obligations against the capital asset fund.
 Sec. 314. Limitation on obligations against the supply management divisions.

Subtitle C—Environmental Provisions

- Sec. 321. Limitation on use of environmental restoration funds for payment of fines and penalties.
 Sec. 322. Participation of Indian tribes in agreements for defense environmental restoration.
 Sec. 323. Extension of authority to issue surety bonds for certain environmental programs.

- Sec. 324. Payment of certain stipulated civil penalties.
 Sec. 325. Additional exception to prohibition on storage and disposal of non-defense toxic and hazardous materials at military installations.
 Sec. 326. Assistance for public participation in defense environmental restoration activities.
 Sec. 327. Pilot program to develop and demonstrate environmental remediation technologies.
 Sec. 328. Environmental education and training program for defense personnel.
 Sec. 329. Study of establishment of land management and training center.

Subtitle D—Depot-Level Activities

- Sec. 331. Findings.
 Sec. 332. Modification of limitation on performance of depot-level maintenance.
 Sec. 333. Report on performance of depot-level maintenance and repair of new weapon systems.
 Sec. 334. Review of cost growth in contracts to perform depot-level maintenance and repair.
 Sec. 335. Authority for depot-level activities of the Department of Defense to compete for maintenance and repair workloads of other Federal agencies.
 Sec. 336. Authority of depots to provide services outside the Department of Defense.
 Sec. 337. Reutilization initiative for depot-level activities.
 Sec. 338. Change of source for performance of depot-level workloads.
 Sec. 339. Sale of articles and services of industrial facilities of the Armed Forces to persons outside the Department of Defense.

Subtitle E—Civilian Employees

- Sec. 341. Extension of certain transition assistance authorities.
 Sec. 342. Extension and expansion of authority to conduct personnel demonstration projects.
 Sec. 343. Limitation on payment of severance pay to certain employees transferring to employment positions in nonappropriated fund instrumentalities.
 Sec. 344. Retirement credit for certain service in nonappropriated fund instrumentalities before January 1, 1987.
 Sec. 345. Travel, transportation, and relocation expenses of employees transferring to the United States Postal Service.
 Sec. 346. Foreign employees covered by the Foreign National Employees Separation Pay Account.
 Sec. 347. Report on conversion of certain positions to performance by Department of Defense employees.
 Sec. 348. Non-Federal employment incentive pilot program.
 Sec. 349. Uniform health benefits program for employees of the Department of Defense assigned to nonappropriated fund instrumentalities.

Subtitle F—Department of Defense Domestic and Overseas Dependents' Schools

- Sec. 351. Reauthorization of Department of Defense domestic elementary and secondary schools for dependents.
 Sec. 352. Report on calculation and recovery of tuition costs of certain students enrolled in schools of the defense dependents' education system.
 Sec. 353. Authority to accept gifts for Department of Defense domestic elementary and secondary schools.

- Sec. 354. Assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.

Subtitle G—Reviews, Studies, and Reports

- Sec. 361. Reports on transfers of certain operation and maintenance funds.
 Sec. 362. Review and report on use of operation and maintenance funds by the Department of Defense.
 Sec. 363. Cost comparison studies for contracts for advisory and assistance services.
 Sec. 364. Review by Defense Inspector General of cost growth in certain contracts.

Subtitle H—Other Matters

- Sec. 371. Armed Forces Retirement Home.
 Sec. 372. Limitation on use of appropriated funds for operation of Armed Forces Recreation Center, Europe.
 Sec. 373. Limitation on retention of morale, welfare, and recreation funds by military installations.
 Sec. 374. Ships' stores.
 Sec. 375. Operation of military exchange and commissary store at Naval Air Station Fort Worth, Joint Reserve Center, Carswell Field.
 Sec. 376. Disposition of proceeds from operation of the Naval Academy laundry.
 Sec. 377. Authority to issue military identification cards to so-called honorary retirees of the Naval and Marine Corps Reserves.
 Sec. 378. Repeal of annual limitation on expenditures for emergency and extraordinary expenses of the Department of Defense Inspector General.
 Sec. 379. Transfer of certain excess Department of Defense property to educational institutions and training schools.
 Sec. 380. Operation of overseas facilities of the Department of Defense by United States firms.
 Sec. 381. Requirements for automated information systems of the the Department of Defense.
 Sec. 382. Program to commemorate World War II.
 Sec. 383. Assistance to Red Cross for emergency communications services for members of the Armed Forces and their families.
 Sec. 384. Clarification of authority to provide medical transportation under National Guard pilot program.
 Sec. 385. National Guard assistance for certain youth and charitable organizations.
 Sec. 386. One-year extension of certain programs.
 Sec. 387. Procurement of portable ventilators for the Defense Medical Facility Office, Fort Detrick, Maryland.

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 Army majors and lieutenant colonels.
 Sec. 403. Extension of temporary variation of end strength limitations for Marine Corps majors and lieutenant colonels.
 Sec. 404. Increase in authorized strength for Marine Corps general officers on active duty after fiscal year 1995.
 Sec. 405. Management of senior general and flag officer positions.

Sec. 406. Temporary exclusion of Superintendent of Naval Academy from counting toward number of senior admirals authorized to be on active duty.

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. Delay in increase in number of active component members to be assigned for training compatibility with guard units.

Subtitle C—Military Training Student Loads

Sec. 421. Authorization of training student loads.

Subtitle D—Authorization of Appropriations

Sec. 431. Authorization of appropriations for military personnel.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

Sec. 501. Consistency of warrant officer personnel management policies with policies applicable to other officers.
 Sec. 502. Authority for original regular appointments of Navy and Marine Corps limited duty officers serving in grades above pay grade O-3 under temporary appointments.
 Sec. 503. Navy and Marine Corps limited duty officers twice having failed of selection for promotion.
 Sec. 504. Selection for designated judge advocate positions.

Subtitle B—Reserve Component Matters

Sec. 511. Increased period of active duty for reserve forces mobilized other than during war or national emergency.
 Sec. 512. Reserve general and flag officers on active duty.
 Sec. 513. Review of opportunities for ordering individual reserves to active duty with their consent.
 Sec. 514. Definition of active Guard and Reserve duty.
 Sec. 515. Repeal of obsolete provisions pertaining to transfer of retired regular enlisted members to reserve components.
 Sec. 516. Semiannual report on separations of active Army officers.
 Sec. 517. Early Reserve retirement eligibility for disabled members of Selected Reserve.
 Sec. 518. Annual payments for members retired under Guard and Reserve transition initiative.
 Sec. 519. Educational requirements for appointment in reserve components in grades above first lieutenant or lieutenant (junior grade).
 Sec. 520. Limited exception for Alaska scout officers from baccalaureate degree requirement for appointment as officer in National Guard above first lieutenant.
 Sec. 521. Sense of Congress concerning the training and modernization of the reserve components.

Subtitle C—Victims' Rights, Family Advocacy, and Nondiscrimination Provisions

Sec. 531. Prohibition of retaliatory actions against members of the Armed Forces making allegations of sexual harassment or unlawful discrimination.
 Sec. 532. Department of Defense policies and procedures on discrimination and sexual harassment.

Sec. 533. Annual report on personnel readiness factors by race and gender.

Sec. 534. Victims' advocates programs in Department of Defense.

Sec. 535. Transitional compensation and other benefits for dependents of members separated for dependent abuse.

Sec. 536. Study of spousal abuse involving Armed Forces personnel.

Subtitle D—Matters Relating to the Coast Guard

Sec. 541. Extension of Warrant Officer Management Act provisions to Coast Guard.

Sec. 542. Coast Guard force reduction transition benefits.

Sec. 543. Expansion of personnel adjustment, education, and training programs to include Coast Guard.

Subtitle E—Other Matters

Sec. 551. Repeal of required reduction in recruiting personnel.
 Sec. 552. Authorized active duty strengths for Army enlisted members in pay grade E-8.
 Sec. 553. Prohibition on imposition of additional charges or fees for attendance at certain academies.
 Sec. 554. Biennial survey on the State of race and ethnic issues in the military.
 Sec. 555. Review of certain discharges from the United States Military Academy during the post-Civil War period.
 Sec. 556. Administration of athletics programs at the service academies.
 Sec. 557. Reimbursement for certain losses of household effects caused by hostile action.
 Sec. 558. Military recruiting on campus.
 Sec. 559. Authorization for instruction of civilian students at foreign language center of the Defense Language Institute.

Sec. 560. Discharge of members who are permanently nonworldwide assignable.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Military pay raise for fiscal year 1995.
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- Sec. 3162. Use of funds for computer declassification system.
- Sec. 3163. Safety oversight and enforcement at defense nuclear facilities.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

- Sec. 3201. Authorization.

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

- Sec. 3301. Authorized uses of stockpile funds.
- Sec. 3302. Rotation of materials to prevent technological obsolescence.
- Sec. 3303. Extension of limitation authority to dispose of chromium ferro and manganese ferro.
- Sec. 3304. Limitation on authority to dispose of zinc.
- Sec. 3305. Limitations on disposal of chromite and manganese ores.
- Sec. 3306. Report on domestic production of high purity electrolytic chromium metal.

TITLE XXXIV—CIVIL DEFENSE

Subtitle A—Authorization of Appropriations

- Sec. 3401. Authorization of appropriations.

Subtitle B—Reenactment of Federal Civil Defense Act of 1950 in the Robert T. Stafford Disaster Relief and Emergency Assistance Act

- Sec. 3411. Restatement of Federal civil defense authorities in the Robert T. Stafford Disaster Relief and Emergency Assistance Act.
- Sec. 3412. Repeal of Federal Civil Defense Act of 1950.

TITLE XXXV—NAVAL PETROLEUM RESERVES

- Sec. 3501. Authorization of appropriations.
- Sec. 3502. Price requirement on sale of certain petroleum during fiscal year 1995.
- Sec. 3503. Extension of operating contract for Naval Petroleum Reserve Numbered 1.

TITLE XXXVI—PANAMA CANAL COMMISSION

- Sec. 3601. Short title.
- Sec. 3602. Authorization of expenditures.
- Sec. 3603. Expenditures in accordance with other laws.
- Sec. 3604. Costs of educational services obtained in the United States.
- Sec. 3605. Special immigrant status of Panamanians employed by the United States in the former Canal Zone.

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 1995 for procurement for the Army as follows:

- (1) For aircraft, \$1,289,452,000.
- (2) For missiles, \$818,709,000.
- (3) For weapons and tracked combat vehicles, \$1,159,214,000.
- (4) For ammunition, \$902,821,000.
- (5) For other procurement, \$2,624,707,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 1995 for procurement for the Navy as follows:

- (1) For aircraft, \$4,491,845,000.

(2) For weapons, including missiles and torpedoes, \$2,076,625,000.

(3) For shipbuilding and conversion, \$5,619,897,000.

(4) For other procurement, \$3,287,487,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 1995 for procurement for the Marine Corps in the amount of \$403,410,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for procurement of ammunition for Navy and the Marine Corps in the amount of \$449,815,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 1995 for procurement for the Air Force as follows:

(1) For aircraft, \$6,489,467,000.

(2) For missiles, \$3,732,845,000.

(3) For ammunition, \$251,546,000.

(4) For other procurement, \$6,929,170,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 1995 for Defense-wide procurement in the amount of \$1,891,371,000.

SEC. 105. RESERVE COMPONENTS.

Funds are hereby authorized to be appropriated for fiscal year 1995 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, \$20,000,000.

(2) For the Air National Guard, \$260,000,000.

(3) For the Army Reserve, \$50,000,000.

(4) For the Naval Reserve, \$80,000,000.

(5) For the Air Force Reserve, \$50,000,000.

(6) For the Marine Corps Reserve, \$50,000,000.

SEC. 106. CHEMICAL DEMILITARIZATION PROGRAM.

(a) AUTHORIZATION.—There is hereby authorized to be appropriated for fiscal year 1995 the amount of \$599,549,000 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) \$363,584,000 is for operations and maintenance;

(2) \$215,265,000 is for procurement; and

(3) \$20,700,000 is for research and development efforts in support of the chemical weapons program.

(c) AUTHORITY FOR OBLIGATION OF UNAUTHORIZED APPROPRIATIONS.—The Secretary of Defense may obligate funds appropriated for research, development, test, and evaluation of alternative technologies under the heading "CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE" in title VI of Public Law 103-139 (107 Stat. 1436).

Subtitle B—Army Programs

SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR ARMY PROGRAMS.

(a) M1A2 TANK UPGRADE.—The Secretary of the Army may, in accordance with statutory multiyear contract authority, enter into multiyear procurement contracts for procurement of upgrades of M1 Abrams tanks to the M1A2 Abrams configuration.

(b) AVENGER AIR DEFENSE MISSILE SYSTEM.—Notwithstanding the limitation on statutory multiyear contract authority relating to the maximum duration of a multiyear contract under that authority, the Secretary of the Army may extend the multiyear contract in effect during fiscal year 1994 for the Avenger air defense missile system for a sixth program year and may award such an extension.

(c) STATUTORY MULTIYEAR CONTRACT AUTHORITY DEFINED.—For purposes of this section, the term "statutory multiyear contract authority" means—

(1) the authority provided in section 2306(h) of title 10, United States Code; or

(2) if the Federal Acquisition Steamlining Act of 1994 is enacted during the second session of the One Hundred Third Congress, the authority provided in section 2306b of title 10, United States Code, as added by the Federal Acquisition Steamlining Act of 1994 (restating the authorities previously provided in section 2306(h) of such title).

SEC. 112. TRANSFER TO MARINE CORPS OF M1A1 TANKS REPLACED BY M1A2 UPGRADES.

(a) IN GENERAL.—The Secretary of the Army shall transfer M1A1 common tanks to the Marine Corps Reserve in accordance with this section.

(b) NUMBER OF TANKS TO BE TRANSFERRED.—The number of tanks to be transferred to the Marine Corps Reserve under this section is the number (if greater than zero) equal to the difference between—

(1) the number of M1A2 Abrams tank upgrades for which funds are authorized for fiscal year 1995 or (if lower) the number of such upgrades for which funds are appropriated for fiscal year 1995; and

(2) the number of such upgrades requested in the budget of the President for fiscal year 1995.

(c) TIMING FOR TRANSFERS.—Of the M1 tanks selected to be upgraded to the M1A2 configuration using funds provided for fiscal year 1995, the Secretary of the Army shall designate specific tanks, in the number of such tanks to be upgraded in excess of the number requested to be upgraded in the budget of the President, as constituting the additional M1A2 tank upgrades for which funds were provided in excess of the number requested in the budget. With respect to each such tank so designated, the Secretary may not accept delivery from the contractor of that tank until the Secretary has transferred to the Marine Corps Reserve one M1A1 common tank (in addition to any previously transferred).

SEC. 113. TRANSFER OF M1A1 TANKS TO THE MARINE CORPS.

(a) TRANSFERS AUTHORIZED.—As M1A1 tanks of the Army become excess to the requirements of the active component of the Army, the Secretary of the Army shall transfer to the Marine Corps 84 of such tanks selected by the Secretary of the Army to complete the requirements for tanks of the active component of the Marine Corps. Any such transfer shall be made at no expense to the Army.

(b) LIMITATION ON TANK TRANSFERS TO ARMY NATIONAL GUARD.—After the date of the enactment of this Act, the Secretary of the Army may not transfer an M1A1 tank to the Army National Guard until, with respect to that transfer, the Secretary has transferred a separate M1A1 tank to the Marine Corps (in addition to any M1A1 tanks previously transferred to the Marine Corps). The limitation in the preceding sentence shall remain in effect until the Secretary has transferred to the Marine Corps under this section the total number of tanks specified in subsection (a).

(c) CONDITION OF TANKS.—The tanks transferred to the Marine Corps pursuant to this section shall be in a material condition comparable to the material condition of the tanks transferred to the National Guard.

(d) TREATMENT OF CERTAIN TRANSFERRED TANKS UNDER LIMITATIONS.—Transfers of tanks under section 112 shall not be counted for purposes of this section.

SEC. 114. EXCEPTION TO MANDATORY RETIREMENT OF OV-1 AIRCRAFT FOR AIRCRAFT DEPLOYED IN KOREA.

(a) EXCEPTION TO MANDATORY RETIREMENT.—The first sentence of subsection (b)(2) of section

1439 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1689) shall not apply with respect to OV-1 Mohawk surveillance aircraft deployed in Korea in a number not in excess of the number of such aircraft deployed in Korea on the date of the enactment of this Act.

(b) EXCEPTION TO PROHIBITION ON USE OF FUNDS.—The provisions of subsection (a) of that section shall not apply with respect to the operation and maintenance of aircraft covered by subsection (a) of this section.

SEC. 115. SMALL ARMS INDUSTRIAL BASE.

(a) FUNDING FOR PROCUREMENT.—Of the funds authorized to be appropriated pursuant to section 101(3), \$93,683,000 is available for procurement of small arms weapons as follows:

(1) \$38,902,000 for the MK19-3 grenade machine gun.

(2) \$13,000,000 for the M16A2 rifle.

(3) \$28,616,000 for the M249 squad automatic weapon.

(4) \$13,165,000 for the M4 carbine.

(b) MULTIYEAR CONTRACTS AUTHORIZED.—(1) During fiscal year 1995, the Secretary of the Army may, in accordance with section 2306(h) of title 10, United States Code, enter into multiyear contracts to meet the following objectives for quantities of small arms weapons to be procured for the Army:

Weapon	Quantity
MK19-3 grenade machine gun	21,217
M16A2 rifle	1,002,277
M249 squad automatic weapon	71,769
M4 carbine	132,510

(2) If the Army does not enter into contracts during fiscal year 1995 that will meet all the objectives set forth in paragraph (1), the Secretary shall, to the extent provided for in appropriations Acts, enter into multiyear contracts during subsequent fiscal years to meet those objectives.

(c) FOLLOW-ON WEAPONS.—The Secretary of the Army shall provide for procurement of product improvements for existing small arms weapons and may do so within multiyear contracts entered into pursuant to subsection (b).

(d) JOINT SMALL ARMS MASTER PLAN.—(1) The Secretaries of the military departments shall jointly develop a master plan for meeting the immediate and future needs of the Armed Forces for small arms. The Secretary of the Army shall coordinate the development of the joint small arms master plan. The joint small arms master plan shall include—

(A) an examination of the relative advantages and disadvantages of improving existing small arms weapons as compared to investing in new, advanced technology weapons; and

(B) an analysis of the effects of each such approach on the small arms industrial base.

(2) Not later than April 1, 1995, the Under Secretary of Defense for Acquisition and Technology shall—

(A) review the joint small arms master plan and the results of the examination of relative advantages and disadvantages of the two courses of action described in paragraph (1); and

(B) transmit the plan, together with any comments that the Under Secretary considers appropriate, to Congress.

(e) FUNDING FOR RDT&E.—Of the funds authorized to be appropriated under section 201(1)—

(1) \$5,000,000 shall be available for the Objective Crew-Served Weapons System; and

(2) \$3,000,000 shall be available for product improvements to existing small arms weapons.

SEC. 116. BUNKER DEFEAT MUNITION ACQUISITION PROGRAM.

The Secretary of the Army, in acquiring munitions under the bunker defeat munition weapons acquisition program—

(1) may acquire only those munitions that are designated as "type classified, limited procurement for contingency operations"; and

(2) may not acquire more than 6,000 such munitions.

SEC. 117. 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 \$72,000,000 for the procurement of not more than 6 AH-64 aircraft from funds appropriated for fiscal year 1995 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 \$150,000,000 for the procurement of not more than 24 OH-58D AHIP Scout aircraft from funds appropriated for fiscal year 1995 pursuant to section 101.

Subtitle C—Navy Programs

SEC. 121. NUCLEAR AIRCRAFT CARRIER PROGRAM.

(a) TRANSFER OF FISCAL YEAR 1994 FUNDS.—There is hereby authorized to be transferred to the Shipbuilding and Conversion, Navy, appropriation account for fiscal year 1995 the amount of \$1,200,000,000, to be derived from the National Defense Sealift Fund.

(b) AVAILABILITY FOR CVN-76.—Funds transferred pursuant to the authorization in subsection (a) shall be available for the CVN-76 nuclear aircraft carrier program.

SEC. 122. SEAWOLF SUBMARINE PROGRAM.

(a) LIMITATION ON PROGRAM COST.—Except as provided in subsection (b), the total amount obligated on or expended for procurement of the SSN-21 and SSN-22 Seawolf submarines may not exceed \$4,759,571,000.

(b) AUTOMATIC INCREASE OF LIMITATION AMOUNT.—The amount of the limitation set forth in subsection (a) is increased by the following amounts:

(1) The amounts of outfitting costs and post-delivery costs incurred for the submarines referred to in such subsection.

(2) The amounts of increases in costs attributable to economic inflation.

(3) The amounts of increases in costs attributable to compliance with changes in Federal, State, or local laws.

SEC. 123. GUIDANCE SETS FOR TRIDENT II MISSILES.

(a) LIMITATION.—Funds appropriated for fiscal year 1995 for the Navy pursuant to section 102 may not be obligated to procure more than 14 Mark-6 guidance sets for Trident II (D-5) missiles until the certification specified in subsection (b) has been submitted to Congress.

(b) CERTIFICATION.—A certification referred to in subsection (a) is a certification by the Secretary of Defense that it is necessary to procure (with funds referred to in subsection (a)) more than 14 Mark-6 guidance sets for Trident II (D-5) missiles because a failure to do so would pose an unacceptable risk to the long-term readiness and reliability of the Trident II (D-5) missile program.

SEC. 124. PROHIBITION ON TRIDENT II BACKFIT.

(a) LIMITATION.—The Secretary of the Navy may not modify any Trident I submarine to enable that submarine to be deployed with Trident II (D-5) missiles.

(b) WAIVER AUTHORITY.—If the Secretary of Defense determines that adherence to the prohibition in subsection (a) would result in a significant national security risk to the United States, the Secretary may waive that prohibition. Such a waiver may not take effect until the Secretary

submits to Congress a certification of that determination and of the reasons for that determination.

SEC. 125. INCLUSION OF CONVERSION OF VESSELS IN FAST SEALIFT PROGRAM.

Section 1424 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 7291 note) is amended—

(1) in subsection (a), by inserting "or conversion and operation," after "construction and operation"; and

(2) in subsection (b)—

(A) by inserting "or converted" after "constructed" each place it appears; and

(B) by inserting "or conversion" after "Construction" in paragraph (3).

SEC. 126. LIMITATION ON PROCUREMENT OF TAGS VESSELS.

(a) LIMITATION.—The Secretary of the Navy may not obligate funds for any of the vessels designated as TAGS-63, TAGS-64, or TAGS-65 unless the Secretary certifies to Congress that the multibeam sonars to be used on those vessels (whether new or remanufactured) have been obtained through the use of competitive acquisition procedures.

(b) NATIONAL SECURITY WAIVER.—The Secretary of the Navy may waive the limitation in subsection (a) for reasons of national security. Such a waiver may not take effect until the Secretary submits to Congress a report giving notice of the waiver and an explanation of the national security reasons for the waiver.

SEC. 127. NAVAL AMPHIBIOUS READY GROUPS.

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

(1) Amphibious Assault Ships (LHDs) provide an important contingency capability and are uniquely suited to respond to world crises and to provide assistance after natural disasters.

(2) Extensive testimony received by the Committee on Armed Services of the Senate in 1994 and prior years from military and civilian officials of the Department of Defense provided compelling support for a military requirement for 12 Amphibious Ready Groups.

(3) Twelve Amphibious Ready Groups is the correct number of amphibious ready groups necessary to sustain forward deployment and contingency requirements of the Navy.

(4) A report of the Department of the Navy (prepared pursuant to requirements of the National Defense Authorization Act for Fiscal Year 1993) clearly stipulates that a seventh LHD amphibious assault vessel is required in order for the Navy to achieve a force of 12 Amphibious Ready Groups.

(5) A significant shortfall in amphibious shipping and amphibious lift exists, both in the fiscal year 1995 budget request and in outyear force structure projections.

(6) The Department of the Navy has identified funds in outyear budget projections for the purchase of the amphibious assault vessel designated as LHD-7.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of the Navy—

(1) should plan for, and budget to provide for, the attainment of a twelfth Amphibious Ready Group as soon as possible; and

(2) should extend the existing contract option on the LHD-7 Amphibious Assault Ship to facilitate achieving 12 Amphibious Ready Groups.

(c) LHD-7 CONTRACT OPTION EXTENSION.—(1) The Secretary of the Navy is authorized to extend the existing contract option for the LHD-7 Amphibious Assault ship if the Secretary determines that the extension would be in the best interest of the United States.

(2) The Secretary of the Navy shall immediately begin negotiations to extend the existing contract option for the LHD-7 Amphibious Assault Ship Program.

(3) On and after the date that is 30 days after the date on which the Secretary notifies Con-

gress of an intention to do so, the Secretary may use for such contract option extension funds that are authorized to be appropriated for other Navy programs. The notification shall include a description of the intended use of the funds.

(d) REPORT REQUIREMENT.—The Secretary of the Navy shall submit to Congress, after December 31, 1994, but before March 31, 1995, a report stating the Secretary's intentions regarding exercise of the existing contract option for the LHD-7 Amphibious Assault Ship. The report shall include an explanation of the Secretary's actions regarding attainment of a twelfth Amphibious Ready Group and the costs and benefits of extending the existing contract option on the LHD-7 Amphibious Assault Ship.

Subtitle D—Air Force Programs

SEC. 131. INTERTHEATER AIRLIFT PROGRAMS.

(a) AUTHORIZATION.—Of the amount provided in section 103 for procurement of aircraft for the Air Force—

(1) \$103,707,000 shall be available for Non-Developmental Alternative Aircraft procurement; and

(2) \$2,364,622,000 shall be available for the C-17 aircraft program, of which—

(A) \$2,168,614,000 is for procurement of six C-17 aircraft;

(B) \$189,900,000 is for advance procurement of up to eight C-17 aircraft for fiscal year 1996; and

(C) \$6,108,000 is for C-17 modifications.

(b) REQUIREMENT FOR COMPETITION.—The Secretary of Defense shall use competitive procedures in selecting a source for the aircraft to be procured as Non-Developmental Alternative Aircraft under subsection (a).

(c) NOTICE TO CONGRESS.—Funds described in subsection (a) may not be obligated for procurement under subsection (a) until 60 days after the date on which the Secretary of Defense submits to Congress a report describing the Secretary's plan for the obligation of those funds.

(d) PRESERVATION OF INTERTHEATER AIRLIFT CAPACITY.—It is the sense of Congress that the Secretary of Defense, in acquiring aircraft using funds provided in accordance with subsection (a), should structure the acquisition of those aircraft so as to preserve the aggregate inter-theater airlift capacity of the Air Force (measured in millions of ton-miles per day) as of the date of the enactment of this Act.

SEC. 132. SETTLEMENT OF CLAIMS UNDER THE C-17 AIRCRAFT PROGRAM.

(a) AUTHORIZATION FOR SUPPLEMENTAL AGREEMENTS AND CONTRACT MODIFICATIONS.—

(1) The Secretary of the Air Force may (subject to subsection (e)) enter into supplemental agreements and contract modifications pertaining to contracts specified in paragraph (2) in order to do any of the following:

(A) Settle claims and disputes arising under those contracts as provided in the C-17 settlement agreement.

(B) Revise the delivery schedules under those contracts as provided in the C-17 settlement agreement for the aircraft designated as T-1 and P-1 through P-6.

(C) Revise range specifications, payload specifications, and other specifications under those contracts as provided in Attachment B to the letter (described in subsection (i)) setting forth the C-17 settlement agreement.

(2) This section applies to the following contracts:

(A) Air Force prime contract F33657-81-C-2108 (relating to the C-17 aircraft program).

(B) Such other Air Force contracts relating to the C-17 aircraft program (entered into before, on, or after the date of the enactment of this Act) as the Secretary of the Air Force determines to be appropriate.

(b) FURTHER CONSIDERATION FROM CONTRACTOR NOT REQUIRED.—The Secretary of the Air

Force may enter into a supplemental agreement or contract modification under subsection (a) without requiring further consideration from the contractor for the benefit to be derived by the contractor under that agreement or modification only to the extent provided for in the C-17 settlement agreement.

(c) **RELEASE OF CONTRACTOR CLAIMS.**—Any supplemental agreement or contract modification entered into under subsection (a) shall, as provided in the C-17 settlement agreement, require that the prime contractor release the Government from any contractual claim, demand, request for equitable adjustment, or other cause of action, known or unknown, that the prime contractor may have against the Government on or before January 6, 1994, arising out of the C-17 program contracts.

(d) **CONTRACT MODIFICATIONS REGARDING CONTRACTOR COMMITMENTS.**—(1) The Secretary of the Air Force shall incorporate into each appropriate C-17 contract the commitment of the prime contractor to make C-17 program changes as described in paragraph (2) on a nonreimbursable or cost-share basis.

(2) Paragraph (1) applies to the commitment of the prime contractor provided in the C-17 settlement agreement to make the following C-17 program changes:

(A) Extend the flight test program.

(B) Redesign the wing.

(C) Implement Computer Aided Design/Computer Aided Manufacturing System improvements, Management Information System improvements, and Advanced Quality System improvements.

(D) Implement product improvement cost reduction projects.

(E) Resolve other C-17 program issues.

(e) **REQUIRED CERTIFICATION.**—The Secretary of the Air Force may not enter into a supplemental agreement or contract modification under subsection (a) until 30 days after the date on which the Secretary of Defense submits to Congress a written certification of each of the following:

(1) That the terms and conditions set forth in the C-17 settlement agreement, including the terms and conditions relating to the settlement of claims, are in the best interest of the Government for a total procurement under the C-17 program that could be as few as 40 aircraft.

(2) That the membership of the Defense Science Board C-17 Task Force has advised the Secretary of Defense that, for a total procurement quantity of as few as 40 aircraft, the terms and conditions set forth in the C-17 settlement agreement, including the terms and conditions relating to settlement of claims, are in the best interest of the Government.

(3) That the Secretary will establish specific not-to-exceed costs estimates for production lots VII through XI and will provide that cost information to Congress not later than March 1, 1995.

(4) That during fiscal year 1995 no funds available to the Department of Defense will be used to relax performance requirements specified in the acquisition program baseline beyond the extent provided for in the C-17 settlement agreement.

(5) That the Secretary will transmit to Congress milestones and exit criteria for the C-17 not later than March 1, 1995.

(6) That nothing in the C-17 settlement agreement releases the contractor from any potential liability for fraud or criminal violations.

(f) **RESTRICTION ON USE OF DOD FUNDS FOR DEVELOPMENT OF ALTERNATIVE AIRCRAFT.**—No funds appropriated to the Department of Defense for fiscal year 1995 may be used to design, develop, or produce a modified version of the C-17 aircraft that could be considered to be a nondevelopmental alternative aircraft for purposes

of future Department of the Air Force competitions for intertheater airlift requirements.

(g) **OTHER CONTRACTOR OBLIGATIONS.**—Nothing in this section shall be construed as relieving the prime contractor for the C-17 aircraft from any obligation provided for in the C-17 settlement agreement.

(h) **C-17 SETTLEMENT AGREEMENT DEFINED.**—For purposes of this section, the term "C-17 settlement agreement" means the settlement agreement that was proposed to the prime contractor for the C-17 aircraft program by the Under Secretary of Defense for Acquisition and Technology by letter dated January 3, 1994, and that was accepted by that prime contractor on January 6, 1994.

(i) **EXPIRATION OF AUTHORITY.**—The authority of the Secretary of the Air Force to enter into agreements and contract modifications under subsection (a) expires at the close of September 30, 1995.

SEC. 133. HEAVY BOMBER FORCE REQUIREMENTS.

(a) **REQUIREMENTS STUDY.**—The Secretary of Defense shall carry out a study of bomber force requirements of the Department of Defense. The Secretary shall submit to Congress a report on the results of the study not later than April 15, 1995. The study shall address, for each of the target years 1998, 2006, and 2014, the following:

(1) Realistic alternative mixes of bombers constituting the bomber force and whether, for each of the alternative mixes, the bomber force so produced can meet well-defined national security requirements.

(2) The incremental levels of munitions requirements, bomber upgrade requirements, and other support requirements for implementation of each of the alternative mixes.

(3) The cost of implementation, affordability of implementation, and time required for implementation of each of the alternative mixes.

(4) The sensitivity to small changes in assumptions of the capabilities of the bomber force produced by each of the alternative mixes to meet mission requirements.

(b) **FURTHER ALTERNATIVE STRATEGIES.**—If the Secretary determines in the study carried out under subsection (a) that the bomber force capabilities are not adequate to meet requirements for any of the target years considered, the Secretary shall undertake a further study to examine alternative strategies for increasing bomber force capabilities. As part of such examination, the Secretary shall do the following:

(1) Determine those core bomber industrial capabilities that are needed to maintain the ability to design, develop, and produce bomber aircraft in the near-term and in the long-term and that—

(A) would take extended periods of time or substantial expense to regenerate; and

(B) are in imminent danger of being lost.

(2) For each strategy examined—

(A) estimate the cost of implementing the strategy;

(B) make a judgment about the affordability of the strategy; and

(C) assess the time required to implement the strategy.

(c) **SECOND REPORT.**—If the Secretary carries out a study as provided in subsection (b), the Secretary shall submit to Congress a report containing the results of the study carried out under subsection (b) not later than July 1, 1995. The Secretary shall include in such report the Secretary's recommendations for assuring the availability of bomber force capabilities required in the future.

(d) **ENHANCED BOMBER CAPABILITY FUND.**—(1) Of the amounts authorized to be appropriated by section 103 for procurement of aircraft for the Air Force, not more than \$125,000,000 is available for an Enhanced Bomber Capability Fund.

(2) Pending the completion of the studies required by subsections (a) and (b), the Secretary

may obligate up to \$100,000,000 of the amount in such fund—

(A) for those studies; and

(B) for the purpose of preserving those parts of the core capabilities referred to in subsection (b)(1).

(3) If, as a result of the study carried out under subsection (b), the Secretary determines that a new-generation bomber is needed to meet the national security requirements for bombers, the Secretary may obligate up to \$25,000,000 of the amount in such fund for requirements formulation and conceptual studies for a conventional-conflict-oriented lower-cost next-generation bomber.

(e) **LIMITATION ON FUND.**—None of the amount available for the Enhanced Bomber Capability Fund may be obligated for advance procurement of new B-2 aircraft (including long-lead items).

(f) **BOMBER DEFINED.**—For purposes of this section, the term "bombers" means the B-52, B-1, and B-2 aircraft and other bomber aircraft that are developed after the enactment of this Act with similar range and payload characteristics.

SEC. 134. LIMITATION ON RETIREMENT OF BOMBER AIRCRAFT.

No funds available to the Secretary of Defense may be obligated or expended during fiscal year 1995 for retiring, or preparing to retire, any B-52H, B-1B, or F-111 bomber aircraft.

SEC. 135. EVALUATION OF RESTART OF C-5B AIRCRAFT PROCUREMENT.

(a) **EVALUATION.**—The Secretary of the Air Force shall conduct an evaluation of the costs of restarting production of C-5B aircraft for the strategic airlift mission. The evaluation shall include startup costs and production costs for a production run of from 30 to 70 units.

(b) **REPORT.**—The Secretary shall submit to Congress a report on the evaluation under subsection (a). The report may be submitted as part of any other report required to be submitted that relates to intertheater airlift.

Subtitle E—Other Matters

SEC. 141. SALES AUTHORITY OF WORKING-CAPITAL FUNDED ARMY INDUSTRIAL FACILITIES.

Section 4543(a) of title 10, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking out "nondefense-related commercial";

(2) by striking out "and" at the end of paragraph (3);

(3) by striking out the period at the end of paragraph (4) and inserting in lieu thereof a semicolon; and

(4) by adding at the end the following new paragraphs:

"(5) the Secretary of the Army determines that the articles or services are not available from a commercial source located in the United States;

"(6) the purchaser of an article or service agrees to hold harmless and indemnify the United States, except in a case of willful misconduct or gross negligence, from any claim for damages or injury to any person or property arising out of the article or service;

"(7) the article to be sold can be manufactured, or the service to be sold can be substantially performed, by the industrial facility with only incidental subcontracting;

"(8) it is in the public interest to manufacture such article or perform such service; and

"(9) the sale will not interfere with performance of the military mission of the industrial facility."

SEC. 142. IDENTIFICATION IN BUDGET OF FUNDS FOR CHEMICAL DEMILITARIZATION MILITARY CONSTRUCTION PROJECTS.

Section 1412(f) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(f)), is amended—

(1) by inserting "including funds for military construction projects necessary to carry out this section," after "carrying out this section"; and
(2) by striking out the last sentence.

SEC. 143. TRANSPORTATION OF CHEMICAL MUNITIONS.

(a) PROHIBITION OF TRANSPORTATION ACROSS STATE LINES.—The Secretary of Defense may not transport any chemical munition that constitutes part of the chemical weapons stockpile out of the State in which that munition is located on the date of the enactment of this Act and, in the case of any such chemical munition not located in a State on the date of the enactment of this Act, may not transport any such munition into a State.

(b) TRANSPORTATION OF CHEMICAL MUNITIONS NOT IN CHEMICAL WEAPONS STOCKPILE.—In the case of any chemical munitions that are discovered or otherwise come within the control of the Department of Defense and that do not constitute part of the chemical weapons stockpile, the Secretary of Defense may transport such munitions to the nearest chemical munitions stockpile storage facility that has necessary permits for receiving and storing such items if the transportation of such munitions to that facility—

- (1) is considered by the Secretary of Defense to be necessary; and
- (2) can be accomplished while protecting public health and safety.

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 1995 for the use of the Department of Defense for research, development, test, and evaluation as follows:

- (1) For the Army \$5,319,520,000.
- (2) For the Navy, \$8,845,854,000.
- (3) For the Air Force, \$12,475,681,000.
- (4) For Defense-wide activities, \$9,428,622,000, of which—

(A) \$230,495,000 is authorized for the activities of the Director, Test and Evaluation; and

(B) \$12,501,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. AMOUNT FOR BASIC RESEARCH AND EXPLORATORY DEVELOPMENT.

(a) FISCAL YEAR 1995.—Of the amounts authorized to be appropriated by section 201, \$4,193,833,000 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, \$11,907,000 shall be available for the Strategic Environmental Research and Development Program.

SEC. 204. MOLECULAR DESIGN MATERIAL SCIENCE.

Of the amount authorized to be appropriated for the Navy by section 201(2), \$10,000,000 shall be used to conduct a centralized program in molecular design material science.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. SPACE LAUNCH MODERNIZATION.

(a) POLICY.—(1) It is in the Nation's long-term national security and economic interests to regain preeminence in the area of space launch technology and operations.

(2) Access to space at affordable costs is fundamental to maintaining required command,

control, communications, intelligence, navigation, weather, and early warning support to United States and coalition forces.

(3) Encouragement of privately financed, cost effective expendable and reusable launch vehicles is in the economic interest of the Department of Defense and the United States Government.

(4) FINDING.—Congress finds that the current Department of Defense space launch infrastructure has several deficiencies, including high cost, excessive management overhead, inadequate operability and responsiveness to satellite launch requirements, lack of standardization, very large launch personnel requirements to support launch operations, over capacity, and technology obsolescence.

(c) REQUIRED ACTIONS.—The Secretary of Defense shall take the following actions in pursuance of the space launch modernization policy set forth in subsection (a) and to correct the deficiencies described in subsection (b):

(1) Develop an integrated space launch vehicle strategy that, if implemented, would replace or consolidate the current fleet of medium and heavy launch vehicles. Where prudent and cost effective, the strategy should include a plan for the development of new or upgraded expendable launch vehicles.

(2) Implement improved management practices including streamlined acquisition approaches, small government program staff, and minimal program overhead.

(3) Encourage and evaluate innovative acquisition, technical, and financing (including best commercial practices) solutions for providing affordable, operable, reliable, and responsive access to space.

(4) Centralize oversight of launch requirements to ensure integrated evaluation of satellite requirements and launch capabilities.

(5) Encourage and provide incentives for the use of commercial practices in the acquisition, operation, and support of Department of Defense space operations.

(6) Establish effective coordination among military, civilian, and commercial launch developers and users.

(d) ALLOCATION OF FUNDS.—Of the amount authorized to be appropriated in section 201(3), \$90,000,000 shall be available for research, development, test, and evaluation of non-man-rated space launch systems and technologies. Of that amount—

- (1) \$30,000,000 shall be available for a competitive reusable rocket technology program; and
- (2) \$60,000,000 shall be available for expendable launch vehicle technology development and acquisition, as appropriate.

(e) TRANSFER OF FUNDS.—The Secretary of Defense shall, to the extent provided in appropriations Acts, transfer to the Department of the Air Force the unobligated balance of funds appropriated for fiscal year 1994 to the Department of Defense for the Advanced Research Projects Agency for single-stage to orbit rocket research and development.

(f) PROGRAM PLAN.—The Secretary of Defense and the Administrator of the National Aeronautics and Space Administration shall develop a plan to coordinate the programs of the Department of Defense and the National Aeronautics and Space Administration for expendable and reusable rocket technology demonstrators and technology development. The Secretary of Defense shall submit to Congress the plan developed under this subsection.

(g) LIMITATIONS.—(1) Funds authorized for appropriation in subsection (d)(1) may be obligated only—

(A) to the extent that the fiscal year 1995 current operating plan of the National Aeronautics and Space Administration allocates at least an equal amount for its Reusable Space Launch program; and

(B) as specified in the program plan developed and submitted to Congress pursuant to subsection (f).

(2) Not more than \$30,000,000 of the funds authorized in subsection (d)(2) may be obligated until 30 days after the Secretary of Defense submits to Congress program plans, including objectives, milestones, future years defense program funding, and government-industry cost sharing considerations, as applicable.

SEC. 212. STANDOFF AIR-TO-SURFACE MUNITIONS TECHNOLOGY DEMONSTRATION.

(a) IN GENERAL.—(1) Of the amounts authorized to be appropriated by section 201(3), up to \$2,000,000 may be used for the conduct of a demonstration of existing nondevelopmental items that would enable the use of a single adaptor kit for munitions described in paragraph (2) in order to give those munitions a near-term stand-off and accurate guided capability. Such kits should be able to be integrated into aircraft at minimal or no cost.

(2) Paragraph (1) applies to guided and unguided in-inventory munitions of the class of 1,000 pounds and below.

(b) REPORT.—The Secretary of the Air Force shall submit to Congress a report setting forth in detail the results and costs of the demonstration under subsection (a) and the applicability of the technology demonstrated in providing the Armed Forces with an inexpensive near-term solution to providing both range extension and accurate guided capability to in-inventory munitions.

SEC. 213. EXTENSION OF PROHIBITION ON TESTING MID-INFRARED ADVANCED CHEMICAL LASER AGAINST AN OBJECT IN SPACE.

(a) PROHIBITION.—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 fiscal year 1995 unless such testing is specifically authorized by law.

(b) CERTAIN TESTING UNAFFECTED.—Nothing in this section is intended to restrict the use of the Sealite Beam Director for the purpose of calibrating a satellite sensor, or for the purpose of imaging an object in space, in conjunction with a laser device other than the MIRACL device operating at an average power level not to exceed that used by other laser devices as of January 1, 1994, at other Department of Defense facilities for those purposes.

SEC. 214. APPLICABILITY OF CERTAIN ELECTRONIC COMBAT SYSTEMS TESTING REQUIREMENTS.

(a) COVERED SYSTEMS.—Subsection (a) of section 220 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1589) is amended—

(1) by inserting "ACAT I level integrated or stand-alone" before "electronic combat system"; and

(2) by inserting "ACAT I level integrated or stand-alone" before "command, control, and communications countermeasure system".

(b) APPLICABILITY.—Subsection (e) of section 220 of such Act is amended to read as follows:

"(e) APPLICABILITY.—The provisions of subsections (a) and (b) shall apply to an ACAT I level integrated or stand-alone electronic combat system and to an ACAT I level integrated or stand-alone command, control, and communications countermeasure system that has not entered engineering and manufacturing development as of September 1, 1994."

(c) WAIVER.—Section 220 of such Act is further amended by adding at the end the following new subsection:

"(f) WAIVER AUTHORITY.—(1) The Secretary of Defense may waive the requirements of subsection (a) with respect to a system in any case in which the Secretary determines that a waiver is necessary in the interests of national security.

"(2) Whenever the Secretary proposes to make such a waiver, the Secretary shall submit to Congress a notice of the proposed waiver and the reasons for the waiver. The waiver may then be made only after the expiration of the 30-day period that begins on the date on which the notice is submitted to Congress."

SEC. 215. ADVANCED SELF PROTECTION JAMMER (ASPJ) PROGRAM.

(a) **REQUIREMENT TO OBLIGATE FUNDS FOR ASPJ.**—Subject to subsection (b), the Secretary of the Navy shall, not later than September 30, 1994, obligate funds appropriated to the Department of Defense for fiscal year 1994 and prior years to carry out logistics support and maintenance of existing Advanced Self Protection Jammer (ASPJ) systems, and integration of such systems from the Navy inventory into the F-14D aircraft for testing and evaluation. The Secretary may acquire sufficient racks, spares, and logistic support, including hardware and software, necessary to maintain the existing ASPJ systems in the Navy inventory.

(b) **LIMITATION.**—The Secretary of the Navy may obligate funds under subsection (a) only to the extent provided in appropriations Acts.

(c) **RELATIONSHIP TO OTHER PROVISION OF LAW.**—The Secretary of the Navy shall carry out subsection (a) notwithstanding section 122 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2334).

SEC. 216. ADVANCED LITHOGRAPHY PROGRAM.

(a) **PURPOSE.**—The purpose of the Advanced Lithography Program (in this section referred to as the "ALP") is to fund goal-oriented research and development to be conducted in both the public and private sectors to help achieve a competitive position for American lithography tool manufacturers in the international market place.

(b) **CONDUCT OF PROGRAM.**—(1) The program shall be conducted in accordance with research and development plans (including an interim plan) developed by the Semiconductor Technology Council, established in section 273 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (15 U.S.C. 4603) (as amended by section 263(b) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1608)).

(2) The interim plan referred to in paragraph (1) shall be the Semiconductor Industry Association (SIA) 1994 development plan for lithography.

(c) **PROGRAM MANAGEMENT.**—The Advanced Research Projects Agency (ARPA) shall be the executive agent for the ALP and shall ensure seamless, fully integrated incorporation of the program planning of the ALP into the full range of ARPA core electronics development programs.

(d) **FUNDING.**—(1) Of the funds authorized to be appropriated in section 201(4), \$60,000,000 shall be available for the ALP to conduct research and development activities in accordance with subsection (b).

(2) Of the funds authorized to be appropriated in section 201(4) for the Semiconductor Manufacturing Technology Consortium, the consortium is strongly encouraged to use not less than \$10,000,000 for activities related to lithography.

SEC. 217. FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS.

(a) **CENTERS COVERED.**—Funds appropriated or otherwise made available for the Department of Defense for fiscal year 1995 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.**—(1) Not later than 30 days 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 the House of Representatives a report containing—

(A) 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 1995; and

(B) for each such center, the proposed funding level and the estimated personnel level for fiscal year 1995.

(2) 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 1995 may be obligated to procure 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 by section 201, not more than a total of \$1,300,000,000 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 Committees on Armed Services of the Senate and the House of Representatives 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 Committees on Armed Services of the Senate and House of Representatives of that determination and the reasons for the determination.

(f) **PARTICIPATION IN PROGRAMS PROMOTING RESEARCH, DEVELOPMENT, DEMONSTRATION, OR TRANSFER OF TECHNOLOGY.**—(1) A federally funded research and development center of the Department of Defense that functions primarily as a research laboratory may respond to solicitations and announcements under programs authorized by the Federal Government for the purpose of promoting the research, development, demonstration, or transfer of technology in a manner consistent with the terms and conditions of such program.

(2) A federally funded research and development center described in paragraph (1) that responds to a solicitation or announcement described in such paragraph shall not be considered to be engaging in a competitive procedure and may use, among other authorities, cooperative research and development agreements provided for under section 12 of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3710(a)) as the instruments of participation in the solicitation or announcement.

(g) **STUDY OF ROLE OF FFRDCS IN THE MISSION OF THE DEPARTMENT OF DEFENSE.**—The Secretary of Defense shall require the Defense Science Board to conduct a study of the role of federally funded research and development centers in the mission of the Department of Defense. The study shall include an analysis of how the centers fit into the mission of the Department of Defense, which capabilities of the centers are unique and have national security

consequences, and how these capabilities can be retained. The study also shall review the extent to which activities performed by such centers could be obtained through in-house capabilities of the Department of Defense or through competitive procedures with for-profit and nonprofit organizations. The Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the study not later than May 1, 1995.

(h) **REVIEW BY DEFENSE INSPECTOR GENERAL OF COMPARISON OF EXECUTIVE COMPENSATION OF FFRDCS.**—(1) The Secretary of Defense shall require the Inspector General of the Department of Defense to conduct a review of the compensation paid by federally funded research and development centers to all the officers and employees of such centers who are paid at a rate exceeding the Executive Schedule Level I rate.

(2) In conducting the review, the Inspector General shall—

(A) assess the validity of the data submitted by federally funded research and development centers to the Defense Contract Audit Agency as justification for the salary rates that exceed the Executive Schedule Level I rate;

(B) compare the compensation paid those individuals with (i) the compensation of similar technical and professional staff from for-profit and nonprofit organizations that must compete for defense work, and (ii) government officials of comparable expertise and responsibility; and

(C) examine areas such as bonuses, medical benefits, severance packages, retirement plans, housing allowances, moving expenses, and other forms of nonsalary compensation, as appropriate.

(3) The Inspector General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the review not later than May 1, 1995.

(i) **LIMITATION REGARDING RATES OF COMPENSATION.**—(1) Funds available to the Department of Defense may not be paid to a federally funded research and development center unless the head of such center enters into an agreement with the Secretary of Defense that provides the following:

(A) That no officer or employee of the federally funded research and development center referred to in paragraph (2) will be compensated in fiscal year 1995 at an annual rate of compensation that exceeds the annual rate of compensation provided that officer or employee in fiscal year 1994 (or, in the case of a person not employed as an officer or employee in such fiscal year, the annual rate of compensation provided for the person in the position of that officer or employee in fiscal year 1994).

(B) That no such officer or employee will be paid a bonus or provided any other financial incentive in fiscal year 1995.

(C) That no trustee of the federally funded research and development center will be paid compensation for services as trustee in fiscal year 1995 or any subsequent fiscal year at a rate that exceeds the rate of compensation provided in fiscal year 1994 for a member of the Defense Science Board for service as a member of such board.

(2) Subparagraphs (A) and (B) of paragraph (1) apply to officers and employees of a federally funded research and development center who are compensated at an annual rate of compensation that exceeds the annual rate of pay provided for Executive Schedule level I under section 5312 of title 5, United States Code.

(j) **LIMITATION REGARDING CHARITABLE CONTRIBUTIONS.**—Funds available to the Department of Defense may not be paid to a federally funded research and development center unless the head of such center enters into an agreement with the Secretary of Defense not to make any charitable donation to a private institution,

local government, institution of higher education, or any other person.

(k) **UNDISTRIBUTED REDUCTION.**—The total amount authorized to be appropriated for research, development, test, and evaluation in section 201 is hereby reduced by \$52,650,000.

SEC. 218. DIGITAL BATTLEFIELD PROGRAM.

(a) **FUNDING.**—Of the amounts authorized to be appropriated by section 201, \$95,857,000 shall be available for fiscal year 1995 for the digital battlefield program (PE 203758A).

(b) **PROGRAM LIMITATION.**—Not more than 60 percent of the funds appropriated pursuant to section 201 for the digital battlefield program (PE 203758A) for the Army for fiscal year 1995 may be obligated for research and development activities for development or integration of such program until the Secretary of the Army—

(1) coordinates with the Secretary of the Navy to include the Marine Corps in the Army's plans for the digital battlefield; and

(2) transmits to the congressional defense committees a report describing—

(A) the Army's plan of actions and milestones for defining the overall system architecture for the digital battlefield, the standards and protocols for the digital battlefield, and resulting requirements;

(B) how those requirements affect or will affect the major platforms that will make up the digital battlefield; and

(C) the manner in which coordination with the Secretary of the Navy under paragraph (1) is being carried out.

SEC. 219. DUAL-USE ELECTRIC AND HYBRID VEHICLES.

(a) **FUNDING.**—Of the funds authorized to be appropriated in this Act—

(1) \$15,000,000 shall be available for procurement of electric and hybrid vehicles for military uses and for commercialization of such vehicles for nonmilitary uses; and

(2) \$10,000,000 shall be available for research, development, test, and evaluation of electric and hybrid vehicles for military uses.

(b) **LIMITATION.**—(1) Funds made available pursuant to subsection (a) may not be expended until the Secretary of Defense, the Secretary of the Army, and the Secretary of Energy enter into a memorandum of understanding that specifies the responsibilities of each Secretary for research, development, test, evaluation, procurement, and commercialization activities to be carried out with such funds.

(2) The memorandum generally, and specifically in the case of the commercialization of such vehicles for nonmilitary uses, shall provide that any procurement of electric and hybrid vehicles authorized in subsection (a) shall be in accordance with the provisions of the Energy Policy Act of 1992 (Public Law 102-486; 42 U.S.C. 13201 et seq.) and shall be consistent with the amendments made to the Clean Air Act (42 U.S.C. 7401 et seq.) by Public Law 101-549 (commonly known as the Clean Air Act Amendments of 1990; 104 Stat. 2399).

SEC. 220. TACTICAL ANTISATELLITE TECHNOLOGIES PROGRAM.

(a) **DEMONSTRATION AND VALIDATION ACTIVITIES.**—Subject to subsection (e), the Secretary of Defense shall continue the demonstration and validation of kinetic energy antisatellite technologies under the tactical antisatellite technologies program.

(b) **LEVEL FUNDING.**—Subject to subsection (e), of the amounts authorized to be appropriated in section 201 for the Army, \$5,000,000 shall be available for fiscal year 1995 for engineering development under the tactical antisatellite technologies program.

(c) **REQUIREMENT OF OBLIGATION OF PRIOR YEAR FUNDS.**—To the extent provided in appropriations Acts, the Secretary shall obligate for engineering development under the tactical

antisatellite technologies program all funds available for fiscal year 1993 and fiscal year 1994 for the Kinetic Energy Antisatellite (KE-ASAT) program that remain available for obligation on the date of the enactment of this Act.

(d) **REPORT.**—The Secretary shall submit 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).

(e) **LIMITATION.**—No funds appropriated to the Department of Defense for fiscal year 1995 may be obligated for the tactical antisatellite technologies program until the Secretary of Defense certifies to Congress that there is a requirement for an antisatellite program.

SEC. 221. LIMITATION ON DISMANTLEMENT OF INTERCONTINENTAL BALLISTIC MISSILES.

Funds authorized to be appropriated in this Act may not be obligated or expended for deactivating or dismantling intercontinental ballistic missiles (ICBMs) of the United States below that number of such missiles that is necessary to support 500 deployed intercontinental ballistic missiles until 180 days after the date on which the Secretary of Defense has submitted to the congressional defense committees a report on the results of a nuclear posture review being conducted by the Secretary.

SEC. 222. LIMITATION ON OBLIGATION OF FUNDS FOR SEISMIC MONITORING RESEARCH.

Funds authorized to be appropriated by this Act that are made available for seismic monitoring of nuclear explosions may not be obligated for a project unless the project is authorized in a plan approved by the review group established pursuant to Presidential Decision Directive 18 (dated December 20, 1993).

SEC. 223. SUPERCONDUCTING MAGNETIC ENERGY STORAGE PROJECT.

(a) **AVAILABILITY OF FUNDS.**—The authorization of appropriations for fiscal year 1993 for the Superconducting Magnetic Energy Storage Project (SMES) shall be effective until the funds appropriated for such project are expended. The purposes for which such funds may be expended under that authorization of appropriations are those that are authorized in section 218 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2352) and section 218 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1589).

(b) **TRANSFER DEADLINE.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall comply with the requirement to transfer funds set forth in section 218(b) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1589).

SEC. 224. DEPARTMENT OF DEFENSE SATELLITE COMMUNICATIONS.

(a) **MILSTAR PROGRAM.**—Of the amount authorized in section 201 for the MILSTAR satellite communications program, \$20,000,000 is available either for advance procurement of MILSTAR satellites 5 and 6 or for the Advanced Extra High Frequency (EHF) program, as determined by the Secretary of Defense.

(b) **DEPARTMENT OF DEFENSE SATELLITE COMMUNICATIONS MASTER PLAN.**—(1) The Secretary of Defense shall develop a satellite communications master plan that addresses—

(A) the projected military satellite communications requirements of the Department of Defense;

(B) alternate and innovative ways of meeting those requirements (including greater reliance on the commercial sector); and

(C) possible financial incentives to ensure that those elements of the Department of Defense that create the demand for such communica-

tions services are required to have an important role in paying for the provision of those services.

(2) The Secretary shall submit to Congress a report on the master plan developed under subsection (a) not later than April 30, 1995.

Subtitle C—Missile Defense Programs

SEC. 231. COMPLIANCE OF BALLISTIC MISSILE DEFENSE SYSTEMS AND COMPONENTS WITH ABM TREATY.

(a) **GENERAL LIMITATION.**—Funds appropriated to the Department of Defense for fiscal year 1995, or otherwise made available to the Department of Defense from any funds appropriated for fiscal year 1995 or for any fiscal year before 1995, may not be obligated or expended—

(1) 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

(2) 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.

(b) **LIMITATION RELATING TO BRILLIANT EYES.**—Of the funds appropriated pursuant to the authorizations of appropriations in section 201 that are made available for the space-based, midcourse missile tracking system known as the Brilliant Eyes program, not more than \$80,000,000 may be obligated until the Secretary of Defense submits to the appropriate congressional committees a report on the compliance of that program with the ABM Treaty, as determined under the compliance review conducted pursuant to subsection (c).

(c) **COMPLIANCE REVIEW FOR BRILLIANT EYES.**—The Secretary of Defense shall review the Brilliant Eyes program to determine whether, and under what conditions, the development, testing, and deployment of the Brilliant Eyes missile tracking system in conjunction with a theater ballistic missile defense system, with a limited national missile defense system, and with both such systems, would be in compliance with the ABM Treaty, including the interpretation of that treaty set forth in the enclosure to the July 13, 1993, ACDA letter.

(d) **COMPLIANCE REVIEW FOR NAVY UPPER TIER SYSTEM.**—(1) The Secretary of Defense shall review the theater ballistic missile program known as the Navy Upper Tier program to determine whether the development, testing, and deployment of the system being developed under that program 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) Of the funds made available to the Department of Defense for fiscal year 1995, not more than \$40,000,000 may be obligated for the Navy Upper Tier program before the date on which the Secretary submits to the appropriate congressional committees a report on the compliance of that program with the ABM Treaty, as determined under the compliance review under paragraph (1).

(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. 232. MODIFICATIONS TO ANTI-BALLISTIC MISSILE TREATY TO BE ENTERED INTO ONLY THROUGH TREATY MAKING POWER.

(a) **REQUIREMENT FOR USE OF TREATY MAKING POWER.**—The United States shall not be bound by any international agreement entered into by the President that would substantively modify the ABM Treaty unless the agreement is entered pursuant to the treaty making power of the President under the Constitution.

(b) **ABM TREATY DEFINED.**—In this section, the term "ABM Treaty" means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems, signed in Moscow on May 26, 1972, with related protocol, signed in Moscow on July 3, 1974.

SEC. 233. REVISIONS TO THE 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—

(1) by striking out sections 235, 236, and 237; and

(2) in section 238, by inserting before the period at the end of the second sentence the following: ", and shall submit to the Congress additional interim reports on the progress of such negotiations at six-month intervals thereafter until such time as the President notifies the Congress that such negotiations have been concluded or terminated".

SEC. 234. LIMITATION ON FLIGHT TESTS OF CERTAIN MISSILES.

(a) **LIMITATION.**—The Secretary of Defense may not conduct the launch of a target ballistic missile as part of the theater missile defense extended range test program if an anticipated result of the launch of that target missile under that test program would be release of debris in a land area of the United States outside a designated Department of Defense test range or an extension thereof in force as of July 1, 1994.

(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.

(c) **CERTAIN TESTING UNAFFECTED.**—Nothing in this section shall be construed as prohibiting or limiting testing of cruise missiles, unmanned aerial vehicles (UAVs), or precision-guided munitions.

(d) **EXPIRATION OF LIMITATION.**—The limitation in subsection (a) shall expire on the later of—

(1) June 30, 1995; or

(2) the end of the 30-day period beginning on the date of the publication by the Secretary of Defense of the Final Environmental Impact Statement on the Theater Missile Defense Extended Test Range.

SEC. 235. PROGRAM ELEMENTS FOR BALLISTIC MISSILE DEFENSE ORGANIZATION.

In the budget justification materials submitted to Congress in support of the Department of Defense budget for any fiscal year after fiscal year 1995 (as submitted in the budget of the President), the amount requested for activities of the Ballistic Missile Defense Organization shall be set forth in accordance with the following program elements:

- (1) National Missile Defense.
- (2) Theater High-Altitude Area Defense (THAAD).
- (3) The Hawk Missile system.
- (4) Battle Management, Command, Control, Communications, and Intelligence (BM/C³I).
- (5) Patriot Advanced Capability-3 Missile System.
- (6) Patriot Advanced Capability-3 Missile risk reduction.
- (7) Navy Lower Tier Missile Defense.
- (8) Navy Upper Tier Missile Defense.
- (9) Army Corps Surface-to-Air Missile (CORPS SAM).
- (10) Boost Phase Intercept Program.
- (11) Other Theater Missile Defense Activities.
- (12) Support Technologies.
- (13) Program Management.

Subtitle D—Women's Health Research

SEC. 241. DEFENSE WOMEN'S HEALTH RESEARCH PROGRAM.

(a) **CONTINUATION OF PROGRAM.**—The Secretary of Defense shall continue the Defense Women's Health Research Program established in fiscal year 1994 pursuant to the authority in section 251 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1606). The program shall continue to serve as the coordinating agent for multi-disciplinary and multi-institutional research within the Department of Defense on women's health issues related to service in the Armed Forces. The program also shall continue to coordinate with research supported by other Federal agencies that is aimed at improving the health of women.

(b) **PARTICIPATION BY ALL MILITARY DEPARTMENTS.**—The Departments of the Army, Navy, and Air Force shall each participate in the activities under the program.

(c) **ARMY TO BE EXECUTIVE AGENT.**—The Secretary of Defense shall designate the Secretary of the Army to be the executive agent for administering the program.

(d) **IMPLEMENTATION PLAN.**—If the Secretary of Defense intends to change the plan for the implementation of the program previously submitted to the Committees on Armed Services of the Senate and House of Representatives, the amended plan shall be submitted to such committees before implementation.

(e) **PROGRAM ACTIVITIES.**—The program shall include the following activities regarding health risks and health care for women in the Armed Forces:

(1) The coordination and support activities described in section 251 of Public Law 103-160.

(2) Epidemiologic research regarding women deployed for military operations, including research on patterns of illness and injury, environmental and occupational hazards (including exposure to toxins), side-effects of pharmaceuticals used by women so deployed, psychological stress associated with military training, deployment, combat and other traumatic incidents, and other conditions of life, and human factor research regarding women so deployed.

(3) Development of a data base to facilitate long-term research studies on issues related to the health of women in military service, and continued development and support of a women's health information clearinghouse to serve as an information resource for clinical, research, and policy issues affecting women in the Armed Forces.

(4) Research on policies and standards issues, including research supporting the development of military standards related to training, operations, deployment, and retention and the relationship between such activities and factors affecting women's health.

(5) Research on interventions having a potential for addressing conditions of military service that adversely affect the health of women in the Armed Forces.

(f) **FUNDING.**—Of the amount authorized to be appropriated pursuant to section 201, \$40,000,000 shall be available for the Defense Women's Health Research Program referred to in subsection (a).

Subtitle E—Other Matters

SEC. 251. REQUIREMENT FOR SUBMISSION OF ANNUAL REPORT OF THE SEMICONDUCTOR TECHNOLOGY COUNCIL TO CONGRESS.

Section 273(b)(2)(1) of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (15 U.S.C. 4603(b)(2)(1)), as amended by section 263 of Public Law 103-160 (107 Stat. 1608) is amended by inserting "and submit to Congress by March 31 of each year" after "Publish".

SEC. 252. REPORT ON OCEANOGRAPHIC SURVEY AND RESEARCH REQUIREMENTS TO SUPPORT LITTORAL WARFARE.

(a) **REPORT REQUIRED.**—Not later than March 1, 1995, the Secretary of the Navy shall submit to Congress a report on the oceanographic survey and research and development requirements needed to support Navy operations in littoral regions.

(b) **CONTENT OF REPORT.**—The report shall contain the following:

(1) An identification of unique properties, including acoustics, bathymetry, bottom type, and ocean dynamics that affect shallow water operations in littoral regions.

(2) A list of the principal littoral regions that—

(A) designates each region as high, medium, or low priority based on the probable need for Navy operations in such regions; and

(B) for each region, is annotated to identify—

(i) the date of the most recent detailed survey; and

(ii) the extent to which that survey provides insight into the region's properties identified pursuant to paragraph (1).

(3) An assessment of the Navy's current and projected access to each region for surveying purposes.

(4) An assessment of the ability of current oceanographic survey and research assets to develop the information identified in paragraph (1).

SEC. 253. LANSCE/LAMPF UPGRADES.

Of the amounts authorized to be appropriated by section 201(1), \$20,000,000 shall be available to complete the Los Alamos Neutron Scattering Center/Los Alamos Meson Physics Facility upgrades at the Los Alamos National Laboratory, Los Alamos, New Mexico.

SEC. 254. STUDY REGARDING LIVE-FIRE SURVIVABILITY TESTING OF F-22 AIRCRAFT.

(a) **REQUIREMENT.**—The Secretary of Defense shall request the National Research Council of the National Academy of Sciences—

(1) to conduct a study regarding the desirability of exercising the authority under subsection (c) of section 2366 of title 10, United States Code, to waive for the F-22 aircraft program the survivability tests required pursuant to subsection (a) of such section; and

(2) to submit to the Secretary and Congress, within 180 days after the date of the enactment of this Act, a report containing the conclusions of the Council regarding the desirability of waiving such tests.

(b) **CONTENT OF REPORT.**—The report shall contain the following matters:

(1) Conclusions regarding the practicality of full-scale, full-up testing for the F-22 aircraft program.

(2) A discussion of the implications regarding the affordability of the F-22 aircraft program of conducting and of not conducting the survivability tests, including an assessment of the potential life cycle benefits that could be derived from full-scale, full-up live fire testing in comparison to the costs of such testing.

(3) A discussion of what, if any, changes of circumstances affecting the F-22 aircraft program have occurred since completion of the milestone II program review to cause the program manager to request a waiver of the survivability tests for the F-22 aircraft program that was not requested at that time.

(4) The sufficiency of the F-22 aircraft program testing plans to fulfill the same requirements and purposes as are provided in subsection (e)(3) of section 2366 of title 10, United States Code, for realistic survivability testing for purposes of subsection (a)(1)(A) of such section.

(5) Any recommendations regarding survivability testing for the F-22 aircraft program that the Council considers appropriate on the basis of the study.

SEC. 255. UNIVERSITY RESEARCH INITIATIVE SUPPORT PROGRAM.

Of the amounts authorized to be appropriated under section 201, \$10,000,000 shall be available for the University Research Initiative Support Program established pursuant to section 802 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1701; 10 U.S.C. 2358 note).

SEC. 256. MANUFACTURING SCIENCE AND TECHNOLOGY PROGRAM.

(a) PROGRAM AUTHORIZED.—(1) Section 2525 of title 10, United States Code, is amended to read as follows:

“§ 2525. Manufacturing science and technology program

“(a) ESTABLISHMENT.—The Secretary of Defense shall establish a Manufacturing Science and Technology Program to further the national security objectives of section 2501(a) of this title. The Under Secretary of Defense for Acquisition and Technology shall administer the program.

“(b) PURPOSE.—The purpose of the program is to enhance the capability of industry to meet the manufacturing needs of the Department of Defense.

“(c) EXECUTION.—The Secretary may carry out projects under the program through the Secretaries of the military departments and the heads of the Defense Agencies.

“(d) COMPETITION AND COST SHARING.—(1) Competitive procedures shall be used for awarding all grants and entering into all contracts, cooperative agreements, and other transactions under the program.

“(2) A grant may not be awarded under the program, and a contract, cooperative agreement, or other transaction may not be entered into under the program, on any basis other than a cost-sharing basis unless the Secretary of Defense determines that the grant, contract, cooperative agreement, or other transaction, as the case may be, is for a program that—

“(A) is not likely to have any immediate and direct commercial application; or

“(B) is of sufficiently high risk to discourage cost sharing by non-Federal Government sources.”

(2) The item relating to section 2525 in the table of sections at the beginning of subchapter IV of chapter 148 of such title is amended to read as follows:

“2525. Manufacturing Science and Technology Program.”

(b) FUNDING.—Of the amounts appropriated pursuant to section 201, not more than \$109,420,000 shall be available for the Manufacturing Science and Technology Program under section 2525 of title 10, United States Code (as amended by subsection (a)), of which—

(1) not more than \$29,420,000 shall be available for the Army;

(2) not more than \$20,000,000 shall be available for the Navy;

(3) not more than \$50,000,000 shall be available for the Air Force; and

(4) not more than \$10,000,000 shall be available for the Defense Logistics Agency.

SEC. 257. DEFENSE EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH.

(a) PROGRAM REQUIRED.—The Secretary of Defense, acting through the Director of Defense Research and Engineering, shall carry out a Defense Experimental Program to Stimulate Competitive Research (DEPSCoR) as part of the university research programs of the Department of Defense.

(b) PROGRAM OBJECTIVES.—The objectives of the program are as follows:

(1) To enhance the capabilities of institutions of higher education in eligible States to develop, plan, and execute science and engineering research that is competitive under the peer-review systems used for awarding Federal research assistance.

(2) To increase the probability of long-term growth in the competitively awarded financial assistance that institutions of higher education in eligible States receive from the Federal Government for science and engineering research.

(c) PROGRAM ACTIVITIES.—In order to achieve the program objectives, the following activities are authorized under the program:

(1) Competitive award of research grants.

(2) Competitive award of financial assistance for graduate students.

(d) ELIGIBLE STATES.—(1) The Director of the National Science Foundation shall designate which States are eligible States for the purposes of this section and shall notify the Director of Defense Research and Engineering of the States so designated.

(2) The Director of the National Science Foundation shall designate a State as an eligible State if, as determined by the Director—

(A) the institutional average amount of Federal financial assistance for research and development received by the institutions of higher education in the State for the fiscal year preceding the fiscal year for which the designation is effective, or for the last fiscal year for which statistics are available, is less than the amount equal to 60 percent of the national institutional average amount of Federal financial assistance for research and development received by the institutions of higher education in the United States for such preceding or last fiscal year, as the case may be;

(B) the State has demonstrated a commitment to developing research bases in the State and to improving science and engineering research and education programs at institutions of higher education in the State; and

(C) the State is an eligible State for purposes of the Experimental Program to Stimulate Competitive Research conducted by the National Science Foundation.

(e) COORDINATION WITH SIMILAR FEDERAL PROGRAMS.—(1) The Secretary shall consult with the Director of the National Science Foundation and the Director of the Office of Science and Technology Policy in the planning, development, and execution of the program and shall coordinate the program with the Experimental Program to Stimulate Competitive Research conducted by the National Science Foundation and with similar programs sponsored by other departments and agencies of the Federal Government.

(2) All solicitations under the Defense Experimental Program to Stimulate Competitive Research shall be made to, and all awards shall be made through, the State committees established for purposes of the Experimental Program to Stimulate Competitive Research conducted by the National Science Foundation.

(3) A State committee referred to in paragraph (2) shall ensure that activities carried out in the State of that committee under the Defense Ex-

perimental Program to Stimulate Competitive Research are coordinated with the activities carried out in the State under other similar initiatives of the Federal Government to stimulate competitive research.

SEC. 258. STUDY ON CONVERGENCE OF GEOSAT AND EOS ALTIMETRY PROGRAMS.

(a) REQUIREMENT.—The Secretary of the Navy and the Administrator of the National Aeronautics and Space Administration shall jointly conduct a study on the convergence of the National Aeronautics and Space Administration Earth Observing System Altimetry mission with the Navy Geosat Follow-On program. The study shall assess whether a converged system, which may involve minor modifications to the Geosat Follow-On satellite, could—

(1) satisfy the needs of the Earth Observing System program for altimetry data;

(2) reduce the cost to the National Aeronautics and Space Administration of satisfying such needs;

(3) be available in time to serve as the follow-on to the Topex/Poseidon mission; and

(4) continue to meet the requirements of the Navy for altimetry data at no additional cost to the Navy.

(b) CONSULTATION.—In conducting the study, the Secretary and the Administrator shall consult with appropriate members of the scientific community.

(c) REPORT.—The Secretary and the Administrator shall submit to the Committees on Armed Services and on Commerce, Science, and Transportation of the Senate and the Committees on Armed Services and on Science, Space, and Technology of the House of Representatives a joint report on the results of the study conducted under subsection (a), together with the recommendations of the Secretary and the Administrator thereon. The report shall be submitted not later than February 15, 1995.

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 1995 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance in amounts as follows:

(1) For the Army, \$17,426,804,000.
 (2) For the Navy, \$21,055,470,000.
 (3) For the Marine Corps, \$2,066,295,000.
 (4) For the Air Force, \$18,837,623,000.
 (5) For Defense-wide activities, \$10,031,576,000.

(6) For the Army Reserve, \$1,238,822,000.
 (7) For the Naval Reserve, \$827,819,000.

(8) For the Marine Corps Reserve, \$81,462,000.
 (9) For the Air Force Reserve, \$1,464,932,000.

(10) For the Army National Guard, \$2,398,415,000.

(11) For the Air National Guard, \$2,771,678,000.

(12) For the National Board for the Promotion of Rifle Practice, \$2,544,000.

(13) For the Defense Inspector General, \$140,798,000.

(14) For the United States Court of Appeals for the Armed Forces, \$6,126,000.

(15) For Environmental Restoration, Defense, \$2,030,200,000.

(16) For Drug Interdiction and Counter-drug Activities, Defense-wide, \$714,200,000.

(17) For Medical Programs, Defense, \$9,854,459,000.

(18) For Project Peace, \$15,000,000.

(19) For Cooperative Threat Reduction programs, \$400,000,000.

(20) For Overseas Humanitarian, Disaster, and Civic Aid programs, \$86,000,000.

SEC. 302. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 1995 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, \$1,239,438,000.

(2) For the National Defense Sealift Fund, \$828,600,000, of which \$220,000,000 shall be available for the Marine Corps maritime prepositioning ship enhancement program.

SEC. 303. ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 1995 from the Armed Forces Retirement Home Trust Fund the sum of \$59,317,000 for the operation of the Armed Forces Retirement Home, including the United States Soldiers' and Airmen's Home and the Naval Home.

SEC. 304. FUNDS FOR DEPOT-LEVEL MAINTENANCE AND REPAIR WORK.

Of amounts authorized to be appropriated for fiscal year 1995 under section 301, there shall be available for the performance of depot-level maintenance and repair work by depot-level activities of the Department of Defense the amount that is equal to the sum of—

(1) the total amount provided in the budget submitted to Congress by the President for fiscal year 1995 pursuant to section 1105 of title 31, United States Code, for the Department of Defense for the performance of depot-level maintenance and repair work; and

(2) \$305,000,000, of which—

(A) \$140,000,000 shall be available for the Army;

(B) \$40,000,000 shall be available for the Navy;

(C) \$75,000,000 shall be available for the Air Force; and

(D) \$50,000,000 shall be available for the Marine Corps.

SEC. 305. SUPPORT FOR THE 1996 SUMMER OLYMPICS.

Section 306(c) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 105 Stat. 1335) is amended by inserting ", and for fiscal year 1995 the sum of \$10,000,000," after "for fiscal year 1992 the sum of \$2,000,000".

SEC. 306. SUPPORT FOR THE 1995 SPECIAL OLYMPICS WORLD GAMES.

(a) **AUTHORITY TO PROVIDE SUPPORT.**—The Secretary of Defense may provide logistical support and personnel services in connection with the 1995 Special Olympics World Games to be held in the State of Connecticut.

(b) **PAY AND NONTRAVEL-RELATED ALLOWANCES.**—(1) Except as provided in paragraph (2), the costs for pay and nontravel-related allowances of members of the Armed Forces for the support and services referred to in subsection (a) may not be charged to appropriations made pursuant to the authorization in subsection (c).

(2) Paragraph (1) does not apply in the case of members of a reserve component called or ordered to active duty to provide logistical support and personnel services for the 1995 Special Olympics World Games.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is hereby authorized to be appropriated for the Department of Defense for fiscal year 1995 the sum of \$3,000,000 to carry out subsection (a).

Subtitle B—Defense Business Operations Fund**SEC. 311. OVERSIGHT OF DEFENSE BUSINESS OPERATIONS FUND.**

(a) **EXTENSION OF AUTHORITY.**—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 "During the period"

and all that follows through "December 31, 1994, the" and inserting in lieu thereof "The".

(b) **PURCHASE FROM OTHER SOURCES.**—The Secretary of Defense or the Secretary of a military department may purchase goods and services that are available for purchase from the Defense Business Operations Fund from a source other than the Fund if the Secretary determines that such source offers a more competitive rate for the goods and services than the Fund offers.

(c) **LIMITATION ON INCLUSION OF CERTAIN COSTS IN DBOF CHARGES.**—A charge imposed for a good or service provided through the Fund may not include amounts necessary to cover costs incurred in connection with the closure or realignment of a military installation.

(d) **PROCEDURES FOR ACCUMULATION OF FUNDS.**—The Secretary of Defense shall establish billing procedures to ensure that the balance in the Fund does not exceed the amount necessary to provide for the working capital requirements of the Fund, as determined by the Secretary.

(e) **ANNUAL REPORTS AND BUDGET.**—The Secretary of Defense shall annually submit to the congressional defense committees, at the same time that the President submits the budget under section 1105 of title 31, United States Code, the following:

(1) A detailed report that contains a statement of all receipts and disbursements of the Fund (including such a statement for each subaccount of the Fund) for the year for which the report is submitted.

(2) A detailed proposed budget for the operation of the Fund for the fiscal year for which the budget is submitted.

(3) A comparison of the amounts actually expended for the operation of the Fund for the previous fiscal year with the amount proposed for the operation of the Fund for that fiscal year in the budget.

(f) **IMPLEMENTATION OF IMPROVEMENT PLAN.**—(1) Not later than February 1, 1995, the Secretary of Defense shall submit to the congressional defense committees a report on the progress made in implementing the Defense Business Operations Fund Improvement Plan, dated September 1993. The report shall describe the progress made in reaching the milestones established in the plan and provide an explanation for any failure to meet any such milestone. The Secretary shall submit a copy of the report to the Comptroller General of the United States at the same time that the Secretary submits the report to the congressional defense committees.

(2) The Comptroller General shall monitor and evaluate the progress of the Department of Defense in developing and implementing the improvement plan referred to in paragraph (1).

(3) Not later than March 1, 1995, the Comptroller General shall submit to the congressional defense committees a report containing the following:

(A) An evaluation of the progress report submitted to the congressional defense committees by the Secretary of Defense pursuant to paragraph (1).

(B) The findings and conclusions of the Comptroller General resulting from the monitoring and evaluation conducted under paragraph (2).

(C) Any recommendations for legislation or administrative action concerning the Fund that the Comptroller General considers appropriate.

(g) **DEFINITION.**—In this section, the term "Fund" means the Defense Business Operations Fund.

SEC. 312. REVIEW BY COMPTROLLER GENERAL OF CHARGES IMPOSED BY DEFENSE BUSINESS OPERATIONS FUND.

(a) **REVIEW.**—The Comptroller General of the United States shall review the charges proposed

by the Secretary of Defense to be imposed for fiscal year 1996 for goods and services provided by the Defense Business Operations Fund, including related service charges and charges for overhead costs.

(b) **DETERMINATION REQUIRED.**—In conducting the review, the Comptroller General shall—

(1) compare the charges imposed for the provision of goods and services to the military departments and Defense Agencies with the charges imposed for the provision of goods and services to persons outside the Department of Defense; and

(2) determine the extent to which differences in such charges result in the military departments and Defense Agencies having a cost advantage or a cost disadvantage in relation to the persons outside the Department of Defense.

(c) **REPORT.**—Not later than April 15, 1995, the Comptroller General shall submit to Congress a report on the results of the review conducted under subsection (a). The report shall contain the comparison and determination required by subsection (b) and any recommendations of the Comptroller General for legislation or administrative action.

SEC. 313. LIMITATION ON OBLIGATIONS AGAINST THE CAPITAL ASSET FUND.

The Secretary of Defense may not incur obligations against funds in the capital asset subaccount of the Defense Business Operations Fund during fiscal year 1995 in a total amount in excess of \$1,440,000,000.

SEC. 314. LIMITATION ON OBLIGATIONS AGAINST THE SUPPLY MANAGEMENT DIVISIONS.

(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 1995 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 1995, 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) **WAIVER AUTHORITY.**—The Secretary of Defense may waive the limitation 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.

(c) **DETERMINATIONS OF EFFECTS OF LIMITATION ON READINESS AND COMBAT EFFECTIVENESS.**—Not later than 60 days after the date of the enactment of this Act, the Secretaries of the military departments and the Director of the Defense Logistics Agency shall each submit to the Secretary of Defense a report containing the views of such official on the effects of the limitation in subsection (a) on the ability of the Department of Defense to maintain the readiness and combat effectiveness of the Armed Forces. If the Secretary of Defense determines, after considering the reports, that the limitation will impair the readiness and combat effectiveness of any of the Armed Forces, the Secretary shall exercise the waiver authority provided in subsection (b).

Subtitle C—Environmental Provisions**SEC. 321. LIMITATION ON USE OF ENVIRONMENTAL RESTORATION FUNDS FOR PAYMENT OF FINES AND PENALTIES.**

Section 2703 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(f) PAYMENT OF FINES AND PENALTIES.—None of the funds appropriated to the transfer account for fiscal years 1995 through 1999 may be used for the payment of a fine or penalty imposed against the Department of Defense unless the act or omission for which the fine or penalty is imposed arises out of an activity funded by the transfer account."

SEC. 322. PARTICIPATION OF INDIAN TRIBES IN AGREEMENTS FOR DEFENSE ENVIRONMENTAL RESTORATION.

Section 2701(d) of title 10, United States Code, is amended—

(1) by striking out "SERVICE OF OTHER AGENCIES.—The Secretary" and inserting in lieu thereof the following: "SERVICE OF OTHER AGENCIES.—

"(1) IN GENERAL.—The Secretary";

(2) in paragraph (1), as so designated, by inserting "or any Indian tribe" after "any State or local government agency"; and

(3) by adding at the end the following:

"(2) DEFINITION.—In this subsection, the term 'Indian tribe' has the meaning given such term in section 101(36) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(36))."

SEC. 323. EXTENSION OF AUTHORITY TO ISSUE SURETY BONDS FOR CERTAIN ENVIRONMENTAL PROGRAMS.

Section 2701(j)(1) of title 10, United States Code, is amended by striking out "December 31, 1995" and inserting in lieu thereof "December 31, 1999".

SEC. 324. PAYMENT OF CERTAIN STIPULATED CIVIL PENALTIES.

The Secretary of Defense may pay, from funds appropriated pursuant to section 301(15), not more than \$500,000 to the Hazardous Substance Superfund established under section 9507 of the Internal Revenue Code of 1986 (26 U.S.C. 9507) as payment of stipulated civil penalties assessed under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) against the West Virginia Ordnance Works.

SEC. 325. ADDITIONAL EXCEPTION TO PROHIBITION ON STORAGE AND DISPOSAL OF NONDEFENSE TOXIC AND HAZARDOUS MATERIALS AT MILITARY INSTALLATIONS.

Section 2692(b) of title 10, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (7);

(2) by striking out the period at the end of paragraph (8) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new paragraph:

"(9) the treatment and disposal of any material that is not owned by the Department of Defense if the Secretary of the military department concerned determines that the material is required or generated by a private person in connection with the authorized and compatible commercial use by that person of an industrial-type facility of that military department and the Secretary enters into a contract with that person that—

"(A) is consistent with the best interest of national defense and environmental security; and

"(B) provides for that person's continued financial and environmental responsibility and liability with regard to the material."

SEC. 326. ASSISTANCE FOR PUBLIC PARTICIPATION IN DEFENSE ENVIRONMENTAL RESTORATION ACTIVITIES.

(a) ESTABLISHMENT OF RESTORATION ADVISORY BOARDS.—Section 2705 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d) RESTORATION ADVISORY BOARD.—(1) In lieu of establishing a technical review committee under subsection (c), the Secretary may permit

the establishment of a restoration advisory board in connection with any installation (or group of nearby installations) where the Secretary is planning or implementing environmental restoration activities.

"(2) The Secretary shall prescribe regulations regarding the characteristics, composition, funding, and establishment of restoration advisory boards pursuant to this subsection. However, the issuance of regulations shall not be a precondition to the establishment of a restoration advisory board or affect the existence or operation of a restoration advisory board established before the date of the enactment of this section.

"(3) The Secretary may provide for the payment of routine administrative expenses of a restoration advisory board from funds available for the operation and maintenance of the installation (or installations) for which the board is established or from the funds available under subsection (e)(3)."

(b) ASSISTANCE FOR CITIZEN PARTICIPATION ON TECHNICAL REVIEW BOARDS AND RESTORATION ADVISORY BOARDS.—Such section is further amended by adding after subsection (d), as added by subsection (a), the following new subsection:

"(e) ASSISTANCE FOR CITIZEN PARTICIPATION.—(1) Using funds made available under paragraph (3), the Secretary may make technical assistance grants under section 117(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9617(e)) in connection with installations containing facilities listed on the National Priorities List.

"(2)(A) Subject to subparagraph (B), the Secretary shall make available under paragraph (3) funds to facilitate the participation of individuals from the private sector on technical review committees and restoration advisory boards at installations not covered by paragraph (1) for the purpose of ensuring public input into the planning and implementation of environmental restoration activities at the installations for which such committees and boards are in operation.

"(B) The private individuals who are members of a committee or advisory board are eligible for funding assistance under this paragraph only if they reside in the vicinity of the installation (or installations) for which the committee or advisory board is established and are not potentially responsible parties with respect to environmental hazards at any installation. Funds shall be paid to, and administered by, the committee or advisory board on which the private individuals are members for accounting and financial management purposes, subject to subparagraph (C).

"(C) Individuals who are local community members of a technical review committee or restoration advisory board may use funds made available under this paragraph only—

"(i) to obtain technical assistance in interpreting scientific and engineering issues with regard to the nature of environmental hazards at an installation and the restoration activities proposed for or conducted at the installation; and

"(ii) to assist such members and affected citizens to participate more effectively in environmental restoration activities at the installation.

"(D) The members of a technical review committee or restoration advisory board may use funds made available under this paragraph to employ technical or other experts, in accordance with the regulations prescribed under subsection (d)(2).

"(3)(A) Subject to subparagraph (B), the Secretary shall make funds available under this subsection using funds in the following accounts:

"(i) in the case of a military installation not closed pursuant to a base closure law, the De-

fense Environmental Restoration Account established in section 2703(a) of this title.

"(ii) In the case of a technical review committee or restoration advisory board established for a military installation to be closed, the Department of Defense Base Closure Account 1990 established under 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) The total amount of funds available under this subsection for fiscal year 1995 may not exceed \$7,500,000."

(c) INVOLVEMENT OF COMMITTEES AND BOARDS IN DEFENSE ENVIRONMENTAL RESTORATION PROGRAM.—Such section is further amended by adding after subsection (e), as added by subsection (b), the following new subsection:

"(f) INVOLVEMENT IN DEFENSE ENVIRONMENTAL RESTORATION PROGRAM.—If a technical review committee or restoration advisory board is established with respect to an installation (or group of installations), the Secretary shall consult with and seek the advice of the committee or board on the following issues:

"(1) Identifying environmental restoration activities and projects at the installation or installations.

"(2) Monitoring progress on these activities and projects.

"(3) Collecting information regarding restoration priorities for the installation or installations.

"(4) Addressing land use, level of restoration, acceptable risk, and waste management and technology development issues related to environmental restoration at the installation or installations.

"(5) Developing environmental restoration strategies for the installation or installations."

(d) IMPLEMENTATION REQUIREMENTS.—Not later than 180 days after the date on which the Secretary of Defense announces a decision to establish restoration advisory boards, the Secretary shall—

(1) prescribe the regulations required under subsection (d)(2) of section 2705 of title 10, United States Code, as added by subsection (a); and

(2) take appropriate actions to notify the public of the availability of funding under subsection (e) of such section, as added by subsection (b).

(e) REPORT.—Not later than May 1, 1996, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report regarding—

(1) the establishment of restoration advisory boards under subsection (d) of section 2705 of title 10, United States Code, as added by subsection (a); and

(2) the expenditure of funds for assistance for citizen participation on technical review committees and restoration advisory boards under subsection (e) of such section, as added by subsection (b).

SEC. 327. PILOT PROGRAM TO DEVELOP AND DEMONSTRATE ENVIRONMENTAL REMEDIATION TECHNOLOGIES.

(a) COOPERATIVE AGREEMENT FOR PILOT PROGRAM.—(1) The Secretary of Defense may enter into a cooperative agreement with an institution of higher education for the purpose of facilitating the development and demonstration of new methods and technologies for more effective and expedient environmental remediation at military installations by engaging in a pilot demonstration project as provided in subsection (b).

(2) If the Secretary enters into a cooperative agreement under paragraph (1), the agreement shall authorize the institution of higher education to enter into partnerships or other relationships with private and public entities for purposes of conducting activities under the cooperative agreement.

(b) **PILOT PROJECT AT DEFENSE LANDFILL.**—(1) If the Secretary enters into a cooperative agreement under subsection (a)(1), the agreement shall authorize the institution of higher education to participate in a cooperative pilot demonstration project at a Government landfill described in paragraph (2) if such demonstration project can be carried out in a manner that is consistent with all other actions at such landfill that the Secretary is legally required to undertake.

(2) The Government landfill referred to in paragraph (1) is a Government landfill that—

(A) is listed on the National Priorities List pursuant to section 105(a)(8)(B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605(a)(8)(B)); and

(B) is located on a military installation to be closed pursuant to a base closure law.

(c) **FUNDING FOR FISCAL YEAR 1995.**—Of the amount authorized to be appropriated under section 201(4) and made available for innovative environmental technologies certification, \$1,000,000 shall be available for the establishment of the cooperative agreement and the activities necessary to conduct the pilot demonstration project under this section.

SEC. 328. ENVIRONMENTAL EDUCATION AND TRAINING PROGRAM FOR DEFENSE PERSONNEL.

(a) **ESTABLISHMENT.**—The Secretary of Defense shall establish and conduct an education and training program for members of the Armed Forces and civilian employees of the Department of Defense whose responsibilities include planning or executing the environmental mission of the Department. The Secretary shall conduct the program to ensure that such members and employees obtain and maintain the knowledge and skill required to comply with existing environmental laws and regulations.

(b) **IDENTIFICATION OF MILITARY FACILITIES WITH ENVIRONMENTAL TRAINING EXPERTISE.**—As part of the program, the Secretary may identify military facilities that have existing expertise (or the capacity to develop such expertise) in conducting education and training activities in various environmental disciplines. In the case of a military facility identified under this subsection, the Secretary should encourage the use of the facility by members and employees referred to in subsection (a) who are not under the jurisdiction of the military department operating the facility.

SEC. 329. STUDY OF ESTABLISHMENT OF LAND MANAGEMENT AND TRAINING CENTER.

(a) **STUDY.**—The Secretary of the Army shall carry out a study of the feasibility and advisability of establishing a center for the land management activities and land management training activities of the Department of Defense.

(b) **REPORT.**—Not later than May 1, 1996, the Secretary shall submit to the congressional defense committees a report on the study required under subsection (a). If the Secretary concludes as a result of the study that establishing the center is feasible and advisable, the report shall include a statement of the Secretary's recommendations for the location of the center and the specific activities to be conducted at the center.

Subtitle D—Depot-Level Activities

SEC. 331. FINDINGS.

Congress makes the following findings:

(1) By providing 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, the depot-level maintenance and repair activities of the Department of Defense play an essential role in maintaining the readiness of the Armed Forces.

(2) It is appropriate for the capability of the depot-level maintenance and repair activities of the Department of Defense to perform maintenance and repair of weapon systems and equipment to be based on policies that take into consideration the readiness, mobilization, and deployment requirements of the military departments.

(3) It is appropriate for the management of employees of the depot-level maintenance and repair activities of the Department of Defense to be based on the amount of workload necessary to be performed by such activities to maintain the readiness of the weapon systems and equipment of the military departments and on the funds made available for the performance of such workload.

SEC. 332. MODIFICATION OF LIMITATION ON PERFORMANCE OF DEPOT-LEVEL MAINTENANCE.

(a) **MODIFICATION.**—Subsection (a) of section 2466 of title 10, United States Code, is amended to read as follows:

“(a) **PERCENTAGE LIMITATION.**—Not more than 40 percent of the funds made available in a fiscal year to a military department or a Defense Agency for depot-level maintenance and repair workload may be used to contract for the performance by non-Federal Government personnel of such workload for the military department or the Defense Agency. Any such funds that are not used for such a contract shall be used for the performance of depot-level maintenance and repair workload by employees of the Department of Defense.”

(b) **INCLUSION OF REPAIR ACTIVITIES.**—Subsection (b) of such section is amended by inserting “and repair” after “maintenance” each place it appears.

(c) **REPORT.**—Subsection (e) of such section is amended to read as follows:

“(e) **REPORT.**—Not later than January 15, 1995, the Secretary of Defense shall submit to Congress a report identifying, for each military department and Defense Agency, the percentage of funds referred to in subsection (a) that was used during fiscal year 1994 to contract for the performance by non-Federal Government personnel of depot-level maintenance and repair workload.”

SEC. 333. REPORT ON PERFORMANCE OF DEPOT-LEVEL MAINTENANCE AND REPAIR OF NEW WEAPON SYSTEMS.

(a) **REPORT.**—Not later than April 1, 1995, the Secretary of Defense shall submit to Congress a report that contains a statement by each Secretary of a military department on the plans of that military department to provide for the depot-level maintenance and repair of any new weapon system described in subsection (b) by depot-level activities of the Department of Defense.

(b) **COVERED WEAPON SYSTEMS.**—A new weapon system referred to in subsection (a) is a weapon system—

(1) initially delivered to the military department by a contractor on, or within 4 years before, the date of the enactment of this Act; or

(2) planned for initial delivery to the military department by a contractor on, or within 5 years after, such date.

SEC. 334. REVIEW OF COST GROWTH IN CONTRACTS TO PERFORM DEPOT-LEVEL MAINTENANCE AND REPAIR.

(a) **REVIEW.**—The Secretary of Defense shall carry out a review of a representative sample of existing contracts entered into by the Department of Defense for the performance of depot-level maintenance and repair to determine the extent to which the costs incurred by a contractor under any such contract have exceeded the cost of the contract at the time the contract was entered into.

(b) **REPORT.**—Not later than May 1, 1995, the Secretary of Defense shall submit to the Commit-

tees on Armed Services of the Senate and House of Representatives a report containing the results of the review carried out under subsection (a).

SEC. 335. AUTHORITY FOR DEPOT-LEVEL ACTIVITIES OF THE DEPARTMENT OF DEFENSE TO COMPETE FOR MAINTENANCE AND REPAIR WORKLOADS OF OTHER FEDERAL AGENCIES.

(a) **IN GENERAL.**—Chapter 146 of title 10, United States Code, is amended by adding at the end the following new section:

“§2470. **Depot-level activities of the Department of Defense: authority to compete for maintenance and repair workloads of other Federal agencies**

“A depot-level activity of the Department of Defense shall be eligible to compete for the performance of any depot-level maintenance and repair workload of a Federal agency for which competitive procedures are used to select the entity to perform the workload.”

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“2470. Depot-level activities of the Department of Defense: authority to compete for maintenance and repair workloads of other Federal agencies.”

SEC. 336. AUTHORITY OF DEPOTS TO PROVIDE SERVICES OUTSIDE THE DEPARTMENT OF DEFENSE.

(a) **IN GENERAL.**—Chapter 146 of title 10, United States Code, as amended by section 335, is further amended by adding at the end the following new section:

“§2471. **Persons outside the Department of Defense: lease of excess depot-level equipment and facilities by**

“(a) **AUTHORITY TO LEASE EXCESS EQUIPMENT AND FACILITIES.**—Subject to subsection (b), the Secretary of a military department and, with respect to a Defense Agency, the Secretary of Defense, may lease excess equipment and facilities of a depot-level activity of the military department, or the Defense Agency, to a person outside the Department of Defense.

“(b) **LIMITATIONS.**—A lease under subsection (a) may be entered into only if—

“(1) the lease of any such equipment or facilities will not have a significant adverse effect on the readiness of the armed forces, as determined by the Secretary concerned;

“(2) the person leasing such equipment or facilities agrees to reimburse the Department of Defense for the costs (both direct and indirect costs, including any rental costs, as determined the Secretary concerned) attributable to the lease of such equipment or facilities;

“(3) the person leasing such equipment or facilities agrees to hold harmless and indemnify the United States, except in cases of willful conduct or gross negligence, from any claim for damages or injury to any person or property arising out of the lease of such equipment or facilities; and

“(4) the person leasing such equipment or facilities agrees to hold harmless and indemnify the United States from any liability or claim for damages or injury to any person or property arising out of a decision by the Secretary concerned to suspend or terminate the lease during a war or national emergency.

“(c) **CREDIT TO TREASURY.**—Any reimbursement (including the payment of rental costs) received under this section shall be credited to the Treasury as miscellaneous receipts.”

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“2471. Persons outside the Department of Defense: lease of excess depot-level equipment and facilities by.”

SEC. 337. REUTILIZATION INITIATIVE FOR DEPOT-LEVEL ACTIVITIES.

(a) PROGRAM AUTHORIZED.—The Secretary of Defense shall conduct activities to encourage commercial firms to enter into partnerships with depot-level activities of the military departments for the purposes of—

(1) demonstrating commercial uses of the depot-level activities that are related to the principal mission of the depot-level activities;

(2) preserving employment and skills of employees currently employed by the depot-level activities or providing for the reemployment and retraining of employees who, as the result of the closure, realignment, or reduced in-house workload of such activities, may become unemployed; and

(3) supporting the goals of other defense conversion, reinvestment, and transition assistance programs while also allowing the depot-level activities to remain in operation to continue to perform their defense readiness mission.

(b) CONDITIONS.—The Secretary shall ensure that activities conducted under this section—

(1) do not interfere with the closure or realignment of a depot-level activity of the military departments under a base closure law; and

(2) do not adversely affect the readiness or primary mission of a participating depot-level activity.

SEC. 338. CHANGE OF SOURCE FOR PERFORMANCE OF DEPOT-LEVEL WORKLOADS.

The text of section 2469 of title 10, United States Code, is amended to read as follows:

“(a) REQUIREMENT FOR COMPETITION.—The Secretary of Defense shall ensure that the performance of a depot-level maintenance or repair workload described in subsection (b) is not changed to performance by a contractor or by another depot-level activity of the Department of Defense unless the change is made using—

“(1) merit-based selection procedures for competitions among all depot-level activities of the Department of Defense; or

“(2) competitive procedures for competitions among private and public sector entities.

“(b) SCOPE.—Subsection (a) applies to any depot-level maintenance or repair workload that has a value of not less than \$3,000,000 and is being performed by a depot-level activity of the Department of Defense.

“(c) INAPPLICABILITY OF OMB CIRCULAR A-76.—Office of Management and Budget Circular A-76 (or any successor administrative regulation or policy) does not apply to a performance change to which subsection (a) applies.”

SEC. 339. SALE OF ARTICLES AND SERVICES OF INDUSTRIAL FACILITIES OF THE ARMED FORCES TO PERSONS OUTSIDE THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—(1) Subchapter II of chapter 152 of title 10, United States Code, is amended by adding at the end the following new section:

“§2553. Articles and services of industrial facilities: sale to persons outside the Department of Defense

“(a) AUTHORITY TO SELL OUTSIDE DOD.—(1) The Secretary of Defense may sell in accordance with this section to a person outside the Department of Defense articles and services referred to in paragraph (2) that are not available from any United States commercial source.

“(2)(A) Except as provided in subparagraph (B), articles and services referred to in paragraph (1) are articles and services that are manufactured or performed by any working-capital funded industrial facility of the armed forces.

“(B) The authority in this section does not apply to sales of 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, muni-

tions, or components thereof, which are governed by regulations required by section 4543 of this title.

“(b) DESIGNATION OF PARTICIPATING INDUSTRIAL FACILITIES.—The Secretary may designate facilities referred to in subsection (a) as the facilities from which articles and services manufactured or performed by such facilities may be sold under this section.

“(c) CONDITIONS FOR SALES.—A sale of articles or services may be made under this section only if—

“(1) the Secretary of Defense determines that the articles or services are not available from a commercial source in the United States;

“(2) the purchaser agrees to hold harmless and indemnify the United States, except in any case of willful misconduct or gross negligence, from any claim for damages or injury to any person or property arising out of the articles or services;

“(3) the articles or services can be substantially manufactured or performed by the industrial facility concerned with only incidental subcontracting;

“(4) it is in the public interest to manufacture the articles or perform the services;

“(5) the Secretary determines that the sale of the articles or services will not interfere with the military mission of the industrial facility concerned; and

“(6) the sale of the goods and services is made on the basis that it will not interfere with performance of work by the industrial facility concerned for the Department of Defense.

“(d) METHODS OF SALE.—(1) The Secretary shall permit a purchaser of articles or services under this section to use advance incremental funding to pay for the articles or services.

“(2) In the sale of articles and services under this section, the Secretary shall—

“(A) charge the purchaser, at a minimum, the variable costs, capital improvement costs, and equipment depreciation costs that are associated with the articles or services sold;

“(B) enter into a firm, fixed-price contract or, if agreed by the purchaser, a cost reimbursement contract for the sale; and

“(C) 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 articles or services sold.

“(e) DEPOSIT OF PROCEEDS.—Proceeds from sales of articles and services under this section shall be credited to the funds, including working capital funds and operation and maintenance funds, incurring the costs of manufacture or performance.

“(f) 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.

“(g) DEFINITIONS.—In this section:

“(1) 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 manufacture 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.

“(2) 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 subchapter is amended by adding at the end the following new item:

“2553. Articles and services of industrial facilities: sale to persons outside the Department of Defense.”

(b) EFFECTIVE DATE.—Section 2553 of title 10, United States Code, as added by subsection (a), shall take effect on April 1, 1995.

Subtitle E—Civilian Employees**SEC. 341. EXTENSION OF CERTAIN TRANSITION ASSISTANCE AUTHORITIES.**

(a) REDUCTION-IN-FORCE NOTIFICATION REQUIREMENTS.—Section 4433(b)(2) of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102-484; 106 Stat. 2722; 5 U.S.C. 3502 note) is amended by striking out “February 1, 1998” and inserting in lieu thereof “February 1, 2000”.

(b) SEPARATION PAY.—(1) Section 5597(e) of title 5, United States Code, is amended by striking out “September 30, 1997” and inserting in lieu thereof “September 30, 1999”.

(2) Section 4436(d)(2) of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (5 U.S.C. 8348 note) is amended by striking out “January 1, 1998” and inserting in lieu thereof “January 1, 2000”.

(c) RESTORATION OF CERTAIN LEAVE.—Section 6304(d)(3) of title 5, United States Code, is amended by striking out “the closure of an installation” and inserting in lieu thereof “the closure of an installation of the Department of Defense 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) during any period, and the closure of any other installation”.

(d) CONTINUED HEALTH BENEFITS.—Section 8905a(d)(4)(B) of title 5, United States Code, is amended—

(1) by striking out “October 1, 1997” each place it appears and inserting in lieu thereof “October 1, 1999”; and

(2) in clause (ii), by striking out “February 1, 1998,” and inserting in lieu thereof “February 1, 2000.”

SEC. 342. EXTENSION AND EXPANSION OF AUTHORITY TO CONDUCT PERSONNEL DEMONSTRATION PROJECTS.

(a) CHINA LAKE DEMONSTRATION PROJECT.—(1) Section 6 of the Civil Service Miscellaneous Amendments Act of 1983 (Public Law 98-224; 98 Stat. 49) is amended by striking out “until September 30, 1995.”

(2) In the event of a reorganization of the organization carrying out the personnel demonstration project referred to in section 6 of such Act, such section shall apply with respect to the successor to that organization.

(b) DEFENSE LABORATORIES PERSONNEL DEMONSTRATION PROJECTS.—(1) The Secretary of Defense may, with the approval of the Director of the Office of Personnel Management, carry out personnel demonstration projects at Department of Defense laboratories designated by the Secretary as Department of Defense science and technology reinvention laboratories.

(2)(A) Each personnel demonstration project carried out under the authority of paragraph (1) shall be generally similar in nature to the China Lake demonstration project.

(B) For purposes of subparagraph (A), the China Lake demonstration project is the demonstration project that is authorized by section 6 of the Civil Service Miscellaneous Amendments Act of 1983 to be continued at the Naval Weapons Center, China Lake, California, and at the Naval Ocean Systems Center, San Diego, California.

(3) If the Secretary carries out a demonstration project at a laboratory pursuant to paragraph (1), section 4703 of title 5, United States

Code, shall apply to the demonstration project, except that—

(A) subsection (d) of such section 4703 shall not apply to the demonstration project; and

(B) the authority of the Secretary to carry out the demonstration project is that which is provided in paragraph (1) rather than the authority which is provided in such section 4703.

SEC. 343. LIMITATION ON PAYMENT OF SEVERANCE PAY TO CERTAIN EMPLOYEES TRANSFERRING TO EMPLOYMENT POSITIONS IN NONAPPROPRIATED FUND INSTRUMENTALITIES.

(a) IN GENERAL.—Section 5595 of title 5, United States Code, is amended by adding at the end the following:

“(h)(1) Severance pay under this section may not be paid to—

“(A) a person described in paragraph (4)(A) during any period in which the person is employed in a defense nonappropriated fund instrumentality; or

“(B) a person described in paragraph (4)(B) during any period in which the person is employed in a Coast Guard nonappropriated fund instrumentality.

“(2)(A) Except as provided in subparagraph (B), payment of severance pay to a person referred to in paragraph (1) may be resumed upon any involuntary separation of the person from the position of employment in a nonappropriated fund instrumentality, not by removal for cause on charges of misconduct, delinquency, or inefficiency.

“(B) Payment of severance pay may not be resumed under subparagraph (A) in the case of a person who, upon separation, is entitled to immediate payment of retired or retainer pay as a member or former member of the uniformed services or to an immediate annuity under—

“(i) a retirement system for persons retiring from employment by a nonappropriated fund instrumentality;

“(ii) subchapter III of chapter 83 of this title;

“(iii) subchapter II of chapter 84 of this title;

or

“(iv) any other retirement system of the Federal Government for persons retiring from employment with the Federal Government.

“(3) Upon resumption of payment of severance pay under paragraph (2)(A) in the case of a person separated as described in such paragraph, the amount of the severance pay so payable for a period shall be reduced (but not below zero) by the portion (if any) of the amount of any severance pay payable for such period to the person by the nonappropriated fund instrumentality that is attributable to credit for service taken into account under subsection (c) in the computation of the amount of the severance pay so resumed.

“(4) Paragraph (1) applies to a person who, on or after January 1, 1987, moves without a break in service—

“(A) from employment in the Department of Defense that is not employment in a defense nonappropriated fund instrumentality to employment in a defense nonappropriated fund instrumentality; or

“(B) from employment in the Coast Guard that is not employment in a Coast Guard nonappropriated fund instrumentality to employment in a Coast Guard nonappropriated fund instrumentality.

“(5) The Secretary of Defense, in consultation with the Secretary of Transportation, shall prescribe regulations to carry out this subsection.

“(6) In this subsection:

“(A) The term ‘defense nonappropriated fund instrumentality’ means a nonappropriated fund instrumentality of the Department of Defense.

“(B) The term ‘Coast Guard nonappropriated fund instrumentality’ means a nonappropriated fund instrumentality of the Coast Guard.

“(C) The term ‘nonappropriated fund instrumentality’ means a nonappropriated fund in-

strumentality described in section 2105(c) of this title.”.

(b) APPLICABILITY.—Subsection (h) of section 5595 of title 5, United States Code, as added by subsection (a), shall apply with respect to pay periods that begin on or after the date of the enactment of this Act.

SEC. 344. RETIREMENT CREDIT FOR CERTAIN SERVICE IN NONAPPROPRIATED FUND INSTRUMENTALITIES BEFORE JANUARY 1, 1987.

(a) STUDY REQUIRED.—The Secretary of Defense, in consultation with the Director of the Office of Personnel Management, shall conduct a study to determine the level of interest among employees referred to in subsection (b) in obtaining credit under the Civil Service Retirement System or the Federal Employees' Retirement System for former service described in such subsection as an employee of a nonappropriated fund instrumentality of the United States.

(b) EMPLOYEES CONCERNED.—The employees referred to in subsection (a) are employees of the Department of Defense who, for at least 12 months during the period beginning on January 1, 1966, and ending on December 31, 1986, performed service as an employee described in section 2105(c) of title 5, United States Code, conducting a program described in section 8332(b)(16)(A) of such title.

(c) CONDUCT OF STUDY.—In carrying out the study under subsection (a), the Secretary shall—

(1) provide an opportunity for all employees referred to in that subsection to express interest in obtaining retirement credit for the former service in a nonappropriated fund instrumentality of the United States; and

(2) inform such employees that deposits to the Civil Service Retirement and Disability Fund would be required of the interested employees under section 8334(c) of title 5, United States Code, or section 8411(f) of such title.

(d) REPORT.—Not later than February 1, 1995, the Secretary shall submit to Congress a report on the results of the study required by subsection (a). The report shall contain the following:

(1) An analysis of the issues, including existing legal rights of the employees referred to in subsection (b) under the Civil Service Retirement System or the Federal Employees' Retirement System.

(2) A description of the inequities, if any, that may have been caused by conversion from employment by nonappropriated fund instrumentalities of the United States to employment by the Department of Defense.

(3) The number of full-time and part-time employees referred to in subsection (b) who are affected by any inequities described in paragraph (2).

(4) The recommendations of the Secretary, if any, for redressing any inequities described in paragraph (2).

(5) An assessment of the cost to the Federal Government of any recommendation referred to in paragraph (4).

SEC. 345. TRAVEL, TRANSPORTATION, AND RELOCATION EXPENSES OF EMPLOYEES TRANSFERRING TO THE UNITED STATES POSTAL SERVICE.

(a) IN GENERAL.—(1) Subchapter II of chapter 57 of title 5, United States Code, is amended by adding at the end the following:

“§5735. Travel, transportation, and relocation expenses of employees transferring to the United States Postal Service

“(a) IN GENERAL.—Notwithstanding any other provision of law, employees of the Department of Defense described in subsection (b) may be authorized travel, transportation, and relocation expenses and allowances in connection with appointments referred to in such sub-

section under the same conditions and to the same extent authorized by this subchapter for transferred employees.

“(b) COVERED EMPLOYEES.—Subsection (a) applies to any employee of the Department of Defense who—

“(1) is scheduled for separation from the Department, other than for cause;

“(2) is selected for appointment to a continuing position with the United States Postal Service; and

“(3) accepts the appointment.”.

(2) The table of sections at the beginning of such chapter is amended by adding after the item relating to section 5734 the following new item:

“5735. Travel, transportation, and relocation expenses of employees transferring to the United States Postal Service.”.

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply to persons separated from employment with the Department of Defense on or after the date of the enactment of this Act.

SEC. 346. FOREIGN EMPLOYEES COVERED BY THE FOREIGN NATIONAL EMPLOYEES SEPARATION PAY ACCOUNT.

Section 1581 of title 10, United States Code, is amended—

(1) by striking out “foreign national employees of the Department of Defense” each place it appears in subsections (a) and (b) and inserting in lieu thereof “foreign nationals referred to in subsection (e)”; and

(2) by striking out subsection (e) and inserting in lieu thereof the following:

“(e) EMPLOYEES COVERED.—This section applies only with respect to separation pay of foreign nationals employed by the Department of Defense, and foreign nationals employed by a foreign government for the benefit of the Department of Defense, under any of the following agreements that provide for payment of separation pay:

“(1) A contract.

“(2) A treaty.

“(3) A memorandum of understanding with a foreign nation.”.

SEC. 347. REPORT ON CONVERSION OF CERTAIN POSITIONS TO PERFORMANCE BY DEPARTMENT OF DEFENSE EMPLOYEES.

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

(1) In order to ensure an optimum level of availability of members of the Armed Forces for assignment to combat units, it is the policy of the Department of Defense to assign employees of the Department of Defense to replace military personnel in Department of Defense positions to which assignment of military personnel can no longer be justified under current circumstances.

(2) Assignment of employees of the Department of Defense to such positions can provide valuable continuity for the performance of many missions of the Department while enhancing the readiness and military capability of the Armed Forces.

(3) During the Persian Gulf War, employees of the Department of Defense, employees of other Federal agencies, and employees of civilian contractors, by their distinguished service in the theater of operations, demonstrated the valuable contributions that civilian personnel can make to the performance of Department of Defense functions.

(4) The performance of Department of Defense functions by employees of the Department is often less costly than the performance of those functions by military personnel.

(5) The percentage of certain support positions that are filled by employees of the Department of Defense varies significantly among the military departments.

(6) The Secretary of Defense is reviewing the extent to which employees of the Department of Defense should replace military personnel in Department of Defense positions.

(b) **REQUIREMENT FOR REPORT.**—Not later than April 30, 1995, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the efforts of the Secretary—

(1) to identify positions in the Department of Defense to which continued assignment of military personnel is no longer justified under current circumstances; and

(2) to assign employees of the Department of Defense to replace military personnel in those positions.

(c) **CONTENT OF REPORT.**—The report required by subsection (b) shall contain the following:

(1) The number of positions identified by the Secretary, including the positions in which employees of the Department of Defense have replaced military personnel and the positions to which employees of the Department of Defense are planned to be assigned to replace military personnel.

(2) The cost of carrying out the planned changes in assignments.

(3) A discussion of the effects of such changes on workforce restructuring plans of the Department.

(4) A discussion of the efforts of the Secretary to encourage within the Department of Defense the assignment of employees of the Department to replace military personnel.

(5) An explanation of the justifications for maintaining variances in excess of 20 percent among the military departments in the percentage of support positions common to two or more military departments that are filled by employees of the Department of Defense rather than military personnel.

SEC. 348. NON-FEDERAL EMPLOYMENT INCENTIVE PILOT PROGRAM.

(a) **AUTHORITY.**—The Secretary of Defense may establish a pilot program for the payment of incentives in accordance with this section to facilitate the reemployment of eligible employees of the Department of Defense whose employment with the Department is being terminated by reason of the closure or realignment of the military installations where such persons are employed. Under the pilot program, the Secretary may pay retraining and relocation incentives to encourage non-Federal employers to hire and retain such employees.

(b) **ELIGIBLE EMPLOYEES.**—For purposes of this section, an eligible employee is an employee of the Department of Defense, serving under an appointment without time limitation, who has been employed by the Department of Defense for a continuous period of at least 12 months and who has been given notice of separation pursuant to a reduction in force, except that such term does not include—

(1) a reemployed annuitant under subchapter III of chapter 83 of title 5, United States Code, chapter 84 of such title, or another retirement system for employees of the Government;

(2) an employee who, upon separation from Federal service, is eligible for an immediate annuity under subchapter III of chapter 83 of title 5, United States Code, or subchapter II of chapter 84 of such title; or

(3) an employee who is eligible for disability retirement under any of the retirement systems referred to in paragraph (1).

(c) **RETRAINING INCENTIVE.**—(1) Under the pilot program, the Secretary may enter into an agreement with a non-Federal employer under which the non-Federal employer agrees—

(A) to employ a person referred to in subsection (a) for at least 12 months for a salary which is mutually agreeable to the employer and such person; and

(B) to certify to the Secretary the cost incurred by the employer for any necessary training provided to such person in connection with the employment by that employer.

(2) The Secretary shall pay a retraining incentive to the non-Federal employer upon the employee's completion of 12 months of continuous employment by that employer. Subject to subsection (f), the Secretary shall prescribe the amount of the incentive.

(3) The Secretary shall pay a prorated amount of the full retraining incentive to the non-Federal employer for an employee who does not remain employed by the non-Federal employer for at least 12 months.

(4) In no event may the amount of the retraining incentive paid for the training of any one person under the pilot program exceed the amount certified for that person under paragraph (1).

(d) **RELOCATION INCENTIVE.**—The Secretary may pay a relocation incentive to an eligible employee if it is necessary for the employee to relocate in order to commence employment with a non-Federal employer under the pilot program. Subject to subsection (f), the amount of the incentive shall be equal to the total amount authorized to be paid for travel, transportation, and subsistence expenses under subchapter II of chapter 57 of title 5, United States Code, including the reimbursements authorized under section 5724b of such title, to a Federal employee being transferred between the same locations as the person paid the incentive.

(e) **APPROVAL OF SECRETARY OF DEFENSE.**—The Secretary of a military department or the head of a Defense Agency may offer an incentive under the pilot program with the prior approval of the Secretary of Defense or pursuant to a delegation of authority by the Secretary of Defense.

(f) **LIMITATION.**—The total amount of incentives paid in the case of a person under the pilot program may not exceed \$10,000.

(g) **DURATION.**—No incentive may be paid under the pilot program for training or relocations commenced after September 30, 1999.

(h) **DEFINITIONS.**—In this section:

(1) The term "non-Federal employer" means an employer that is not an Executive agency, as defined in section 105 of title 5, United States Code, or the legislative or judicial branch of the Federal Government.

(2) The term "Defense Agency" has the meaning given such term in section 101(a)(11) of title 10, United States Code.

SEC. 349. UNIFORM HEALTH BENEFITS PROGRAM FOR EMPLOYEES OF THE DEPARTMENT OF DEFENSE ASSIGNED TO NONAPPROPRIATED FUND INSTRUMENTALITIES.

(a) **IN GENERAL.**—Not later than October 1, 1995, the Secretary of Defense shall take such steps as may be necessary to provide a uniform health benefits program for employees of the Department of Defense assigned to a nonappropriated fund instrumentality of the Department.

(b) **PROGRESS REPORT.**—Not later than March 15, 1995, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the progress made by the Secretary in implementing subsection (a).

Subtitle F—Department of Defense Domestic and Overseas Dependents' Schools

SEC. 351. REAUTHORIZATION OF DEPARTMENT OF DEFENSE DOMESTIC ELEMENTARY AND SECONDARY SCHOOLS FOR DEPENDENTS.

(a) **CONTINUED AUTHORITY.**—Chapter 108 of title 10, United States Code, is amended by adding at the end the following new section:

"§2164. Department of Defense domestic dependent elementary and secondary schools

"(a) **AUTHORITY OF SECRETARY.**—If the Secretary of Defense makes a determination that

appropriate educational programs are not available through a local educational agency for dependents of members of the armed forces and dependents of civilian employees of the Federal Government residing on a military installation in the United States (including territories, commonwealths, and possessions of the United States), the Secretary may enter into arrangements to provide for the elementary or secondary education of the dependents of such members of the armed forces and, to the extent authorized in subsection (c), the dependents of such civilian employees. The Secretary may, at the discretion of the Secretary, permit dependents of members of the armed forces and, to the extent provided in subsection (c), dependents of civilian employees of the Federal Government residing in a territory, commonwealth, or possession of the United States but not on a military installation, to enroll in an educational program provided by the Secretary pursuant to this subsection.

"(b) **FACTORS FOR SECRETARY TO CONSIDER.**—(1) Factors to be considered by the Secretary of Defense in making a determination under subsection (a) shall include the following:

"(A) The extent to which such dependents are eligible for free public education in the local area adjacent to the military installation.

"(B) The extent to which the local educational agency is able to provide an appropriate educational program for such dependents.

"(2) For purposes of paragraph (1)(B), an appropriate educational program is a program that, as determined by the Secretary, is comparable to a program of free public education provided for children by the following local educational agencies:

"(A) In the case of a military installation located in a State (other than an installation referred to in subparagraph (B)), local educational agencies in the State that are similar to the local educational agency referred to in paragraph (1)(B).

"(B) In the case of a military installation with boundaries contiguous to two or more States, local educational agencies in the contiguous States that are similar to the local educational agency referred to in paragraph (1)(B).

"(C) In the case of a military installation located in a territory, commonwealth, or possession, the District of Columbia public schools, except that an educational program determined comparable under this subparagraph may be considered appropriate for the purposes of paragraph (1)(B) only if the program is conducted in the English language.

"(c) **ELIGIBILITY OF DEPENDENTS OF FEDERAL EMPLOYEES.**—(1) A dependent of a Federal employee residing in permanent living quarters on a military installation at any time during the school year may enroll in an educational program provided by the Secretary of Defense pursuant to subsection (a) for dependents residing on such installation.

"(2)(A) Except as provided in subparagraphs (B) and (C), a dependent of a Federal employee who is enrolled in an educational program provided by the Secretary pursuant to subsection (a) and who is not residing on a military installation may be enrolled in the program for not more than five consecutive school years.

"(B) A dependent referred to in subparagraph (A) may be enrolled in the program for more than five consecutive school years if the Secretary determines that, in the interest of the dependent's educational well-being, there is good cause to extend the enrollment for more than the five-year period described in such subparagraph. Any such extension may be made for only one school year at a time.

"(C) Subparagraph (A) shall not apply to an individual who is a dependent of a Federal employee in the excepted service (as defined in section 2103 of title 5) and who is enrolled in an

educational program provided by the Secretary pursuant to subsection (a) in Puerto Rico, Wake Island, Guam, American Samoa, the Northern Mariana Islands, or the Virgin Islands.

"(3) A dependent of a Federal employee may continue enrollment in a program under this subsection for the remainder of a school year notwithstanding a change during such school year in the status of the Federal employee that, except for this paragraph, would otherwise terminate the eligibility of the dependent to be enrolled in the program. The preceding sentence does not limit the authority of the Secretary to remove the dependent from enrollment in the program at any time for good cause determined by the Secretary.

"(d) SCHOOL BOARDS.—(1) The Secretary of Defense shall provide for the establishment of a school board for Department of Defense elementary and secondary schools established at each military installation under this section.

"(2) The school board shall be composed of the number of members, not fewer than three, prescribed by the Secretary.

"(3) The parents of the students attending the school shall elect the school board in accordance with procedures which the Secretary shall prescribe.

"(4)(A) A school board elected for a school under this subsection may participate in the development and oversight of fiscal, personnel, and educational policies, procedures, and programs for the school, except that the Secretary may issue any directive that the Secretary considers necessary for the effective operation of the school or the entire school system.

"(B) A directive referred to in subparagraph (A) shall, to the maximum extent practicable, be issued only after the Secretary consults with the appropriate school boards elected under this subsection. The Secretary shall establish a process by which a school board or school administrative officials may formally appeal the directive to the Secretary of Defense.

"(5) Meetings conducted by the school board shall be open to the public, except as provided in paragraph (6).

"(6) A school board need not comply with the provisions of the Federal Advisory Committee Act (5 U.S.C. App.), but may close meetings in accordance with such Act.

"(e) ADMINISTRATION AND STAFF.—(1) The Secretary of Defense may enter into such arrangements as may be necessary to provide educational programs at the school.

"(2) The Secretary may, without regard to the provisions of any other law relating to the number, classification, or compensation of employees—

"(A) establish positions for civilian employees in schools established under this section;

"(B) appoint individuals to such positions; and

"(C) fix the compensation of such individuals for service in such positions.

"(3)(A) Except as provided in subparagraph (B), in fixing the compensation of employees appointed for a school pursuant to paragraph (2), the Secretary shall consider—

"(i) the compensation of comparable employees of the local educational agency in the capital of the State where the military installation is located;

"(ii) the compensation of comparable employees in the local educational agency that provides public education to students who reside adjacent to the military installation; and

"(iii) the average compensation for similar positions in not more than three other local educational agencies in the State in which the military installation is located.

"(B) In fixing the compensation of employees in schools established in the territories, commonwealths, and possessions pursuant to the au-

thority of this section, the Secretary shall determine the level of compensation required to attract qualified employees. For employees in such schools, the Secretary, without regard to the provisions of title 5, may provide for the tenure, leave, hours of work, and other incidents of employment to be similar to that provided for comparable positions in the public schools of the District of Columbia. For purposes of the first sentence, a school established before the effective date of this section pursuant to authority similar to the authority in this section shall be considered to have been established pursuant to the authority of this section.

"(f) SUBSTANTIVE AND PROCEDURAL RIGHTS AND PROTECTIONS FOR CHILDREN.—(1) The Secretary shall provide the following substantive rights, protections, and procedural safeguards (including due process procedures) in the educational programs provided for under this section:

"(A) In the case of children with disabilities aged 3 to 5, inclusive, all substantive rights, protections, and procedural safeguards (including due process procedures) available to children with disabilities aged 3 to 5, inclusive, under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

"(B) In the case of infants and toddlers with disabilities, all substantive rights, protections, and procedural safeguards (including due process procedures) available to infants and toddlers with disabilities under part H of such Act (20 U.S.C. 1471 et seq.).

"(C) In the case of all other children with disabilities, all substantive rights, protections, and procedural safeguards (including due process procedures) available to children with disabilities who are 3 to 5 years old under part B of such Act.

"(2) Paragraph (1) may not be construed as diminishing for children with disabilities enrolled in day educational programs provided for under this section the extent of substantive rights, protections, and procedural safeguards that were available under section 6(a) of Public Law 81-874 (20 U.S.C. 241(a)) to children with disabilities as of October 7, 1991.

"(3) In this subsection:

"(A) The term 'children with disabilities' has the meaning given the term in section 602(a)(1) of the Individuals with Disabilities Education Act (20 U.S.C. 1401(a)(1)).

"(B) The term 'children with disabilities aged 3 to 5, inclusive' means such term as used in such Act (20 U.S.C. 1400 et seq.).

"(C) The term 'infants and toddlers with disabilities' has the meaning given the term in section 672(1) of such Act (20 U.S.C. 1472(1)).

"(g) REIMBURSEMENT.—When the Secretary of Defense provides educational services under this section to an individual who is a dependent of an employee of a Federal agency outside the Department of Defense, the head of the other Federal agency shall, upon request of the Secretary of Defense, reimburse the Secretary for those services at rates routinely prescribed by the Secretary for those services. Any payments received by the Secretary under this subsection shall be credited to the account designated by the Secretary for the operation of educational programs under this section."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item: "2164. Department of Defense domestic dependent elementary and secondary schools."

(c) SAVINGS PROVISION.—Nothing in section 2164 of title 10, United States Code, as added by subsection (a), shall be construed as affecting the rights in existence on the date of the enactment of this Act of an employee of any school established under such section (or any other

provision of law enacted before the date of the enactment of this Act that established a similar school) to negotiate or bargain collectively with the Secretary with respect to wages, hours, and other terms and conditions of employment.

SEC. 352. REPORT ON CALCULATION AND RECOVERY OF TUITION COSTS OF CERTAIN STUDENTS ENROLLED IN SCHOOLS OF THE DEFENSE DEPENDENTS' EDUCATION SYSTEM.

(a) REPORT.—Not later than March 31, 1995, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives and the Committee on Education and Labor of the House of Representatives a report on the calculation and application of the tuition rate required to be determined under section 1404(b) of the Defense Dependents' Education Act of 1978 (20 U.S.C. 923(b)).

(b) CONTENTS OF REPORT.—The report required by subsection (a) shall contain the following:

(1) A description of—

(A) the costs included in the tuition rate;

(B) the method by which the tuition rate is determined; and

(C) the method by which any increase in the tuition rate is determined.

(2) An analysis of—

(A) the variation in the cost of providing educational services in the defense dependents' education system in different geographic locations; and

(B) the extent to which the imposition of a uniform tuition rate enables the system to receive adequate funds to defray the cost of providing educational services to tuition-paying students.

(3) Recommendations of the Secretary with respect to improvements that may be made in the determination and application of the tuition rate.

SEC. 353. AUTHORITY TO ACCEPT GIFTS FOR DEPARTMENT OF DEFENSE DOMESTIC ELEMENTARY AND SECONDARY SCHOOLS.

(a) AUTHORITY.—Section 2605 of title 10, United States Code, is amended—

(1) by striking out "the defense dependents' education system provided for under the Defense Dependents' Education Act of 1978 (20 U.S.C. 921 et seq.)" in subsection (a) and inserting in lieu thereof "a defense dependents' school"; and

(2) by striking out "the defense dependent's education system" in subsection (b) and inserting in lieu thereof "defense dependents' schools".

(b) DEFINITION.—Such section is further amended by adding at the end the following new subsection:

"(g) In this section, the term 'defense dependents' school' means the following:

"(1) A school established as part of the defense dependents' education system provided for under the Defense Dependents' Education Act of 1978 (20 U.S.C. 921 et seq.).

"(2) An elementary or secondary school established pursuant to section 2164 of this title."

(c) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§2605. Acceptance of gifts for defense dependents' schools".

(2) 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:

"2605. Acceptance of gifts for defense dependents' schools."

SEC. 354. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) AVAILABILITY OF FUNDS.—Of the amounts authorized to be appropriated in section 301(5)—

(1) \$50,000,000 shall be available for providing educational agencies assistance (as defined in subsection (c)(1)) to local educational agencies; and

(2) \$8,000,000 shall be available for making educational agencies payments (as defined in subsection (c)(2)) to local educational agencies.

(b) NOTIFICATION AND DISBURSAL.—(1) Not later than June 30, 1995—

(A) the Secretary of Defense shall notify each local educational agency that is eligible for educational agencies assistance for fiscal year 1995 of that agency's eligibility for such assistance and the amount of such assistance for which that agency is eligible; and

(B) the Secretary of Education shall notify each local educational agency that is eligible for an educational agencies payment for fiscal year 1995 of that agency's eligibility for such payment and the amount of the payment for which that agency is eligible.

(2) The Secretary of Defense (with respect to funds made available under subsection (a)(1)) and the Secretary of Education (with respect to funds made available under subsection (a)(2)) shall disburse such funds not later than 30 days after the date on which notification to the eligible local education agencies is provided pursuant to paragraph (1).

(c) DEFINITIONS.—For purposes of this section:

(1) The term "educational agencies assistance" means assistance authorized under subsection (b) of section 386 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2395; 20 U.S.C. 238 note).

(2) The term "educational agencies payments" means payments authorized under subsection (d) of that section.

Subtitle G—Reviews, Studies, and Reports

SEC. 361. REPORTS ON TRANSFERS OF CERTAIN OPERATION AND MAINTENANCE FUNDS.

(a) ANNUAL REPORTS.—In each of 1995, 1996, and 1997, 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 the following:

(1) Each transfer of amounts provided in an appropriation Act to the Department of Defense for the activities referred to in subsection (c) between appropriations during the preceding fiscal year, including the reason for the transfer.

(2) Each transfer of amounts provided in an appropriation Act to the Department of Defense for an activity referred to in subsection (c) within that appropriation for any other such activity during the preceding fiscal year, including the reason for the transfer.

(b) MIDYEAR REPORTS.—On May 1 of each of 1995, 1996, and 1997, the Secretary of Defense shall submit to the congressional defense committees a report on the following:

(1) Each transfer during the first six months of the fiscal year in which the report is submitted of amounts provided in an appropriation Act to the Department of Defense for the activities referred to in subsection (c) between appropriations, including the reason for the transfer.

(2) Each transfer during the first six months of the fiscal year in which the report is submitted of amounts provided in an appropriation Act to the Department of Defense for an activity referred to in subsection (c) within that appropriation for any other such activity, including the reason for the transfer.

(c) COVERED ACTIVITIES.—The activities referred to in subsections (a) and (b) are the following:

(1) Activities for which amounts are appropriated for the Army for operation and maintenance for operating forces for (A) combat units, (B) tactical support, (C) force-related training/

special activities, (D) depot maintenance, and (E) JCS exercises.

(2) Activities for which amounts are appropriated for the Navy for operation and maintenance for operating forces for (A) mission and other flight operations, (B) mission and other ship operations, (C) fleet air training, (D) ship operational support and training, (E) aircraft depot maintenance, and (F) ship depot maintenance.

(3) Activities for which amounts are appropriated for the Air Force for operation and maintenance for operating forces for (A) primary combat forces, (B) primary combat weapons, (C) global and early warning, (D) air operations training, (E) depot maintenance, and (F) JCS exercises.

(d) REPEAL.—Section 377 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1638) is hereby repealed.

SEC. 362. REVIEW AND REPORT ON USE OF OPERATION AND MAINTENANCE FUNDS BY THE DEPARTMENT OF DEFENSE.

(a) REVIEW.—The Secretary of Defense shall review all operation and maintenance accounts of the Department of Defense to determine the extent to which funds appropriated to those accounts are used for an activity for which funds have been appropriated to, or are more appropriately made available from, accounts of the Department for procurement, research, development, test, and evaluation, or military construction.

(b) REPORT.—Not later than March 31, 1995, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the results of the review conducted under subsection (a).

SEC. 363. COST COMPARISON STUDIES FOR CONTRACTS FOR ADVISORY AND ASSISTANCE SERVICES.

(a) IN GENERAL.—(1) Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

"§2410l. Contracts for advisory and assistance services: cost comparison studies

"(a) REQUIREMENT.—(1)(A) Before the Secretary of Defense enters into a contract described in subparagraph (B), the Secretary shall determine whether Department of Defense personnel have the capability to perform the services proposed to be covered by the contract.

"(B) Subparagraph (A) applies to any contract of the Department of Defense for advisory and assistance services that is expected to have a value in excess of \$100,000.

"(2) If the Secretary determines that Department of Defense personnel have the capability to perform the services to be covered by the contract, the Secretary shall conduct a study comparing the cost of performing the services with Department of Defense personnel and the cost of performing the services with contractor personnel.

"(b) WAIVER.—The Secretary of Defense may, pursuant to guidelines prescribed by the Secretary, waive the requirement to perform a cost comparison study under subsection (a)(2) based on factors that are not related to cost."

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2410l. Contracts for advisory and assistance services: cost comparison studies."

(b) PROCEDURES FOR CONDUCT OF STUDIES.—The Secretary of Defense shall prescribe the following procedures:

(1) Procedures for carrying out a cost comparison study under subsection (a)(2) of section 2410l of title 10, United States Code, as added by subsection (a), which may contain a require-

ment that the cost comparison study include consideration of factors that are not related to cost, including the quality of the service required to be performed, the availability of Department of Defense personnel, the duration and recurring nature of the services to be performed, and the consistency of the workload.

(2) Procedures for reviewing contracts entered into after a waiver under subsection (b) of such section to determine whether the contract is justified and sufficiently documented.

(c) EFFECTIVE DATE.—Section 2410l of title 10, United States Code, as added by subsection (a), shall take effect 180 days after the date of the enactment of this Act.

SEC. 364. REVIEW BY DEFENSE INSPECTOR GENERAL OF COST GROWTH IN CERTAIN CONTRACTS.

(a) REVIEW.—The Inspector General of the Department of Defense shall carry out a review of a representative sample of existing contracts for the performance of commercial activities which resulted 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) to determine the extent to which the cost incurred by a contractor under any such contract has exceeded the cost of the contract at the time the contract was entered into.

(b) REPORT.—Not later than April 1, 1995, the Inspector General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the results of the review carried out under subsection (a).

Subtitle H—Other Matters

SEC. 371. ARMED FORCES RETIREMENT HOME.

(a) INCREASED MAXIMUM LIMITATION ON DEDUCTIONS FROM PAY.—Section 1007(i)(1) of title 37, United States Code, is amended by striking out "50 cents" and inserting in lieu thereof "\$1.00".

(b) MODIFICATION OF FEES PAID BY RESIDENTS.—(1) Paragraph (2) of section 1514(c) of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 414(c)) is amended to read as follows:

"(2) The fee shall be fixed as a percentage of the monthly income and monthly payments (including Federal payments) received by a resident, subject to such adjustments in the fee as the Retirement Home Board may make under paragraph (1). The percentage shall be the same for each establishment of the Retirement Home."

(2)(A) Subsections (d) and (e) of section 1514 of such Act are repealed.

(B) Such section is further amended by adding after subsection (c) the following new subsection (d):

"(d) APPLICATION OF FEES.—Subject to such adjustments in the fee as the Retirement Home Board may make under subsection (c), each resident of the Retirement Home shall be required to pay a monthly fee equal to the amount determined by multiplying the total amount of all monthly income and monthly payments (including Federal payments) received by the resident by a percentage as follows:

"(1) In the case of a permanent health care resident—

"(A) in fiscal year 1998, 35 percent; (B) in fiscal year 1999, 45 percent; and (C) in fiscal year 2000, 65 percent.

"(2) In the case of a resident who is not a permanent health care resident—

"(A) in fiscal year 1998, 30 percent; (B) in fiscal year 1999, 35 percent; and (C) in fiscal year 2000, 40 percent."

(c) MODERNIZATION OF FACILITIES.—(1) The Chairman of the Armed Forces Retirement Home Board shall carry out a study to identify and evaluate alternatives for modernization of the facilities at the United States Soldiers' and Airmen's Home.

(2) The Chairman shall submit an interim report and a final report on the results of the study to the Committees on Armed Services of the Senate and House of Representatives. The Chairman shall submit the interim report not later than April 1, 1995, and the final report not later than December 31, 1995.

(d) **EFFECTIVE DATES.**—(1) The amendment made by subsection (a) shall take effect on January 1, 1995, and apply to years that begin on or after that date.

(2) The amendments made by subsection (b) shall take effect on October 1, 1997.

SEC. 372. LIMITATION ON USE OF APPROPRIATED FUNDS FOR OPERATION OF ARMED FORCES RECREATION CENTER, EUROPE.

(a) **LIMITATION.**—Subchapter I of chapter 134 of title 10, United States Code, is amended by adding at the end the following new section:

“§2247. Use of appropriated funds for operation of Armed Forces Recreation Center, Europe: limitation

“(a) **LIMITATION.**—Except as provided in subsection (b), funds appropriated to the Department of Defense may not be used to operate the Armed Forces Recreation Center, Europe.

“(b) **EXCEPTION.**—Subsection (a) does not apply to the use of funds for the payment of utilities, real property maintenance, and transportation of products made in the United States.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

“2247. Use of appropriated funds for operation of Armed Forces Recreation Center, Europe: limitation.”.

SEC. 373. LIMITATION ON RETENTION OF MORALE, WELFARE, AND RECREATION FUNDS BY MILITARY INSTALLATIONS.

(a) **LIMITATION.**—Chapter 131 of title 10, United States Code, is amended by adding at the end the following new section:

“§2219. Retention of morale, welfare, and recreation funds by military installations: limitation

“Amounts may not be retained in a nonappropriated morale, welfare, and recreation account of a military installation of a military department in excess of the amount necessary to meet cash requirements of that installation. Amounts in excess of that amount shall be transferred to a single, department-wide nonappropriated morale, welfare, and recreation account of the military department.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“2219. Retention of morale, welfare, and recreation funds by military installations: limitation.”.

SEC. 374. SHIPS' STORES.

(a) **EXTENSION OF DEADLINE FOR CONVERSION.**—Section 371(a) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1634; 10 U.S.C. 7604 note) is amended by striking out “October 1, 1994” and inserting in lieu thereof “December 31, 1995”.

(b) **MODIFICATION OF EFFECTIVE DATE.**—Section 371(d) of such Act is amended by striking out “shall take effect on the date on which the Secretary of the Navy completes the conversion referred to in subsection (a)” and inserting in lieu thereof “shall take effect on October 1, 1994”.

SEC. 375. OPERATION OF MILITARY EXCHANGE AND COMMISSARY STORE AT NAVAL AIR STATION FORT WORTH, JOINT RESERVE CENTER, CARSWELL FIELD.

The Secretary of Defense shall provide for the operation by the Army and Air Force Exchange

Service, until December 31, 1995, of any military exchange and commissary store located at the Naval Air Station Fort Worth, Joint Reserve Center, Carswell Field.

SEC. 376. DISPOSITION OF PROCEEDS FROM OPERATION OF THE NAVAL ACADEMY LAUNDRY.

Section 6971 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking out “(a)”; and

(B) in the first sentence, by striking out “and the Academy dairy” and inserting in lieu thereof “the Academy dairy, and the Academy laundry”; and

(2) by striking out subsection (b).

SEC. 377. AUTHORITY TO ISSUE MILITARY IDENTIFICATION CARDS TO SO-CALLED HONORARY RETIREES OF THE NAVAL AND MARINE CORPS RESERVES.

(a) **AUTHORITY.**—The Secretary of the Navy may issue a military identification card to a member of the Retired Reserve described in subsection (b).

(b) **COVERED MEMBERS.**—A member of the Retired Reserve referred to in subsection (a) is a member of the Naval Reserve or Marine Corps Reserve who transferred to the Retired Reserve under section 274(2) of title 10, United States Code, without having completed the years of service required under section 1331(a)(2) of such title for eligibility for retired pay under chapter 67 of such title.

(c) **EFFECT ON COMMISSARY AND EXCHANGE BENEFITS.**—The issuance of a military identification card under subsection (a) to a member of the Retired Reserve does not confer eligibility for commissary and exchange benefits on that member.

(d) **LIMITATION ON COLOR AND FORMAT.**—The Secretary shall ensure that the color and format in which a military identification card is issued under subsection (a) is not similar to the color and format in which a military identification card is issued by the Department of Defense to individuals other than members described in subsection (b).

SEC. 378. REPEAL OF ANNUAL LIMITATION ON EXPENDITURES FOR EMERGENCY AND EXTRAORDINARY EXPENSES OF THE DEPARTMENT OF DEFENSE INSPECTOR GENERAL.

Section 127(c) of title 10, United States Code, is amended—

(1) by striking out “(1)” after “(c)”; and

(2) by striking out paragraph (2).

SEC. 379. TRANSFER OF CERTAIN EXCESS DEPARTMENT OF DEFENSE PROPERTY TO EDUCATIONAL INSTITUTIONS AND TRAINING SCHOOLS.

(a) **AUTHORITY TO TRANSFER.**—Subparagraph (G) of section 2535(b)(1) of title 10, United States Code, is amended to read as follows:

“(G) 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, authorize the transfer to a nonprofit educational institution or training school, on a nonreimbursable basis, of any such property already in the possession of such institution or school whenever the program proposed by such institution or school for the use of such property is in the public interest.”.

(b) **TREATMENT OF PROPERTY LOANED BEFORE DECEMBER 31, 1993.**—Except for property determined by the Secretary of Defense to be needed by the Department of Defense, property loaned before December 31, 1993, to an educational institution or training school under section 2535(b) of title 10, United States Code, or section 4(a)(7) of the Defense Industrial Reserve Act (as in effect before October 23, 1992) shall be regarded as surplus property. Upon certification by the Secretary to the Administrator of General Services

that the property is being used by the borrowing educational institution or training school for a purpose consistent with that for which the property was loaned, the Administrator may authorize the conveyance of all right, title, and interest of the United States in such property to the borrower if the borrower agrees to accept the property. The Administrator may require any additional terms and conditions in connection with a conveyance so authorized that the Administrator considers appropriate to protect the interests of the United States.

SEC. 380. OPERATION OF OVERSEAS FACILITIES OF THE DEPARTMENT OF DEFENSE BY UNITED STATES FIRMS.

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that, to the maximum extent practicable, the Secretary of Defense should give a preference to United States firms in the award of contracts to operate Department of Defense facilities not in the United States that provide goods and services to members of the Armed Forces and the dependents of such members.

(b) **DEFINITION.**—In this section, the term “United States firm” has the meaning given such term in section 2532(d)(1) of title 10, United States Code.

SEC. 381. REQUIREMENTS FOR AUTOMATED INFORMATION SYSTEMS OF THE DEPARTMENT OF DEFENSE.

(a) **DETERMINATION REQUIRED.**—(1) Not later than March 15 in each of 1995, 1996, and 1997, the Secretary of Defense shall—

(A) determine whether each automated information system described in paragraph (2) meets the requirements set forth in subsection (b); and

(B) take appropriate action to end the modernization or development by the Department of Defense of any such system that the Secretary determines does not meet such requirements.

(2) An automated information system referred to in paragraph (1) is an automated information system—

(A) that is undergoing modernization or development by the Department of Defense;

(B) that exceeds \$50,000,000 in value; and

(C) that is not a migration system, as determined by the Enterprise Integration Executive Board of the Department of Defense.

(b) **REQUIREMENTS.**—The use of an automated information system by the Department of Defense shall—

(1) contribute to the achievement of Department of Defense strategies for the use of automated information systems;

(2) as determined by the Secretary, provide an acceptable benefit from the investment in the system or make a substantial contribution to the performance of the defense mission for which the system is used;

(3) comply with Department of Defense directives applicable to life cycle management of automated information systems; and

(4) be based on guidance developed under subsection (c).

(c) **GUIDANCE FOR USE.**—The Secretary of Defense shall develop guidance for the use of automated information systems by the Department of Defense. In developing the guidance, the Secretary shall consider the following:

(1) Directives of the Office of Management and Budget applicable to returns of investment for such systems.

(2) A sound, functional economic analysis.

(3) Established objectives for the Department of Defense information infrastructure.

(4) Migratory assessment criteria, including criteria under guidance provided by the Defense Information Systems Agency.

(d) **WAIVER.**—(1) The Secretary of Defense may waive the requirements of subsection (a) for an automated information system if the Secretary determines that the purpose for which the system is being modernized or developed is of compelling military importance.

(2) If the Secretary exercises the waiver authority provided in paragraph (1), the Secretary shall include the following in the next report required by subsection (f):

(A) The reasons for the failure of the automated information system to meet all of the requirements of subsection (b).

(B) A determination of whether the system is expected to meet such requirements in the future, and if so, the date by which the system is expected to meet the requirements.

(e) PERFORMANCE MEASURES AND MANAGEMENT CONTROLS.—(1) The Secretary of Defense shall establish performance measures and management controls for the supervision and management of the activities described in paragraph (2). The performance measures and management controls shall be adequate to ensure, to the maximum extent practicable, that the Department of Defense receives the maximum benefit possible from the development, modernization, operation, and maintenance of automated information systems.

(2) The activities referred to in paragraph (1) are the following:

(A) Accelerated implementation of migration systems.

(B) Establishment of data standards.

(C) Process improvement.

(f) REPORTS.—Not later than March 15 in each of 1995, 1996, and 1997, the Secretary of Defense shall submit to Congress a report on the establishment and implementation of the performance measures and management controls referred to in subsection (e)(1). Each such report shall also specify—

(1) the automated information systems that, as determined under subsection (a), meet the requirements of subsection (b);

(2) the automated information systems that, as determined under subsection (a), do not meet the requirements of subsection (b) and the action taken by the Secretary to end the use of such systems; and

(3) the automated information systems that, as determined by the Enterprise Integration Executive Board, are migration systems.

(g) REVIEW BY COMPTROLLER GENERAL.—Not later than April 30, 1995, the Comptroller General of the United States shall submit to Congress a report that contains an evaluation of the following:

(1) The progress made by the Department of Defense in achieving the goals of the corporate information management program of the Department.

(2) The progress made by the Secretary of Defense in establishing the performance measures and management controls referred to in subsection (e)(1).

(3) The progress made by the Department of Defense in using automated information systems that meet the requirements of subsection (b).

(4) The report required by subsection (f) to be submitted in 1995.

(h) DEFINITIONS.—In this section:

(1) The term "automated information system" means an automated information system of the Department of Defense described in the exhibits designated as "IT-43" in the budget submitted to Congress by the President for fiscal year 1995 pursuant to section 1105 of title 31, United States Code.

(2) The term "migration system" has the meaning given such term in the document entitled "Department of Defense Strategy for Acceleration of Migration Systems and Data Standards" attached to the memorandum of the Department of Defense dated October 13, 1993 (relating to accelerated implementation of migration systems, data standards, and process improvement).

SEC. 382. PROGRAM TO COMMEMORATE WORLD WAR II.

(a) EXTENSION.—Section 378 of the National Defense Authorization Act for Fiscal Year 1993

(Public Law 102-484; 106 Stat. 2387; 113 U.S.C. note) is amended by striking out "1995" in subsections (a) and (b) and inserting in lieu thereof "1996".

(b) REPORT.—(1) Not later than March 31, 1995, the Executive Director of the 50th Anniversary of World War II Commemoration Committee established by the Department of Defense shall submit to the Secretary of Defense a report on the reimbursement of a person for expenses incurred by that person in providing voluntary support for activities and programs conducted under the commemoration program referred to in section 378(a) of such Act. The report shall include the recommendations of the Committee on whether such reimbursement is appropriate, and if so, the extent of the reimbursement and the conditions upon which it should be provided.

(2) Not later than 45 days after receiving the report referred to in paragraph (1), the Secretary of Defense shall submit the report to the Committees on Armed Services of the Senate and House of Representatives together with any comments of the Secretary regarding that report.

SEC. 383. ASSISTANCE TO RED CROSS FOR EMERGENCY COMMUNICATIONS SERVICES FOR MEMBERS OF THE ARMED FORCES AND THEIR FAMILIES.

(a) ASSISTANCE.—The following amounts shall be available for obtaining emergency communications services for members of the Armed Forces and their families from the American National Red Cross:

(1) For fiscal year 1995, \$14,500,000 of the amount authorized to be appropriated in section 301(5).

(2) For each of fiscal years 1996 and 1997, \$14,500,000 of the amount authorized to be appropriated for the Department of Defense for that fiscal year for operation and maintenance for Defense-wide activities.

(b) REPORT.—Not later than November 30 in each of 1994, 1995, and 1996, the Secretary of Defense shall submit to Congress a report on whether it is necessary for the Department of Defense to support the emergency communications services of the American National Red Cross in order to provide such services for members of the Armed Forces and their families. The report shall include the following:

(1) An estimate of the amount of funds necessary to provide such support.

(2) A projection of the date upon which the American National Red Cross can assume full financial responsibility for providing such emergency communications services.

(3) An assessment of the alternatives available to the Secretary for obtaining such emergency communications services, including the provision of such services by the Department of Defense.

SEC. 384. CLARIFICATION OF AUTHORITY TO PROVIDE MEDICAL TRANSPORTATION UNDER NATIONAL GUARD PILOT PROGRAM.

Paragraph (1) of section 376(h) of the National Defense Authorization Act for Fiscal Year 1993 (32 U.S.C. 501 note) is amended to read as follows:

"(1) The term 'health care' includes the following services:

"(A) Medical care services.

"(B) Dental care services.

"(C) Transportation, by air ambulance or other means, for medical reasons."

SEC. 385. NATIONAL GUARD ASSISTANCE FOR CERTAIN YOUTH AND CHARITABLE ORGANIZATIONS.

(a) AUTHORITY TO PROVIDE ASSISTANCE.—Chapter 5 of title 32, United States Code, is amended by adding at the end the following:

"§508. Assistance for certain youth and charitable organizations

"(a) AUTHORITY TO PROVIDE SERVICES.—Members and units of the National Guard may

provide the services described in subsection (b) to an eligible organization in conjunction with training required under this chapter in any case in which—

"(1) the provision of such services does not adversely affect the quality of that training or otherwise interfere with the ability of a member or unit of the National Guard to perform the military functions of the member or unit;

"(2) the services to be provided are not commercially available, or any commercial entity that would otherwise provide such services has approved, in writing, the provision of such services by the National Guard;

"(3) National Guard personnel will enhance their military skills as a result of providing such services; and

"(4) the provision of the services will not result in a significant increase in the cost of the training.

"(b) AUTHORIZED SERVICES.—The services authorized to be provided under subsection (a) are as follows:

"(1) Ground transportation.

"(2) Air transportation in support of Special Olympics.

"(3) Administrative support services.

"(4) Technical training services.

"(5) Emergency medical assistance and services.

"(6) Communications services.

"(c) OTHER AUTHORIZED ASSISTANCE.—Facilities and equipment of the National Guard, including military property of the United States issued to the National Guard and General Services Administration vehicles leased to the National Guard, and General Services Administration vehicles leased to the Department of Defense, may be used in connection with providing services to any eligible organization under this section.

"(d) ELIGIBLE ORGANIZATIONS.—The organizations eligible to receive services under this section are as follows:

"(1) The Boy Scouts of America.

"(2) The Girl Scouts of America.

"(3) The Boys Clubs of America.

"(4) The Girls Clubs of America.

"(5) The Young Men's Christian Association.

"(6) The Young Women's Christian Association.

"(7) The Civil Air Patrol.

"(8) The United States Olympic Committee.

"(9) The Special Olympics.

"(10) The Campfire Boys.

"(11) The Campfire Girls.

"(12) The 4-H Club.

"(13) The Police Athletic League.

"(14) Any other youth or charitable organization designated 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:

"508. Assistance for certain youth and charitable organizations."

SEC. 386. 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 on December 5, 1994" and inserting in lieu thereof "terminate on December 5, 1995".

(2) Section 343(e) of such Act is amended by striking out "February 3, 1995" and inserting in lieu thereof "February 3, 1996".

(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, 1994" and inserting in lieu thereof "September 30, 1995".

(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, 1994" and inserting in lieu thereof "September 30, 1995".

SEC. 387. PROCUREMENT OF PORTABLE VENTILATORS FOR THE DEFENSE MEDICAL FACILITY OFFICE, FORT DETRICK, MARYLAND.

Of the funds authorized to be appropriated by section 301(5), \$2,500,000 shall be available for the procurement of portable ventilators for the Defense Medical Facility Office, Fort Detrick, Maryland.

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, 1995, as follows:

- (1) The Army, 510,000.
- (2) The Navy, 441,641.
- (3) The Marine Corps, 174,000.
- (4) The Air Force, 400,051.

SEC. 402. TEMPORARY VARIATION OF END STRENGTH LIMITATIONS FOR ARMY 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 1995 through 1997, the numbers applicable to officers of the Army 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 1995 THROUGH 1997.**—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
1995	12,603	8,506
1996	12,870	8,646
1997	12,870	8,646

SEC. 403. EXTENSION OF TEMPORARY VARIATION OF END STRENGTH LIMITATIONS FOR MARINE CORPS MAJORS AND LIEUTENANT COLONELS.

(a) **EXTENSION OF AUTHORITY.**—Subsection (a) of section 402 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1639; 10 U.S.C. 523 note) is amended by striking out "and 1995" and inserting in lieu thereof "through 1997".

(b) **LIMITATION.**—The table in subsection (b) of such section is amended to read 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
1996	3,157	1,634
1997	3,157	1,634

(c) **CLERICAL AMENDMENT.**—The caption of subsection (b) of such section is amended by striking out "AND 1995.—" and inserting in lieu thereof "THROUGH 1997.—".

SEC. 404. INCREASE IN AUTHORIZED STRENGTH FOR MARINE CORPS GENERAL OFFICERS ON ACTIVE DUTY AFTER FISCAL YEAR 1995.

Section 526(a)(4) of title 10, United States Code, is amended by striking out "before October 1, 1995," and all that follows through "that date".

SEC. 405. MANAGEMENT OF SENIOR GENERAL AND FLAG OFFICER POSITIONS.

(a) **IN GENERAL.**—Section 525(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(5)(A) An officer while serving in a position specified in section 604(b) of this title, if serving in the grade of general or admiral, is in addition to the number that would otherwise be permitted for that officer's armed force for officers serving on active duty in grades above major general or rear admiral, as the case may be, under the first sentence of paragraph (1) or (2), as applicable.

"(B) Subparagraph (A) does not apply in the case of an officer serving in such a position if the Secretary of Defense, when considering officers for recommendation to the President for appointment to fill the vacancy in that position which was filled by that officer, did not have a recommendation for that appointment from each Secretary of a military department who (pursuant to section 604(a) of this title) was required to make such a recommendation.

"(C) This paragraph shall cease to be effective at the end of September 30, 1997."

(b) **LIMITATION ON NUMBER OF 4-STAR POSITIONS.**—(1) Chapter 32 of such title is amended by adding at the end the following new section:

"§528. Limitation on number of officers on active duty in grades of general and admiral"

"(a) **LIMITATION.**—The total number of officers on active duty after September 30, 1995, in the Army, Air Force, and Marine Corps in the grade of general and in the Navy in the grade of admiral may not exceed 32.

"(b) **EXCEPTIONS.**—The limitation in subsection (a) does not apply in the case of an officer serving in the grade of general or admiral in a position that is specifically exempted by law from being counted for purposes of limitations by law on the total number of officers that may be on active duty in the grades of general and admiral or the number of officers that may be on active duty in that officer's armed force in the grade of general or admiral."

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"528: Limitation on number of officers on active duty in grades of general and admiral."

(c) **GREATER SERVICE COMPETITION FOR JOINT 4-STAR POSITIONS.**—(1) Chapter 35 of such title is amended by adding at the end the following new section:

"§604. Senior joint officer positions; recommendations to the Secretary of Defense"

"(a) **JOINT 4-STAR OFFICER POSITIONS.**—(1) Whenever a vacancy occurs, or is anticipated to occur, in a position specified in subsection (b)—

"(A) the Secretary of Defense shall require the Secretary of the Army to submit the name of at least one Army officer, the Secretary of the Navy to submit the name of at least one Navy officer and the name of at least one Marine Corps officer, and the Secretary of the Air Force to submit the name of at least one Air Force officer for consideration by the Secretary for recommendation to the President for appointment to that position; and

"(B) the Chairman of the Joint Chiefs of Staff may submit to the Secretary of Defense the name of one or more officers (in addition to the officers whose names are submitted pursuant to subparagraph (A)) for consideration by the Sec-

retary for recommendation to the President for appointment to that position.

"(2) Whenever the Secretaries of the military departments are required to submit the names of officers under paragraph (1)(A), the Chairman of the Joint Chiefs of Staff shall submit to the Secretary of Defense the Chairman's evaluation of the performance of each officer whose name is submitted under that paragraph (and of any officer whose name the Chairman submits to the Secretary under paragraph (1)(B) for consideration for the same vacancy). The Chairman's evaluation shall primarily consider the performance of the officer as a member of the Joint Staff and in other joint duty assignments, but may include consideration of other aspects of the officer's performance as the Chairman considers appropriate.

"(b) **COVERED POSITIONS.**—Subsection (a) applies to the following positions:

- "(1) Commander of a combatant command.
- "(2) Commander, United States Forces, Korea.
- "(3) Deputy commander, United States European Command, but only if the commander of that command is also the Supreme Allied Commander, Europe.

"(c) **EXPIRATION.**—This section shall cease to be effective at the end of September 30, 1997."

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"604. Senior joint officer positions; recommendations to the Secretary of Defense."

(d) **REPORT.**—Not later than March 1, 1996, the Secretary of Defense shall submit to Congress a report on the implementation of the amendments made by this section. The report shall include an assessment of the effectiveness of those amendments in meeting the objective of encouraging more competition among all services for appointment of officers to joint three-star and four-star positions. The report may include such additional recommendations concerning general and flag officer selection policy as the Secretary considers appropriate.

SEC. 406. TEMPORARY EXCLUSION OF SUPERINTENDENT OF NAVAL ACADEMY FROM COUNTING TOWARD NUMBER OF SENIOR ADMIRALS AUTHORIZED TO BE ON ACTIVE DUTY.

The officer serving as Superintendent of the United States Naval Academy on the date of the enactment of this Act, while so serving, shall not be counted for purposes of the limitations contained in section 525(b)(2) of title 10, United States Code.

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, 1995, as follows:

- (1) The Army National Guard of the United States, 400,000.
- (2) The Army Reserve, 242,000.
- (3) The Naval Reserve, 102,960
- (4) The Marine Corps Reserve, 42,000.
- (5) The Air National Guard of the United States, 115,581.
- (6) The Air Force Reserve, 78,706.
- (7) The Coast Guard Reserve, 8,000.

(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, 1995, 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, 23,650.
- (2) The Army Reserve, 11,940.
- (3) The Naval Reserve, 17,510.
- (4) The Marine Corps Reserve, 2,285.
- (5) The Air National Guard of the United States, 9,098.
- (6) The Air Force Reserve, 648.

SEC. 413. DELAY IN INCREASE IN NUMBER OF ACTIVE COMPONENT MEMBERS TO BE ASSIGNED FOR TRAINING COMPATIBILITY WITH GUARD UNITS.

Section 414(c) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (10 U.S.C. 261 note) is amended by striking out "September 30, 1994" and inserting in lieu thereof "September 30, 1996".

Subtitle C—Military Training Student Loads

SEC. 421. AUTHORIZATION OF TRAINING STUDENT LOADS.

(a) IN GENERAL.—For fiscal year 1995, the Armed Forces are authorized average military training student loads as follows:

- (1) The Army, 69,420.
- (2) The Navy, 43,064.
- (3) The Marine Corps, 25,377.
- (4) The Air Force, 36,840.

(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 1995 a total of \$70,938,597,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 1995.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

SEC. 501. CONSISTENCY OF WARRANT OFFICER PERSONNEL MANAGEMENT POLICIES WITH POLICIES APPLICABLE TO OTHER OFFICERS.

(a) EXCEPTION FROM MANDATORY CONSIDERATION BY PROMOTION BOARD.—Section 575(d) of title 10, United States Code, is amended by inserting "(except for a warrant officer precluded

from consideration under regulations prescribed by the Secretary concerned under section 577 of this title)" after "under consideration".

(b) SECRETARIAL SUBMISSION OF PROMOTION BOARD REPORT.—Section 576(f)(1) of such title is amended by striking out the second sentence.

(c) CERTAIN PROMOTION FORMALITIES DEEMED COMPLETED.—Section 578 of such title is amended by adding at the end the following new subsections:

"(e) A warrant officer who is appointed to a higher grade under this section is considered to have accepted such appointment on the date on which the appointment is made unless the officer expressly declines the appointment.

"(f) A warrant officer who has served continuously as an officer since subscribing to the oath of office prescribed in section 3331 of title 5 is not required to take a new oath upon appointment to a higher grade under this section."

(d) CLARIFICATION OF WARRANT OFFICERS SUBJECT TO WOMA AUTHORITIES.—Section 582(2) of such title is amended by inserting before the period at the end the following: "(other than retired warrant officers who were recalled to active duty before February 1, 1992, and have served continuously on active duty since that date)".

SEC. 502. AUTHORITY FOR ORIGINAL REGULAR APPOINTMENTS OF NAVY AND MARINE CORPS LIMITED DUTY OFFICERS SERVING IN GRADES ABOVE PAY GRADE O-3 UNDER TEMPORARY APPOINTMENTS.

Section 5589 of title 10, United States Code, is 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)(1) An officer described in paragraph (2) may be given an original appointment as a regular officer of the Navy or the Marine Corps, as the case may be, in the grade, and with the date of rank in that grade, in which the officer is serving on the day before such original appointment.

"(2) This subsection applies to an officer of the Navy and Marine Corps who—

"(A) is on the active-duty list;

"(B) holds a permanent enlisted or warrant officer grade;

"(C) is designated for limited duty under subsection (a) of section 5596 of this title; and

"(D) is serving in the grade of lieutenant commander or commander, or in the grade of major or lieutenant colonel, under a temporary appointment under subsection (d) of section 5596 of this title."

SEC. 503. NAVY AND MARINE CORPS LIMITED DUTY OFFICERS TWICE HAVING FAILED OF SELECTION FOR PROMOTION.

(a) TREATMENT OF LDOS TWICE HAVING FAILED OF SELECTION.—Section 6383 of title 10, United States Code, is amended—

(1) by redesignating subsections (g), (h), (i), and (j) as subsections (i), (j), (k), and (l), respectively; and

(2) by striking out subsection (f) and inserting in lieu thereof the following:

"(f) 18-YEAR RETIREMENT SANCTUARY.—If an officer subject to discharge under subsection (b), (d), or (e) is (as of the date on which the officer is to be discharged) not eligible for retirement under any provision of law but is within two years of qualifying for retirement under section 6323 of this title, the officer shall be retained on active duty as an officer designated for limited duty until becoming qualified for retirement under that section and shall then be retired under that section, unless the officer is sooner retired or discharged under another provision of

law or the officer reverts to a warrant officer grade pursuant to subsection (h).

"(g) REENLISTMENT FOR LDOS APPOINTED FROM ENLISTED GRADES.—(1) An officer subject to discharge under subsection (b), (d), or (e) who is described in paragraph (2) may, upon the officer's request and in the discretion of the Secretary of the Navy, be enlisted in a grade prescribed by the Secretary upon the officer's discharge pursuant to such subsection.

"(2) An officer described in this paragraph is an officer who—

"(A) is not eligible for retirement under any provision of law;

"(B) is not covered by subsection (f); and

"(C) was in an enlisted grade when first appointed as an officer designated for limited duty.

"(h) REVERSION TO WARRANT OFFICER GRADE FOR LDOS APPOINTED FROM WARRANT OFFICER GRADES.—An officer subject to discharge under subsection (b), (d), or (e) (including an officer otherwise subject to retention under subsection (f)) who is not eligible for retirement under any provision of law and who had the permanent status of a warrant officer when first appointed as an officer designated for limited duty may, at the officer's option, revert to the warrant officer grade and status that the officer would hold if the officer had not been appointed as an officer designated for limited duty."

(b) CLARIFICATION OF OFFICERS SUBJECT TO SELECTIVE RETENTION.—Subsection (k) of such section (as redesignated by subsection (a)(1)) is amended by striking out "or the discharge under subsection (d)" in the first sentence and inserting in lieu thereof "or the discharge under subsection (b) or (d)".

(c) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (a) by striking out "Except as provided in subsection (i)," each place it appears and inserting in lieu thereof "Except as provided in subsection (k)."; and

(2) in subsections (b) and (d), by striking out "Except as provided in subsection (i)," and inserting in lieu thereof "Except as provided in subsections (f) and (k)."

(d) SUBSECTION HEADINGS.—Such section is further amended as follows:

(1) Subsection (a) is amended by striking out "(a)(1)" and inserting in lieu thereof "(a) MANDATORY RETIREMENT.—(1)".

(2) Subsection (b) is amended by inserting "LIEUTENANT COMMANDERS AND MAJORS WHO TWICE FAIL OF SELECTION FOR PROMOTION.—" after "(b)".

(3) Subsection (c) is amended by inserting "RETIRED GRADE AND RETIRED PAY.—" after "(c)".

(4) Subsection (d) is amended by inserting "NAVY LIEUTENANTS AND MARINE CORPS CAPTAINS WHO TWICE FAIL OF SELECTION FOR PROMOTION.—" after "(d)".

(5) Subsection (e) is amended by striking out "(e)(1)" and inserting in lieu thereof "(e) OFFICERS IN PAY GRADES O-2 AND O-1 WHO TWICE FAIL OF SELECTION FOR PROMOTION OR ARE FOUND NOT QUALIFIED FOR PROMOTION.—(1)".

(6) Subsection (i) (as redesignated by subsection (a)(1)) is amended by inserting "DETERMINATION OF GRADE AND STATUS OF OFFICERS REVERTING TO PRIOR STATUS.—" after "(i)".

(7) Subsection (j) (as redesignated by subsection (a)(1)) is amended by inserting "SEPARATION PAY FOR OFFICERS DISCHARGED.—" after "(j)".

(8) Subsection (k) (as redesignated by subsection (a)(1)) is amended by inserting "SELECTIVE RETENTION BOARDS FOR LDOS.—" after "(k)".

(9) Subsection (l) (as redesignated by subsection (a)(1)) is amended by inserting "APPLICABILITY OF SECTION ONLY TO PERMANENT LDOS.—" after "(l)".

SEC. 504. SELECTION FOR DESIGNATED JUDGE ADVOCATE GENERAL AND FLAG OFFICER POSITIONS.

(a) ARMY.—Section 3037 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(d) Under regulations prescribed by the Secretary of Defense, the Secretary of the Army, in selecting an officer for recommendation to the President under subsection (a) for appointment as the Judge Advocate General or Assistant Judge Advocate General, shall ensure that the officer selected is recommended by a board of officers that, insofar as practicable, is subject to the procedures applicable to selection boards convened under chapter 36 of this title.”

(b) NAVY AND MARINE CORPS.—(1) Section 5148 of such title is amended—

(A) in subsection (b), by striking out the last sentence and inserting in lieu thereof the following: “If an officer appointed as the Judge Advocate General holds a lower regular grade, the officer shall be appointed in the regular grade of rear admiral or major general, as appropriate.”; and

(B) by striking out subsection (c) and inserting in lieu thereof the following:

“(c) Under regulations prescribed by the Secretary of Defense, the Secretary of the Navy, in selecting an officer for recommendation to the President for appointment as the Judge Advocate General, shall ensure that the officer selected is recommended by a board of officers that, insofar as practicable, is subject to the procedures applicable to selection boards convened under chapter 36 of this title.”

(2) Section 5149(a) of such title is amended—

(A) by inserting “(1)” after “(a)”;

(B) by striking out the second and third sentences and inserting in lieu thereof the following: “If an officer appointed as the Deputy Judge Advocate General holds a lower regular grade, the officer shall be appointed in the regular grade of rear admiral or major general, as appropriate.”; and

(C) by adding at the end the following:

“(2) Under regulations prescribed by the Secretary of Defense, the Secretary of the Navy, in selecting an officer for recommendation to the President for appointment as the Deputy Judge Advocate General, shall ensure that the officer selected is recommended by a board of officers that, insofar as practicable, is subject to the procedures applicable to selection boards convened under chapter 36 of this title.”

(3) Section 5133 of such title is amended—

(A) in subsection (a)—

(i) by striking out “or the Judge Advocate General” in the first sentence; and

(ii) by striking out the second sentence; and

(B) in the first sentence of subsection (b)—

(i) by striking out “or the Judge Advocate General” both places it appears; and

(ii) by striking out “or major general, as appropriate”.

(4) Section 5046 of such title—

(A) in subsection (a), by striking out the second sentence and inserting in lieu thereof the following: “If an officer appointed as the Staff Judge Advocate to the Commandant of the Marine Corps holds a lower regular grade, the officer shall be appointed in the regular grade of brigadier general.”; and

(B) by striking out subsection (b) and inserting in lieu thereof the following:

“(b) Under regulations prescribed by the Secretary of Defense, the Secretary of the Navy, in selecting an officer for recommendation to the President for appointment as the Staff Judge Advocate to the Commandant of the Marine Corps, shall ensure that the officer selected is recommended by a board of officers that, insofar as practicable, is subject to the procedures applicable to selection boards convened under chapter 36 of this title.”

(5) The heading of section 5133, and the item relating to that section in the table of sections at the beginning of chapter 513 of such title, are each amended by striking out the third through sixth words.

(c) AIR FORCE.—Section 8037 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(e) Under regulations prescribed by the Secretary of Defense, the Secretary of the Air Force, in selecting an officer for recommendation to the President under subsection (a) for appointment as the Judge Advocate General or under subsection (d) for appointment as the Deputy Judge Advocate General, shall ensure that the officer selected is recommended by a board of officers that, insofar as practicable, is subject to the procedures applicable to selection boards convened under chapter 36 of this title.”

Subtitle B—Reserve Component Matters**SEC. 511. INCREASED PERIOD OF ACTIVE DUTY FOR RESERVE FORCES MOBILIZED OTHER THAN DURING WAR OR NATIONAL EMERGENCY.**

(a) REVISION TO PERIOD OF ACTIVE DUTY.—Section 673b of title 10, United States Code, is amended—

(1) in subsection (a), by striking out “90 days” and inserting in lieu thereof “270 days”; and

(2) by striking out subsection (i).

(b) REPORT REQUIRED.—(1) Not later than April 1, 1995, the Secretary of Defense shall submit to the congressional defense committees a report on the desirability of increasing the authority of the President to order units and members of the reserve components to active duty without the consent of the members concerned.

(2) The report shall include the following:

(A) An analysis of options for increased presidential authority.

(B) An assessment of the effects of each option on recruiting, retention, employer support for the reserve components, and the families of members of the reserve components.

(C) Programs that the Secretary recommends to mitigate any negative effects.

(D) Any option that the Secretary recommends.

(E) Any proposed legislation that the Secretary considers necessary to implement any recommended option.

SEC. 512. RESERVE GENERAL AND FLAG OFFICERS ON ACTIVE DUTY.

Section 526 of title 10, United States Code, is amended by adding at the end the following new subsections:

“(d) NOTICE TO CONGRESS UPON CHANGE IN GRADE FOR CERTAIN POSITIONS.—(1) Not later than 60 days before an action specified in paragraph (2) may become effective, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report providing notice of the intended action and an analytically based justification for the intended action.

“(2) Paragraph (1) applies in the case of the following actions:

“(A) A change in the grade authorized as of July 1, 1994, for a general officer position in the National Guard Bureau, a general or flag officer position in the Office of a Chief of a reserve component, or a general or flag officer position in the headquarters of a reserve component command.

“(B) Assignment of a reserve component officer to a general officer position in the the National Guard Bureau, to a general or flag officer position in the Office of a Chief of a reserve component, or a general or flag officer position in the headquarters of a reserve component command in a grade other than the grade authorized for that position as of July 1, 1994.

“(C) Assignment of an officer other than a general or flag officer as the military executive to the Reserve Forces Policy Board.

“(e) EXCLUSION OF CERTAIN OFFICERS.—The limitations of this section do not apply to a reserve component general or flag officer who is on active duty for training or who is on active duty under a call or order specifying a period of less than 180 days.”

SEC. 513. REVIEW OF OPPORTUNITIES FOR ORDERING INDIVIDUAL RESERVES TO ACTIVE DUTY WITH THEIR CONSENT.

(a) REVIEW REQUIRED.—The Secretary of Defense shall—

(1) review the opportunities for individual members of the reserve components of the Armed Forces to be ordered to active duty, with the consent of the members concerned, during peacetime in positions traditionally filled by active duty personnel; and

(2) identify and remove any impediments, in regulations or other administrative rules, to increasing those opportunities.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the results of the review. The report shall contain—

(1) a plan for increasing the opportunities for individual members of the reserve components of the Armed Forces to be ordered to active duty, with the consent of the members concerned, during peacetime in positions traditionally filled by active duty personnel; and

(2) a draft of any additional legislation that the Secretary considers necessary in order to increase those opportunities.

SEC. 514. DEFINITION OF ACTIVE GUARD AND RESERVE DUTY.

Section 101(d) of title 10, United States Code, is amended—

(1) by redesignating paragraph (6) as paragraph (7); and

(2) by inserting after paragraph (5) the following new paragraph (6):

“(6)(A) The term ‘active Guard and Reserve duty’ means active duty or full-time National Guard duty performed by a member of a reserve component of the Army, Navy, Air Force, or Marine Corps, or full-time National Guard duty performed by a member of the National Guard, pursuant to an order to active duty or full-time National Guard duty for a period of 180 consecutive days or more for the purpose of organizing, administering, recruiting, instructing, or training the reserve components.

“(B) Such term does not include the following:

“(i) Duty performed as a member of the Reserve Forces Policy Board provided for under section 175 of this title.

“(ii) Duty performed as a property and fiscal officer under section 708 of title 32.

“(iii) Duty performed for the purpose of interdiction and counter-drug activities for which funds have been provided under section 112 of title 32.

“(iv) Duty performed as a general or flag officer.

“(v) Service as a State director of the Selective Service System under section 10(b)(2) of the Military Selective Service Act (50 U.S.C. App. 460(b)(2)).”

SEC. 515. REPEAL OF OBSOLETE PROVISIONS PERTAINING TO TRANSFER OF RETIRED REGULAR ENLISTED MEMBERS TO RESERVE COMPONENTS.

(a) ARMY.—Section 3914 of title 10, United States Code, is amended by striking out the second and third sentences.

(b) AIR FORCE.—Section 8914 of such title is amended by striking out the second and third sentences.

SEC. 516. SEMIANNUAL REPORT ON SEPARATIONS OF ACTIVE ARMY OFFICERS.

Section 1111 of the Army National Guard Combat Readiness Reform Act of 1992 (title XI of

Public Law 102-484; 106 Stat. 2536) is amended by adding at the end the following new subsection:

"(e) **LIST OF CERTAIN SEPARATED OFFICERS.**—On a semiannual basis, the Secretary of the Army shall furnish to the Chief of the National Guard Bureau a list containing the name, home of record, and last-known mailing address of each officer of the Army who during the previous six months was honorably separated from active duty in the grade of major or below."

SEC. 517. EARLY RESERVE RETIREMENT ELIGIBILITY FOR DISABLED MEMBERS OF SELECTED RESERVE.

Section 1331a(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3) Notwithstanding the provisions of section 4415(2) of the Defense Conversion Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102-484; 106 Stat. 2714), the Secretary concerned may, consistent with the other provisions of this section, provide the notification required by section 1331(d) of this title to a member who no longer meets the qualifications for membership in the Selected Reserve solely because the member is unfit because of physical disability. Such notification may not be made if the disability is the result of the member's intentional misconduct, willful neglect, or willful failure to comply with standards and qualifications for retention established by the Secretary concerned or was incurred during a period of unauthorized absence."

SEC. 518. ANNUAL PAYMENTS FOR MEMBERS RETIRED UNDER GUARD AND RESERVE TRANSITION INITIATIVE.

(a) **ANNUAL PAYMENT FOR ONE TO FIVE YEARS.**—Subsection (d) of section 4416 of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102-484; 10 U.S.C. 1162 note) is amended—

(1) by striking out "for 5 years" and inserting in lieu thereof "for a period of years prescribed by the Secretary concerned";

(2) by striking out "the 5-year period" and inserting in lieu thereof "that period"; and

(3) by adding at the end the following: "A period prescribed for purposes of this subsection may not be less than one year nor more than five years."

(b) **COMPUTATION OF ANNUAL PAYMENT.**—Subsection (e) of such section is amended by adding at the end the following:

"(3) In the case of a member who will attain 60 years of age during the 12-month period following the date on which an annual payment is due, the payment shall be paid on a prorated basis of one-twelfth of the annual payment for each full month between the date on which the payment is due and the date on which the member attains age 60."

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply only to payments to a member of the Armed Forces under subsection (b) of section 4416 of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102-484) that are granted by the Secretary of Defense to that member after the date of the enactment of this Act.

SEC. 519. EDUCATIONAL REQUIREMENTS FOR APPOINTMENT IN RESERVE COMPONENTS IN GRADES ABOVE FIRST LIEUTENANT OR LIEUTENANT (JUNIOR GRADE).

Section 596 of title 10, United States Code, is amended—

(1) in subsection (a), by striking out "an accredited educational institution" and inserting in lieu thereof "a qualifying educational institution"; and

(2) by adding at the end the following new subsection:

"(c) **QUALIFYING EDUCATIONAL INSTITUTIONS.**—(1) A qualifying educational institution

for purposes of this section is an educational institution that is accredited or that meets the requirements of paragraph (2).

"(2)(A) An unaccredited educational institution shall be considered to be a qualifying educational institution for purposes of the appointment or recognition of a person who is a graduate of that institution if the Secretary concerned determines that (as of the year of the graduation of that person from that institution) at least three educational institutions that are accredited and that maintain Reserve Officers' Training Corps programs each generally grant baccalaureate degree credit for completion of courses of the unaccredited institution equivalent to the baccalaureate degree credit granted by the unaccredited institution for the completion of those courses.

"(B) In order to assist the Secretary concerned in making determinations under subparagraph (A), any unaccredited institution that seeks to be considered to be a qualifying educational institution for purposes of this paragraph shall submit to the Secretary of Defense each year such information as the Secretary may require concerning the program of instruction at that institution.

"(C) In the case of a person with a degree from an unaccredited institution that is a qualifying educational institution under this paragraph, the degree may not have been awarded more than three years before the date on which the person is to be appointed to, or recognized in, the grade of captain or, in the case of the Naval Reserve, lieutenant, in order for that person to be considered for purposes of subsection (a) to have been awarded a baccalaureate degree by a qualifying educational institution."

SEC. 520. LIMITED EXCEPTION FOR ALASKA SCOUT OFFICERS FROM BACCALAUREATE DEGREE REQUIREMENT FOR APPOINTMENT AS OFFICER IN NATIONAL GUARD ABOVE FIRST LIEUTENANT.

(a) **IN GENERAL.**—Subsection (b) of section 596 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(5) Recognition in the grade of captain or major in the Alaska Army National Guard of a person who resides permanently at a location in Alaska that is more than 50 miles from each of the cities of Anchorage, Fairbanks, and Juneau, Alaska, by paved road and who is serving in a Scout unit or a Scout supporting unit."

(b) **CONFORMING STYLISTIC AMENDMENTS.**—Such subsection is further amended by striking out "an individual" in paragraphs (2) and (3) and inserting in lieu thereof "a person".

SEC. 521. SENSE OF CONGRESS CONCERNING THE TRAINING AND MODERNIZATION OF THE RESERVE COMPONENTS.

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

(1) The force structure specified in the report resulting from the Bottom Up Review conducted by the Department of Defense during 1993 assumes increased reliance on the reserve components of the Armed Forces.

(2) The mobilization of the reserve components for the Persian Gulf War was handicapped by shortfalls in training, readiness, and equipment.

(3) The mobilization of the Army reserve components for the Persian Gulf War was handicapped by lack of a standard readiness evaluation system, which resulted in a lengthy reevaluation of training and equipment readiness of Army National Guard and Army Reserve units before they could be deployed.

(4) Funding and scheduling constraints continue to limit the opportunity for combat units of the Army National Guard to carry out adequate maneuver training.

(5) Funding constraints continue to handicap the readiness and modernization of the reserve components and their interoperability with the active forces.

(b) **STANDARD EVALUATION SYSTEM.**—It is the sense of Congress that the Secretary of Defense, with the advice and assistance of the Chairman of the Joint Chiefs of Staff, should establish—

(1) a standard readiness evaluation system that is uniform for all forces within each military service; and

(2) a standard readiness rating system that is uniform for the military departments.

(c) **MILITARY DEPARTMENT BUDGETS.**—It is the sense of Congress that the Secretary of Defense should assess the budget submission of each military department each year to determine (taking into consideration the advice of the Chairman of the Joint Chiefs of Staff) the extent to which National Guard and reserve units would, under that budget submission, be trained and modernized to the standards needed for them to carry out the full range of missions required of them under current Department of Defense plans. Based upon such assessment each year, the Secretary should adjust the budget submissions of the military departments as necessary in order to meet the priorities established by the Secretary of Defense for the total force.

Subtitle C—Victims' Rights, Family Advocacy, and Nondiscrimination Provisions

SEC. 531. PROHIBITION OF RETALIATORY ACTIONS AGAINST MEMBERS OF THE ARMED FORCES MAKING ALLEGATIONS OF SEXUAL HARASSMENT OR UNLAWFUL DISCRIMINATION.

(a) **IN GENERAL.**—Subsection (b) of section 1034 of title 10, United States Code, is amended—

(1) by inserting "(1)" before "No person may take";

(2) by designating the second sentence as paragraph (2) and in that sentence striking out "the preceding sentence" and inserting in lieu thereof "paragraph (1)"; and

(3) in the first sentence, by striking out "or preparing" and all that follows through "may not be restricted." and inserting in lieu thereof the following: "or preparing—

"(A) a communication to a Member of Congress or an Inspector General that (under subsection (a)) may not be restricted; or

"(B) a communication that is described in subsection (c)(2) and that is made (or prepared to be made) to—

"(i) a Member of Congress;

"(ii) an Inspector General (as defined in subsection (f));

"(iii) a member of a Department of Defense audit, inspection, investigation, or law enforcement organization; or

"(iv) any other person or organization (including any person or organization in the chain of command) designated pursuant to regulations or other established administrative procedures for such communications."

(b) **INSPECTOR GENERAL INVESTIGATION OF ALLEGATIONS OF PROHIBITED PERSONNEL ACTIONS.**—Subsection (c) of such section is amended—

(1) by adding at the end of paragraph (1) the following new sentence: "If, in the case of an allegation submitted to the Inspector General of the Department of Defense, the Inspector General delegates the conduct of the investigation of the allegation to the inspector general of one of the armed forces, the Inspector General of the Department of Defense shall ensure that the inspector general conducting the investigation is outside the immediate chain of command of both the member submitting the allegation and the individual or individuals alleged to have taken the retaliatory action.";

(2) by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) A communication described in this paragraph is a communication in which a member of the armed forces complains of, or discloses information that the member reasonably believes constitutes evidence of, any of the following:

"(A) A violation of law or regulation, including a law or regulation prohibiting sexual harassment or unlawful discrimination.

"(B) Mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety."; and

(3) in the subsection heading, by striking out "CERTAIN ALLEGATIONS" and inserting in lieu thereof "ALLEGATIONS OF PROHIBITED PERSONNEL ACTIONS".

(c) INSPECTOR GENERAL INVESTIGATION OF ALLEGATIONS OF WRONGDOING.—Such section is further amended—

(1) by redesignating subsections (d), (e), (f), (g), and (h) as subsections (f), (g), (h), (i), and (j), respectively; and

(2) by striking out paragraph (4) of subsection (c) and inserting in lieu thereof the following:

"(d) INSPECTOR GENERAL INVESTIGATION OF UNDERLYING ALLEGATIONS.—Upon receiving an allegation under subsection (c), the Inspector General shall conduct a separate investigation of the information that the member making the allegation believes constitutes evidence of wrongdoing (as described in subparagraph (A) or (B) of subsection (c)(2)) if there previously has not been such an investigation or if the Inspector General determines that the original investigation was biased or otherwise inadequate."

(d) REPORTS ON INVESTIGATIONS.—Such section is further amended—

(1) by striking out "(5) Not later than 30 days" and inserting in lieu thereof "(e) REPORTS ON INVESTIGATIONS.—(1) Not later than 30 days";

(2) in the paragraph redesignated by paragraph (1)—

(A) by striking out "this subsection" and inserting in lieu thereof "subsection (c) or (d)";

(B) by striking out "the member of the armed forces concerned" and inserting in lieu thereof "the member of the armed forces who made the allegation investigated"; and

(C) by striking out the second sentence;

(3) by inserting after the paragraph redesignated by paragraph (1) the following new paragraph:

"(2) In the copy of the report submitted to the member, the Inspector General shall ensure the maximum disclosure of information possible, with the exception of information that is not required to be disclosed under section 552 of title 5."

(4) by redesignating paragraphs (6) and (7) as paragraphs (3) and (4), respectively; and

(5) in paragraph (3), as so redesignated, by striking out "paragraph (5)" and inserting in lieu thereof "paragraph (1)".

(e) DEFINITION.—Subsection (j) of such section, as redesignated by subsection (c)(1), is amended by adding at the end the following new paragraph:

"(3) The term 'unlawful discrimination' means discrimination on the basis of race, color, religion, sex, or national origin."

(f) CROSS REFERENCE AMENDMENTS.—(1) Subsection (f) of such section, as redesignated by subsection (c)(1), is amended by striking out "subsection (c)(5)" in paragraphs (2)(A), (3)(A)(i), and (3)(B) and inserting in lieu thereof "subsection (e)(1)".

(2) Subsection (g) of such section, as redesignated by subsection (c)(1), is amended by striking out "subsection (d)" and inserting in lieu thereof "subsection (f)".

(g) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§1034. Protected communications; prohibition of retaliatory personnel actions"

(2) The table of sections at the beginning of chapter 53 of such title is amended to read as follows:

"1034. Protected communications; prohibition of retaliatory personnel actions."

(h) DEADLINE FOR REGULATIONS.—The Secretary of Defense and the Secretary of Transportation shall prescribe regulations to implement the amendments made by this section not later than 120 days after the date of the enactment of this Act.

(i) CONTENT OF REGULATIONS.—In prescribing regulations under section 1034 of title 10, United States Code, as amended by this section, the Secretary of Defense and the Secretary of Transportation shall provide for appropriate procedural protections for the subject of any investigation carried out under the provisions of that section, including a process for appeal and review of investigative findings.

SEC. 532. DEPARTMENT OF DEFENSE POLICIES AND PROCEDURES ON DISCRIMINATION AND SEXUAL HARASSMENT.

(a) REPORT OF TASK FORCE.—(1) The Department of Defense Task Force on Discrimination and Sexual Harassment, constituted by the Secretary of Defense on March 15, 1994, shall transmit a report of its findings and recommendations to the Secretary of Defense not later than October 1, 1994.

(2) The Secretary shall transmit to Congress the report of the task force not later than October 10, 1994.

(b) SECRETARIAL REVIEW.—Not later than 45 days after receiving the report under subsection (a), the Secretary shall—

(1) review the recommendations for action contained in the report;

(2) determine which recommendations the Secretary approves for implementation and which recommendations the Secretary disapproves; and

(3) submit to Congress a report that—

(A) identifies the approved recommendations and the disapproved recommendations; and

(B) explains the reasons for each such approval and disapproval.

(c) COMPREHENSIVE DOD POLICY.—(1) Based on the approved recommendations of the task force and such other factors as the Secretary considers appropriate, the Secretary shall develop a comprehensive Department of Defense policy for processing complaints of sexual harassment and discrimination involving members of the Armed Forces under the jurisdiction of the Secretary.

(2) The Secretary shall issue policy guidance for the implementation of the comprehensive policy and shall require the Secretaries of the military departments to prescribe regulations to implement that policy not later than March 1, 1995.

(3) The Secretary shall ensure that the policy is implemented uniformly by the military departments insofar as practicable.

(4) Not later than March 31, 1995, the Secretary of Defense shall submit to Congress a proposal for any legislation necessary to enhance the capability of the Department of Defense to address the issues of unlawful discrimination and sexual harassment.

(d) MILITARY DEPARTMENT POLICIES.—(1) The Secretary of the Navy and the Secretary of the Air Force shall review and revise the regulations of the Department of the Navy and the Department of the Air Force, respectively, relating to equal opportunity policy and procedures in that Department for the making of, and responding to, complaints of unlawful discrimination and sexual harassment in order to ensure that those regulations are substantially equivalent to the regulations of the Department of the Army on such matters.

(2) In revising regulations pursuant to paragraph (1), the Secretary of the Navy and the Secretary of the Air Force may make such additions and modifications as the Secretary of Defense determines appropriate to strengthen those regulations beyond the substantial equivalent of the Army regulations in accordance with—

(A) the approved recommendations of the Department of Defense Task Force on Discrimination and Sexual Harassment; and

(B) the experience of the Army, Navy, Air Force, and Marine Corps regarding equal opportunity cases.

(3) The Secretary of the Army shall review the regulations of the Department of the Army relating to equal opportunity policy and complaint procedures and revise the regulations as the Secretary of Defense considers appropriate to strengthen the regulations in accordance with the recommendations and experience described in subparagraphs (A) and (B) of paragraph (2).

(e) REPORT OF ADVISORY BOARD.—(1) The Secretary of Defense shall direct the Advisory Board on the Investigative Capability of the Department of Defense, established by the Secretary of Defense in November 1993, to include in its report to the Secretary (scheduled to be transmitted to the Secretary during December 1994)—

(A) the recommendations of the Advisory Board as to whether the current Department of Defense organizational structure is adequate to oversee all investigative matters related to unlawful discrimination, sexual harassment, and other misconduct related to the gender of the victim; and

(B) recommendations as to whether additional data collection and reporting procedures are needed to enhance the ability of the Department of Defense to respond to unlawful discrimination, sexual harassment, and other misconduct related to the gender of the victim.

(2) The Secretary shall transmit to Congress the report of the Advisory Board not later than 15 days after receiving the report.

(f) PERFORMANCE EVALUATION STANDARDS FOR MEMBERS OF THE ARMED FORCES.—The Secretary of Defense shall ensure that Department of Defense regulations governing consideration of equal opportunity matters in evaluations of the performance of members of the Armed Forces include provisions requiring as a factor in such evaluations consideration of a member's commitment to elimination of unlawful discrimination or of sexual harassment in the Armed Forces.

SEC. 533. ANNUAL REPORT ON PERSONNEL READINESS FACTORS BY RACE AND GENDER.

(a) REQUIRED ASSESSMENT.—The Secretary of Defense shall submit to Congress an annual report on trends in recruiting, retention, and personnel readiness.

(b) DATA TO BE COLLECTED.—Each annual report under subsection (a) shall include the following information with respect to the preceding fiscal year for the active components of each of the Armed Forces under the jurisdiction of the Secretary (as well as such additional information as the Secretary considers appropriate):

(1) The numbers of members of the Armed Forces temporarily and permanently nondeployable and rates of temporary and permanent nondeployability, displayed by cause of nondeployability, rank, and gender.

(2) The numbers and rates of complaints and allegations within the Armed Forces that involve gender and other unlawful discrimination and sexual harassment, and the rates of substantiation for those complaints and allegations.

(3) The numbers and rates of disciplinary proceedings, displayed (A) by offense or infraction committed, (B) by gender, rank, and race, and (C) by the categories specified in paragraph (2).

(4) The retention rates, by gender, rank, and race, with an analysis of factors influencing those rates.

(5) The propensity of persons to enlist, displayed by gender and race, with an analysis of the factors influencing those propensities.

(c) **SUBMISSION TO CONGRESS.**—The Secretary shall submit the report under this section for any fiscal year as part of the annual Department of Defense posture statement provided to Congress in connection with the Department of Defense budget request for that fiscal year.

(d) **INITIAL SUBMISSION.**—The first report under this section shall be submitted in connection with the Department of Defense budget request for fiscal year 1996 and shall include data, to the degree such data already exists, for fiscal years after fiscal year 1991.

SEC. 534. VICTIMS' ADVOCATES PROGRAMS IN DEPARTMENT OF DEFENSE.

(a) **ESTABLISHMENT.**—(1) The Secretary of Defense, acting through the Under Secretary of Defense for Personnel and Readiness, shall revise policies and regulations of the Department of Defense with respect to the programs of the Department of Defense specified in paragraph (2) in order to establish within each of the military departments a victims' advocates program.

(2) Programs of referred to in paragraph (1) are the following:

- (A) Victim and witness assistance programs.
- (B) Family advocacy programs.
- (C) Equal opportunity programs.

(3) In the case of the Department of the Navy, separate victims' advocates programs shall be established for the Navy and the Marine Corps.

(b) **PURPOSE.**—A victims' advocates program established pursuant to subsection (a) shall provide assistance described in subsection (d) to members of the Armed Forces and their dependents who are victims of any of the following:

- (1) Crime.
- (2) Intrafamilial sexual, physical, or emotional abuse.
- (3) Discrimination or harassment based on race, gender, ethnic background, national origin, or religion.

(c) **INTERDISCIPLINARY COUNCILS.**—(1) The Secretary of Defense shall establish a Department of Defense council to coordinate and oversee the implementation of programs under subsection (a). The membership of the council shall be selected from members of the Armed Forces and officers and employees of the Department of Defense having expertise or experience in a variety of disciplines and professions in order to ensure representation of the full range of services and expertise that will be needed in implementing those programs.

(2) The Secretary of each military department shall establish similar interdisciplinary councils within that military department as appropriate to ensure the fullest coordination and effectiveness of the victims' advocates program of that military department. To the extent practicable, such a council shall be established at each significant military installation.

(d) **ASSISTANCE.**—(1) Under a victims' advocates program established under subsection (a), individuals working in the program shall principally serve the interests of a victim by initiating action to provide (A) information on available benefits and services, (B) assistance in obtaining those benefits and services, and (C) other appropriate assistance.

(2) Services under such a program in the case of an individual who is a victim of family violence (including intrafamilial sexual, physical, and emotional abuse) shall be provided principally through the family advocacy programs of the military departments.

(e) **STAFFING.**—The Secretary of Defense shall provide for the assignment of personnel (military or civilian) on a full-time basis to victims' advocates programs established pursuant to subsection (a). The Secretary shall ensure that sufficient numbers of such full-time personnel are assigned to those programs to enable those programs to be carried out effectively.

(f) **IMPLEMENTATION DEADLINE.**—Subsection (a) shall be carried out not later than six

months after the date of the enactment of this Act.

(g) **IMPLEMENTATION REPORT.**—Not later than 30 days after the date on which Department of Defense policies and regulations are revised pursuant to subsection (a), the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the implementation (and plans for implementation) of this section.

SEC. 535. TRANSITIONAL COMPENSATION AND OTHER BENEFITS FOR DEPENDENTS OF MEMBERS SEPARATED FOR DEPENDENT ABUSE.

(a) **EARLIER COMMENCEMENT OF PAYMENTS.**—Subsection (e) of section 1059 of title 10, United States Code, as redesignated by section 1070(a)(5) of this Act, is amended to read as follows:

“(e) **COMMENCEMENT AND DURATION OF PAYMENT.**—(1) Payment of transitional compensation under this section—

“(A) in the case of a member convicted by a court-martial for a dependent-abuse offense, shall commence as of the date of the approval of the court-martial sentence by the person acting under section 860(c) of this title (article 60(c) of the Uniform Code of Military Justice) if the sentence, as approved, includes a dismissal, dishonorable discharge, bad conduct discharge, or forfeiture of all pay and allowances; and

“(B) in the case of a member being considered under applicable regulations for administrative separation from active duty in accordance with such regulations (if the basis for the separation includes a dependent-abuse offense), shall commence as of the date on which the separation action is initiated by a commander of the member pursuant to such regulations, as determined by the Secretary concerned.

“(2) Transitional compensation with respect to a member shall be paid for a period of 36 months, except that, if as of the date on which payment of transitional compensation commences the unexpired 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 unexpired portion of the member's period of obligated active duty service; or
- “(B) 12 months.

“(3)(A) If a member is sentenced by a court-martial to receive punishment that includes a dismissal, dishonorable discharge, bad conduct discharge, or forfeiture of all pay and allowances as a result of a conviction by a court-martial for a dependent-abuse offense and each such punishment applicable to the member under the sentence is remitted, set aside, or mitigated to a lesser punishment that does not include any such punishment, any payment of transitional compensation that has commenced under this section on the basis of such sentence in that case shall cease.

“(B) If administrative separation of a member from active duty is proposed on a basis that includes a dependent-abuse offense and the proposed administrative separation is disapproved by competent authority under applicable regulations, payment of transitional compensation in such case shall cease.

“(C) Cessation of payments under subparagraph (A) or (B) 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 transitional compensation in writing that payment of the transitional compensation will cease. The recipient may not be required to repay amounts of transitional compensation received before that effective date (except to the extent necessary to recoup any amount that was erroneous when paid).”

(b) **COMMISSARY AND EXCHANGE BENEFITS.**—Such section is further amended—

(1) by redesignating subsections (j) and (k) as subsections (k) and (l), respectively; and

(2) by inserting after subsection (i) the following new subsection (j):

“(j) **COMMISSARY AND EXCHANGE BENEFITS.**—(1) A dependent or former dependent entitled to payment of monthly transitional compensation under this section shall, while receiving payments in accordance with this section, be entitled to use commissary and exchange stores to the same extent and in the same manner as a dependent of a member of the armed forces on active duty for a period of more than 30 days.

“(2) If a dependent or former dependent eligible or entitled to use commissary and exchange stores under paragraph (1) is eligible or entitled to use commissary and exchange stores under another provision of law, the eligibility or entitlement of that dependent or former dependent to use commissary and exchange stores shall be determined under such other provision of law rather than under paragraph (1).”

(c) **CONFORMING AMENDMENTS.**—(1) The heading of such section is amended to read as follows:

“§1059. Dependents of members separated for dependent abuse: transitional compensation; commissary and exchange benefits”.

(2) The item relating to such section in the table of sections at the beginning of chapter 53 of such title is amended to read as follows:

“1059. Dependents of members separated for dependent abuse: transitional compensation; commissary and exchange benefits.”

SEC. 536. STUDY OF SPOUSAL ABUSE INVOLVING ARMED FORCES PERSONNEL.

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

(1) The Department of Defense has sponsored several highly successful programs designed to curtail spousal abuse.

(2) The readiness of the Armed Forces would be enhanced by eliminating all forms of spousal abuse involving members of the Armed Forces.

(3) Available data on the frequency and causes of spousal abuse involving members of the Armed Forces is not comprehensive for the Armed Forces.

(b) **STUDY.**—The Secretary of Defense shall conduct a study on spousal abuse involving members of the Armed Forces.

(c) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the results of the study. The report shall contain the following:

(1) The frequency of spousal abuse involving members of the Armed Forces.

(2) A discussion of the possible causes of such spousal abuse.

(3) A discussion of the procedures followed in responding to incidents of such spousal abuse.

(4) An analysis of the effectiveness of those procedures.

(5) A review of the existing programs for curtailing such spousal abuse.

(6) A strategy for the entire Armed Forces for curtailing spousal abuse involving members of the Armed Forces.

Subtitle D—Matters Relating to the Coast Guard

SEC. 541. EXTENSION OF WARRANT OFFICER MANAGEMENT ACT PROVISIONS TO COAST GUARD.

(a) **ESTABLISHMENT OF PERMANENT GRADE OF CHIEF WARRANT OFFICER, W-5.**—(1) The grade of chief warrant officer, W-5, is hereby established in the Coast Guard.

(2) Section 571(a) of title 10, United States Code, is amended by striking out “Army, Navy, Air Force, and Marine Corps” and inserting in lieu thereof “armed forces”.

(b) EXTENSION OF WARRANT OFFICER MANAGEMENT ACT PROVISIONS TO COAST GUARD WARRANT OFFICERS.—Chapter 33A of title 10, United States Code, is amended as follows:

(1) Section 573(a) is amended—

(A) by striking out "Secretary of a military department" in paragraph (1) and inserting in lieu thereof "Secretary concerned"; and

(B) by striking out "of the military department" in paragraph (2).

(2) Section 574 is amended by striking out "Secretary of each military department" in subsections (a) and (b) and inserting in lieu thereof "Secretary concerned".

(3) Section 575(b)(2) is amended by inserting "and the Secretary of Transportation, when the Coast Guard is not operating as a service in the Navy," after "Secretary of Defense".

(4) Section 576 is amended—

(A) in subsection (a), by striking out "of the military department" in the matter preceding paragraph (1);

(B) in subsection (e), by striking out "of the military department"; and

(C) in subsection (f)(2), by striking out "of the military department".

(5) Section 580 is amended—

(A) in subsection (a)(4)(B), by inserting ", or severance pay computed under section 286a of title 14, as appropriate," after "section 1174 of this title"; and

(B) in subsection (e)(6), by inserting "and the Secretary of Transportation, when the Coast Guard is not operating as a service in the Navy," after "Secretary of Defense".

(6) Section 581(a) is amended by striking out "in the Army, Navy, Air Force, or Marine Corps".

(c) TRANSITION FOR CERTAIN REGULAR WARRANT OFFICERS SERVING IN A HIGHER TEMPORARY GRADE BELOW CHIEF WARRANT OFFICER, W-5.—(1) A regular warrant officer of the Coast Guard who on the effective date of this section is on active duty and—

(A) is serving in a temporary grade below chief warrant officer, W-5, that is higher than that warrant officer's permanent grade;

(B) is on a list of officers recommended for promotion to a temporary grade below chief warrant officer W-5; or

(C) is on a list of officers recommended for promotion to a permanent grade higher than the grade in which that warrant officer is serving; shall be considered to have been recommended by a board convened under section 573 of title 10, United States Code, as amended by this subsection (b), for promotion to the permanent grade equivalent to the grade in which that warrant officer is serving or for which that warrant officer has been recommended for promotion, as the case may be.

(2) An officer referred to in subparagraph (A) of paragraph (1) who is not promoted to the grade to which that warrant officer is considered under such subsection to have been recommended for promotion because that officer's name is removed from a list of officers who are considered under such paragraph to have been recommended for promotion shall be considered by a board convened under section 573 of title 10, United States Code, as amended by subsection (b), for promotion to the permanent grade equivalent to the temporary grade in which that warrant officer was serving on the effective date of this section as if that warrant officer were serving in the permanent grade.

(3) The date of rank of an officer referred to in paragraph (1)(A) who is promoted to the grade in which that warrant officer is serving on the effective date of this section is the date of that officer's temporary appointment in that grade.

(d) TRANSITION FOR CERTAIN RESERVE WARRANT OFFICERS SERVING IN A HIGHER TEM-

PORARY GRADE BELOW CHIEF WARRANT OFFICER, W-5.—(1)(A) Except as provided in paragraph (2), a reserve warrant officer of the Coast Guard who on the effective date of this section is subject to placement on the warrant officer active-duty list and who—

(i) is serving in a temporary grade below chief warrant officer, W-5, that is higher than that warrant officer's permanent grade; or

(ii) is on a list of warrant officers recommended for promotion to a temporary grade below chief warrant officer, W-5, that is the same as or higher than that warrant officer's permanent grade;

shall be considered to have been recommended by a board convened under section 598 of title 10, United States Code, for promotion to the permanent grade equivalent to the grade in which the warrant officer is serving or for which that warrant officer has been recommended for promotion, as the case may be.

(B) The date of rank of a warrant officer referred to in subparagraph (A)(i) who is promoted to the grade in which that warrant officer is considered under such subparagraph to have been recommended for promotion is the date of the temporary appointment of that warrant officer in that grade.

(2) A reserve warrant officer of the Coast Guard who on the effective date of this section—

(A) is subject to placement on the warrant officer active-duty list;

(B) is serving on active duty in a temporary grade; and

(C) holds a permanent grade higher than the temporary grade in which that warrant officer is serving;

shall while continuing on active duty retain such temporary grade and shall be considered for promotion to a grade equal to or lower than the permanent grade as if such temporary grade is a permanent grade. If such warrant officer is recommended for promotion, the appointment of that warrant officer to such grade shall be a temporary appointment.

(e) RANK OF COAST GUARD WARRANT OFFICERS.—(1) Subchapter A of chapter 11 of title 14, United States Code, is amended by adding at the end the following new section:

"§215. Rank of warrant officers

"(a) Among warrant officer grades, warrant officers of a higher numerical designation are senior to warrant officer grades of a lower numerical designation.

"(b) Warrant officers shall take precedence in the grade to which appointed in accordance with the dates of their commissions as commissioned officers in the Coast Guard in such grade. Precedence among warrant officers of the same grade who have the same date of commission shall be determined by regulations 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 214 the following new item:

"215. Rank of warrant officers."

(f) TECHNICAL AND CONFORMING AMENDMENTS.—(1) Section 1125(a) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (10 U.S.C. 555 note) is repealed.

(2) Section 286a(a) of title 14, United States Code, is amended by striking out "section 564(a)(3) of title 10 (as in effect on the day before the effective date of the Warrant Officer Management Act)" and inserting in lieu thereof "section 580(a)(4)(A) of title 10".

(3) Section 334(b) of such title is amended by striking out "section 564 of title 10 (as in effect on the day before the effective date of the Warrant Officer Management Act) or" and inserting in lieu thereof "section 580,".

(4) Section 41 of such title is amended by striking out "chief warrant officers, W-4; chief warrant officers, W-3; chief warrant officers, W-2; cadets; warrant officers, W-1;" and inserting in lieu thereof "chief warrant officers; cadets; warrant officers;".

(5)(A) Sections 212 and 213 of such title are repealed.

(B) The table of sections at the beginning of chapter 11 of such title is amended by striking out the items relating to section 212 and 213.

(6) Section 214 of such title is amended by striking out subsections (b) and (c).

(7) Section 583 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4) The active-duty list referred to in section 573(b) of this title includes the active-duty promotion list established by section 41a of title 14."

(g) TEMPORARY AUTHORITY FOR INVOLUNTARY SEPARATION OF CERTAIN WARRANT OFFICERS.—Section 580a of title 10, United States Code, is amended by adding at the end the following new subsection:

"(e) This section applies to the Secretary of Transportation in the same manner and to the same extent as it applies to the Secretary of Defense. The Commandant of the Coast Guard shall take the action set forth in subsection (b) with respect to regular warrant officers of the Coast Guard."

(h) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the first day of the fourth month beginning after the date of the enactment of this Act.

SEC. 542. COAST GUARD FORCE REDUCTION TRANSITION BENEFITS.

(a) INVOLUNTARY SEPARATION BENEFITS AND SERVICES.—Chapter 58 of title 10, United States Code, is amended as follows:

(1) Section 1141 is amended in the matter preceding paragraph (1)—

(A) by striking out "Army, Navy, Air Force, or Marine Corps" and inserting in lieu thereof "armed forces"; and

(B) by striking out "or on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1994" and inserting in lieu thereof "or after November 29, 1993, or, with respect to a member of the Coast Guard, if the member was on active duty in the Coast Guard after September 30, 1994,".

(2) Section 1143 is amended—

(A) in the heading, by striking out "Department of Defense";

(B) in subsection (a), by inserting "and the Secretary of Transportation with respect to the Coast Guard" after "Secretary of Defense" and by striking out "under the jurisdiction of the Secretary";

(C) in subsection (b), by adding at the end the following new sentence: "The Secretary of Transportation shall establish permanent employment assistance centers at appropriate Coast Guard installations.";

(D) in subsection (c), by inserting "and the Secretary of Transportation" after "Secretary of Defense"; and

(E) in subsection (d), by adding at the end the following new sentence: "The Secretary of Transportation shall provide the same preference in hiring to involuntarily separated members of the Coast Guard, and the dependents of such members, in Coast Guard nonappropriated fund instrumentalities."

(3) Section 1143a is amended—

(A) in the heading by striking out "Department of Defense"; and

(B) by adding at the end the following new subsection:

"(h) COAST GUARD.—This section shall apply to the Coast Guard in the same manner and to the same extent as it applies to the Department

of Defense. The Secretary of Transportation shall implement the requirements of this section for the Coast Guard."

(4) Section 1145 is amended by adding at the end the following new subsection:

"(e) COAST GUARD.—The provisions of this section shall apply to members of the Coast Guard (and their dependents) involuntarily separated from active duty during the five-year period beginning on October 1, 1994. The Secretary of Transportation shall implement this section for the Coast Guard."

(5) Section 1146 is amended by adding at the end the following new sentence: "The Secretary of Transportation shall implement this provision for Coast Guard members involuntarily separated during the five-year period beginning October 1, 1994."

(6) Section 1147(a) is amended—

(A) by inserting "(1)" before "The Secretary of a military department"; and

(B) by adding at the end the following new paragraph:

"(2) The Secretary of Transportation may prescribe regulations to permit members of the Coast Guard who are involuntarily separated during the five-year period beginning October 1, 1994, to continue for not more than 180 days after the date of such separation to reside (along with others of the member's household) in military family housing provided or leased by the Coast Guard to the individual as a member of the armed forces."

(7) Section 1148 is amended by inserting "and the Secretary of Transportation" after "Secretary of Defense".

(8) Section 1149 is amended—

(A) by inserting "or the Secretary of Transportation with respect to the Coast Guard" after "Secretary of Defense"; and

(B) by striking out "of the military department".

(9) Section 1150 is amended by adding at the end the following new subsection:

"(c) COAST GUARD.—This section shall apply to the Coast Guard in the same manner and to the same extent as it applies to the Department of Defense. The Secretary of Transportation shall prescribe regulations to implement this section for the Coast Guard."

(10) The table of sections at the beginning of the chapter is amended by striking out "Department of Defense" in the items relating to section 1143 and 1143a.

(11a) SPECIAL SEPARATION BENEFIT.—Section 1174a of title 10, United States Code, is amended—

(1) in subsection (a), by striking out "of each military department" and inserting in lieu thereof "concerned";

(2) in subsection (d), by striking out "of a military department" and inserting in lieu thereof "concerned";

(3) in subsection (e)(3), by striking out "of the military department"; and

(4) in subsection (h), by striking out "of a military department" and inserting in lieu thereof "concerned".

(c) VOLUNTARY SEPARATION INCENTIVE.—Section 1175 of title 10, United States Code, is amended—

(1) in subsections (a) and (b), by inserting "and the Secretary of Transportation" after "Secretary of Defense";

(2) in subsection (c), by striking out "of the military department";

(3) in subsection (g), by inserting "and the Department of Transportation for the Coast Guard" before the period at the end;

(4) in subsection (h)(3)—

(A) by inserting "by the Secretary of Defense" after "incentive payments made" in the first sentence; and

(B) by inserting "to the Secretary" after "shall be available" in the second sentence; and

(5) in subsection (i), by inserting "and the Secretary of Transportation" after "Secretary of Defense".

(d) TEMPORARY EARLY RETIREMENT AUTHORITY.—Section 4403 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2702; 10 U.S.C. 1293 note) shall apply to the Coast Guard in the same manner and to the same extent as that provision applies to the Department of Defense. The Secretary of Transportation shall implement the provisions of that section with respect to the Coast Guard and apply the applicable provisions of title 14, United States Code, relating to retirement of Coast Guard personnel.

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall apply only to members of the Coast Guard who are separated after September 30, 1994.

SEC. 543. EXPANSION OF PERSONNEL ADJUSTMENT, EDUCATION, AND TRAINING PROGRAMS TO INCLUDE COAST GUARD.

(a) PREPARATION COUNSELING.—As soon as possible after the date of the enactment of this Act, the Secretary of Transportation shall implement the requirements of section 1142 of title 10, United States Code, for the Coast Guard.

(b) EMPLOYMENT ASSISTANCE, JOB TRAINING ASSISTANCE, AND OTHER TRANSITIONAL ASSISTANCE.—Section 1144 of title 10, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by inserting "the Secretary of Transportation," after "Secretary of Defense"; and

(B) by striking out "of a military department" and inserting in lieu thereof "concerned";

(2) in subsection (a)(2), by inserting "the Secretary of Transportation," after "Secretary of Defense";

(3) in subsection (b)(4), by striking out "Department of Defense is" and inserting in lieu thereof "Department of Defense and the Department of Transportation are";

(4) in subsection (c), by inserting "and the Secretary of Transportation" after "Secretary of Defense"; and

(5) in subsection (d)(2), by inserting "and the Department of Transportation" after "Department of Defense".

(c) TEACHER AND TEACHER'S AIDE PLACEMENT PROGRAM.—Section 1151 of such title (as amended by section 1131) is further amended—

(1) in subsection (a), by inserting "and the Secretary of Transportation with respect to the Coast Guard," after "Secretary of Defense";

(2) in subsection (b), by inserting "and the Secretary of Transportation" after "Secretary of Defense" in the matter preceding the paragraphs;

(3) in subsection (c)(1)—

(A) by striking out "by the Secretary of Defense" in the matter preceding the subparagraphs; and

(B) in subparagraph (C), by inserting "of Defense, or the Secretary of Transportation with respect to the Coast Guard," after "Secretary";

(4) in subsection (d), by inserting "and the Secretary of Transportation" after "Secretary of Defense";

(5) in subsection (e)(1)—

(A) by inserting "and the Secretary of Transportation with respect to the Coast Guard," after "Secretary of Defense" in the first sentence; and

(B) by striking out "Secretary may" in the second sentence and inserting in lieu thereof "Secretaries may";

(6) in subsection (e)(2), by striking out "Secretary" the first two places it appears and inserting in lieu thereof "Secretaries";

(7) in subsection (e)(3)—

(A) by inserting "of Defense, and the Secretary of Transportation with respect to the Coast Guard," after "The Secretary"; and

(B) by inserting "concerned" after "unless the Secretary";

(8) in subsection (e)(4), by striking out "Secretary" both places it appears and inserting in lieu thereof "Secretaries";

(9) in subsection (f)—

(A) by inserting "or the Secretary of Transportation with respect to the Coast Guard," after "Secretary of Defense" in the matter preceding the paragraphs; and

(B) in paragraph (1), by inserting "concerned" after "the Secretary";

(10) in subsection (g)(1), by inserting "and the Secretary of Transportation with respect to the Coast Guard," after "Secretary of Defense" in the matter preceding the subparagraphs;

(11) in subsection (h)—

(A) in paragraph (1), by inserting "and the Secretary of Transportation" after "Secretary of Defense"; and

(B) by inserting "concerned" after "Secretary" each place it appears in paragraphs (2) through (6);

(12) in subsection (h)(7)—

(A) in subparagraph (A)—

(i) by inserting "of Defense, and the Secretary of Transportation with respect to the Coast Guard," after "the Secretary" in the first sentence; and

(ii) by inserting "concerned" after "The Secretary" in the second sentence; and

(B) in subparagraph (C), by inserting "concerned" after "The Secretary";

(13) in subsection (i)—

(A) in paragraph (1), by inserting "or the Secretary of Transportation with respect to the Coast Guard," after "Secretary of Defense"; and

(B) in paragraph (2), by inserting "concerned" after "Secretary" both places it appears; and

(14) in subsection (j)—

(A) in paragraph (1)(F), by inserting "or the Secretary of Transportation with respect to the Coast Guard" after "Secretary of Defense"; and

(B) in paragraph (2), by inserting "concerned" after "Secretary" both places it appears.

(d) LAW ENFORCEMENT OFFICER PLACEMENT PROGRAM.—Section 1152 of such title, as amended by section 1132, is further amended in subsections (a) and (d) by inserting "and the Secretary of Transportation with respect to the Coast Guard," after "Secretary of Defense".

(e) HEALTH CARE PROVIDER PLACEMENT PROGRAM.—Section 1153 of such title is amended—

(1) in subsection (a), by inserting "and the Secretary of Transportation with respect to the Coast Guard," after "Secretary of Defense";

(2) in subsection (b)(1)—

(A) by striking out "by the Secretary of Defense" in the matter preceding the subparagraphs; and

(B) in subparagraph (C), by inserting "concerned" after "Secretary" both places it appears;

(3) in subsection (c)(1)—

(A) by inserting "and the Secretary of Transportation with respect to the Coast Guard," after "Secretary of Defense";

(B) by inserting "concerned" after "to the Secretary"; and

(C) by striking out "Secretary may" and inserting in lieu thereof "Secretaries may";

(4) in subsection (c)(2)—

(A) by inserting "of Defense, and the Secretary of Transportation with respect to the Coast Guard," after "The Secretary"; and

(B) by inserting "concerned" after "unless the Secretary";

(5) in subsection (c)(3), by striking out "Secretary" both places it appears and inserting in lieu thereof "Secretaries";

(6) in subsection (d)—

(A) in paragraph (1) by inserting "and the Secretary of Transportation" after "Secretary of Defense"; and

(B) by inserting "concerned" after "Secretary" each place it appears in paragraphs (2) through (5); and

(7) in subsection (e)—

(A) in paragraph (1), by inserting "and the Secretary of Transportation with respect to the Coast Guard," after "the Secretary of Defense"; and

(B) in paragraph (2), by inserting "concerned" after "The Secretary".

(f) UPWARD BOUND.—Section 4466 of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102-484; 10 U.S.C. 1143 note) is amended by adding at the end the following new subsection:

"(h) APPLICATION TO COAST GUARD.—The Secretary of Transportation may implement the provisions of this section for the Coast Guard in the same manner and to the same extent as such section applies to the Department of Defense."

(g) SERVICE MEMBERS OCCUPATIONAL CONVERSION AND TRAINING.—(1) Section 4483(1) of the Service Members Occupational Conversion and Training Act of 1992 (subtitle G of title XLIV of Public Law 102-484; 10 U.S.C. 1143 note) is amended by inserting before the period the following: "with respect to the Department of Defense and the Secretary of Transportation with respect to the Coast Guard".

(2) As soon as possible after the date of the enactment of this Act, the Secretary of Transportation shall implement the requirements of the Service Members Occupational Conversion and Training Act of 1992 (subtitle G of title XLIV of Public Law 102-484; 10 U.S.C. 1143 note) for the Coast Guard.

(h) LIMITATIONS ON FUNDING.—Funds appropriated or otherwise made available to the Department of Defense, the Department of Education, the Department of Labor, or the Department of Veterans Affairs may not be used to carry out subsection (a) or the amendments made by this section.

Subtitle E—Other Matters

SEC. 551. REPEAL OF REQUIRED REDUCTION IN RECRUITING PERSONNEL.

Section 431 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2400) is repealed.

SEC. 552. AUTHORIZED ACTIVE DUTY STRENGTHS FOR ARMY ENLISTED MEMBERS IN PAY GRADE E-8.

(a) IN GENERAL.—Section 517(a) of title 10, United States Code, is amended by inserting "(or, in the case of the Army, 2.5 percent)" after "may not be more than 2 percent".

(b) SPECIAL RULE FOR 1995.—The percentage applicable to enlisted members of the Army in pay grade E-8 under section 517(a) of title 10, United States Code, during 1995 shall be 2.3 percent (rather than the percentage provided by the amendment made by subsection (a)).

(c) INAPPLICABILITY FOR 1994.—The amendment made by subsection (a) shall not apply with respect to the number of enlisted members of the Army on active duty in pay grade E-8 during 1994.

SEC. 553. PROHIBITION ON IMPOSITION OF ADDITIONAL CHARGES OR FEES FOR ATTENDANCE AT CERTAIN ACADEMIES.

(a) PROHIBITION.—Except as provided in subsection (b), no charge or fee for tuition, room, or board for attendance at an academy named in subsection (c) may be imposed unless the charge or fee is specifically authorized by a law enacted after the date of the enactment of this Act.

(b) EXCEPTION.—The prohibition specified in subsection (a) shall not apply with respect to any item or service provided to cadets or midshipmen at an academy named in subsection (c) for which a charge or fee is imposed as of the

date of the enactment of this Act. The Secretary of Defense or the Secretary of Transportation, as the case shall be, shall notify Congress of any change made by an academy in the amount of a charge or fee authorized under this subsection.

(c) COVERED ACADEMIES.—This section applies to the following:

- (1) The United States Military Academy.
- (2) The United States Naval Academy.
- (3) The United States Air Force Academy.
- (4) The United States Coast Guard Academy.
- (5) The United States Merchant Marine Academy.

SEC. 554. BIENNIAL SURVEY ON THE STATE OF RACE AND ETHNIC ISSUES IN THE MILITARY.

(a) IN GENERAL.—(1) Part I of subtitle A of title 10, United States Code, is amended by adding at the end the following new chapter:

"CHAPTER 22—MISCELLANEOUS STUDIES AND REPORTS

"Sec.

"451. Racial and ethnic issues; biennial survey; biennial report.

"§451. Racial and ethnic issues; biennial survey; biennial report

"(a) BIENNIAL SURVEY.—The Secretary of Defense shall carry out a biennial survey to measure the state of racial and ethnic issues and discrimination among members of the armed forces serving on active duty. The survey shall solicit information on the race relations climate in the armed forces, including—

"(1) indicators of positive and negative trends of relations between all racial and ethnic groups;

"(2) the effectiveness of Department of Defense policies designed to improve race and ethnic relations; and

"(3) the effectiveness of current processes for complaints on and investigations into racial and ethnic discrimination.

"(b) IMPLEMENTING ENTITY.—The Secretary shall carry out each biennial survey through the entity in the Department of Defense known as the Armed Forces Survey on Race/Ethnic Issues.

"(c) REPORTS TO CONGRESS.—Upon completion of each biennial survey under subsection (a), the Secretary shall submit to Congress a report containing the results of the survey."

(2) The tables of chapters at the beginning of subtitle A of such title and the beginning of part I of such subtitle are amended by inserting after the item relating to chapter 21 the following new item:

"22. Miscellaneous Studies and Reports 451".

(b) FIRST REPORT.—The Secretary of Defense shall submit the first report under section 451(c) of title 10, United States Code, as added by subsection (a), not later than May 1, 1995.

SEC. 555. REVIEW OF CERTAIN DISCHARGES FROM THE UNITED STATES MILITARY ACADEMY DURING THE POST-CIVIL WAR PERIOD.

(a) REVIEW REQUIRED.—The Secretary of the Army shall carry out a thorough review, to be completed not later than 180 days after the date of the enactment of this Act, of—

- (1) the discharge from the Corps of Cadets of the United States Military Academy in 1874 of James Webster Smith of South Carolina; and
- (2) the discharge from the Corps of Cadets of the United States Military Academy in 1880 of Johnson Chesnut Whittaker of South Carolina.

(b) PURPOSES OF REVIEW.—The purpose of each review shall be to determine the validity of the original proceedings leading to such discharge and the extent, if any, to which racial prejudice or other improper factors now known may have tainted those proceedings. In conducting each review, the Secretary shall use as

broad a range of historical documents as possible, including non-military sources.

(c) CORRECTION OF RECORDS.—If the Secretary determines that the discharge of James Webster Smith or Johnson Chesnut Whittaker was in error or an injustice, the Secretary shall correct that person's military records (including the records of proceedings in that person's discharge case).

(d) POSTHUMOUS COMMISSION.—Upon recommendation of the Secretary in the case of either person named in subsection (a), the President may issue in the name of that person a posthumous commission as an officer in the Regular Army in the grade of second lieutenant. Section 1523 of title 10, United States Code, shall apply with respect to a commission so issued.

SEC. 556. ADMINISTRATION OF ATHLETICS PROGRAMS AT THE SERVICE ACADEMIES.

(a) UNITED STATES MILITARY ACADEMY.—(1) Chapter 403 of title 10, United States Code, is amended by adding at the end the following new section:

"§4357. Athletics program; athletic director; nonappropriated fund account

"(a) The position of athletic director of the Academy shall be a position in the civil service (as defined in section 2101(1) of title 5). However, a member of the armed forces may fill that position as an active duty assignment.

"(b) Under regulations prescribed by the Secretary of the Army, the Superintendent of the Academy shall administer a nonappropriated fund account for the athletics program of the Academy. The Superintendent shall credit to that account all revenue received from the conduct of the athletics program of the Academy and all contributions received for that program."

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"4357. Athletics program; athletic director; nonappropriated fund account."

(b) UNITED STATES NAVAL ACADEMY.—(1) Chapter 603 of such title is amended by adding at the end the following new section:

"§6975. Athletics program; athletic director; nonappropriated fund account

"(a) The position of athletic director of the Naval Academy shall be a position in the civil service (as defined in section 2101(1) of title 5). However, a member of the armed forces may fill that position as an active duty assignment.

"(b) Under regulations prescribed by the Secretary of the Navy, the Superintendent of the Naval Academy shall administer a nonappropriated fund account for the athletics program of the Naval Academy. The Superintendent shall credit to that account all revenue received from the conduct of the athletics program of the Naval Academy and all contributions received for that program."

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"6975. Athletics program; athletic director; nonappropriated fund account."

(3) The account referred to in subsection (b) of section 6975 of title 10, United States Code, as added by paragraph (1), shall be established not later than the effective date set forth in subsection (e).

(c) UNITED STATES AIR FORCE ACADEMY.—(1) Chapter 903 of such title is amended by adding at the end the following new section:

"§9356. Athletics program; athletic director; nonappropriated fund account

"(a) The position of athletic director of the Academy shall be a position in the civil service (as defined in section 2101(1) of title 5). However, a member of the armed forces may fill that position as an active duty assignment.

"(b) Under regulations prescribed by the Secretary of the Air Force, the Superintendent of the Academy shall administer a nonappropriated fund account for the athletics program of the Academy. The Superintendent shall credit to that account all revenue received from the conduct of the athletics program of the Academy and all contributions received for that program."

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"9356. Athletics program: athletic director; non-appropriated fund account."

(d) NAVY IMPLEMENTATION STUDY.—Not later than March 15, 1995, the Secretary of the Navy shall submit to Congress a report on the costs to the Department of the Navy of implementation of section 6975 of title 10, United States Code, as added by subsection (b). The report shall include a time line and description of the actions the Secretary plans to take to implement the requirements of that section.

(e) EFFECTIVE DATE.—Section 6975 of title 10, United States Code, as added by subsection (b), shall take on January 1, 1996.

SEC. 557. REIMBURSEMENT FOR CERTAIN LOSSES OF HOUSEHOLD EFFECTS CAUSED BY HOSTILE ACTION.

(a) AUTHORITY TO REIMBURSE.—Chapter 163 of title 10, United States Code, is amended by adding at the end the following new section:

"§2738. Property loss: reimbursement of members for certain losses of household effects caused by hostile action

"(a) AUTHORITY TO REIMBURSE.—The Secretary concerned may reimburse a member of the armed forces in an amount not more than \$100,000 for a loss described in subsection (b).

"(b) COVERED LOSSES.—This section applies with respect to a loss of household effects sustained during a move made incident to a change of permanent station when, as determined by the Secretary, the loss was caused by a hostile action incident to war or a warlike action by a military force.

"(c) LIMITATION.—The Secretary may provide reimbursement under this section for a loss described in subsection (b) only to the extent that the loss is not reimbursed under insurance or under the authority of another provision of law.

"(d) APPLICABILITY OF OTHER AUTHORITIES AND REQUIREMENTS.—Subsections (b), (d), (e), (f), and (g) of section 2733 of this title shall apply to a request for a reimbursement under this section as if the request were a claim against the United States."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

"2738. Property loss: reimbursement of members for certain losses of household effects caused by hostile action."

(c) EFFECTIVE DATE.—(1) Section 2738 of title 10, United States Code, as added by subsection (a), applies with respect to losses incurred after June 30, 1990.

(2) In the case of a loss incurred after June 30, 1990, and before the date of the enactment of this Act, a request for reimbursement shall be filed with the Secretary of the military department concerned not later than two years after such date of enactment.

SEC. 558. MILITARY RECRUITING ON CAMPUS.

(a) DENIAL OF FUNDS.—(1) No funds available to the Department of Defense may be provided by grant or contract to any institution of higher education that has a policy of denying, or which effectively prevents, the Secretary of Defense from obtaining for military recruiting purposes—

(A) entry to campuses or access to students on campuses; or

(B) access to directory information pertaining to students.

(2) Students referred to in paragraph (1) are individuals who are 17 years of age or older.

(b) PROCEDURES FOR DETERMINATION.—The Secretary of Defense, in consultation with the Secretary of Education, shall prescribe regulations that contain procedures for determining if and when an educational institution has denied or prevented access to students or information described in subsection (a).

(c) DEFINITION.—For purposes of this section, the term "directory information" means, with respect to a student, the student's name, address, telephone listing, date and place of birth, level of education, degrees received, and the most recent previous educational institution enrolled in by the student.

SEC. 559. AUTHORIZATION FOR INSTRUCTION OF CIVILIAN STUDENTS AT FOREIGN LANGUAGE CENTER OF THE DEFENSE LANGUAGE INSTITUTE.

(a) ADMISSION OF CIVILIANS AS STUDENTS.—(1) The Secretary of the Army may enter into an agreement with an accredited institution of higher education (or a consortium of such institutions) under which students enrolled at an institution of higher education that is a party to the agreement may receive instruction at the Foreign Language Center of the Defense Language Institute on a cost-reimbursable, space-available basis.

(2) The Secretary may also permit other persons who would benefit from the instruction provided at the Center, as determined by the Secretary, to receive instruction at the Center on a cost-reimbursable, space-available basis.

(b) SELECTION AND ATTENDANCE.—(1) The Secretary shall select the persons who will be permitted to receive instruction at the Center pursuant to subsection (a). In the case of agreements under subsection (a)(1), the Secretary shall consult with the other parties to the agreements to establish qualifications and methods of selection for persons to receive instruction at the Center.

(2) Except as the Secretary determines necessary, a person who receives instruction at the Center pursuant to subsection (a) shall be subject to the same regulations governing attendance, discipline, discharge, and dismissal as apply to other persons attending the Center.

(c) RETENTION OF FUNDS.—Amounts collected under subsection (a) to reimburse the Center for the costs of providing instruction to students under subsection (a) shall be credited to funds available for compensation of instructors at the Center and to defray direct civilian student costs to the school.

(d) CENTER DEFINED.—For purposes of this section, the term "Center" means the Foreign Language Center of the Defense Language Institute.

(e) EXPIRATION OF AUTHORITY.—No student may be admitted to the Center under subsection (a) to commence a program of instruction beginning after September 30, 1997.

SEC. 560. DISCHARGE OF MEMBERS WHO ARE PERMANENTLY NONWORLDWIDE ASSIGNABLE.

(a) IN GENERAL.—(1) Chapter 59 of title 10, United States Code, is amended by adding at the end the following new section:

"§1177. Members who are permanently nonworldwide assignable: mandatory discharge or retirement; counseling

"(a) REQUIRED SEPARATION.—(1) Subject to paragraph (2), a member of the armed forces who is classified as permanently nonworldwide assignable due to a medical condition shall (except as provided in subsection (c)) be separated.

"(2) Paragraph (1) shall not be in effect in the case of any of the armed forces if the Secretary concerned determines that the retention of per-

manently nonworldwide assignable members would not adversely affect the ability of that service to carry out its mission.

"(3) A separation under paragraph (1) shall be made on a date determined by the Secretary concerned, which (except as provided in subsection (b)(2)) shall be as soon as practicable after the date on which the determination is made that the member should be so classified and not later than the last day of the twelfth month beginning after that date.

"(b) FORM OF SEPARATION.—(1) If a member to be separated under this section is eligible to retire under any provision of law or to be transferred to the Fleet Reserve or Fleet Marine Corps Reserve, the member shall be so retired or so transferred. Otherwise, the member shall be discharged.

"(2) In the case of a member to be discharged under this section who on the date on which the member is to be discharged is within two years of qualifying for retirement under any provision of law, or of qualifying for transfer to the Fleet Reserve or Fleet Marine Corps Reserve under section 6330 of this title, the member may, as determined by the Secretary concerned, be retained on active duty until the member is qualified for retirement or transfer to the Fleet Reserve or Fleet Marine Corps Reserve, as the case may be, and then be so retired or transferred, unless the member is sooner retired or discharged under any other provision of law.

"(c) EXCEPTIONS.—The Secretary concerned may waive subsection (a) with respect to an individual member of the armed forces under the jurisdiction of that Secretary if the Secretary determines that there are circumstances that warrant the retention of that member. Such circumstances may include—

"(1) consideration that the medical condition making the member permanently nonworldwide assignable was incurred in combat or otherwise as the result of an action of the member for which the member received a decoration or other recognition for personal bravery;

"(2) consideration that the member has a specific proficiency or skill that is vital to the national security; and

"(3) any other circumstance that the Secretary considers to be for the good of the service.

"(d) COUNSELING ABOUT AVAILABLE MEDICAL CARE.—A member to be separated under this section shall be provided information, in writing, before such separation of the available medical care (through the Department of Veterans Affairs and otherwise) to treat the member's condition. Such information shall include identification of specific medical locations near the member's home of record or point of discharge at which the member may seek necessary medical care.

"(e) SEPARATION TO BE CONSIDERED INVOLUNTARY.—A separation under this section shall be considered to be an involuntary separation for purposes of any other provision of law."

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1177. Members who are permanently nonworldwide assignable: mandatory discharge or retirement; counseling."

(b) EFFECTIVE DATE.—Section 1177 of title 10, United States Code, as added by subsection (a), shall apply with respect to members determined to be permanently nonworldwide assignable by reason of a medical condition before, on, or after the date of the enactment of this Act. In the case of such a determination made before the date of the enactment of this Act, the period for the separation of the member specified in subsection (a) of such section shall be treated as beginning on the date of the enactment of this Act.

(c) CONFORMING AMENDMENT.—Section 1174(a)(1) of title 10, United States Code, is amended by striking out "section 580" and inserting in lieu thereof "section 580, 1177."

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. MILITARY PAY RAISE FOR FISCAL YEAR 1995.

(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 1995 shall not be made.

(b) INCREASE IN BASIC PAY, BAS, AND BAQ.—Effective on January 1, 1995, the rates of basic pay, basic allowance for subsistence, and basic allowance for quarters of members of the uniformed services are increased by 2.6 percent.

(c) INCREASE IN CADET AND MIDSHIPMAN PAY.—Effective on January 1, 1995, section 203(c)(1) of title 37, United States Code, is amended by striking out "\$543.90" and inserting in lieu thereof "\$558.04".

SEC. 602. COST-OF-LIVING ALLOWANCE FOR MEMBERS OF THE UNIFORMED SERVICES ASSIGNED TO HIGH COST AREAS IN THE CONTINENTAL UNITED STATES.

(a) ALLOWANCE AUTHORIZED.—(1) Chapter 7 of title 37, United States Code, is amended by inserting after section 403a the following new section:

"§403b. Cost-of-living allowance in the continental United States

"(a) PAYMENT AUTHORIZED.—The Secretary concerned may pay a cost-of-living allowance to the eligible members of a uniformed service under the jurisdiction of the Secretary.

"(b) ELIGIBLE MEMBERS.—The following members are eligible to receive a cost-of-living allowance under this section:

"(1) A member assigned to a high cost area in the continental United States.

"(2) A member assigned to an unaccompanied tour of duty outside the continental United States if the primary dependent of the member resides in a high cost area in the continental United States.

"(3) A member assigned to duty in the continental United States if the Secretary of the uniformed service concerned determines that—

"(A) the primary dependent of the member must reside in a high cost area in the continental United States by reason of the member's duty location or other circumstances; and

"(B) it would be inequitable for the member's eligibility for the allowance to be determined on the basis of the duty location of the member.

"(c) HIGH COST AREA DEFINED.—An area is a high cost area for a fiscal year for purposes of this section if the uniformed services cost of living for that area for the base period exceeds the average cost of living in the continental United States for such base period by at least the threshold percentage. The Secretary of Defense, in consultation with the other administering Secretaries, shall establish the threshold percentage, except that the threshold percentage may not be less than 8 percent. The administering Secretaries shall prescribe a higher threshold percentage to be applied for a fiscal year when it is necessary to do so in order to ensure that the total amount of the payments of the cost-of-living allowance made to members of the uniformed services under this section for such fiscal year does not exceed the total amount available to all uniformed services for that fiscal year for paying such allowance.

"(d) AMOUNT OF ALLOWANCE.—The cost-of-living allowance that may be paid to a member for a high cost area for a fiscal year shall be the amount that is equal to the product of—

"(1) the amount of the average spendable income determined applicable for the regular military compensation level of such member under subsection (g); and

"(2) the percentage equal to the excess of—
"(A) the percentage by which the uniformed services cost of living for the member's high cost area for the base period exceeds the average cost of living in the continental United States for such base period, over

"(B) the threshold percentage applicable to such fiscal year under subsection (c).

"(e) LIMITATION TO ONE ALLOWANCE.—If primary dependents of a member reside separately in different high cost areas—

"(1) the member may be paid only one cost-of-living allowance under this section; and

"(2) the cost-of-living allowance payable to the member shall be the highest of the amounts computed under this section for such high cost areas.

"(f) SERVICE NOT COVERED.—(1) A cost-of-living allowance may not be paid a member under this section for the days authorized for travel of the member in connection with a permanent change of duty station.

"(2) A member of a reserve component is not eligible for a cost-of-living allowance under this section unless the member is on active duty under a call or order to active duty that—

"(A) specifies a period of 140 days or more; or

"(B) states that the call or order to active duty is in support of a contingency operation.

"(g) AVERAGE SPENDABLE INCOME.—The Secretary of Defense shall determine, using a methodology and assumptions that the Secretary considers appropriate, the amounts of average spendable income of members of the uniformed services for various ranges of regular military compensation. For purposes of this subsection, spendable income is the total amount of regular military compensation that is available for purchase of goods and services after allocation of amounts for taxes, insurance, housing, gifts and contributions, and savings.

"(h) JOINT REGULATIONS.—The Secretary of Defense and the other administering Secretaries shall jointly prescribe regulations to carry out this section.

"(i) OTHER DEFINITIONS.—In this section:

"(1) The term 'primary dependent', with respect to a member, means—

"(A) the member's spouse; or

"(B) in the case of an unmarried member, a dependent described in paragraph (2) or (4) of section 401(a) of this title.

"(2) The term 'cost of living' means a price index selected by the Secretary of Defense, in consultation with the other administering Secretaries, from among the following indices:

"(A) The Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics.

"(B) Any other index developed in the private sector that the Secretary of Defense, in consultation with the other administering Secretaries, determines is comparable to the Consumer Price Index and is appropriate for use for purposes of this section.

"(3) The term 'uniformed services cost of living' means the price index selected as described in paragraph (2) and adjusted as the Secretary of Defense, in consultation with the other administering Secretaries, considers appropriate to reflect variations between expenses of members of the uniformed services (as offset by the basic allowance for subsistence) and the corresponding expenses of persons not members of the uniformed services with regard to the following:

"(A) Nonhousing costs (including costs of transportation, goods, and services, taking into consideration savings attributable to use of such military facilities as commissary stores and exchange stores).

"(B) Average income tax paid.

"(C) Cost of health care.

"(4) The term 'base period', with respect to a fiscal year, means the 12-month period ending on June 30 of the year in which such fiscal year begins.

"(5) The term 'administering Secretaries' means the following:

"(A) 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).

"(B) The Secretary of Transportation, with respect to the Coast Guard when it is not operating as a service in the Navy.

"(C) The Secretary of Commerce, with respect to the National Oceanic and Atmospheric Administration.

"(D) The Secretary of Health and Human Services, with respect to the Public Health Service.

"(6) The term 'continental United States' means the 48 contiguous States and the District of Columbia."

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 403a the following new item:

"403b. Cost-of-living allowance in the continental United States."

(b) CONDITIONS ON PROVISION OF ALLOWANCE.—(1) A cost-of-living allowance under section 403b of title 37, United States Code, as added by subsection (a), may not be provided until after the end of the 90-day period beginning on the date the Secretary of Defense submits the report required under paragraph (2).

(2) Before implementing section 403b of title 37, United States Code, the Secretary of Defense, in consultation with the other administering Secretaries (as defined in subsection (h)(6) of such section), shall submit to Congress a report describing—

(A) the methods by which the Secretary of Defense would determine the price index to be used under such section and the types of nonhousing related costs that will be considered under such price index;

(B) the manner by which the Secretary will establish the threshold percentage for purposes of such section;

(C) the manner in which savings attributable to use of such military facilities as commissary stores, exchange stores, and military medical treatment facilities will be taken into consideration; and

(D) the methods by which the Secretary proposes to prevent uncontrolled growth in Government expenditures through the cost-of-living allowance available under such section.

SEC. 603. INCREASE IN SUBSISTENCE ALLOWANCE PAYABLE TO MEMBERS OF SENIOR RESERVE OFFICERS' TRAINING CORPS.

(a) INCREASE.—Section 209(a) of title 37, United States Code, is amended by striking out "\$100 a month" in the first sentence and inserting in lieu thereof "\$150 a month".

(b) APPLICATION OF INCREASE.—(1) Except as provided in paragraph (2), the amendments made by subsection (a) shall apply with respect to months beginning after August 31, 1995.

(2) Upon the approval of the Secretary of Defense, the Secretary of a military department may implement such amendments at an earlier date with respect to members of the Senior Reserve Officers' Training Corps under the jurisdiction of the Secretary if funds are available for the monthly subsistence allowances authorized by such amendments.

SEC. 604. TEMPORARY FAMILY HOUSING OR TEMPORARY HOUSING ALLOWANCES FOR DEPENDENTS OF MEMBERS WHO DIE IN THE LINE OF DUTY.

(a) **TEMPORARY HOUSING.**—Section 403(1)(1) of title 37, United States Code, is amended by striking out "90 days" and inserting in lieu thereof "180 days".

(b) **TEMPORARY HOUSING ALLOWANCES.**—Section 403(1)(2) of such title is amended by striking out "90 days" both places it appears and inserting in lieu thereof "180 days".

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect as of October 1, 1993.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. EXTENSION OF CERTAIN BONUS FOR RESERVE FORCES.

(a) **SELECTED RESERVE REENLISTMENT BONUS.**—Section 308b(f) of title 37, United States Code, is amended by striking out "September 30, 1995" and inserting in lieu thereof "September 30, 1996".

(b) **SELECTED RESERVE ENLISTMENT BONUS.**—Section 308c(e) of title 37, United States Code, is amended by striking out "September 30, 1995" and inserting in lieu thereof "September 30, 1996".

(c) **SELECTED RESERVE AFFILIATION BONUS.**—Section 308e(e) of title 37, United States Code, is amended by striking out "September 30, 1995" and inserting in lieu thereof "September 30, 1996".

(d) **READY RESERVE ENLISTMENT AND REENLISTMENT BONUS.**—Section 308h(g) of title 37, United States Code, is amended by striking out "September 30, 1995" and inserting in lieu thereof "September 30, 1996".

(e) **PRIOR SERVICE ENLISTMENT BONUS.**—Section 308i(i) of title 37, United States Code, is amended by striking out "September 30, 1995" and inserting in lieu thereof "September 30, 1996".

SEC. 612. EXTENSION AND MODIFICATION OF CERTAIN BONUS 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, 1995," and inserting in lieu thereof "September 30, 1996".

(b) **ACCESSION BONUS FOR REGISTERED NURSES.**—Section 302d(a)(1) of title 37, United States Code, is amended by striking out "September 30, 1995," and inserting in lieu thereof "September 30, 1996".

(c) **INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.**—Section 302e(a)(1) of title 37, United States Code, is amended—

(1) by striking out "September 30, 1995," and inserting in lieu thereof "September 30, 1996,"; and

(2) by striking out "\$6,000" and inserting in lieu thereof "\$15,000".

SEC. 613. EXTENSION OF AUTHORITY RELATING TO PAYMENT OF OTHER BONUS AND SPECIAL PAYS.

(a) **AVIATION OFFICER RETENTION BONUS.**—Section 301b(a) of title 37, United States Code, is amended by striking out "September 30, 1994" and inserting in lieu thereof "September 30, 1995".

(b) **REENLISTMENT BONUS FOR ACTIVE MEMBERS.**—Section 308(g) of title 37, United States Code, is amended by striking out "September 30, 1995" and inserting in lieu thereof "September 30, 1996".

(c) **ENLISTMENT BONUS FOR CRITICAL SKILLS.**—Sections 308a(c) and 308f(c) of title 37, United States Code, are each amended by striking out "September 30, 1995" and inserting in lieu thereof "September 30, 1996".

(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, 1995" and inserting in lieu thereof "September 30, 1996".

(e) **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, 1995" and inserting in lieu thereof "October 1, 1996".

(f) **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, 1995" and inserting in lieu thereof "September 30, 1996".

(g) **SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.**—Section 312(e) of title 37, United States Code, is amended by striking out "September 30, 1995" and inserting in lieu thereof "September 30, 1996".

(h) **NUCLEAR CAREER ACCESSION BONUS.**—Section 312b(c) of title 37, United States Code, is amended by striking out "September 30, 1995" and inserting in lieu thereof "September 30, 1996".

(i) **NUCLEAR CAREER ANNUAL INCENTIVE BONUS.**—Section 312c(d) of title 37, United States Code, is amended by striking out "October 1, 1995" and inserting in lieu thereof "October 1, 1996".

Subtitle C—Travel and Transportation Allowances

SEC. 621. RESPONSIBILITY FOR PREPARATION OF TRANSPORTATION MILEAGE TABLES.

Section 404(d)(1)(A) of title 37, United States Code, is amended by striking out "the Secretary of the Army" and inserting in lieu thereof "the Secretary of Defense".

SEC. 622. PAYMENT FOR TRANSIENT HOUSING FOR MEMBERS OF A RESERVE COMPONENT PERFORMING CERTAIN TRAINING DUTY.

Section 404 of title 37, United States Code, is amended—

(1) by redesignating subsection (j) as subsection (k); and

(2) by inserting after subsection (i) the following new subsection:

"(j)(1) In the case of a member of a reserve component performing annual training duty or inactive-duty training who is not otherwise entitled to travel and transportation allowances in connection with such duty under subsection (a), the Secretary concerned may reimburse the member for housing service charge expenses incurred by the member in occupying transient government housing during the performance of such duty.

"(2) Any payment or other benefit under this subsection shall be provided in accordance with regulations prescribed by the Secretaries concerned.

"(3) The Secretary may pay service charge expenses under paragraph (1) out of funds appropriated for operation and maintenance for the reserve component concerned."

SEC. 623. CHANGE IN PROVISION OF TRANSPORTATION INCIDENT TO PERSONAL EMERGENCIES FOR MEMBERS STATIONED OUTSIDE THE CONTINENTAL UNITED STATES.

Section 411d(b) of title 37, United States Code, is amended—

(1) in paragraph (1)—

(A) in the matter preceding the subparagraphs, by striking "from the international airport" and all that follows through "or the international airport nearest" and inserting in lieu thereof "from the location of the member or de-

pendents, at the time notification of the personal emergency is received, or"; and

(B) in subparagraph (A), by striking "closest to the international airport" and inserting in lieu thereof "closest to the location"; and

(2) in paragraph (4), by striking "to the international airport" and all that follows through the period and inserting in lieu thereof "to the location from which the member or dependent departed or the member's duty station."

SEC. 624. CLARIFICATION OF TRAVEL AND TRANSPORTATION ALLOWANCE OF FAMILY MEMBERS INCIDENT TO SERIOUS ILLNESS OR INJURY OF MEMBERS.

(a) **ALLOWANCE IN CASES OF BRAIN DEATH.**—Subsection (a) of section 411h of title 37, United States Code, is amended—

(1) in paragraph (1), by striking out "is necessary for" and inserting in lieu thereof "may contribute to"; and

(2) in paragraph (2), by striking out subparagraph (B) and inserting in lieu thereof the following new subparagraph:

"(B) is seriously ill, seriously injured, or in a situation of imminent death, whether or not electrical brain activity still exists or brain death is declared; and"

(b) **DEFINITION OF HEALTH AND WELFARE.**—Subsection (b) of such section is amended by adding at the end the following new paragraph:

"(3) In this section, the term 'health and welfare', with respect to a member, includes a situation in which a decision must be made by family members regarding the termination of artificial life support being provided to the member."

SEC. 625. APPLICABILITY OF ADDITIONAL FAMILY SEPARATION ALLOWANCE TO PERIODS BETWEEN DEPLOYMENTS LESS THAN 30 DAYS APART.

(a) **COVERAGE OF PERIOD BETWEEN CERTAIN DEPLOYMENTS.**—Section 427(b) of title 37, United States Code, is amended—

(1) in paragraph (2), by striking out the first sentence;

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(3) by inserting after paragraph (1) the following new paragraph:

"(2) A member who becomes entitled to an allowance under this subsection by virtue of duty prescribed in subparagraph (B) or (C) of paragraph (1) for a continuous period of more than 30 days is entitled to the allowance effective as of the earlier of—

"(A) the first day of that period; or

"(B) the first day the member ceased being entitled to a previous allowance under this subsection by reason of the end of duty prescribed in such subparagraphs, if the member ceased being entitled to the previous allowance within 30 days before the first day of that period."

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect as of June 20, 1994.

Subtitle D—Retired Pay and Survivor Benefits

SEC. 631. ELIMINATION OF DISPARITY BETWEEN EFFECTIVE DATES FOR MILITARY AND CIVILIAN RETIREE COST-OF-LIVING ADJUSTMENTS FOR FISCAL YEAR 1995.

(a) **IN GENERAL.**—The fiscal year 1995 increase in military retired pay shall (notwithstanding subparagraph (B) of section 1401a(b)(2) of title 10, United States Code) first be payable as part of such retired pay for the month of March 1995.

(b) **DEFINITIONS.**—For the purposes of subsection (a):

(1) The term "fiscal year 1995 increase in military retired pay" means the increase in retired pay that, pursuant to paragraph (1) of section 1401a(b) of title 10, United States Code, becomes effective on December 1, 1994.

(2) The term "retired pay" includes retainer pay.

(c) **LIMITATION.**—Subsection (a) shall be effective only if there is appropriated to the Department of Defense Military Retirement Fund (in

an Act making appropriations for the Department of Defense for fiscal year 1995 that is enacted before March 1, 1995) such amount as is necessary to offset increased outlays to be made from that fund during fiscal year 1995 by reason of the provisions of subsection (a).

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated for fiscal year 1995 to the Department of Defense Military Retirement Fund the sum of \$376,000,000 to offset increased outlays to be made from that fund during fiscal year 1995 by reason of the provisions of subsection (a).

SEC. 632. SENSE OF CONGRESS ON EQUAL TREATMENT OF EFFECTIVE DATES FOR FUTURE COST-OF-LIVING ADJUSTMENTS FOR MILITARY AND CIVILIAN RETIREES.

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

(1) Congress, in the Omnibus Budget Reconciliation Act of 1993, changed the effective dates for future cost-of-living adjustments for military retired pay and for Federal civilian retirement annuities, which (before that Act) were provided by law to be made effective on December 1 each year.

(2) The timing, and the percentage of increase, of military and Federal civilian retirees' cost-of-living adjustments have been linked for decades.

(3) The effect of the enactment of the Omnibus Budget Reconciliation Act of 1993 was to abandon the longstanding congressional practice of treating military and Federal civilian retirees identically in matters related to cost-of-living adjustments.

(b) **SENSE OF CONGRESS.**—In light of the findings in subsection (a), it is the sense of Congress that—

(1) as a matter of simple equity and fairness, it is imperative that cost-of-living adjustments in retirement benefits for military and Federal civilian retirees be returned to an identical schedule as soon as possible, but not later than January 1, 1999;

(2) if after October 1, 1998, there is, by law, a difference between the date on which a cost-of-living adjustment for Federal civilian retirees takes effect and the date on which a cost-of-living adjustment for military retirees takes effect, then the difference in those effective dates should be eliminated by requiring that cost-of-living adjustments for both classes of retirees become effective on the earlier of the two dates; and

(3) if after October 1, 1998, there is, by law, a difference between the first month for which a cost-of-living adjustment for civilian retirees is payable and the first month for which a cost-of-living adjustment for military retirees is payable, then the difference in the months for which those adjustments are first payable should be eliminated by requiring that the cost-of-living adjustments for both classes of retirees first become payable for the earlier of the two months.

SEC. 633. CLARIFICATION OF CALCULATION OF RETIRED PAY FOR OFFICERS WHO RETIRE IN A GRADE LOWER THAN THE GRADE HELD AT RETIREMENT.

(a) **PREVENTION OF RETIRED PAY BASED ON GRADE HIGHER THAN RETIRED GRADE.**—Section 1401a(f) of title 10, United States Code, is amended—

(1) in the first sentence, by inserting "based on the grade in which the member is retired" after "at an earlier date";

(2) in the second sentence, by inserting ", except that such computation may not be based on a rate of basic pay for a grade higher than the grade in which the member is retired" before the period at the end; and

(3) by striking out the third sentence.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall apply with respect to the

computation of the retired pay of a member of the Armed Forces who retires on or after the date of the enactment of this Act.

SEC. 634. WAIVER OF ADMINISTRATIVE TIME-IN-GRADE REQUIREMENTS TO PREVENT PAY INVERSIONS IN RETIRED PAY OF CERTAIN MILITARY RETIREES.

(a) **AUTHORITY.**—The Secretary concerned may, for purposes of the computation under section 1401a(f) of title 10, United States Code, of the retired pay of military retirees described in subsection (b), waive any administrative time-in-grade regulation (as described in subsection (d)) that would otherwise apply to such computation. Any such waiver may be made retroactive, in the case of any such retiree, to the date on which that retiree initially became entitled to retired pay.

(b) **COVERED RETIREES.**—This section applies to any military retiree—

(1) who initially became entitled to retired pay on or after January 1, 1971, and before the date of the enactment of this Act;

(2) whose retired pay, by reason of the provisions of section 1401a(f) of title 10, United States Code (the so-called "Tower amendment"), was initially computed as an amount greater than would have been the case but for that section; and

(3) who, as of the earlier computation date applicable to that retiree—

(A) in the case of an individual retired in an enlisted grade, had served in the grade in which the retiree retired for a period that was less than the period prescribed by the applicable administrative time-in-grade requirement described in subsection (d); and

(B) in the case of an individual retired in an officer grade—

(i) was subject to an administrative time-in-grade requirement described in subsection (d) that established a time-in-grade requirement that was longer than the statutory time-in-grade requirement applicable to that member; and

(ii) had served in the grade in which the retiree retired for a period that was less than the period prescribed by such administrative time-in-grade requirement but not less than the statutory time-in-grade requirement applicable to that member.

(c) **EARLIER COMPUTATION DATE.**—For purposes of subsection (b)(3), the earlier computation date applicable to a military retiree is the date that (under such section 1401a(f) as in effect on the date of the member's retirement) was the "earlier date" that was used as the basis for the computation of the retiree's retired pay.

(d) **REGULATIONS SUBJECT TO WAIVER.**—A regulation that may be waived under subsection (a) is any regulation (not required by law) that establishes a minimum period of time that a member of the Armed Forces must have served in a grade on active duty in order to be eligible to retire in that grade.

(e) **SCOPE OF WAIVER AUTHORITY.**—The Secretary concerned may exercise the authority provided in subsection (a) in the case of an individual military retiree or for any group of military retirees.

(f) **MILITARY RETIREE DEFINED.**—For purposes of this section, the term "military retiree" means a member or former member of the Armed Forces who is entitled to retired pay.

(g) **SECRETARY CONCERNED.**—For purposes of this section, the term "Secretary concerned" has the meaning given such term in section 101 of title 10, United States Code.

SEC. 635. CREDITING OF RESERVE SERVICE OF ENLISTED MEMBERS FOR COMPUTATION OF RETIRED PAY.

(a) **ARMY.**—(1) Section 3925 of title 10, United States Code, is amended—

(A) in subsection (a), by striking out "and of computing his retired pay under section 3991 of this title,"; and

(B) by striking out subsection (c).

(2)(A) Paragraph (1) of subsection (a) of section 3991 of such title is amended to read as follows:

"(1) **FORMULA.**—The monthly retired pay of a member entitled to such pay under this subtitle is computed by multiplying—

"(A) the member's retired pay base (as computed under section 1406(c) or 1407 of this title), by

"(B) the retired pay multiplier prescribed in section 1409 of this title for the number of years credited to the member under section 1405 of this title."

(B) Subsection (b) of such section is amended—

(i) in paragraph (1), by striking out "of the table"; and

(ii) by striking out paragraph (3).

(3) The text of section 3992 of such title is amended to read as follows:

"(a) **ENTITLEMENT TO RECOMPUTATION.**—An enlisted member or warrant officer of the Army who is advanced on the retired list under section 3964 of this title is entitled to recompute his retired pay in accordance with this section.

"(b) **FORMULA.**—The monthly retired pay of a member entitled to recompute that pay under this section is computed by multiplying—

"(1) the member's retired pay base (as computed under section 1406(c) or 1407 of this title), by

"(2) the retired pay multiplier prescribed in section 1409 of this title for the number of years credited to the member under section 1405 of this title.

"(c) **ROUNDING TO NEXT LOWER DOLLAR.**—The amount computed under subsection (b), if not a multiple of \$1, shall be rounded to the next lower multiple of \$1."

(b) **NAVY AND MARINE CORPS.**—The table in section 6333(a) of title 10, United States Code, is amended by striking out "his years of active service in the armed forces" in formula C under the column designated "Column 2" and inserting in lieu thereof "the years of service that may be credited to him under section 1405."

(c) **AIR FORCE.**—(1) Section 8925 of title 10, United States Code, is amended—

(A) in subsection (a), by striking out "and of computing his retired pay under section 8991 of this title,"; and

(B) by striking out subsection (c).

(2)(A) Paragraph (1) of subsection (a) of section 8991 of such title is amended to read as follows:

"(1) **FORMULA.**—The monthly retired pay of a member entitled to such pay under this subtitle is computed by multiplying—

"(A) the member's retired pay base (as computed under section 1406(e) or 1407 of this title), by

"(B) the retired pay multiplier prescribed in section 1409 of this title for the number of years credited to the member under section 1405 of this title."

(B) Subsection (b) of such section is amended—

(i) in paragraph (1), by striking out "of the table"; and

(ii) by striking out paragraph (3).

(3) The text of section 8992 of such title is amended to read as follows:

"(a) **ENTITLEMENT TO RECOMPUTATION.**—An enlisted member or warrant officer of the Air Force who is advanced on the retired list under section 8964 of this title is entitled to recompute his retired pay in accordance with this section.

"(b) **FORMULA.**—The monthly retired pay of a member entitled to recompute that pay under this section is computed by multiplying—

"(1) the member's retired pay base (as computed under section 1406(e) or 1407 of this title), by

"(2) the retired pay multiplier prescribed in section 1409 of this title for the number of years credited to the member under section 1405 of this title.

"(c) **ROUNDING TO NEXT LOWER DOLLAR.**—The amount computed under subsection (b), if not a multiple of \$1, shall be rounded to the next lower multiple of \$1."

(d) **CONFORMING AMENDMENT.**—Section 1405 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c) **EXCLUSION OF TIME REQUIRED TO BE MADE UP.**—Time required to be made up by an enlisted member of the Army or Air Force under section 972 of this title may not be counted in determining years of service under subsection (a)."

(e) **EFFECTIVE DATE.**—This section shall apply to—

(1) the computation of the retired pay of any enlisted member who retires on or after the date of the enactment of this Act;

(2) the computation of the retainer pay of any enlisted member who is transferred to the Fleet Reserve or the Fleet Marine Corps Reserve on or after the date of the enactment of this Act; and

(3) the recomputation of the retired pay of any enlisted member who is advanced on the retired list on or after the date of the enactment of this Act.

SEC. 636. MINIMUM REQUIRED RESERVE SERVICE FOR ELIGIBILITY FOR RETIRED PAY FOR NONREGULAR SERVICE DURING FORCE DRAWDOWN PERIOD.

Section 1331 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(f) In the case of a person who completes the service requirements of subsection (a)(2) during the period beginning on the date of the enactment of this subsection and ending on September 30, 1999, the provisions of subsection (a)(3) shall be applied by substituting 'the last six years' for 'the last eight years'."

SEC. 637. SBP PREMIUMS FOR RESERVE-COMPONENT CHILD-ONLY COVERAGE.

(a) **DETERMINATION OF PREMIUMS.**—Subsection (b) of section 1452 of title 10, United States Code, is amended to read as follows:

"(b) **CHILD-ONLY ANNUITIES.**—

"(1) **REQUIRED REDUCTION IN RETIRED PAY.**—The retired pay of a participant in the Plan who is providing child-only coverage (as described in paragraph (4)) shall be reduced by an amount prescribed under regulations by the Secretary of Defense.

"(2) **NO REDUCTION WHEN NO CHILD.**—There shall be no reduction in retired pay under paragraph (1) for any month during which the participant has no eligible dependent child.

"(3) **SPECIAL RULE FOR CERTAIN RCSBP PARTICIPANTS.**—In the case of a participant in the Plan who is participating in the Plan under an election under section 1448(a)(2)(B) of this title and who provided child-only coverage during a period before the participant becomes entitled to receive retired pay, the retired pay of the participant shall be reduced by an amount prescribed under regulations by the Secretary of Defense to reflect the coverage provided under the Plan during the period before the participant became entitled to receive retired pay. A reduction under this paragraph is in addition to any reduction under paragraph (1) and is made without regard to whether there is an eligible dependent child during a month for which the reduction is made.

"(4) **CHILD-ONLY COVERAGE DEFINED.**—For the purposes of this subsection, a participant in the Plan who is providing child-only coverage is a participant who has a dependent child and who—

"(A) does not have an eligible spouse or former spouse; or

"(B) has a spouse or former spouse but has elected to provide an annuity for dependent children only."

(b) **EFFECTIVE DATE.**—(1) Except as provided in paragraph (2), the amendment made by subsection (a) applies to any election for child-only coverage under a reserve-component annuity under the Survivor Benefit Plan, whether made before, on, or after the date of the enactment of this Act.

(2) Paragraph (1) does not apply in a case of an election referred to in that paragraph that was made before the date of the enactment of this Act if the participant was informed, in writing, before the date of the enactment of this Act that no reduction in the participant's retired pay for child-only coverage would be made during a period when there was no eligible dependent child.

SEC. 638. DISCONTINUATION OF INSURABLE INTEREST COVERAGE UNDER SURVIVOR BENEFIT PLAN.

Paragraph (1) of section 1448(b) of title 10, United States Code, is amended—

(1) by inserting "(A)" after "(1)"; and

(2) by adding at the end the following:

"(B) An election under subparagraph (A) for a beneficiary who is not the former spouse of the person providing the annuity may be terminated. Any such termination shall be made by a participant by the submission to the Secretary concerned of a request to discontinue participation in the Plan, and such participation in the Plan shall be discontinued effective on the first day of the first month following the month in which the request is received by the Secretary concerned. Effective on such date, the Secretary concerned shall discontinue the reduction being made in such person's retired pay on account of participation in the Plan or, in the case of a person who has been required to make deposits in the Treasury on account of participation in the Plan, such person may discontinue making such deposits effective on such date.

"(C) A request under subparagraph (B) to discontinue participation in the Plan shall be in such form and shall contain such information as may be required under regulations prescribed by the Secretary of Defense.

"(D) The Secretary concerned shall furnish promptly to each person who submits a request under subparagraph (B) to discontinue participation in the Plan a written statement of the advantages and disadvantages of participating in the Plan and the possible disadvantages of discontinuing participation. A person may withdraw the request to discontinue participation if withdrawn within 30 days after having been submitted to the Secretary concerned.

"(E) Once participation is discontinued, benefits may not be paid in conjunction with the earlier participation in the Plan and premiums paid may not be refunded. Participation in the Plan may not later be resumed except through a qualified election under paragraph (5) of subsection (a)."

SEC. 639. FORFEITURE OF ANNUITY OR RETIRED PAY OF MEMBERS CONVICTED OF ESPIONAGE UNDER UCMJ.

(a) **FORFEITURE.**—Section 8312(b)(2)(A) of title 5, United States Code, is amended by striking out "or article 106 (spies)" and inserting in lieu thereof "article 106 (spies), or article 106a (espionage)".

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to persons convicted of espionage under section 906a of title 10, United States Code (article 106a of the Uniform Code of Military Justice), on or after the date of the enactment of this Act.

SEC. 640. TREATMENT OF RETIRED AND RETAINER PAY OF MEMBERS OF CADRE OF CIVILIAN COMMUNITY CORPS.

Section 159(c)(3) of the National and Community Service Act of 1990 (42 U.S.C. 12619(c)(3)) is

amended by adding at the end the following: "In the case of a member of the permanent cadre who was recommended for appointment in accordance with section 162(a)(2)(A) and is entitled to retired or retainer pay, section 5532 of title 5, United States Code, shall not apply to reduce the member's retired or retainer pay by reason of the member being paid as a member of the cadre."

Subtitle E—Other Matters

SEC. 651. ELIGIBILITY OF MEMBERS RETIRED UNDER TEMPORARY SPECIAL RETIREMENT AUTHORITY FOR SERVICEMEN'S GROUP LIFE INSURANCE.

(a) **ELIGIBILITY.**—Section 1965(5) of title 38, United States Code, is amended—

(1) by striking out "and" at the end of subparagraph (C);

(2) by redesignating subparagraph (D) as subparagraph (E); and

(3) by inserting after subparagraph (C) the following new subparagraph (D):

"(D) a person transferred to the Retired Reserve of a uniformed service under the temporary special retirement authority provided in section 1331a of title 10 who has not received the first increment of retirement pay or has not reached sixty-one years of age; and"

(b) **INSURANCE COVERAGE.**—Section 1967(a) of such title is amended—

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

(2) by adding "and" at the end of paragraph (3);

(3) by inserting after paragraph (3) the following:

"(4) any member assigned to the Retired Reserve of a uniform service who meets the qualifications set forth in section 1965(5)(D) of this title;"; and

(4) in the second sentence, by inserting after "section 1965(5)(C) of this title," the following: "or the first day a member of the Reserves meets the qualifications of section 1965(5)(D) of this title."

(c) **DURATION OF COVERAGE.**—Section 1968(a) of such title is amended—

(1) in the matter preceding paragraph (1), by striking out "section 1965(5)(B) or (C)" and inserting in lieu thereof "subparagraph (B), (C), or (D) of section 1965(5)";

(2) in paragraph (4)—

(A) by striking out "or" at the end of subparagraph (A);

(B) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof "or"; and

(C) by adding at the end the following new subparagraph:

"(C) unless on the date of such separation or release the member is transferred to the Retired Reserve of a uniformed service under the temporary special retirement authority provided in section 1331a of title 10, in which event the insurance, unless converted to an individual policy under terms and conditions set forth in section 1977(e) of this title, shall, upon timely payment of premiums under terms prescribed by the Secretary directly to the administrative office established under section 1966(b) of this title, continue in force until receipt of the first increment of retirement pay by the member or the member's sixty-first birthday, whichever occurs earlier;"; and

(3) by adding at the end the following:

"(6) with respect to a member of the Retired Reserve who meets the qualifications of section 1965(5)(D) of this title, at such time as the member receives the first increment of retirement pay, or the member's sixty-first birthday, whichever occurs earlier, subject to the timely payment of the initial and subsequent premiums, under terms prescribed by the Secretary, directly to the administrative office established under section 1966(b) of this title."

(d) DEDUCTIONS.—Section 1969 of such title is amended—

(1) in subsection (a)(2)—

(A) by striking out “or is assigned” and inserting in lieu thereof “is assigned”; and

(B) by inserting after “section 1965(5)(C) of this title,” the following: “or is assigned to the Retired Reserve and meets the qualifications of section 1965(5)(D) of this title.”; and

(2) in subsection (e), by striking out “section 1965(5)(C)” in the first sentence and inserting in lieu thereof “subparagraph (C) or (D) of section 1965(5)”.

SEC. 652. TRANSPORTATION OF REMAINS.

(a) TRANSPORTATION OF REMAINS OF DECEASED RETIRED MEMBERS WHO DIE OUTSIDE UNITED STATES.—(1) Section 1481 of title 10, United States Code, is amended—

(A) in subsection (a)—

(i) by striking out “the remains of—” and inserting in lieu thereof “the remains of the following persons:”;

(ii) by capitalizing the first letter of the first word in each paragraph;

(iii) by striking out the semicolon at the end of each paragraph (other than paragraphs (7) and (8)) and inserting in lieu thereof a period;

(iv) by striking out “; and” at the end of paragraph (7) and inserting in lieu thereof a period; and

(v) by adding after paragraph (8) the following new paragraph:

“(9) To the extent authorized under section 1482(g) of this title, any retired member of an armed force who dies while outside the United States or any individual who dies outside the United States while a dependent of such a member.”; and

(B) by adding at the end the following new subsection:

“(c) In this section, the term ‘dependent’ has the meaning given such term in section 1072(2) of this title.”.

(2) Section 1482 of such title is amended by adding at the end the following new subsection:

“(g) The payment of expenses incident to the recovery, care, and disposition of a decedent covered by section 1481(a)(9) of this title is limited to the payment of expenses described in paragraphs (1) through (5) of subsection (a) and air transportation of the remains from a location outside the United States to a point of entry in the United States. Such air transportation may be provided without reimbursement on a space-available basis in military or military-chartered aircraft. The Secretary concerned shall pay all other expenses authorized to be paid under this subsection only on a reimbursable basis. Amounts reimbursed to the Secretary concerned under this subsection shall be credited to appropriations available, at the time of reimbursement, for the payment of such expenses.”.

(3) The amendments made by this subsection shall apply with respect to the remains of, and incidental expenses incident to the recovery, care, and disposition of, an individual who dies after the date of the enactment of this Act.

(b) TRANSPORTATION OF REMAINS OF DECEASED VETERANS ON AEROMEDICAL EVACUATION AIRCRAFT.—(1) Subsection (a) of section 2641 of title 10, United States Code, is amended by inserting before the period the following: “or of transporting the remains of a deceased veteran who died at such a facility after being transported to the facility under this subsection. Transportation of the remains of a deceased veteran under this subsection may be provided to the place from which the veteran was transported to the facility or to any other destination which is not farther away from the facility than such place”.

(2) Such section is further amended—

(A) in subsection (b)—

(i) in the matter preceding paragraph (1), by inserting “(or for the remains of a veteran)” after “furnished to a veteran”;

(ii) in paragraph (1), by inserting “(or of the remains of such veteran)” after “of such veteran”; and

(iii) in paragraph (2), by inserting “(or the remains of the veteran)” after “for the veteran”;

(B) in subsection (d)(1)—

(i) by inserting “(or on the survivors of a veteran)” after “on a veteran”; and

(ii) by inserting “(or for the remains of the veteran)” after “to the veteran”; and

(C) in subsection (d)(2), by inserting “(or for the remains of veterans)” after “to veterans”.

SEC. 653. SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR DEPARTMENT OF DEFENSE PERSONNEL OUTSIDE THE UNITED STATES.

(a) IN GENERAL.—Chapter 53 of title 10, United States Code, is amended by adding at the end the following new section:

“§1060a. Special supplemental food program

“(a) AUTHORITY.—The Secretary of Defense may carry out a program to provide special supplemental food benefits to members of the armed forces on duty at stations outside the United States (and its territories and possessions) and to eligible civilians serving with, employed by, or accompanying the armed forces outside the United States (and its territories and possessions).

“(b) FEDERAL PAYMENTS AND COMMODITIES.—For the purpose of obtaining Federal payments and commodities in order to carry out the program referred to in subsection (a), the Secretary of Agriculture shall make available to the Secretary of Defense from funds appropriated for such purpose, the same payments and commodities as are made for the special supplemental food program in the United States under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786).

“(c) PROGRAM ADMINISTRATION.—(1)(A) The Secretary of Defense shall administer the program referred to in subsection (a) and, except as provided in subparagraph (B), shall determine eligibility for program benefits under the criterion published by the Secretary of Agriculture under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786).

“(B) The Secretary of Defense shall prescribe regulations governing computation of income eligibility standards for families of individuals participating in the program under this section.

“(2) The program benefits provided under the program shall be similar to benefits provided by State and local agencies in the United States.

“(d) DEPARTURE FROM STANDARDS.—The Secretary of Defense may authorize departures from standards prescribed by the Secretary of Agriculture regarding the supplemental foods to be made available in the program when local conditions preclude strict compliance or when such compliance is highly impracticable.

“(e) REGULATIONS.—The Secretary of Defense shall prescribe regulations to administer the program authorized by this section.

“(f) DEFINITIONS.—In this section:

“(1) The term ‘eligible civilian’ means—

“(A) a dependent of a member of the armed forces residing with the member outside the United States;

“(B) an employee of a military department who is a national of the United States and is residing outside the United States in connection with such individual’s employment or a dependent of such individual residing with the employee outside the United States; or

“(C) an employee of a Department of Defense contractor who is a national of the United States and is residing outside the United States in connection with such individual’s employment or a dependent of such individual residing with the employee outside the United States.

“(2) The term ‘national of the United States’ means—

“(A) a citizen of the United States; or

“(B) a person who, though not a citizen of the United States, owes permanent allegiance to the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22))).

“(3) The term ‘dependent’ has the meaning given such term in subparagraphs (A), (D), (E), and (I) of section 1072(2) of this title.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 53 of title 10, United States Code, is amended by adding at the end the following new item:

“1060a. Special supplemental food program.”.

SEC. 654. STUDY OF OFFSET OF DISABILITY COMPENSATION BY RECEIPT OF SEPARATION BENEFITS AND INCENTIVES.

(a) STUDY REQUIRED.—The Comptroller General of the United States shall carry out a study regarding the requirement in each of the following provisions of title 10, United States Code, to offset the amount of disability compensation payable to a veteran by the amount of the separation benefits paid to the veteran under such provision of law:

(1) Section 1174, relating to payment of separation pay upon involuntary discharge or release from active duty.

(2) Section 1174a(a), relating to payment of a special separation benefit for voluntary separation.

(3) Section 1175, relating to payment of a voluntary separation incentive.

(b) ELEMENTS OF STUDY.—In carrying out the study required under subsection (a), the Comptroller General shall—

(1) determine the purposes of the provisions of law referred to in such subsection;

(2) determine the justifications for the requirement for offset of disability compensation provided in each such provision of law;

(3) assess the financial effects of the offset requirements on affected veterans, and the fiscal effects of the offset requirements on the Federal Government, taking into consideration—

(A) an estimate (by the Comptroller General) of the number of members of the Armed Forces who will separate from the Armed Forces during the period beginning on the date of the enactment of this Act and ending on September 30, 1999;

(B) an estimate (by the Comptroller General) of—

(i) the number of such members who will receive separation benefits under the provisions of law referred to in subsection (a); and

(ii) the average amount of the benefits to be paid such members;

(C) an estimate (by the Comptroller General) of—

(i) the number of such members who will be entitled to disability compensation payable by the Secretary of Veterans Affairs; and

(ii) the average monthly amount of the compensation to which such members will be entitled; and

(D) an assessment (by the Comptroller General) of the extent, if any, to which the offset affects the capacity of such members to meet their financial obligations, including financial obligations incurred in connection with service in the Armed Forces or with separation from that service, and increased net costs for housing and medical care;

(4) determine the extent, if any, to which the offset of disability compensation required under the provisions of law referred to in subsection (a) reduces the effectiveness of such provisions of law for achieving the purposes of those provisions of law; and

(5) determine the cost to the Federal Government that would result from repeal of the offset requirements in such provisions of law.

(c) **RESULTS OF STUDY.**—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Armed Services and the Committees on Veterans' Affairs of the Senate and the House of Representatives a report containing the results of the study required under subsection (a). The report shall include recommendations of the Comptroller General for improvement of the separation benefits under the provisions of law referred to in subsection (a).

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Health Care Services

SEC. 701. REVISION OF DEFINITION OF DEPENDENTS TO INCLUDE YOUNG PEOPLE BEING ADOPTED BY MEMBERS OR FORMER MEMBERS.

(a) **ELIGIBILITY FOR HEALTH BENEFITS.**—Section 1072 of title 10, United States Code, is amended—

(1) in paragraph (2)(D), by striking out the matter preceding clause (i) and inserting in lieu thereof the following:

“(D) a child who—; and

(2) by adding at the end the following new paragraph:

“(6) The term ‘child’, with respect to a member or former member of a uniformed service, means the following:

“(A) An unmarried legitimate child.

“(B) An unmarried adopted child.

“(C) An unmarried stepchild.

“(D) An unmarried person—

“(i) who is placed in the home of the member or former member by a placement agency (recognized by the Secretary of Defense) in anticipation of the legal adoption of the person by the member or former member; and

“(ii) who otherwise meets the requirements specified in paragraph (2)(D).”

(b) **CONFORMING AMENDMENT.**—Section 401(b)(1)(B) of title 37, United States Code, is amended by striking out “placement agency for the purpose of adoption” and inserting in lieu thereof “placement agency (recognized by the Secretary of Defense) in anticipation of the legal adoption of the child by the member”.

SEC. 702. TREATMENT OF CERTAIN DEPENDENTS AS CHILDREN FOR PURPOSES OF CHAMPUS, DEPENDENTS' DENTAL PROGRAM, AND CONTINUED HEALTH BENEFITS COVERAGE.

(a) **CHAMPUS.**—(1) Subsection (a) of section 1079 of title 10, United States Code, is amended in the first sentence by striking out “spouses and children” and inserting in lieu thereof “dependents, as described in subparagraphs (A), (D), and (I) of section 1072(2) of this title.”

(2) Subsection (d) of such section is amended by striking out “as defined in section 1072(2)(A) or (D)” and inserting in lieu thereof “as described in subparagraph (A), (D), or (I) of section 1072(2)”.

(b) **DEPENDENTS' DENTAL PROGRAM.**—Section 1076a of such title is amended—

(1) in subsection (a)(1), by striking out “spouses and children (as described in section 1072(2)(D) of this title)” and inserting in lieu thereof “eligible dependents”;

(2) in subsection (e), by striking out “spouse or child” and inserting in lieu thereof “eligible dependent”;

(3) in subsection (f), by striking out “spouse or children” both places it appears and inserting in lieu thereof “eligible dependents”; and

(4) by adding at the end the following new subsection:

“(h) **ELIGIBLE DEPENDENT DEFINED.**—In this section, the term ‘eligible dependent’ means a dependent described in subparagraph (A), (D), or (I) of section 1072(2) of this title.”

(c) **CONTINUED HEALTH BENEFITS COVERAGE.**—Section 1078a of such title is amended—

(1) in subsection (b)(2)(A), by inserting before the semicolon the following: “or ceases to meet the requirements for being considered an unmarried dependent under section 1072(2)(I) of this title”;

(2) in subsection (c)(3)—

(A) by striking out “child” both places it appears and inserting in lieu thereof “dependent”; and

(B) by striking out “child’s” each place it appears and inserting in lieu thereof “dependent’s”;

(3) in subsection (d)(2)(A)—

(A) by striking out “child” the first, second, and fourth places it appears and inserting in lieu thereof “dependent”; and

(B) by striking out “an unmarried dependent child under section 1072(2)(D) of this title,” and inserting in lieu thereof “a dependent under subparagraph (D) or (I) of section 1072(2) of this title”;

(4) in subsection (d)(2)(B)—

(A) by striking out “child’s” and inserting in lieu thereof “dependent’s”; and

(B) by striking out “child” and inserting in lieu thereof “dependent”;

(5) in subsection (g)(1)(B), by striking out “an unmarried dependent child under section 1072(2)(D) of this title” and inserting in lieu thereof “a dependent under subparagraph (D) or (I) of section 1072(2) of this title”; and

(6) in subsection (g)(2), by striking out “child” both places it appears and inserting in lieu thereof “dependent”.

SEC. 703. AVAILABILITY OF DEPENDENTS' DENTAL PROGRAM OUTSIDE THE UNITED STATES.

(a) **PROGRAM EXPANSION.**—Section 1076a of title 10, United States Code, is amended—

(1) by redesignating subsection (h), as added by section 702(b)(4), as subsection (i); and

(2) by inserting after subsection (g) the following new subsection:

“(h) **CARE OUTSIDE THE UNITED STATES.**—The Secretary may exercise the authority provided under subsection (a) to establish basic dental benefits plans for the provision of dental benefits outside the United States for the eligible dependents of members of the uniformed services accompanying the members on permanent assignments to duty outside the United States.”

(b) **CONFORMING AMENDMENT.**—Section 1077(c) of such title is amended by striking out “and care” and inserting in lieu thereof “, dental care provided outside the United States, and dental care”.

SEC. 704. AUTHORIZATION FOR MEDICAL AND DENTAL CARE FOR ABUSED DEPENDENTS OF CERTAIN MEMBERS.

(a) **ADDITIONAL BASIS FOR CARE.**—Subsection (e) of section 1076 of title 10, United States Code, is amended—

(1) by striking out paragraph (1) and inserting in lieu thereof the following new paragraph:

“(1) Subject to paragraph (3), if an abused dependent of a former member of a uniformed service described in paragraph (4) needs medical or dental care for an injury or illness resulting from abuse by the member, the administering Secretary may, upon request of the abused dependent, furnish medical or dental care to the dependent for the treatment of such injury or illness in facilities of the uniformed services.”; and

(2) by adding at the end the following new paragraph:

“(4)(A) A former member of a uniformed service referred to in paragraph (1) is a member who—

“(i) received a dishonorable or bad-conduct discharge or was dismissed from a uniformed service as a result of a court-martial conviction for an offense, under either military or civil law, involving abuse of a dependent of the member; or

“(ii) was administratively discharged from a uniformed service as a result of such an offense.

“(B) A determination of whether an offense involved abuse of a dependent of the member shall be made in accordance with regulations prescribed by the administering Secretary for such uniformed service.”

(b) **CONFORMING AMENDMENTS.**—Such subsection is further amended—

(1) by inserting “former” before “member” each place it appears in paragraphs (2) and (3);

(2) in paragraph (2), by striking out “paragraph (1)(A)” and inserting in lieu thereof “paragraph (4)”;

(3) in paragraph (3)(C)—

(A) by striking out “is” and inserting in lieu thereof “was”; and

(B) by striking out “paragraph (1)(A)” and inserting in lieu thereof “paragraph (4)”.

(c) **PERSONAL SERVICE CONTRACTS TO PROVIDE CARE.**—(1) The Secretary of Defense may enter into personal service contracts under the authority of section 1091 of title 10, United States Code, with persons described in paragraph (2) to provide the services of clinical counselors, family advocacy program staff, and victim's services representatives to members of the Armed Forces and covered beneficiaries who require such services. Notwithstanding subsection (a) of such section, such services may be provided in medical treatment facilities of the Department of Defense or elsewhere as determined appropriate by the Secretary.

(2) The persons with whom the Secretary may enter into a personal services contract under this subsection shall include clinical social workers, psychologists, psychiatrists, and other comparable professionals who have advanced degrees in counseling or related academic disciplines and who meet all requirements for State licensure and board certification requirements, if any, within their fields of specialization.

SEC. 705. ADDITIONAL AUTHORIZED HEALTH CARE SERVICE AVAILABLE THROUGH MILITARY HEALTH CARE SYSTEM.

Section 1077(b)(2)(B) of title 10, United States Code, is amended by inserting after “artificial limbs” the following: “, voice prostheses.”

SEC. 706. DEMONSTRATION PROGRAMS FOR SALE OF PHARMACEUTICALS.

(a) **PERSONS ELIGIBLE FOR PARTICIPATION.**—Subsection (c)(2) of section 702 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 10 U.S.C. 1079 note) is amended by striking out subparagraph (B) and inserting in lieu thereof the following new subparagraph:

“(B) either—

“(i) resides in an area that is adversely affected (as determined by the Secretary) by the closure of a health care facility of the uniformed services as a result of the closure or realignment of the military installation at which such facility is located; or

“(ii) can demonstrate to the satisfaction of the Secretary that the person relied upon a health care facility referred to in clause (i) before the closure of the facility to obtain the person's pharmaceuticals.”

(b) **PURCHASE FEES.**—Subsection (d) of such section is amended—

(1) by inserting “(1)” after “FEES.”; and

(2) by adding at the end the following new paragraph:

“(2) In the case of persons eligible to participate in the demonstration project for pharmaceuticals or the retail pharmacy network by reason of clause (ii) of subsection (c)(2)(B), the Secretary of Defense may increase the fees, charges, and copayments established under paragraph (1)(B) and otherwise applicable to such persons by an amount necessary to cover any additional costs incurred by the administering Secretaries as a result of making pharmaceuticals available to such persons under this section.”

SEC. 707. ONE YEAR CONTINUATION OF FULL CHAMPUS AND DEPENDENTS' DENTAL PROGRAM BENEFITS FOR DEPENDENTS OF MEMBERS WHO DIE WHILE ON ACTIVE DUTY FOR A PERIOD OF MORE THAN 30 DAYS.

(a) CONTINUATION OF SECTION 1079 CHAMPUS RULES.—Subsection (g) of section 1079 of title 10, United States Code, is amended by inserting after the first sentence the following new sentence: "In addition, when a member dies while on active duty for a period of more than 30 days, the member's dependents who are receiving benefits under a plan covered by subsection (a) shall continue to be eligible for such benefits during the one-year period beginning on the date of the death of the member."

(b) CONTINUATION OF DEPENDENTS' DENTAL PROGRAM BENEFITS.—Subsection (i) of section 1076a of such title, as added by section 702(b)(4) and redesignated by section 703(a)(1), is further amended—

(1) by inserting "(1)" after "ELIGIBLE DEPENDENT DEFINED.—"; and

(2) by adding at the end the following new paragraph:

"(2) The term includes a dependent described in such subparagraphs of a member who dies while on active duty for a period of more than 30 days if the dependent is enrolled on the date of the death of the member in a dental benefits plan established under subsection (a), except that the term does not include the dependent after the end of the one-year period beginning on the date of the member's death. The Secretary of Defense may waive (in whole or in part) any requirements of the plan as the Secretary determines necessary for the effective administration of the plan for a dependent covered by this paragraph."

(c) APPLICATION OF AMENDMENTS.—The amendments made by subsections (a) and (b) shall apply with respect to the dependents described in such amendments of a member of a uniformed service who dies on or after October 1, 1993, while on active duty for a period of more than 30 days.

(d) CONFORMING REPEAL.—Section 704 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1687) is repealed. The repeal of such section shall not terminate the special payment rules provided in such section with respect to any person eligible for such payment rules on the date of the enactment of this Act.

Subtitle B—Changes to Existing Laws Regarding Health Care Management

SEC. 711. COORDINATION OF BENEFITS WITH MEDICARE.

Section 1086(d) of title 10, United States Code, is amended by striking out paragraph (3) and inserting in lieu thereof the following:

"(3)(A) Subject to subparagraph (B), if a person described in paragraph (2) receives medical or dental care for which payment may be made under medicare and a plan contracted for under subsection (a), the amount payable for that care under the plan shall be the amount of the actual out-of-pocket costs incurred by the person for that care over the sum of—

"(i) the amount paid for that care under medicare; and

"(ii) the total of all amounts paid or payable by third party payers other than medicare.

"(B) The amount payable for care under a plan pursuant to subparagraph (A) may not exceed the total amount that would be paid under the plan if payment for that care were made solely under the plan.

"(C) In this paragraph:

"(i) The term 'medicare' means title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

"(ii) The term 'third party payer' has the meaning given such term in section 1095(h)(1) of this title."

SEC. 712. AUTHORITY FOR REIMBURSEMENT OF PROFESSIONAL LICENSE FEES UNDER RESOURCE SHARING AGREEMENTS.

Section 1096 of title 10, United States Code, is amended by adding at the end the following:

"(d) REIMBURSEMENT FOR LICENSE FEES.—In any case in which it is necessary for a member of the uniformed services to pay a professional license fee imposed by a government in order to provide health care services at a facility of a civilian health care provider pursuant to an agreement entered into under subsection (a), the Secretary of Defense may reimburse the member for up to \$500 of the amount of the license fee paid by the member."

SEC. 713. IMPOSITION OF ENROLLMENT FEES FOR MANAGED CARE PLANS.

Section 1097(c) of title 10, United States Code, is amended by adding at the end the following new sentence: "In the case of contracts for health care services under this section or health care plans offered under section 1099 of this title for which the Secretary permits covered beneficiaries who are covered by section 1086 of this title and who participate in such contracts or plans to pay an enrollment fee in lieu of meeting the applicable deductible amount specified in section 1086(b) of this title, the Secretary may establish the same (or a lower) enrollment fee for covered beneficiaries described in section 1086(d)(1) of this title who also participate in such contracts or plans."

SEC. 714. STRENGTHENING MANAGED HEALTH CARE AUTHORITIES.

(a) AMENDMENTS TO ALTERNATIVE HEALTH CARE DELIVERY CONTRACTS AUTHORITY.—Section 1097 of title 10, United States Code, is amended—

(1) by redesignating subsection (c) (as amended by section 713) as subsection (e); and

(2) by inserting after subsection (b) the following new subsections:

"(c) COORDINATION WITH FACILITIES OF THE UNIFORMED SERVICES.—The Secretary of Defense may provide for the coordination of health care services provided pursuant to any contract or agreement under this section with those services provided in medical treatment facilities of the uniformed services. Subject to the availability of space and facilities and the capabilities of the medical or dental staff, the Secretary may not deny access to facilities of the uniformed services to a covered beneficiary on the basis of whether the beneficiary enrolled or declined enrollment in any program established under, or operating in connection with, any contract under this section. However, the Secretary may, as an incentive for enrollment, establish reasonable preferences for services in facilities of the uniformed services for covered beneficiaries enrolled in any program established under, or operating in connection with, any contract under this section.

"(d) COORDINATION WITH OTHER HEALTH CARE PROGRAMS.—In the case of a covered beneficiary who is enrolled in a managed health care program not operated under the authority of this chapter, the Secretary may contract under this section with such other managed health care program for the purpose of coordinating the beneficiary's dual entitlements under such program and this chapter. A managed health care program with which arrangements may be made under this subsection includes any health maintenance organization, competitive medical plan, health care prepayment plan, or other managed care program recognized pursuant to regulations issued by the Secretary."

(b) AMENDMENTS TO THIRD PARTY COLLECTIONS PROGRAM AUTHORITY.—Section 1095 of title 10, United States Code, is amended—

(1) in subsection (b), by striking out "if that care" and all that follows through the period and inserting in lieu thereof the following:

"shall operate to prevent collection by the United States under subsection (a) if that care is provided—

"(1) through a facility of the uniformed services;

"(2) directly or indirectly by a governmental entity;

"(3) to an individual who has no obligation to pay for that care or for whom no other person has a legal obligation to pay; or

"(4) by a provider with which the third party payer has no participation agreement."

(2) in subsection (d), by inserting "and except as provided in subsection (j)," after "(b).";

(3) in subsection (h)(1), by adding at the end the following new sentence: "Such term also includes entities described in subsection (j) under the terms and to the extent provided in such subsection."; and

(4) by adding at the end the following new subsection:

"(j) The Secretary of Defense may enter into an agreement with any health maintenance organization, competitive medical plan, health care prepayment plan, or other similar plan (pursuant to regulations issued by the Secretary) providing for collection under this section from such organization or plan for services provided to a covered beneficiary who is an enrollee in such organization or plan."

(c) CONDITION ON EXPANSION OF CHAMPUS REFORM INITIATIVE.—Section 712 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 subsection (c) and inserting in lieu thereof the following new subsection:

"(c) EVALUATION OF CERTIFICATION.—The Comptroller General of the United States and the Director of the Congressional Budget Office shall evaluate each certification made by the Secretary of Defense under subsection (a) that expansion of the CHAMPUS reform initiative to another location is the most efficient method of providing health care to covered beneficiaries in that location. They shall submit their findings to Congress if these findings differ substantially from the findings upon which the Secretary made the decision to expand the CHAMPUS reform initiative."

SEC. 715. DELAY IN DEADLINE FOR USE OF HEALTH MAINTENANCE ORGANIZATION MODEL AS OPTION FOR MILITARY HEALTH CARE.

Section 731 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1696; 10 U.S.C. 1073 note) is amended—

(1) in subsection (a), by striking out "after the date of the enactment of this Act" and inserting in lieu thereof "after December 31, 1994";

(2) in subsection (e), by striking out "February 1, 1994" and inserting in lieu thereof "December 31, 1994"; and

(3) by adding at the end the following new subsection (f):

"(f) MODIFICATION OF EXISTING CONTRACTS.—In the case of managed health care contracts in effect or in final stages of acquisition as of December 31, 1994, the Secretary may modify such contracts to incorporate the health benefit option required under subsection (a)."

SEC. 716. LIMITATION ON REDUCTION IN NUMBER OF RESERVE COMPONENT MEDICAL PERSONNEL.

Section 518(a) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2407) is amended—

(1) by inserting before the period at the end the following: ", unless the Secretary certifies to Congress that the number of such personnel to be reduced in a particular military department is excess to the current and projected needs for personnel in the Selected Reserve of that military department"; and

(2) by adding at the end the following new sentence: "The assessment of current and projected personnel needs under this subsection shall be consistent with the wartime requirements for Selected Reserve personnel identified in the final report on the comprehensive study of the military medical care system prepared pursuant to section 733 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 10 U.S.C. 1071 note)."

SEC. 717. IMPLEMENTATION OF ANNUAL HEALTH CARE SURVEY REQUIREMENT.

Section 724 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2440; 10 U.S.C. 1071 note) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection (b):

"(b) EXEMPTION.—An annual survey under subsection (a) shall be treated as not a collection of information for the purposes for which such term is defined in section 3502(4) of title 44, United States Code."

Subtitle C—Persian Gulf Illness

SEC. 721. PROGRAMS RELATED TO DESERT STORM MYSTERY ILLNESS.

(a) OUTREACH PROGRAM TO PERSIAN GULF VETERANS AND FAMILIES.—The Secretary of Defense shall institute a comprehensive outreach program to inform members of the Armed Forces who served in the Southwest Asia theater of operations during the Persian Gulf Conflict, and the families of such members, of illnesses that may result from such service. The program shall be carried out through both medical and command channels, as well as any other means the Secretary considers appropriate. Under the program, the Secretary shall—

(1) inform such individuals regarding—

(A) common disease symptoms reported by Persian Gulf veterans that may be due to service in the Southwest Asia theater of operations;

(B) blood donation policy;

(C) available counseling and medical care for such members; and

(D) possible health risks to children of Persian Gulf veterans;

(2) inform such individuals of the procedures for registering in either the Persian Gulf Veterans Health Surveillance System of the Department of Defense or the Persian Gulf War Health Registry of the Department of Veterans Affairs; and

(3) encourage such members to report any symptoms they may have and to register in the appropriate health surveillance registry.

(b) INCENTIVES TO PERSIAN GULF VETERANS TO REGISTER.—In order to encourage Persian Gulf veterans to register any symptoms they may have in one of the existing health registries, the Secretary of Defense shall provide the following:

(1) For any Persian Gulf veteran who is on active duty and who registers with the Department of Defense's Persian Gulf War Veterans Health Surveillance System, a full medical evaluation and any required medical care.

(2) For any Persian Gulf War veteran who is, as of the date of the enactment of this Act, a member of a reserve component, opportunity to register at a military medical facility in the Persian Gulf Veterans Health Care Surveillance System and, in the case of a Reserve who registers in that registry, a full medical evaluation by the Department of Defense. Depending on the results of the evaluation and on eligibility status, reserve personnel may be provided medical care by the Department of Defense.

(3) For a Persian Gulf veteran who is not, as of the date of the enactment of this Act, on active duty or a member of a reserve component, assistance and information at a military medical

facility on registering with the Persian Gulf War Registry of the Department of Veterans Affairs and information related to support services provided by the Department of Veterans Affairs.

(c) COMPATIBILITY OF DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS REGISTRIES.—The Secretary of Defense shall take appropriate actions to ensure—

(1) that the data collected by and the testing protocols of the Persian Gulf War Health Surveillance System maintained by the Department of Defense are compatible with the data collected by and the testing protocols of the Persian Gulf War Veterans Health Registry maintained by the Department of Veterans Affairs; and

(2) that all information on individuals who register with the Department of Defense for purposes of the Persian Gulf War Health Surveillance System is provided to the Secretary of Veterans Affairs for incorporation into the Persian Gulf War Veterans Health Registry.

(d) PRESUMPTIONS ON BEHALF OF SERVICE MEMBER.—(1) A member of the Armed Forces who is a Persian Gulf veteran, who has symptoms of illness, and who the Secretary concerned finds may have become ill as a result of serving on active duty in the Southwest Asia theater of operations during the Persian Gulf War shall be considered for Department of Defense purposes to have become ill as a result of serving in that theater of operations.

(2) A member of the Armed Forces who is a Persian Gulf veteran and who reports being ill as a result of serving on active duty in the Southwest Asia theater of operations during the Persian Gulf War shall be considered for Department of Defense purposes to have become ill as a result of serving in that theater of operations until such time as the weight of medical evidence establishes other cause or causes of the member's illness.

(3) The Secretary concerned shall ensure that, for the purposes of health care treatment by the Department of Defense, health care and personnel administration, and disability evaluation by the Department of Defense, the symptoms of any member of the Armed Forces covered by paragraph (1) or (2) are examined in light of the member's service in the Persian Gulf War and in light of the reported symptoms of other Persian Gulf veterans. The Secretary shall ensure that, in providing health care diagnosis and treatment of the member, a broad range of potential causes of the member's symptoms are considered and that the member's symptoms are considered collectively, as well as by type of symptom or medical specialty, and that treatment across medical specialties is coordinated appropriately.

(4) The Secretary of Defense shall ensure that the presumptions of service connection and illness specified in paragraphs (1) and (2) are incorporated in appropriate service medical and personnel regulations and are widely disseminated throughout the Department of Defense.

(e) REVISION OF THE PHYSICAL EVALUATION BOARD CRITERIA.—(1) The Secretary of Defense, in consultation with the Secretary of Veterans Affairs and the Secretary of Health and Human Services, shall ensure that case definitions of Persian Gulf related illnesses, as well as the Physical Evaluation Board criteria used to set disability ratings for members no longer medically qualified for continuation on active duty, are established as soon as possible to permit accurate disability ratings related to a diagnosis of Persian Gulf illnesses.

(2) Until revised disability criteria can be implemented and members of the Armed Forces can be rated against those criteria, the Secretary of Defense shall ensure—

(A) that any member of the Armed Forces on active duty who may be suffering from a Persian Gulf-related illness is afforded continued military medical care; and

(B) that any member of the Armed Forces on active duty who is found by a Physical Evaluation Board to be unfit for continuation on active duty as a result of a Persian Gulf-related illness for which the board has no rating criteria (or inadequate rating criteria) for the illness or condition from which the member suffers is placed on the temporary disability retired list.

(f) REVIEW OF RECORDS AND RERATING OF PREVIOUSLY DISCHARGED GULF WAR VETERANS.—(1) The Secretary of Defense, in consultation with the Secretary of Veterans Affairs, shall ensure that a review is made of the health and personnel records of each Persian Gulf veteran who before the date of the enactment of this Act was discharged from active duty, or was medically retired, as a result of a Physical Evaluation Board process.

(2) The review under paragraph (1) shall be carried out to ensure that former Persian Gulf veterans who may have been suffering from a Persian Gulf-related illness at the time of discharge or retirement from active duty as a result of the Physical Evaluation Board process are re-evaluated in accordance with the criteria established under subsection (e)(1) and, if appropriate, are rerated.

(g) PERSIAN GULF ILLNESS MEDICAL REFERRAL CENTERS.—The Secretary of Defense shall evaluate the feasibility of establishing one or more medical referral centers to provide uniform, coordinated medical care for Persian Gulf veterans on active duty who are or may be suffering from a Persian Gulf-related illness. The Secretary shall submit a report on such feasibility to the Committees on Armed Services of the Senate and House of Representatives not later than six months after the date of the enactment of this Act.

(h) ANNUAL REPORT TO CONGRESS.—(1) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives an annual report on—

(A) efforts taken and results achieved in notifying members of the Armed Forces and their families as part of the outreach program required by subsection (a);

(B) efforts taken to revise the Physical Evaluation Board disability rating criteria and interim efforts to adjudicate cases before the revision of the criteria; and

(C) results of the review and rerating of previously separated servicemembers.

(2) The first report under paragraph (1) shall be submitted not later than 120 days after the date of the enactment of this Act.

(i) PERSIAN GULF VETERAN.—For purposes of this section, a Persian Gulf veteran is an individual who served on active duty in the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf Conflict.

SEC. 722. STUDIES OF HEALTH CONSEQUENCES OF MILITARY SERVICE OR EMPLOYMENT IN SOUTHWEST ASIA DURING THE PERSIAN GULF WAR.

(a) IN GENERAL.—The Secretary of Defense, in coordination with the Secretary of Veterans Affairs and the Secretary of Health and Human Services, shall conduct studies and administer grants for studies to determine—

(1) the nature and causes of illnesses suffered by individuals as a consequence of service or employment by the United States in the Southwest Asia theater of operations during the Persian Gulf War; and

(2) the appropriate treatment for those illnesses.

(b) NATURE OF THE STUDIES.—(1) Studies under subsection (a)—

(A) shall include consideration of the range of potential exposure of individuals to environmental, battlefield, and other conditions incident to service in the theater;

(B) shall be conducted so as to provide assessments of both short-term and long-term effects

to the health of individuals as a result of those exposures; and

(C) shall include, at a minimum, the following types of studies:

(i) An epidemiological study or studies on the incidence, prevalence, and nature of the illness and symptoms and the risk factors associated with symptoms or illnesses.

(ii) Studies to determine the health consequences of the use of pyridostigmine bromide as a pretreatment antidote enhancer during the Persian Gulf War, alone or in combination with exposure to pesticides, environmental toxins, and other hazardous substances.

(iii) Clinical research and other studies on the causes, possible transmission, and treatment of Persian Gulf-related illnesses.

(2)(A) The first project carried out under paragraph (1)(C)(ii) shall be a retrospective study of members of the Armed Forces who served in the Southwest Asia theater of operations during the Persian Gulf War.

(B) The second project carried out under paragraph (1)(C)(ii) shall consist of animal research and nonanimal research, including *in vitro* systems, as required, designed to determine whether the use of pyridostigmine bromide in combination with exposure to pesticides or other organophosphates, carbamates, or relevant chemicals will result in increased toxicity in animals and is likely to have a similar effect on humans.

(c) INDIVIDUALS COVERED BY THE STUDIES.—Studies conducted pursuant to subsections (a) shall apply to the following individuals:

(1) Individuals who served as members of the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War.

(2) Individuals who were civilian employees of the Department of Defense in that theater during that period.

(3) To the extent appropriate, individuals who were employees of contractors of the Department of Defense in that theater during that period.

(4) To the extent appropriate, the spouses and children of individuals described in paragraph (1).

(d) PLAN FOR THE STUDIES.—(1) The Secretary of Defense shall prepare a coordinated plan for the studies to be conducted pursuant to subsection (a). The plan shall include plans and requirements for research grants in support of the studies. The Secretary shall submit the plan to the National Academy of Sciences for review and comment.

(2) The plan for studies pursuant to subsection (a) shall be updated annually. The Secretary of Defense shall request an annual review by the National Academy of Science of the updated plan and study progress and results achieved during the preceding year.

(3) The plan, and annual updates to the plan, shall be prepared in coordination with the Secretary of Veterans Affairs and the Secretary of Health and Human Services.

(e) FUNDING.—(1) From the amount authorized to be appropriated pursuant to section 201 for Defense-wide activities, the Secretary of Defense shall make available such funds as the Secretary considers necessary to support the studies conducted pursuant to subsection (a).

(2) For each year in which activities continue in support of the studies conducted pursuant to subsection (a), the Secretary of Defense shall include in the budget request for the Department of Defense a request for such funds as the Secretary determines necessary to continue the activities during that fiscal year.

(f) REPORTS.—(1) Not later than March 31, 1995, the Secretary of Defense shall submit to Congress the coordinated plan for the studies to be conducted pursuant to subsection (a) and the results of the review of that plan by the National Academy of Sciences.

(2) Not later than October 1 of each year through 1998, the Secretary shall submit to Congress a report on the results of the studies conducted pursuant to subsection (a), plans for continuation of the studies, and the results of the annual review of the studies by the National Academy of Sciences.

(3) Each report under this section shall be prepared in coordination with the Secretary of Veterans Affairs and the Secretary of Health and Human Services.

(g) DEFINITION.—In this section, the term "Persian Gulf War" has the meaning given such term in section 101 of title 38, United States Code.

Subtitle D—Other Matters

SEC. 731. CHIROPRACTIC HEALTH CARE DEMONSTRATION PROGRAM.

(a) REQUIREMENT FOR PROGRAM.—(1) Not later than 120 days after the date of enactment of this Act, the Secretary of Defense shall develop and carry out a demonstration program to evaluate the feasibility and advisability of furnishing chiropractic care through the medical care facilities of the Armed Forces. The Secretary of Defense shall develop and carry out the program in consultation with the Secretaries of the military departments.

(2) In carrying out the program, the Secretary of Defense shall—

(A) subject to paragraph (3), designate not less than 10 major military medical treatment facilities of the Department of Defense to furnish chiropractic care under the program; and

(B) enter into agreements with such number of chiropractors as the Secretary determines sufficient for the purposes of the program to furnish chiropractic care at such facilities under the program.

(3) The Secretary may not designate under paragraph (2) any treatment facility that is located on a military installation scheduled for closure or realignment under a base closure law.

(b) PROGRAM PERIOD.—The Secretary shall carry out the demonstration program in fiscal years 1995 through 1997.

(c) REPORTING REQUIREMENTS.—(1) Not later than January 30, 1995, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the demonstration program. The report shall—

(A) identify the treatment facilities designated pursuant to subsection (a)(2)(A); and

(B) include a discussion of the plan for the conduct of the program.

(2) Not later than May 1, 1995, the Secretary of Defense shall submit to the committees referred to in paragraph (1) a plan for evaluating the program, including a schedule for conducting progress reviews and for submitting a final report to the committees.

(3) The Secretary shall submit to the committees referred to in paragraph (1) a final report in accordance with the plan submitted to such committees pursuant to paragraph (2).

(d) OVERSIGHT ADVISORY COMMITTEE.—(1) Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall establish an oversight advisory committee to assist and advise the Secretary with regard to the development and conduct of the demonstration program.

(2) The oversight advisory committee shall include the following members:

(A) The Comptroller General of the United States, or the designee of such person from within the General Accounting Office.

(B) The Assistant Secretary of Defense for Health Affairs, or the designee of such person.

(C) The Surgeons General of the Army, the Air Force, and the Navy, or the designees of such persons.

(D) No fewer than four independent representatives of the chiropractic health care profession, appointed by the Secretary of Defense.

(3) The oversight advisory committee shall assist the Secretary of Defense regarding—

(A) issues involving the professional credentials of the chiropractors participating in the program;

(B) the granting of professional practice privileges for the chiropractors at the treatment facilities participating in the program;

(C) the preparation of the reports required under subsection (c); and

(D) the evaluation of the program.

(4) The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the oversight advisory committee.

(e) DEFINITION.—For purposes of 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 title 10, United States Code.

SEC. 732. DEMONSTRATION PROGRAM FOR ADMISSION OF CIVILIANS AS PHYSICIAN ASSISTANT STUDENTS AT ACADEMY OF HEALTH SCIENCES, FORT SAM HOUSTON, TEXAS.

(a) CIVILIAN ATTENDANCE.—The Secretary of the Army may enter into a reciprocal agreement with an accredited institution of higher education under which students of the institution may attend the didactic portion of the physician assistant training program conducted by the Army Medical Department at the Academy of Health Sciences at Fort Sam Houston, Texas, in exchange for the provision of such academic services by the institution as the Secretary and the institution consider to be appropriate to support the physician assistant training program. The Secretary shall ensure that the Army Medical Department does not incur any additional costs as a result of the agreement than the Department would incur to obtain academic services for the physician assistant training program in the absence of the agreement.

(b) SELECTION OF STUDENTS.—(1) Subject to paragraph (2), not more than 20 civilian students per year may receive instruction at the Academy pursuant to the agreement under subsection (a). In consultation with the institution of higher education that is a party to the agreement, the Secretary shall establish qualifications and methods of selection for civilian students to receive instruction at the Academy. The qualifications established shall be comparable to those generally required for admission to the physician assistant training program at the Academy.

(2) The Secretary shall ensure that members of the Armed Forces are not denied enrollment in the physician assistant training program in order to permit the attendance of civilian students. The maximum annual enrollment for the program may not be increased solely for the purpose of permitting civilian students to attend the program.

(c) RULES OF ATTENDANCE.—Except as the Secretary determines necessary, a civilian student who receives instruction at the Academy pursuant to the agreement under subsection (a) shall be subject to the same regulations governing attendance, discipline, discharge, and dismissal as apply to military students attending the Academy.

(d) TERM AND TERMINATION OF AGREEMENT.—The term of the agreement entered into under subsection (a) may not extend beyond September 30, 1997. Either party to the agreement may terminate the agreement at any time before that date.

(e) REPORT.—For each year in which the agreement under subsection (a) is in effect, the Secretary shall submit to Congress a report

specifying the number of civilian students who received instruction at the Academy under the agreement during the period covered by the report and accessing the benefits to the United States of the agreement.

(f) **ACADEMY DEFINED.**—For purposes of this section, the term "Academy" means the Academy of Health Sciences of the Army Medical Department at Fort Sam Houston, Texas.

SEC. 733. DELAY IN CLOSURE OF ARMY HOSPITAL AT VICENZA, ITALY.

(a) **CLOSURE DELAY.**—During fiscal year 1995, the Secretary of the Army may not reduce the level of medical care services provided by the United States Army Hospital at Vicenza, Italy.

(b) **REPORT ON HOSPITAL.**—Not later than March 1, 1995, the Secretary of Defense shall submit to Congress a report regarding the operation of the Army Hospital at Vicenza, Italy. The report shall contain the following:

(1) A description of the number and demographic characteristics of members of the Armed Forces on active duty and covered beneficiaries under chapter 55 of title 10, United States Code, who typically receive medical care services at the hospital, including those members and covered beneficiaries stationed or residing at (or in the immediate vicinity of) Aviano Air Force Base and Camp Darby.

(2) An analysis of the projected costs or savings, including the cost of CHAMPUS benefits, resulting from the programmed closure of the hospital.

(3) A description of the differences in practice patterns between American and Italian doctors, such as differences in the normal lengths of stay for the most frequent inpatient admissions (including childbirth) and the availability of alternative methods of providing anesthesia during childbirth.

(4) An analysis of the feasibility of establishing a birthing center for the area and patients currently served by the hospital, to be staffed primarily by American nurse-midwives.

(5) A detailed plan for ensuring the availability of quality medical care, consistent with American medical practice patterns, for covered beneficiaries residing in Northern Italy.

SEC. 734. ORAL TYPHOID VACCINE INVENTORY OF DEPARTMENT OF DEFENSE.

(a) **NUMBER OF DOSES FOR INVENTORY.**—The Secretary of Defense shall direct that the number of doses of oral typhoid vaccine purchased for inventory by the Department of Defense during a fiscal year be not less than the number of doses of parenteral injection typhoid vaccine purchased for inventory by the Department during that fiscal year.

(b) **WAIVER.**—The Secretary of Defense may waive the applicability of subsection (a) for a fiscal year if the Secretary determines that the waiver is necessary for medical reasons and notifies Congress of the reasons for the waiver.

SEC. 735. REPORT ON EXPANDED USE OF NON- AVAILABILITY OF HEALTH CARE STATEMENTS.

(a) **REPORT REQUIRED.**—Not later than December 31, 1994, the Secretary of Defense shall submit to Congress a report describing the plans (if any) of the Department of Defense to use the authority provided in sections 1080(b) and 1086(e) of title 10, United States Code, for making determinations whether or not to issue a nonavailability of health care statement. The report shall include an analysis of the effects of such plans on—

(1) the freedom of choice of covered beneficiaries in selecting health care providers;

(2) the access of covered beneficiaries to health care services;

(3) the quality and continuity of health care services;

(4) the clarity and understandability of the applicable requirements regarding issuance nonavailability of health care statements; and

(5) the health care costs incurred by the Federal Government and covered beneficiaries.

(b) **USE OF AUTHORITY.**—During the period beginning on the date of the enactment of this Act and ending 90 days after the date on which the Secretary submits the report required by subsection (a), the Secretary may not—

(1) expand the number or size of the geographical areas in which the Secretary is currently using the authority provided by sections 1080(b) and 1086(e) of title 10, United States Code; or

(2) implement or use such authority in a manner inconsistent with the manner in which such authority was implemented or used as of February 1, 1994.

SEC. 736. COST ANALYSIS OF TIDEWATER TRICARE DELIVERY OF PEDIATRIC HEALTH CARE TO MILITARY FAMILIES.

(a) **COST ANALYSIS REQUIRED.**—Not later than October 1, 1995, the Assistant Secretary of Defense (Health Affairs) shall determine the amount of the expenditures made by the Department of Defense for pediatric care for each of fiscal years 1992, 1993, and 1994 under the program for delivery of health care services in the Tidewater region of Virginia carried out pursuant to section 712(b) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 105 Stat. 1402). The Assistant Secretary shall determine the total amount of such expenditures and the amount of such expenditures for each case.

(b) **USE OF ANALYSIS.**—In evaluating changes to the pediatric care furnished by the Department of Defense (including that pediatric care furnished under the Civilian Health and Medical Program of the Uniformed Services) in the Tidewater region of Virginia, the Assistant Secretary may consider the amounts determined under subsection (a) in determining the appropriate standards, limitations, and requirements to apply to the cost of pediatric care under the system.

SEC. 737. STUDY AND REPORT ON FINANCIAL RELIEF FOR CERTAIN MEDICARE-ELIGIBLE MILITARY RETIREES WHO INCUR MEDICARE LATE ENROLLMENT PENALTIES.

(a) **STUDY.**—The Secretary of Defense, in consultation with the Secretary of Health and Human Services, shall conduct a study regarding possible financial relief from late enrollment penalties for military retirees and dependents of such retirees who—

(1) reside within the service area (or former service area) of a military installation closed or approved for closure under a base closure law; and

(2) have failed to enroll in a timely manner in medicare part B due to reliance upon the military treatment facility located at such installation.

(b) **REPORT.**—Not later than March 31, 1995, the Secretary of Defense shall submit to Congress a report containing the results of the study required under subsection (a). The report shall also contain the following:

(1) For each military installation studied, the number of military retirees within both a 40 mile and 65 mile catchment area who have failed to enroll in medicare part B and are subjected to late enrollment penalties.

(2) A determination of the estimated aggregate amount of the penalties in terms of each military installation studied.

(3) A description of the characteristics of the population that are subject to the penalties, such as age and income level.

(4) An examination of the appropriateness of waiving the penalties.

(5) A description of the Department of Defense funds that should be used to pay the penalties if waiver of the penalties is not recommended.

(6) A proposed program for a special medicare part B enrollment period for affected retirees living near military installations already closed or which are designated for closure in the future.

(7) Legislative recommendations for implementing a program which removes the financial burden from the medicare-eligible beneficiaries who have been or will be adversely impacted by the closure of a military installation.

(c) **DEFINITIONS.**—For purposes of this section:

(1) The term "base closure law" means the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) and title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(2) The term "medicare part B" means the public health insurance program under part B of title XVIII of the Social Security Act.

(3) The term "military treatment facility" means a facility of a uniformed service referred to in section 1074(a) of title 10, United States Code, in which health care is provided.

SEC. 738. SENSE OF CONGRESS ON CONTINUITY OF HEALTH CARE SERVICES FOR COVERED BENEFICIARIES IN AREAS AFFECTED BY BASE CLOSURES.

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that the Secretary of Defense should take all appropriate steps, including a limited continuation of services for managed health care currently provided to covered beneficiaries described in subsection (b) who are eligible for such services, to ensure the continuity of health care services for such beneficiaries during the procurement, transition, and initial implementation phases of a TRICARE managed care support contract for Health Services Regions of the Military Health Services System of Department of Defense.

(b) **COVERED BENEFICIARIES DESCRIBED.**—The covered beneficiaries referred to in subsection (a) are covered beneficiaries under chapter 55, United States Code, who reside in areas adversely affected by the closure of a military installation under a base closure law (as defined in section 737(c)(1)).

(c) **TRICARE DEFINED.**—For purposes of this section, the term "TRICARE" means the managed health care program that is established by the Secretary of Defense under the authority of chapter 55 of title 10, United States Code, principally section 1097 of such title, and includes the competitive selection of contractors to financially underwrite the delivery of health care services under the Civilian Health and Medical Program of the Uniformed Services.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Assistance Programs

SEC. 801. PROCUREMENT TECHNICAL ASSISTANCE PROGRAMS.

(a) **FUNDING.**—Of the amount authorized to be appropriated under section 301(5), \$12,000,000 shall be available for carrying out the provisions of chapter 142 of title 10, United States Code.

(b) **SPECIFIC PROGRAMS.**—Of the amounts made available pursuant to subsection (a), \$600,000 shall be available for fiscal year 1995 for the purpose of carrying out programs sponsored by eligible entities referred to in subparagraph (D) of section 2411(1) of title 10, United States Code, that provide procurement technical assistance in distressed areas referred to in subparagraph (B) of section 2411(2) of such title. If there is an insufficient number of satisfactory proposals for cooperative agreements in such distressed areas to allow effective use of the funds made available in accordance with this subsection in such areas, the funds shall be allocated among the Defense Contract Administration Services regions in accordance with section 2415 of such title.

SEC. 802. PILOT MENTOR-PROTEGE PROGRAM.

Of the amounts authorized to be appropriated for fiscal year 1995 by 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).

SEC. 803. INFRASTRUCTURE ASSISTANCE FOR HISTORICALLY BLACK COLLEGES AND OTHER MINORITY INSTITUTIONS OF HIGHER EDUCATION.

Of the amounts authorized to be appropriated for fiscal year 1995 by section 201, \$25,000,000 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. 804. TREATMENT UNDER SUBCONTRACTING PLANS OF PURCHASES FROM QUALIFIED NONPROFIT AGENCIES FOR THE BLIND OR SEVERELY DISABLED.

Section 2410d of title 10, United States Code, relating to credit under small business subcontracting plans for certain purchases, is amended—

- (1) in subsection (b)—
 (A) in paragraph (2)—
 (i) by striking out "and" at the end of subparagraph (A);
 (ii) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof "; and"; and
 (iii) by adding at the end the following new subparagraph:
 "(C) a central nonprofit agency designated by the Committee for Purchase from People Who Are Blind or Severely Disabled under section 2(c) of such Act (41 U.S.C. 47(c).";
 (B) by striking out paragraph (3); and
 (C) by redesignating paragraph (4) as paragraph (3); and
 (2) in subsection (c), by striking out "September 30, 1994" and inserting in lieu thereof "September 30, 1997".

Subtitle B—Other Matters**SEC. 811. DELEGATION OF INDUSTRIAL MOBILIZATION AUTHORITY.**

Section 2538 of title 10, United States Code, is amended—

- (1) by striking out "through the Secretary of Defense" each place it appears in subsections (a), (c), and (d) and inserting in lieu thereof "through the head of any department"; and
 (2) in subsection (c)—
 (A) by striking out "in the opinion of the Secretary of Defense" in the matter preceding paragraph (1) and inserting in lieu thereof "in the opinion of the head of that department"; and
 (B) by striking out "Secretary" each place it appears in paragraphs (2) and (3) and inserting in lieu thereof "head of such department".

SEC. 812. DETERMINATIONS OF PUBLIC INTEREST UNDER THE BUY AMERICAN ACT.

(a) CONSIDERATIONS.—Section 2533 of title 10, United States Code, is amended—

- (1) by striking out subsections (a) and (b) and inserting in lieu thereof the following:
 "(a) In determining under section 2 of title III of the Act of March 3, 1993 (41 U.S.C. 10a), popularly known as the 'Buy American Act', whether application of title III of such Act is inconsistent with the public interest, the Secretary of Defense shall consider the following:
 "(1) The bids or proposals of small business firms in the United States which have offered to furnish American goods.
 "(2) The bids or proposals of all other firms in the United States which have offered to furnish American goods.
 "(3) The United States balance of payments.
 "(4) The cost of shipping goods which are other than American goods.

"(5) Any duty, tariff, or surcharge which may enter into the cost of using goods which are other than American goods.

"(6) A need to ensure that the Department of Defense has access to advanced, state-of-the-art commercial technology.

"(7) The need to protect the national technology and industrial base, to preserve and enhance the national technology employment base, and to provide for a defense mobilization base.

"(8) A need to ensure that application of different rules of origin for United States end items and foreign end items does not result in an award to a firm other than a firm providing a product produced in the United States.

"(9) Any need—

"(A) to maintain the same source of supply for spare and replacement parts for an end item that qualifies as an American good; or

"(B) to maintain the same source of supply for spare and replacement parts in order not to impair integration of the military and commercial industrial base.

"(10) The national security interests of the United States."; and

(2) by redesignating subsection (c) as subsection (b).

(b) CONFORMING AND CLERICAL AMENDMENTS.—(1) The heading of section 2533 of such title is amended to read as follows:

"§2533. Determinations of public interest under the Buy American Act"

(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:

"2533. Determinations of public interest under the Buy American Act."

SEC. 813. CONTINUATION OF EXPIRING REQUIREMENT FOR ANNUAL REPORT ON THE USE OF COMPETITIVE PROCEDURES FOR AWARDED CERTAIN CONTRACTS TO COLLEGES AND UNIVERSITIES.

Section 2361 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c)(1) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives an annual report on the use of competitive procedures for the award of research and development contracts, and the award of construction contracts, to colleges and universities. Each such report shall include—

"(A) a list of each college and university that, during the period covered by the report, received more than \$1,000,000 in such contracts through the use of procedures other than competitive procedures; and
 "(B) the cumulative amount of such contracts received during that period by each such college and university.

"(2) Each report under paragraph (1) shall cover the preceding calendar year and shall be submitted not later than February 1 of the year after the year covered by the report."

SEC. 814. CONSOLIDATION AND REVISION OF LIMITATIONS ON PROCUREMENT OF GOODS OTHER THAN AMERICAN GOODS.

The text of section 2534 of title 10, United States Code, is amended to read as follows:

"(a) LIMITATION ON CERTAIN PROCUREMENTS.—The Secretary of Defense may procure any of the following items only if the manufacturer of the item satisfies the requirements of subsection (b):

"(1) BUSES.—Multipassenger motor vehicles (buses).

"(2) CHEMICAL WEAPONS ANTIDOTE.—Chemical weapons antidote contained in automatic injectors (and components for such injectors)

"(3) AIR CIRCUIT BREAKERS.—Air circuit breakers for naval vessels.

"(4) VALVES AND MACHINE TOOLS.—Items in the following categories:

"(A) Powered and non-powered valves in Federal Supply Classes 4810 and 4820 used in piping for naval surface ships and submarines.

"(B) Machine tools in the Federal Supply Classes for metal-working machinery numbered 3405, 3408, 3410 through 3419, 3426, 3433, 3438, 3441 through 3443, 3445, 3446, 3448, 3449, 3460, and 3461.

"(5) BALL BEARINGS AND ROLLER BEARINGS.—Ball bearings and roller bearings, in accordance with subpart 225.71 of part 225 of the Defense Federal Acquisition Regulation Supplement, as in effect on October 23, 1992.

"(b) MANUFACTURER IN THE NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.—

"(1) GENERAL REQUIREMENT.—A manufacturer meets the requirements of this subsection if the manufacturer is part of the national technology and industrial base.

"(2) MANUFACTURERS OF CHEMICAL WEAPONS ANTIDOTE.—In the case of a procurement of chemical weapons antidote referred to in subsection (a)(2), a manufacturer meets the requirements of this subsection only if the manufacturer—

"(A) meets the requirement set forth in paragraph (1);

"(B) is an existing producer under the industrial preparedness program at the time the contract is awarded;

"(C) has received all required regulatory approvals; and

"(D) when the contract for the procurement is awarded, has in existence in the national technology and industrial base the plant, equipment, and personnel necessary to perform the contract.

"(c) APPLICABILITY TO CERTAIN ITEMS.—

"(1) AIR CIRCUIT BREAKERS.—Subsection (a) does not apply to a procurement of spares or repair parts needed to support air circuit breakers produced or manufactured outside the United States.

"(2) VALVES AND MACHINE TOOLS.—(A) Contracts to which subsection (a) applies include the following contracts for the procurement of items described in paragraph (4) of such subsection:

"(i) A contract for procurement of such an item for use in property under the control of the Department of Defense, including any Government-owned, contractor-operated facility.

"(ii) A contract that is entered into by a contractor on behalf of the Department of Defense for the purpose of providing such an item to another contractor as Government-furnished equipment.

"(B) In any case in which a contract for items described in subsection (a)(4) includes the procurement of more than one Federal Supply Class of machine tools or machine tools and accessories, each supply class shall be evaluated separately for purposes of determining whether the limitation in subsection (a) applies.

"(C) Subsection (a)(4) and this paragraph shall cease to be effective on October 1, 1996.

"(3) BALL BEARINGS AND ROLLER BEARINGS.—Subsection (a)(5) and this paragraph shall cease to be effective on October 1, 1995.

"(d) WAIVER AUTHORITY.—The Secretary of Defense may waive the limitation in subsection (a) with respect to the procurement of an item listed in that subsection if the Secretary determines that any of the following apply:

"(1) Application of the limitation would cause unreasonable costs or delays to be incurred.

"(2) United States producers of the item would not be jeopardized by competition from a foreign country, and that country does not discriminate against defense items produced in the United

States to a greater degree than the United States discriminates against defense items produced in that country.

"(3) Application of the limitation would impede cooperative programs entered into between the Department of Defense and a foreign country, and that country does not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in that country.

"(4) Satisfactory quality items manufactured by an entity that is part of the national technology and industrial base (as defined in section 2491(1) of this title) are not available.

"(5) Application of the limitation would result in the existence of only one source for the item that is an entity that is part of the national technology and industrial base (as defined in section 2491(1) of this title).

"(6) The procurement is for an amount less than the simplified acquisition threshold and simplified purchase procedures are being used.

"(7) Application of the limitation is not in the national security interests of the United States.

"(8) Application of the limitation would adversely affect a United States company.

"(e) SONOBUOYS.—

"(1) LIMITATION.—The Secretary of Defense may not procure a sonobuoy manufactured in a foreign country if United States firms that manufacture sonobuoys are not permitted to compete on an equal basis with foreign manufacturing firms for the sale of sonobuoys in that foreign country.

"(2) WAIVER AUTHORITY.—The Secretary may waive the limitation in paragraph (1) with respect to a particular procurement of sonobuoys if the Secretary determines that such procurement is in the national security interests of the United States.

"(3) DEFINITION.—In this subsection, the term 'United States firm' has the meaning given such term in section 2532(d)(1) of this title.

"(f) PRINCIPLE OF CONSTRUCTION WITH FUTURE LAWS.—A provision of law may not be construed as modifying or superseding the provisions of this section, or as requiring funds to be limited, or made available, by the Secretary of Defense to a particular domestic source by contract, unless that provision of law—

"(1) specifically refers to this section;

"(2) specifically states that such provision of law modifies or supersedes the provisions of this section; and

"(3) specifically identifies the particular domestic source involved and states that the contract to be awarded pursuant to such provision of law is being awarded in contravention of this section."

SEC. 815. ENVIRONMENTAL CONSEQUENCE ANALYSIS OF MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) GUIDANCE.—Before April 1, 1995, the Secretary of Defense shall issue guidance, to apply uniformly throughout the Department of Defense, regarding—

(1) how to achieve the purposes and intent of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) by ensuring timely compliance for major defense acquisition programs (as defined in section 2430 of title 10, United States Code) through (A) initiation of compliance efforts before development begins, (B) appropriate environmental impact analysis in support of each milestone decision, and (C) accounting for all direct, indirect, and cumulative environmental effects before proceeding toward production; and

(2) how to analyze, as early in the process as feasible, the life-cycle environmental costs for such major defense acquisition programs, including the materials to be used, the mode of operations and maintenance, requirements for de-

militarization, and methods of disposal, after consideration of all pollution prevention opportunities and in light of all environmental mitigation measures to which the department expressly commits.

(b) ANALYSIS.—Beginning not later than March 31, 1995, the Secretary of Defense shall analyze the environmental costs of a major defense acquisition process as an integral part of the life-cycle cost analysis of the program pursuant to the guidance issued under subsection (a).

(c) DATA BASE FOR NEPA DOCUMENTATION.—The Secretary of Defense shall establish and maintain a data base for documents prepared by the Department of Defense in complying with the National Environmental Policy Act of 1969 with respect to major defense acquisition programs. Any such document relating to a major defense acquisition program shall be maintained in the data base for 5 years after commencement of low-rate initial production of the program.

SEC. 816. DEMONSTRATION PROJECT ON PURCHASE OF FIRE, SECURITY, POLICE, PUBLIC WORKS, AND UTILITY SERVICES FROM LOCAL GOVERNMENT AGENCIES.

(a) DEMONSTRATION PROJECT.—The Secretary of Defense may conduct a demonstration project, beginning October 1, 1994, at Monterey, California, under which any fire-fighting, security-guard, police, public works, utility, or other municipal services needed for operation of any Department of Defense asset in Monterey County, California, may be purchased from government agencies located within the county of Monterey. The purchase of such services for the demonstration project may be made notwithstanding section 2465 of title 10, United States Code.

(b) EVALUATION OF PROJECT.—Not later than December 31, 1996, the Secretary of Defense shall submit to Congress a report evaluating the results of the project and making any recommendations the Secretary considers appropriate, including recommendations on whether the purchase authorities used in conducting the project could be used to provide similar services at other locations.

SEC. 817. PREFERENCE FOR LOCAL RESIDENTS.

(a) PREFERENCE ALLOWED.—In entering into contracts with private entities for services to be performed at a military installation that is affected by closure or alignment under a base closure law, the Secretary of Defense may give preference, consistent with Federal, State, and local laws and regulations, to entities that plan to hire, to the maximum extent practicable, residents of the vicinity of such military installation to perform such contracts. Contracts for which the preference may be given include contracts to carry out environmental restoration activities or construction work at such military installations. Any such preference may be given for a contract only if the services to be performed under the contract at the military installation concerned can be carried out in a manner that is consistent with all other actions at the installation that the Secretary is legally required to undertake.

(b) DEFINITION.—In this section, the term "base closure law" means the following:

(1) The provisions of title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

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

(c) APPLICABILITY.—Any preference given under subsection (a) shall apply only with respect to contracts entered into after the date of the enactment of this Act.

(d) TERMINATION.—This section shall cease to be effective on September 30, 1997.

SEC. 818. PAYMENT OF RESTRUCTURING COSTS UNDER DEFENSE CONTRACTS.

(a) CERTIFICATION OF COST SAVINGS.—(1) The Secretary of Defense may not, under section 2324 of title 10, United States Code, pay restructuring costs associated with a business combination undertaken by a defense contractor until the Department of Defense reviews the projected costs and savings that will result for the Department from such business combination and an official of the Department of Defense at the level of Assistant Secretary of Defense or above certifies in writing that projections of future cost savings resulting for the Department from the business combination are based on audited cost data and should result in overall reduced costs to the Department.

(2) The requirements for a review and certification under paragraph (1) shall not apply with respect to any business combination for which restructuring costs were paid or otherwise approved by the Secretary before August 15, 1994.

(b) REQUIREMENT FOR REGULATIONS.—Not later than January 1, 1995, the Secretary of Defense shall prescribe regulations on the allowability of restructuring costs associated with business combinations under defense contracts.

(c) MATTERS TO BE INCLUDED.—At a minimum, the regulations shall—

(1) include a definition of the term "restructuring costs"; and

(2) address the issue of contract novations under such contracts.

(d) CONSULTATION.—In developing the regulations, the Secretary of Defense shall consult with the Administrator for Federal Procurement Policy.

(e) REPORT.—Not later than November 13 in each of the years 1995, 1996, and 1997, the Secretary of Defense shall submit to Congress a report on the following:

(1) A description of the procedures being followed within the Department of Defense for evaluating projected costs and savings under a defense contract resulting from a restructuring of a defense contractor associated with a business combination.

(2) A list of all defense contractors for which restructuring costs have been allowed by the Department, along with the identities of the firms which those contractors have acquired or with which those contractors have combined since July 21, 1993, that qualify the contractors for such restructuring reimbursement.

(3) The Department's experience with business combinations for which the Department has agreed to allow restructuring costs since July 21, 1993, including the following:

(A) The estimated amount of costs associated with each restructuring that have been or will be treated as allowable costs under defense contracts, including the type and amounts of costs that would not have arisen absent the business combination.

(B) The estimated amount of savings associated with each restructuring that are expected to be achieved on defense contracts.

(C) The types of documentation relied on to establish that savings associated with each restructuring will exceed costs associated with the restructuring.

(D) Actual experience on whether savings associated with each restructuring are exceeding costs associated with the restructuring.

(E) Identification of any programmatic or budgetary disruption in the Department of Defense resulting from contractor restructuring.

(f) DEFINITION.—In this section, the term "business combination" includes a merger or acquisition.

(g) COMPTROLLER GENERAL REPORTS.—(1) Not later than March 1, 1995, the Comptroller General shall submit to Congress a report on the adequacy of the regulations prescribed under subsection (b) with respect to—

(A) whether such regulations are consistent with the purposes of this section, other applicable law, and the Federal Acquisition Regulation; and

(B) whether such regulations establish policies, procedures, and standards to ensure that restructuring costs are paid only when in the best interests of the United States.

(2) The Comptroller General shall report periodically to Congress on the implementation of the policy of the Department of Defense regarding defense industry restructuring.

(3) Not later than December 1, 1997, the Comptroller General shall submit to Congress a final report on the policy of the Department of Defense on defense industry restructuring, including any recommendations the Comptroller considers appropriate.

SEC. 819. DEFENSE ACQUISITION PILOT PROGRAM DESIGNATIONS.

The Secretary of Defense is authorized to designate the following defense acquisition programs for participation, to the extent provided in the Federal Acquisition Streamlining Act of 1994, in 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):

(1) The Fire Support Combined Arms Tactical Trainer program.

(2) The Joint Direct Attack Munition program.

(3) The Joint Primary Aircraft Training System.

(4) Commercial-derivative aircraft.

(5) Commercial-derivative engine.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Secretarial Matters

SEC. 901. ADDITIONAL ASSISTANT SECRETARY OF DEFENSE.

(a) ESTABLISHMENT OF POSITION.—Section 138(a) of title 10, United States Code, is amended by striking out “ten” and inserting in lieu thereof “eleven”.

(b) EXECUTIVE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by striking out “Assistant Secretaries of Defense (10).” and inserting in lieu thereof the following: “Assistant Secretaries of Defense (11).”

SEC. 902. ORDER OF SUCCESSION TO SECRETARIES OF THE MILITARY DEPARTMENTS.

(a) ARMY.—Section 3017 of title 10, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph (3):

“(3) The General Counsel of the Department of the Army.”

(b) NAVY.—Section 5017 of such title is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by inserting after paragraph (2) the following new paragraph (3):

“(3) The General Counsel of the Department of the Navy.”

(c) AIR FORCE.—Section 8017 of such title is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph (3):

“(3) The General Counsel of the Department of the Air Force.”

SEC. 903. CHANGE OF TITLE OF COMPTROLLER OF THE DEPARTMENT OF DEFENSE TO UNDER SECRETARY OF DEFENSE (COMPTROLLER).

(a) IN GENERAL.—(1) Section 135 of title 10, United States Code, is amended—

(A) in subsection (a), by striking out “a Comptroller of the Department of Defense” and

inserting in lieu thereof “an Under Secretary of Defense (Comptroller)”; and

(B) in subsections (b), (c), (d), and (e), by striking out “Comptroller” each place it appears and inserting in lieu thereof “Under Secretary of Defense (Comptroller)”.

(2) The heading for such section is amended to read as follows:

“§135. Under Secretary of Defense (Comptroller)”.

(3) The item relating to such section in the table of sections at the beginning of chapter 4 of such title is amended to read as follows:

“135. Under Secretary of Defense (Comptroller)”.

(b) CONFORMING AMENDMENTS TO TITLE 10, UNITED STATES CODE.—(1) Section 131(b)(4) of title 10, United States Code, is amended by striking out “Comptroller” and inserting in lieu thereof “Under Secretary of Defense (Comptroller)”.

(2) Section 138(d) of such title is amended by striking out “and Comptroller”.

(c) CONFORMING AMENDMENT TO TITLE 5, UNITED STATES CODE.—Section 5314 of title 5, United States Code, is amended by striking out “Comptroller of the Department of Defense” and inserting in lieu thereof “Under Secretary of Defense (Comptroller)”.

(d) REFERENCES IN OTHER LAWS.—Any reference to the Comptroller of the Department of Defense 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 (Comptroller).

SEC. 904. NATIONAL GUARD BUREAU CHARTER.

(a) IN GENERAL.—Subtitle E of title 10, United States Code, as added by section 1611, is amended by inserting after chapter 1009, as added by section 1661(b), the following new chapter:

“CHAPTER 1011—NATIONAL GUARD BUREAU

“10501. National Guard Bureau.

“10502. Chief of the National Guard Bureau: appointment; adviser on National Guard matters; grade.

“10503. Functions of National Guard Bureau: charter from Secretaries of the Army and Air Force.

“10504. Chief of National Guard Bureau: annual report.

“10505. Vice Chief of the National Guard Bureau.

“10506. Other senior National Guard Bureau officers.

“10508. Definition.

“§10501. National Guard Bureau

“(a) NATIONAL GUARD BUREAU.—There is in the Department of Defense the National Guard Bureau, which is a joint bureau of the Department of the Army and the Department of the Air Force.

“(b) PURPOSES.—The National Guard Bureau is the channel of communications on all matters pertaining to the National Guard, the Army National Guard of the United States, and the Air National Guard of the United States between (1) the Department of the Army and Department of the Air Force, and (2) the several States.

“§10502. Chief of the National Guard Bureau: appointment; adviser on National Guard matters; grade

“(a) APPOINTMENT.—There is a Chief of the National Guard Bureau, who is responsible for the organization and operations of the National Guard Bureau. The Chief of the National Guard Bureau is appointed by the President, by and with the advice and consent of the Senate. Such appointment shall be made from officers of the Army National Guard of the United States or the Air National Guard of the United States who—

“(1) are recommended for such appointment by their respective Governors or, in the case of the District of Columbia, the commanding general of the District of Columbia National Guard;

“(2) have had at least 10 years of federally recognized commissioned service in an active status in the National Guard; and

“(3) are in a grade above the grade of brigadier general.

“(b) TERM OF OFFICE.—An officer appointed as Chief of the National Guard Bureau serves at the pleasure of the President for a term of four years. An officer may not hold that office after becoming 64 years of age. An officer may be reappointed as Chief of the National Guard Bureau. While holding that office, the Chief of the National Guard Bureau may not be removed from the reserve active-status list, or from an active status, under any provision of law that otherwise would require such removal due to completion of a specified number of years of service or a specified number of years of service in grade.

“(c) ADVISER ON NATIONAL GUARD MATTERS.—The Chief of the National Guard Bureau is the principal adviser to the Secretary of the Army and the Chief of Staff of the Army, and to the Secretary of the Air Force and the Chief of Staff of the Air Force, on matters relating to the National Guard, the Army National Guard of the United States, and the Air National Guard of the United States.

“(d) GRADE.—The Chief of the National Guard Bureau shall be appointed to serve in the grade of lieutenant general.

“§10503. Functions of National Guard Bureau: charter from Secretaries of the Army and Air Force

“The Secretary of the Army and the Secretary of the Air Force shall jointly develop and prescribe a charter for the National Guard Bureau. The charter shall cover the following matters:

“(1) Allocating unit structure, strength authorizations, and other resources to the Army National Guard of the United States and the Air National Guard of the United States.

“(2) Prescribing the training discipline and training requirements for the Army National Guard and the Air National Guard and the allocation of Federal funds for the training of the Army National Guard and the Air National Guard.

“(3) Ensuring that units and members of the Army National Guard and the Air National Guard are trained by the States in accordance with approved programs and policies of, and guidance from, the Chief, the Secretary of the Army, and the Secretary of the Air Force.

“(4) Monitoring and assisting the States in the organization, maintenance, and operation of National Guard units so as to provide well-trained and well-equipped units capable of augmenting the active forces in time of war or national emergency.

“(5) Planning and administering the budget for the Army National Guard of the United States and the Air National Guard of the United States.

“(6) Supervising the acquisition and supply of, and accountability of the States for, Federal property issued to the National Guard through the property and fiscal officers designated, detailed, or appointed under section 708 of title 32.

“(7) Granting and withdrawing, in accordance with applicable laws and regulations, Federal recognition of (A) National Guard units, and (B) officers of the National Guard.

“(8) Establishing policies and programs for the employment and use of National Guard technicians under section 709 of title 32.

“(9) Supervising and administering the Active Guard and Reserve program as it pertains to the National Guard.

“(10) Issuing directives, regulations, and publications consistent with approved policies of the Army and Air Force, as appropriate.

"(11) Facilitating and supporting the training of members and units of the National Guard to meet State requirements.

"(12) Such other functions as the Secretaries may prescribe.

"§10504. Chief of National Guard Bureau: annual report

"(a) ANNUAL REPORT.—The Chief of the National Guard Bureau shall submit to the Secretary of Defense, through the Secretaries of the Army and the Air Force, an annual report on the state of the National Guard and the ability of the National Guard to meet its missions. The report shall be prepared in conjunction with the Secretary of the Army and the Secretary of the Air Force and may be submitted in classified and unclassified versions.

"(b) SUBMISSION OF REPORT TO CONGRESS.—The Secretary of Defense shall transmit the annual report of the Chief of the National Guard Bureau to Congress, together with such comments on the report as the Secretary considers appropriate. The report shall be transmitted at the same time each year that the annual report of the Secretary under section 113(c) of this title is submitted to Congress.

"§10505. Vice Chief of the National Guard Bureau

"(a) APPOINTMENT.—(1) There is a Vice Chief of the National Guard Bureau, selected by the Secretary of Defense from officers of the Army National Guard of the United States or the Air National Guard of the United States who—

"(A) are recommended for such appointment by their respective Governors or, in the case of the District of Columbia, the commanding general of the District of Columbia National Guard;

"(B) have had at least 10 years of federally recognized commissioned service in an active status in the National Guard; and

"(C) are in a grade above the grade of colonel.

"(2) The Chief and Vice Chief of the National Guard Bureau may not both be members of the Army or of the Air Force.

"(3)(A) Except as provided in subparagraph (B), an officer appointed as Vice Chief of the National Guard Bureau serves for a term of four years, but may be removed from office at any time for cause.

"(B) The term of the Vice Chief of the National Guard Bureau shall end upon the appointment of a Chief of the National Guard Bureau who is a member of the same armed force as the Vice Chief.

"(4) The Secretary of Defense may waive the restrictions in paragraph (2) and the provisions of paragraph (3)(B) for a limited period of time to provide for the orderly transition of officers appointed to serve in the positions of Chief and Vice Chief of the National Guard Bureau.

"(b) DUTIES.—The Vice Chief of the National Guard Bureau performs such duties as may be prescribed by the Chief of the National Guard Bureau.

"(c) GRADE.—The Vice Chief of the National Guard Bureau shall be appointed to serve in the grade of major general.

"(d) FUNCTIONS AS ACTING CHIEF.—When there is a vacancy in the office of the Chief of the National Guard Bureau or in the absence or disability of the Chief, the Vice Chief of the National Guard Bureau acts as Chief and performs the duties of the Chief until a successor is appointed or the absence or disability ceases.

"(e) SUCCESSION AFTER CHIEF AND VICE CHIEF.—When there is a vacancy in the offices of both Chief and Vice Chief of the National Guard Bureau or in the absence or disability of both the Chief and Vice Chief of the National Guard Bureau, or when there is a vacancy in one such office and in the absence or disability of the officer holding the other, the senior officer of the Army National Guard of the United

States or the Air National Guard of the United States on duty with the National Guard Bureau shall perform the duties of the Chief until a successor to the Chief or Vice Chief is appointed or the absence or disability of the Chief or Vice Chief ceases, as the case may be.

"§10506. Other senior National Guard Bureau officers

"(a) ADDITIONAL GENERAL OFFICERS.—(1) In addition to the Chief and Vice Chief of the National Guard Bureau, there shall be assigned to the National Guard Bureau—

"(A) two general officers selected by the Secretary of the Army from officers of the Army National Guard of the United States who have been nominated by their respective Governors or, in the case of the District of Columbia, the commanding general of the District of Columbia National Guard, the senior of whom while so serving shall hold the grade of major general and serve as Director, Army National Guard, with the other serving as Deputy Director, Army National Guard; and

"(B) two general officers selected by the Secretary of the Air Force from officers of the Air National Guard of the United States who have been nominated by their respective Governors or, in the case of the District of Columbia, the commanding general of the District of Columbia National Guard, the senior of whom while so serving shall hold the grade of major general and serve as Director, Air National Guard, with the other serving as Deputy Director, Air National Guard.

"(2) The officers so selected shall assist the Chief of the National Guard Bureau in carrying out the functions of the National Guard Bureau as they relate to their respective branches.

"(b) OTHER OFFICERS.—There are in the National Guard Bureau a legal counsel, a comptroller, and an inspector general, each of whom shall be appointed by the Chief of the National Guard Bureau. They shall perform such duties as the Chief may prescribe.

"§10508. Definition

"In this chapter, the term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, and Guam and the Virgin Islands."

(b) CONFORMING REPEAL.—(1) Section 3040 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 305 of such title is amended by striking out the item relating to section 3040.

(c) CONFORMING AMENDMENT.—The text of section 108 of title 32, United States Code, is amended to read as follows:

"If, within a time fixed by the President, a State fails to comply with a requirement of this title, or a regulation prescribed under this title, the National Guard of that State is barred, in whole or in part, as the President may prescribe, from receiving money or any other aid, benefit, or privilege authorized by law."

(d) EFFECTIVE DATE.—The provisions of chapter 1011 of title 10, United States Code, as added by subsection (a), shall become effective, and the repeal made by subsection (c) and the amendment made by subsection (c) shall take effect, at the end of the 90-day period beginning on the date of the enactment of this Act.

Subtitle B—Professional Military Education

SEC. 911. AUTHORITY FOR MARINE CORPS UNIVERSITY TO AWARD THE DEGREE OF MASTER OF MILITARY STUDIES.

(a) AUTHORITY TO AWARD.—(1) Chapter 909 of title 10, United States Code, is amended by adding at the end the following new section:

"§7102. Marine Corps University: master of military studies

"(a) AUTHORITY.—Upon the recommendation of the Director and faculty of the Command and Staff College of the Marine Corps University,

the President of the Marine Corps University may confer the degree of master of military studies upon graduates of the college who fulfill the requirements for the degree.

"(b) REGULATIONS.—The authority provided by subsection (a) shall be exercised under regulations prescribed by the Secretary of the Navy."

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"7102. Marine Corps University: master of military studies."

(b) EFFECTIVE DATE.—The authority provided by section 7102(a) of title 10, United States Code, as added by subsection (a), shall become effective on the date on which the Secretary of Education determines that the requirements established by the Command and Staff College of the Marine Corps University for the degree of master of military studies are in accordance with generally applicable requirements for a degree of master of arts.

SEC. 912. BOARD OF ADVISORS FOR MARINE CORPS UNIVERSITY.

The Secretary of the Navy shall establish a board of advisors for the Marine Corps University. The Secretary shall ensure that the board is established so as to meet all requirements of the appropriate regional accrediting association.

SEC. 913. AUTHORITY FOR AIR UNIVERSITY TO AWARD THE DEGREE OF MASTER OF AIRPOWER ART AND SCIENCE.

(a) AUTHORITY TO AWARD.—(1) Chapter 901 of title 10, United States Code, is amended by adding at the end the following new section:

"§9317. Air University: master of airpower art and science

"(a) AUTHORITY.—Upon the recommendation of the faculty of the School of Advanced Airpower Studies of the Air University, the Commander of the university may confer the degree of master of airpower art and science upon graduates of the school who fulfill the requirements for the degree.

"(b) REGULATIONS.—The authority provided by subsection (a) shall be exercised under regulations prescribed by the Secretary of the Air Force."

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"9317. Air University: master of airpower art and science."

(b) EFFECTIVE DATE.—The authority provided by section 9317(a) of title 10, United States Code, as added by subsection (a), shall become effective on the date on which the Secretary of Education determines that the requirements established by the School of Advanced Airpower Studies of the Air University for the degree of master of airpower art and science are in accordance with generally applicable requirements for a degree of master of arts or a degree of master of science.

SEC. 914. SENSE OF CONGRESS ON GRADE OF HEADS OF SENIOR PROFESSIONAL MILITARY EDUCATION SCHOOLS.

It is the sense of Congress that an officer serving in a position as the head of one of the senior professional military education schools of the Department of Defense (or of the separate military departments) should, while so serving, hold a grade not less than the grade (or its equivalent) held by the officer serving in that position on the date of the enactment of this Act.

Subtitle C—Other Matters

SEC. 921. COMPOSITION OF RESERVE FORCES POLICY BOARD.

Section 175(a) of title 10, United States Code, is amended—

(1) in paragraph (4), by striking out "or Regular Marine Corps" and inserting in lieu thereof

"and an officer of the Regular Marine Corps each";

(2) by striking out "and" at the end of paragraph (8);

(3) by striking out the period at the end of paragraph (9) and inserting in lieu thereof "; and"; and

(4) by adding at the end the following:

"(10) an officer of the Regular Army, Regular Navy, Regular Air Force, or Regular Marine Corps serving in a position on the Joint Staff who is designated by the Chairman of the Joint Chiefs of Staff."

SEC. 922. CONTINUATION OF UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

(a) **CLOSURE PROHIBITED.**—The Uniformed Services University of the Health Sciences may not be closed.

(b) **BUDGETARY COMMITMENT TO CONTINUATION.**—It is the sense of Congress that the Secretary of Defense should budget for the ongoing operation of the Uniformed Services University of the Health Sciences as an institution of professional education that is vital to the education and training each year of significant numbers of personnel of the uniformed services for careers as uniformed services health care providers.

(c) **GAO EVALUATION.**—Not later than June 1, 1995, the Comptroller General of the United States shall submit to Congress a detailed report on the Uniformed Services University of the Health Sciences. The report shall include the following:

(1) A comparison of the cost of obtaining physicians for the Armed Forces from the University with the cost of obtaining physicians from other sources.

(2) An assessment of the retention rate needs of the Armed Forces for physicians in relation to the respective retention rates of physicians obtained from the University and physicians obtained from other sources and the factors that contribute to retention rates among military physicians obtained from all sources.

(3) A review of the quality of the medical education provided at the University with the quality of medical education provided by other sources of military physicians.

(4) A review of the overall issue of the special needs of military medicine and how those special needs are being met by physicians obtained from University and physicians obtained from other sources.

(5) An assessment of the extent to which the University has responded to the 1990 report of the Inspector General of the Department of Defense, including recommendations as to resolution of any continuing issues relating to management and internal fiscal controls of the University, including issues relating to the Henry M. Jackson Foundation for the Advancement of Military Medicine identified in the 1990 report.

(6) Such other recommendations as the Comptroller General considers appropriate.

SEC. 923. COMMISSION ON ROLES AND MISSIONS OF THE ARMED FORCES.

(a) **SIZE OF COMMISSION.**—(1) Section 952(b)(1) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1738; 10 U.S.C. 111 note) is amended by striking out "seven members" and inserting in lieu thereof "eleven members".

(2) Section 956(b)(1) of such Act (107 Stat. 1740) is amended by striking out "Four members" and inserting in lieu thereof "Seven members".

(3) The additional members of the Commission on Roles and Missions of the Armed Forces authorized by the amendment made by paragraph (1) shall be appointed by the Secretary of Defense not later than 30 days after the date of the enactment of this Act.

(4) At least one of the additional members of the Commission appointed pursuant to the

amendment made by paragraph (1) shall have previous military experience and management experience with the reserve components.

(b) **REVIEW OF RESERVE COMPONENTS.**—Section 953 of such Act (107 Stat. 1738) is amended—

(1) in subsection (d)—

(A) by striking out "and" at the end of paragraph (7);

(B) by striking out the period at the end of paragraph (8) and inserting in lieu thereof "; and"; and

(C) by adding at the end the following new paragraph:

"(9) the role of the Army National Guard of the United States, the Air National Guard of the United States, and the other reserve components";

(2) in subsection (e)(3), by inserting after "Department of Defense" the following: ", including the Army National Guard of the United States, the Air National Guard of the United States, and the other reserve components"; and

(3) by adding at the end the following new subsection:

"(h) **RECOMMENDATIONS CONCERNING RESERVE COMPONENTS.**—The Commission shall also address the roles, missions, and functions of the Army National Guard of the United States, the Air National Guard of the United States, and the other reserve components within the total force of the Armed Forces, particularly in light of lower budgetary resources that will be available to the Department of Defense in the future."

(c) **RECOMMENDATIONS CONCERNING PROGRAMS AND FORCE STRUCTURE.**—Section 953 of such Act is further amended by adding after subsection (h), as added by subsection (b), the following:

"(i) **RECOMMENDATIONS CONCERNING PROGRAMS AND FORCE STRUCTURE.**—The Commission may also recommend changes that would better align programs and force structure with projected missions and threats."

(d) **FFRDC SUPPORT.**—(1) Section 957 of such Act (107 Stat. 1741) is amended by adding at the end the following new subsection:

"(f) **FFRDC SUPPORT.**—(1) Upon the request of the chairman of the Commission, the Secretary of Defense shall make available to the Commission, without reimbursement, the services of any federally funded research and development center that is covered by a sponsoring agreement of the Department of Defense. The cost of the services made available under this subsection may not exceed \$20,000,000.

"(2) Notwithstanding any other provision of law, any analytic support or related services provided by such a center to the Commission shall not be subject to any overall ceiling established by this or any other Act on the activities or budgets of such centers."

(2) Such section is further amended by striking out the section heading and inserting in lieu thereof the following:

"SEC. 957. PERSONNEL MATTERS; EXPERT SERVICES."

SEC. 924. RENAMING OF THE UNITED STATES COURT OF MILITARY APPEALS AND THE COURTS OF MILITARY REVIEW.

(a) **RENAMING OF THE COURT OF MILITARY APPEALS.**—(1) The United States Court of Military Appeals shall hereafter be known and designated as the United States Court of Appeals for the Armed Forces.

(2) Section 941 of title 10, United States Code (article 141 of the Uniform Code of Military Justice), is amended by striking out "United States Court of Military Appeals" and inserting in lieu thereof "United States Court of Appeals for the Armed Forces".

(b) **RENAMING OF THE COURTS OF MILITARY REVIEW.**—(1) Each Court of Military Review shall hereafter be known and designated as a Court of Military Criminal Appeals.

(2) Section 866 of title 10, United States Code (article 66 of the Uniform Code of Military Justice), is amended by striking out "Court of Military Review" each place it appears and inserting in lieu thereof "Court of Military Criminal Appeals".

(c) **CONFORMING AMENDMENTS TO TITLE 10.**—Title 10, United States Code, is amended as follows:

(1) The following sections are amended by striking out "Court of Military Appeals" each place it appears and inserting in lieu thereof "Court of Appeals for the Armed Forces": sections 707(a)(2), 866(e), 867, 867a(a), 870, 871(c)(1), 873, 942, 943, 944, 945, and 946(b)(1).

(2) The following sections are amended by striking out "Court of Military Review" each place it appears and inserting in lieu thereof "Court of Military Criminal Appeals": sections 707(a)(2), 862(b), 867, 868, 869, 870, 871, and 873.

(3)(A) The heading of subchapter XII of chapter 47 is amended to read as follows:

"SUBCHAPTER XII—UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES"

(B) The table of subchapters at the beginning of chapter 47 is amended by striking out the item relating to subchapter XII and inserting in lieu thereof the following:

"XII. United States Court of Appeals for the Armed Forces 941 141"

(4)(A) The heading of section 866 is amended to read as follows:

"§866. Art. 66. Review by Court of Military Criminal Appeals"

(B) The heading of section 867 is amended to read as follows:

"§867. Art. 67. Review by the Court of Appeals for the Armed Forces"

(C) The items relating to sections 866 and 867 (articles 66 and 67) in the table of sections at the beginning of subchapter IX of chapter 47 are amended to read as follows:

"866. 66. Review by Court of Military Criminal Appeals."

"867. 67. Review by the Court of Appeals for the Armed Forces."

(d) **CONFORMING AMENDMENTS TO OTHER LAWS.**—

(1) The following titles of the United States Code are amended by striking out "Court of Military Appeals" each place it appears in the specified sections and inserting in lieu thereof "Court of Appeals for the Armed Forces":

(A) In title 5, sections 8334(a)(1), 8336(1), 8337(a), 8338(c), 8339(d)(6), and 8339(h) and the table in section 8334(c).

(B) In title 18, sections 202(e)(2) and 6001(4).

(C) In title 28, sections 1259 and 2101(g).

(D) In title 44, section 906.

(2)(A) The heading of section 1259 of title 28, United States Code, is amended to read as follows:

"§1259. Court of Appeals for the Armed Forces; certiorari"

(B) The item relating to section 1259 in the table of sections at the beginning of chapter 81 of such title is amended to read as follows:

"1259. Court of Appeals for the Armed Forces; certiorari."

(3) Section 109 of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by striking out "Court of Military Appeals" each place it appears in paragraphs (8) and (10) and inserting in lieu thereof "Court of Appeals for the Armed Forces".

SEC. 925. BUDGET SUPPORT FOR RESERVE ELEMENTS OF SPECIAL OPERATIONS COMMAND.

Section 167 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(k) BUDGET SUPPORT FOR RESERVE ELEMENTS.—(1) Before the budget proposal for the special operations command for any fiscal year is submitted to the Secretary of Defense, the commander of the command shall consult with the Secretaries of the military departments concerning funding for reserve component special operations units. If the Secretary of a military department does not concur in the recommended level of funding with respect to any such unit that is under the jurisdiction of the Secretary, the commander shall include with the budget proposal submitted to the Secretary of Defense the views of the Secretary of the military department concerning such funding.

“(2) Before the budget proposal for a military department for any fiscal year is submitted to the Secretary of Defense, the Secretary of that military department shall consult with the commander of the special operations command concerning funding for special operations forces in the military personnel budget for a reserve component in that military department. If the commander of that command does not concur in the recommended level of funding with respect to reserve component special operations units, the Secretary shall include with the budget proposal submitted to the Secretary of Defense the views of the commander of that command.”

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 1995 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.

SEC. 1002. EMERGENCY SUPPLEMENTAL AUTHORIZATIONS OF APPROPRIATIONS FOR FISCAL YEAR 1994.

(a) AUTHORIZATION OF PRIOR EMERGENCY SUPPLEMENTAL APPROPRIATIONS.—Funds appropriated to the Department of Defense for fiscal year 1994 in chapter 3 of title 1 of the Emergency Supplemental Appropriations Act of 1994 (Public Law 103-211; 108 Stat. 5) for the purposes stated in section 302 of such Act (108 Stat. 7), relating to the incremental and associated costs of the Department of Defense incurred in connection with ongoing United States operations relating to Somalia, Bosnia, Southwest Asia, and Haiti, are hereby authorized in amounts as follows:

- (1) For Military Personnel:
 - (A) For the Army, \$6,600,000.
 - (B) For the Navy, \$19,400,000.
 - (C) For the Air Force, \$18,400,000.
- (2) For Operation and Maintenance:
 - (A) For the Army, \$420,100,000.
 - (B) For the Navy, \$104,800,000.

(C) For the Air Force, \$560,100,000.

(D) For Defense-wide activities, \$21,600,000.

(3) For Procurement:

(A) For Aircraft Procurement, Army, \$20,300,000.

(B) For Other Procurement, Army, \$200,000.

(C) For Other Procurement, Air Force, \$26,800,000.

(b) AUTHORIZATION OF SUPPLEMENTAL APPROPRIATIONS FOR RELIEF OF RWANDA REFUGEES.—There is authorized to be appropriated to the Emergency Response Fund, Defense, as emergency supplemental appropriations for fiscal year 1994 the sum of \$270,000,000 to be used to reimburse appropriations of the Department of Defense for costs incurred for emergency relief for Rwanda.

SEC. 1003. INCORPORATION OF CLASSIFIED ANNEX.

(a) STATUS OF CLASSIFIED ANNEX.—The Classified Annex prepared by the committee of conference to accompany the bill S. 2182 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 such 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. 1004. DATE FOR SUBMISSION OF FUTURE-YEARS MISSION BUDGET.

Section 222(a) of title 10, United States Code, is amended by striking out “at the same time that” in the second sentence and inserting in lieu thereof “not later than 60 days after the date on which”.

SEC. 1005. SUBMISSION OF NEXT FUTURE-YEARS DEFENSE PROGRAM AS REQUIRED BY LAW.

(a) CONDITION ON OBLIGATION OF ADVANCE PROCUREMENT FUNDS.—If, as of the end of the 90-day period beginning on the date on which the President’s budget for fiscal year 1996 is submitted to Congress, the Secretary of Defense has not submitted to Congress the fiscal year 1996 future-years defense program, then during the 30-day period beginning on the last day of such 90-day period the Secretary may not obligate more than 10 percent of the fiscal year 1995 advance procurement funds that are available for obligation as of the end of that 90-day period. If, as of the end of such 30-day period, the Secretary of Defense has not submitted to Congress the fiscal year 1996 future-years defense program, then the Secretary may not make any further obligation of fiscal year 1995 advance procurement funds until such program is submitted to Congress.

(b) REMOVAL OF CONDITION.—If the Secretary submits to Congress the fiscal year 1996 future-years defense program during the 30-day period described in the first sentence of subsection (a), the limitation on obligation of advance procurement funds prescribed in that sentence shall cease to apply effective as of the date of the submission of such program.

(c) COMPLIANCE CERTIFICATION AS CONDITION OF EFFECTIVE SUBMISSION OF FYDP.—A submission of the fiscal year 1996 future-years defense

program may not be considered to have been made for purposes of this section unless the submission is accompanied by a certification by the Secretary that such program as submitted satisfies the requirements of section 221(b) of title 10, United States Code. Any such certification may be made by the Secretary only after consultation with the Inspector General of the Department of Defense.

(d) DEFINITIONS.—For purposes of this section:

(1) The term “fiscal year 1996 future-years defense program” means the multiyear defense program (including associated annexes) covering fiscal years beginning with fiscal year 1996 required (by section 221 of title 10, United States Code) to be submitted to Congress in conjunction with the President’s budget for that fiscal year.

(2) The term “fiscal year 1995 advance procurement funds” means funds appropriated for the Department of Defense for fiscal year 1995 that are available for advance procurement.

SEC. 1006. AUTHORITY FOR OBLIGATION OF CERTAIN UNAUTHORIZED FISCAL YEAR 1994 DEFENSE APPROPRIATIONS.

(a) AUTHORITY.—The amounts described in subsection (b) may be obligated and expended for programs, projects, and activities of the Department of Defense in accordance with fiscal year 1994 defense appropriations except as otherwise provided in section subsections (c) and (d).

(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 1994 defense appropriations that are in excess of the amounts provided for such programs, projects, and activities in fiscal year 1994 defense authorizations.

(c) PROGRAMS NOT AVAILABLE FOR OBLIGATION.—Amounts described in subsection (b) which remain available for obligation on the date of the enactment of this Act may not be obligated or expended for the following programs, projects, and activities of the Department of Defense (for which amounts were provided in fiscal year 1994 defense appropriations):

(1) The Guardrail modifications program under “Aircraft Procurement, Army” in the amount of \$19,000,000.

(2) The AT-4 upgrade program under “Procurement of Ammunition, Army” in the amount of \$15,000,000.

(3) The Combat Vehicle Modernization program under “Research, Development, Test, and Evaluation, Army” in the amount of \$20,000,000 for incorporation of the Saudi Arabia M1A2 electronic data processing, storage and retrieval system in the United States version of the M1A2 tank.

(d) MANUFACTURING TECHNOLOGY.—The Secretary of Defense may obligate fiscal year 1994 defense appropriations under the Manufacturing Technology Development program which remain available for obligation on the date of the enactment of this Act in accordance with the competition and cost-sharing requirements of subsection (d) of section 2525 of title 10, United States Code, as amended by section 256 of this Act, notwithstanding any other provision of law that specifies (or has the effect of requiring) that a contract be entered into with, or a grant be made to, a particular institution or entity.

(e) DEFINITIONS.—For the purposes of this section:

(1) FISCAL YEAR 1994 DEFENSE APPROPRIATIONS.—The term “fiscal year 1994 defense appropriations” means amounts appropriated or otherwise made available to the Department of Defense for fiscal year 1994 in the Department of Defense Appropriations Act, 1994 (Public Law 103-139).

(2) FISCAL YEAR 1994 DEFENSE AUTHORIZATIONS.—The term "fiscal year 1994 defense authorizations" means amounts authorized to be appropriated for the Department of Defense for fiscal year 1994 in the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160).

Subtitle B—Counter-Drug Activities

SEC. 1011. DEPARTMENT OF DEFENSE SUPPORT FOR COUNTER-DRUG ACTIVITIES.

(a) EXTENSION OF CURRENT AUTHORITY.—Section 1004(a) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 374 note) is amended by striking out "through 1995" and inserting in lieu thereof "through 1999".

(b) CONDITION ON TRANSFER OF FUNDS.—Funds appropriated for the Department of Defense may not be transferred to a National Drug Control Program agency account except to the extent provided in a law that specifically states—

- (1) the amount authorized to be transferred;
- (2) the account from which such amount is authorized to be transferred; and
- (3) the account to which such amount is authorized to be transferred.

(c) CONDITION ON DETAILING PERSONNEL.—Personnel of the Department of Defense may not be detailed to another department or agency in order to implement the National Drug Control Strategy unless the Secretary of Defense certifies to Congress that the detail of such personnel is in the national security interest of the United States.

(d) RELATIONSHIP TO OTHER LAW.—A provision of law may not be construed as modifying or superseding the provisions of subsection (b) or (c) unless that provision of law—

- (1) specifically refers to this section; and
- (2) specifically states that such provision of law modifies or supersedes the provisions of subsection (b) or (c), as the case may be.

SEC. 1012. OFFICIAL IMMUNITY FOR AUTHORIZED EMPLOYEES AND AGENTS OF THE UNITED STATES AND FOREIGN COUNTRIES ENGAGED IN INTERDICTION OF AIRCRAFT USED IN ILLICIT DRUG TRAFFICKING.

(a) EMPLOYEES AND AGENTS OF FOREIGN COUNTRIES.—Notwithstanding any other provision of law, it shall not be unlawful for authorized employees or agents of a foreign country (including members of the armed forces of that country) to interdict or attempt to interdict an aircraft in that country's territory or airspace if—

- (1) that aircraft is reasonably suspected to be primarily engaged in illicit drug trafficking; and
- (2) the President of the United States, before the interdiction occurs, has determined with respect to that country that—

(A) interdiction is necessary because of the extraordinary threat posed by illicit drug trafficking to the national security of that country; and

(B) the country has appropriate procedures in place to protect against innocent loss of life in the air and on the ground in connection with interdiction, which shall at a minimum include effective means to identify and warn an aircraft before the use of force directed against the aircraft.

(b) EMPLOYEES AND AGENTS OF THE UNITED STATES.—Notwithstanding any other provision of law, it shall not be unlawful for authorized employees or agents of the United States (including members of the Armed Forces of the United States) to provide assistance for the interdiction actions of foreign countries authorized under subsection (a). The provision of such assistance shall not give rise to any civil action seeking money damages or any other form of relief against the United States or its employees or agents (including members of the Armed Forces of the United States).

(c) DEFINITIONS.—For purposes of this section:

(1) The terms "interdict" and "interdiction", with respect to an aircraft, mean to damage, render inoperative, or destroy the aircraft.

(2) The term "illicit drug trafficking" means illicit trafficking in narcotic drugs, psychotropic substances, and other controlled substances, as such activities are described by any international narcotics control agreement to which the United States is a signatory, or by the domestic law of the country in whose territory or airspace the interdiction is occurring.

(3) The term "assistance" includes operational, training, intelligence, logistical, technical, and administrative assistance.

SEC. 1013. REPORT ON STATUS OF DEFENSE RANDOM DRUG TESTING PROGRAM.

Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report describing the policy and procedures under which the Armed Forces conduct random drug testing of members of the Armed Forces, the frequency of such testing, and the number of members annually required to submit to such testing. The report shall describe any changes that were made to such policy or procedures, or to the frequency of such testing, during the one-year period ending on the date of the enactment of this Act.

Subtitle C—Naval Vessels and Related Matters

SEC. 1021. TRANSFER OF USNS MAURY.

(a) IN GENERAL.—The Secretary of the Navy shall transfer the USNS Maury (TAGS-39) to the Department of Transportation for assignment as a training ship to the California Maritime Academy at Vallejo, California. The transfer shall be made on the date of the decommissioning of that vessel.

(b) TERMS AND CONDITIONS.—(1) In carrying out 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. 1022. TRANSFER OF OBSOLETE VESSEL USS GUADALCANAL.

(a) AUTHORITY.—Notwithstanding subsections (a) and (d) of section 7306 of title 10, United States Code, but subject to subsections (b) and (c) of that section, upon the decommissioning of the USS Guadalcanal (LPH-7), the Secretary of the Navy may transfer the USS Guadalcanal to the not-for-profit organization Intrepid Museum Foundation, New York, New York.

(b) LIMITATION.—The transfer authorized by section (a) may be made only if the Secretary determines that the vessel USS Guadalcanal 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. 1023. MARITIME PREPOSITIONING SHIP PROGRAM ENHANCEMENT.

Section 2218(f) of title 10, United States Code, shall not apply in the case of the purchase of three ships for the purpose of enhancing Marine Corps prepositioning ship squadrons.

Subtitle D—POW/MIA Matters

SEC. 1031. ASSISTANCE TO FAMILY MEMBERS OF KOREAN CONFLICT AND COLD WAR POWMIAS WHO REMAIN UNACCOUNTED FOR.

(a) SINGLE POINT OF CONTACT.—The Secretary of Defense shall designate an official of the Department of Defense to serve as a single point of contact within the department—

(1) for the immediate family members (or their designees) of any unaccounted-for Korean conflict POW/MIA; and

(2) for the immediate family members (or their designees) of any unaccounted-for Cold War POW/MIA.

(b) FUNCTIONS.—The official designated under subsection (a) shall serve as a liaison between the family members of unaccounted-for Korean conflict POWMIAs and unaccounted-for Cold War POWMIAs and the Department of Defense and other Federal departments and agencies that may hold information that may relate to such POWMIAs. The functions of that official shall include assisting family members—

(1) with the procedures the family members may follow in their search for information about the unaccounted-for Korean conflict POW/MIA or unaccounted-for Cold War POW/MIA, as the case may be;

(2) in learning where they may locate information about the unaccounted-for POW/MIA; and

(3) in learning how and where to identify classified records that contain pertinent information and that will be declassified.

(c) ASSISTANCE IN OBTAINING DECLASSIFICATION.—The official designated under subsection (a) shall seek to obtain the rapid declassification of any relevant classified records that are identified.

(d) REPOSITORY.—The official designated under subsection (a) shall provide all documents relating to unaccounted-for Korean conflict POWMIAs and unaccounted-for Cold War POWMIAs that are located as a result of the official's efforts to the National Archives and Records Administration, which shall locate them in a centralized repository.

(e) DEFINITIONS.—For purposes of this section:

(1) The term "unaccounted-for Korean conflict POW/MIA" means a member of the Armed Forces or civilian employee of the United States who, as a result of service during the Korean conflict, was at any time classified as a prisoner of war or missing-in-action and whose person or remains have not been returned to United States control and who remains unaccounted for.

(2) The term "unaccounted-for Cold War POW/MIA" means a member of the Armed Forces or civilian employee of the United States who, as a result of service during the period from September 2, 1945, to August 21, 1991, was at any time classified as a prisoner of war or missing-in-action and whose person or remains have not been returned to United States control and who remains unaccounted for.

(3) The term "Korean conflict" has the meaning given such term in section 101(9) of title 38, United States Code.

SEC. 1032. REQUIREMENT FOR SECRETARY OF DEFENSE TO SUBMIT RECOMMENDATIONS ON CERTAIN PROVISIONS OF LAW CONCERNING MISSING PERSONS.

(a) REVIEW.—The Secretary of Defense shall conduct a review of the provisions of chapter 10 of title 37, United States Code, relating to missing persons.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report containing the Secretary's recommendations as to whether those provisions of law should be amended.

(c) CONSULTATION.—The review under subsection (a) shall be carried out in consultation with the Secretaries of the military departments.

SEC. 1033. CONTACT BETWEEN THE DEPARTMENT OF DEFENSE AND THE MINISTRY OF NATIONAL DEFENSE OF CHINA ON POW/MIA ISSUES.

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

(1) The Select Committee on POW/MIA Affairs of the Senate, in its final report, dated January 13, 1993, concluded—

(A) that "many American POWs had been held in China during the Korean conflict and that foreign POW camps in both China and North Korea were run by Chinese officials"; and

(B) that "given the fact that only 26 Army and 15 Air Force personnel returned from China following the war, the committee can now firmly conclude that the People's Republic of China surely has information on the fate of other unaccounted for American POWs from the Korean conflict."

(2) The Select Committee on POW/MIA Affairs recommended in that report that "the Department of State and Defense form a POW/MIA task force on China similar to Task Force Russia."

(3) Neither the Department of Defense nor the Department of State has held substantive discussions with officials from the People's Republic of China concerning unaccounted for American prisoners of war of the Korean conflict.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should establish contact with officials of the Ministry of Defense of the People's Republic of China regarding unresolved issues relating to American prisoners of war and American personnel missing in action as a result of the Korean conflict.

SEC. 1034. INFORMATION CONCERNING UNACCOUNTED FOR UNITED STATES PERSONNEL OF THE VIETNAM CONFLICT.

(a) REQUIREMENT.—Not later than 45 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report containing the information specified in subsection (b) pertaining to United States personnel involved in the Vietnam conflict who remain not accounted for.

(b) REQUIRED INFORMATION.—The information to be provided in the report under subsection (a) is as follows:

(1) A complete listing by name of all such personnel about whom it is possible that officials of the Socialist Republic of Vietnam can produce additional information or remains that could lead to the maximum possible accounting for those personnel, as determined on the basis of all information available to the United States Government.

(2) A complete listing by name of all such personnel about whom it is possible that officials of the Lao People's Democratic Republic can produce additional information or remains that could lead to the maximum possible accounting for those personnel, as determined on the basis of all information available to the United States Government.

SEC. 1035. REPORT ON POW/MIA MATTERS CONCERNING NORTH KOREA.

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

(1) The Select Committee on POW/MIA Affairs of the Senate concluded in its final report, dated January 13, 1993, that "it is likely that a large number of possible MIA remains can be repatriated and several records and documents on unaccounted for POW's and MIA's can be provided from North Korea once a joint working level commission is set up under the leadership of the United States."

(2) The Select Committee recommended in such report that "the Departments of State and Defense take immediate steps to form this commission through the United Nations Command at Panmunjom, Korea" and that the "commission should have a strictly humanitarian mission and should not be tied to political developments on the Korean peninsula."

(3) In August 1993, the United States and North Korea entered into an agreement concerning the repatriation of remains of United States personnel.

(4) The establishment of a joint working level commission with North Korea could enhance the

prospects for results under the August 1993 agreement.

(b) REPORT.—The Secretary of Defense shall, at the end of January and September of 1995, submit a report to Congress on the status of efforts to obtain information from North Korea concerning United States personnel involved in the Korean conflict who remain not accounted for and to obtain from North Korea any remains of such personnel.

(c) COMMISSION.—The President shall give serious consideration to establishing a joint working level commission with North Korea, consistent with the recommendations of the Select Committee on POW/MIA Affairs of the Senate set forth in the final report of the committee, dated January 13, 1993, to resolve the remaining issues relating to United States personnel who became prisoners of war or missing in action during the Korean conflict.

SEC. 1036. DISCLOSURE OF INFORMATION CONCERNING UNACCOUNTED FOR UNITED STATES PERSONNEL FROM THE KOREAN CONFLICT, THE VIETNAM ERA, AND THE COLD WAR.

Section 1082 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 50 U.S.C. 401 note) is amended—

(1) in subsection (a), by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) Paragraph (1) applies to any record, live-sighting report, or other information in the custody of the official custodian referred to in subsection (d)(3) that may pertain to the location, treatment, or condition of (A) United States personnel who remain not accounted for as a result of service in the Armed Forces or other Federal Government service during the Korean conflict, the Vietnam era, or the Cold War, or (B) their remains.";

(2) in subsection (c)—

(A) by striking out the first sentence in paragraph (1) and inserting in lieu thereof the following: "In the case of records or other information originated by the Department of Defense, the official custodian shall make such records and other information available to the public pursuant to this section not later than September 30, 1995.";

(B) in paragraph (2), by striking out "after March 1, 1992,"; and

(C) in paragraph (3), by striking out "a Vietnam-era POW/MIA who may still be alive in Southeast Asia," and inserting in lieu thereof "any United States personnel referred to in subsection (a)(2) who remain not accounted for but who may still be alive in captivity,";

(3) by striking out subsection (d) and inserting in lieu thereof the following:

"(d) DEFINITIONS.—For purposes of this section:

"(1) The terms 'Korean conflict' and 'Vietnam era' have the meanings given those terms in section 101 of title 38, United States Code.

"(2) The term 'Cold War' means the period from the end of World War II to the beginning of the Korean conflict and the period from the end of the Korean conflict to the beginning of the Vietnam era.

"(3) The term 'official custodian' means—

"(A) in the case of records, reports, and information relating to the Korean conflict or the Cold War, the Archivist of the United States; and

"(B) in the case of records, reports, and information relating to the Vietnam era, the Secretary of Defense."; and

(4) by striking out the section heading and inserting:

"SEC. 1082. DISCLOSURE OF INFORMATION CONCERNING UNACCOUNTED FOR UNITED STATES PERSONNEL OF THE COLD WAR, THE KOREAN CONFLICT, AND THE VIETNAM ERA."

Subtitle E—Miscellaneous Reporting Requirements

SEC. 1041. ANNUAL REPORT ON DENIAL, REVOCATION, AND SUSPENSION OF SECURITY CLEARANCES.

(a) IN GENERAL.—The Secretary of Defense shall submit to Congress, not later than 90 days after the close of each of fiscal years 1995 through 2000, a report concerning the denial, revocation, or suspension of security clearances for Department of Defense military and civilian personnel, and for Department of Defense contractor employees, for that fiscal year.

(b) MATTER TO BE INCLUDED IN REPORT.—The Secretary shall include in each such report the following information with respect to the fiscal year covered by the report (shown separately for members of the Armed Forces, civilian officers and employees of the Department of Defense, and employees of contractors of the Department of Defense):

(1) The number of denials, revocations, and suspensions of a security clearance, including clearance for special access programs and for sensitive compartmented information.

(2) For cases involving the denial or revocation of a security clearance, the average period from the date of the initial determination and notification to the individual concerned of the denial or revocation of the clearance to the date of the final determination of the denial or revocation, as well as the shortest and longest period in such cases.

(3) For cases involving the suspension of a security clearance, the average period from the date of the initial determination and notification to the individual concerned of the suspension of the clearance to the date of the final determination of the suspension, as well as the shortest and longest period of such cases.

(4) The number of cases in which a security clearance was suspended in which the resolution of the matter was the restoration of the security clearance, and the average period for such suspensions.

(5) The number of cases (shown only for members of the Armed Forces and civilian officers and employees of the Department of Defense) in which an individual who had a security clearance denied or revoked remained a member of the Armed Forces or a civilian officer or employee, as the case may be, at the end of the fiscal year.

(6) The number of cases in which an individual who had a security clearance suspended, and in which no final determination had been made, remained a member of the Armed Forces, a civilian officer or employee, or an employee of a contractor, as the case may be, at the end of the fiscal year.

(7) The number of cases in which an appeal was made from a final determination to deny or revoke a security clearance and, of those, the number in which the appeal resulted in the granting or restoration of the security clearance.

SEC. 1042. REPORT ON USE OF LOW-ENRICHED URANIUM AS FUEL FOR NAVAL NUCLEAR REACTORS.

(a) REQUIREMENT OF REPORT.—Not later than June 1, 1995, the Secretary of the Navy shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the use of low-enriched uranium (instead of highly-enriched uranium) as fuel for naval nuclear reactors.

(b) CONTENTS OF REPORT.—The report shall include an assessment of the following:

(1) The advantages and disadvantages of the use of low-enriched uranium (instead of highly-

enriched uranium) as fuel for naval nuclear reactors.

(2) The effects of such use on the following:

(A) Operating performance, ship displacement, and reactor core life, including the full range of plausible trade-offs among operating performance, ship displacement, and reactor core life that may result from such use.

(B) Construction costs and operating costs.

(C) Naval fuel cycles.

(D) Policies of the United States for the non-proliferation of nuclear weapons, including the proposal of the President for a global ban on the production of fissile materials for weapons.

(3) The implications of such use for current and future United States nuclear-powered naval vessels.

(4) The complexity and effectiveness of safeguards under naval fuel cycles for low-enriched uranium in relation to the complexity and effectiveness of safeguards under naval fuel cycles for highly-enriched uranium.

(5) The risk of theft or diversion of low-enriched uranium under naval fuel cycles for low-enriched uranium in relation to the risk of theft or diversion of highly-enriched uranium under naval fuel cycles for highly-enriched uranium.

(6) The potential savings that might be achieved, and the potential additional costs that might be incurred, as a result of the use of low-enriched uranium instead of highly-enriched uranium as fuel for naval nuclear reactors.

(7) Any additional information that the Secretary of the Navy considers to be appropriate.

Subtitle F—Congressional Findings, Policies, Commendations, and Commemorations

SEC. 1051. SENSE OF CONGRESS CONCERNING COMMENDATION OF INDIVIDUALS EXPOSED TO MUSTARD AGENTS DURING WORLD WAR II TESTING ACTIVITIES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should issue to each individual described in subsection (b) a commendation in honorary recognition of the individual's special service, loyalty, and contribution to the United States.

(b) COVERED INDIVIDUALS.—Individuals referred to in subsection (a) are those individuals who, as members of the Armed Forces or employees of the Department of War during World War II, were exposed (without their knowledge or consent) to mustard agents in connection with testing performed by the Department of War during that war.

(c) NOTIFICATION OF EXPOSURE.—The Secretary of Defense shall notify each surviving individual described in subsection (b) of—

(1) the exposure described in subsection (b);

(2) the possible health effects of the exposure that are known to the Secretary; and

(3) the likely options available to the individual for medical treatment for any adverse health effects resulting from the exposure.

(d) FURNISHING OF INFORMATION TO SECRETARY OF VETERANS AFFAIRS.—The Secretary of Defense shall provide to the Secretary of Veterans Affairs any information of the Department of Defense regarding the exposure described in subsection (b), including the names of the individuals described in subsection (b).

SEC. 1052. USS INDIANAPOLIS (CA-35): GAL-LANTRY, SACRIFICE AND A DECISIVE MISSION TO END WW II.

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

(1) The USS INDIANAPOLIS served the people of the United States with valor and distinction throughout World War II in action against enemy forces in the Pacific Theater of Operations from 7 December 1941 to 29 July 1945.

(2) The fast and powerful heavy cruiser with its courageous and capable crew, compiled an impressive combat record during her victorious

forays across the battle-torn reaches of the Pacific, receiving in the process ten hard-earned Battle Stars from the Aleutians to Okinawa.

(3) This mighty ship repeatedly proved herself a swift, hard-hitting weapon of our Pacific Fleet, rendering invaluable service in anti-ship- ping, shore bombardments, anti-air and invasion support roles, and serving with honor and great distinction as Fifth Fleet flagship under Admiral Raymond Spruance, USN, and Third Fleet flagship under Admiral William F. Halsey, USN.

(4) This gallant ship, owing to her superior speed and record of accomplishment, transported the world's first operational atomic bomb to the Island of Tinian, accomplishing her mission at a record average speed of 29 knots.

(5) Following the accomplishment of her mission, the INDIANAPOLIS departed Tinian for Guam and, thereafter, embarked on Guam for the Leyte Gulf where she was to join with the fleet assembling for the invasion of Japan.

(6) At 0014 hours on 30 July 1945, the USS INDIANAPOLIS was sunk by enemy torpedo action.

(7) Of the approximately 900 members of her crew of 1,198 officers and men who survived the initial torpedo attack, only 319 were eventually rescued because, as a result of the ship's communication ability having been destroyed in the attack, the sinking of the USS INDIANAPOLIS was not discovered for five fateful days, during which the survivors suffered incessant shark attacks, starvation, desperate thirst, and exposure.

(8) From her participation in the earliest offensive actions in the Pacific in World War II to becoming the last capital ship lost in that conflict, the USS INDIANAPOLIS and her crew left an indelible imprint on our nation's struggle to eventual victory.

(9) This selfless and outstanding performance of duty reflects great credit upon the ship and her crew, thus upholding the very highest traditions of the United States Navy.

(b) RECOGNITION AND COMMENDATION.—Congress, acting on behalf of the grateful people of the United States, hereby—

(1) recognizes the invaluable contributions of the USS INDIANAPOLIS to the ending of World War II; and

(2) on the occasion of the 50th Anniversary of her tragic sinking, and the dedication of her National Memorial in Indianapolis on July 30th, 1995, commends this gallant ship and her crew for selfless and heroic service to the United States of America.

Subtitle G—Other Matters

SEC. 1061. INCREASED AUTHORITY TO ACCEPT VOLUNTARY SERVICES.

(a) EXPANSION OF AUTHORITY.—The text of section 1588 of title 10, United States Code, is amended to read as follows:

“(a) AUTHORITY TO ACCEPT SERVICES.—Subject to subsection (b) and notwithstanding section 1342 of title 31, the Secretary concerned may accept from any person the following services:

“(1) Voluntary medical services, dental services, nursing services, or other health-care related services.

“(2) Voluntary services to be provided for a museum or a natural resources program.

“(3) Voluntary services to be provided for programs providing services to members of the armed forces and the families of such members, including the following programs:

“(A) Family support programs.

“(B) Child development and youth services programs.

“(C) Library and education programs.

“(D) Religious programs.

“(E) Housing referral programs.

“(F) Programs providing employment assistance to spouses of such members.

“(G) Morale, welfare, and recreation programs, to the extent not covered by another subparagraph of this paragraph.

“(b) REQUIREMENTS AND LIMITATIONS.—(1) The Secretary concerned shall notify the person of the scope of the services accepted.

“(2) With respect to a person providing voluntary services accepted under subsection (a), the Secretary concerned shall—

“(A) supervise the person to the same extent as the Secretary would supervise a compensated employee providing similar services; and

“(B) ensure that the person is licensed, privileged, has appropriate credentials, or is otherwise qualified under applicable law or regulations to provide such services.

“(3) With respect to a person providing voluntary services accepted under subsection (a), the Secretary concerned may not—

“(A) place the person in a policy-making position; or

“(B) except as provided subsection (e), compensate the person for the provision of such services.

“(c) AUTHORITY TO RECRUIT AND TRAIN PERSONS PROVIDING SERVICES.—The Secretary concerned may recruit and train persons to provide voluntary services accepted under subsection (a).

“(d) STATUS OF PERSONS PROVIDING SERVICES.—(1) Subject to paragraph (3), while providing voluntary services accepted under subsection (a) or receiving training under subsection (c), a person, other than a person referred to in paragraph (2), shall be considered to be an employee of the Federal Government only for purposes of the following provisions of law:

“(A) Subchapter I of chapter 81 of title 5 (relating to compensation for work-related injuries).

“(B) Section 2733 of this title and chapter 171 of title 28 (relating to claims for damages or loss).

“(C) Section 522a of title 5 (relating to maintenance of records on individuals).

“(D) Chapter II of title 18 (relating to conflicts of interest).

“(2) Subject to paragraph (3), while providing a nonappropriated fund instrumentality of the United States with voluntary services accepted under subsection (a), or receiving training under subsection (c) to provide such an instrumentality with services accepted under subsection (a), a person shall be considered an employee of that instrumentality only for the following purposes:

“(A) Subchapter II of chapter 81 of title 5 (relating to compensation of nonappropriated fund employees for work-related injuries).

“(B) Section 2733 of this title and chapter 171 of title 28 (relating to claims for damages or loss).

“(3) A person providing voluntary services accepted under subsection (a) shall be considered to be an employee of the Federal Government under paragraph (1) or (2) only with respect to services that are within the scope of the services so accepted.

“(4) For purposes of determining the compensation for work-related injuries payable under chapter 81 of title 5 (pursuant to this subsection) to a person providing voluntary services accepted under subsection (a), the monthly pay of the person for such services shall be deemed to be the amount determined by multiplying—

“(A) the average monthly number of hours that the person provided the services, by

“(B) the minimum wage determined in accordance with section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)).

“(e) REIMBURSEMENT OF INCIDENTAL EXPENSES.—The Secretary concerned may provide for reimbursement of a person for incidental expenses incurred by the person in providing voluntary services accepted under subsection (a).

The Secretary shall determine which expenses are eligible for reimbursement under this subsection. Any such reimbursement may be made from appropriated or nonappropriated funds."

(b) **PILOT PROGRAM.**—(1) The Secretary of Defense shall conduct a pilot program, for not less than six months, to accept voluntary services under the authority provided in section 1588 of title 10, United States Code, as amended by subsection (a). The purpose of the pilot program shall be to evaluate the policies and procedures of the Department of Defense for the acceptance of voluntary services under such section. The pilot program shall involve a variety of services, programs, and locations.

(2) The Secretary may not accept voluntary services under section 1588 of title 10, United States Code (other than services that may have been accepted under such section before the date of the enactment of this Act), and may not issue regulations to implement the amendment to such section made by subsection (a), until after the termination of the pilot program.

(3) Not later than 60 days after the termination of the pilot program, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the results of the pilot program.

(c) **CONFORMING AMENDMENT.**—Section 8171(a) of title 5, United States Code, is amended by inserting "or to a volunteer providing such an instrumentality with services accepted under section 1588 of title 10," after "described by section 2105(c) of this title".

SEC. 1062. CIVIL AIR PATROL.

(a) **PROVISION OF FUNDS.**—Subsection (b) of section 9441 of title 10, United States Code, is amended—

(1) by redesignating paragraphs (8), (9), (10), and (11) as paragraphs (9), (10), (11), and (12), respectively; and

(2) by inserting after paragraph (7) the following new paragraph (8):

"(8) provide funds for the national headquarters of the Civil Air Patrol, including funds for the payment of staff compensation and benefits, administrative expenses, travel, per diem and allowances, rent and utilities, and other operational expenses;"

(b) **LIAISONS.**—Such section is further amended by adding at the end the following new subsection:

"(d)(1) The Secretary of the Air Force may authorize the Civil Air Patrol to employ, as administrators and liaison officers, persons retired from service in the Air Force whose qualifications are approved under regulations prescribed by the Secretary and who request such employment.

"(2) A person employed pursuant to paragraph (1) may receive the person's retired pay and an additional amount for such employment that is not more than the difference between the person's retired pay and the pay and allowances the person would be entitled to receive if ordered to active duty in the grade in which the person retired from service in the Air Force. The additional amount shall be paid to the Civil Air Patrol by the Secretary from funds appropriated for that purpose.

"(3) A person employed pursuant to paragraph (1) may not, while so employed, be considered to be on active duty or inactive-duty training for any purpose."

SEC. 1063. PROHIBITION ON THE PURCHASE OF SURETY BONDS AND OTHER GUARANTEES FOR THE DEPARTMENT OF DEFENSE.

(a) **PROHIBITION.**—Subchapter I of chapter 134 of title 10, United States Code, as amended by section 372, is further amended by adding at the end the following new section:

"§2248. **Purchase of surety bonds: prohibition.**
"Funds appropriated or otherwise made available to the Department of Defense for fiscal

years 1995 through 1999 may not be obligated or expended for the purchase of surety bonds or other guarantees of financial responsibility in order to guarantee the performance of any direct function of the Department of Defense."

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

"2248. Purchase of surety bonds: prohibition."

SEC. 1064. REVISION OF AUTHORITY FOR USE OF NAVY INSTALLATIONS TO PROVIDE PRERELEASE EMPLOYMENT TRAINING TO NONVIOLENT OFFENDERS IN STATE PENAL SYSTEMS.

(a) **SOURCES OF TRAINING.**—Subsection (b) of section 1374 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1821; 10 U.S.C. 5013 note) is amended—

(1) by striking out the subsection caption and inserting in lieu thereof "SOURCES OF TRAINING.—"; and

(2) by inserting before the period at the end the following: "or may provide such training directly at such installations by agreement with the State concerned".

(b) **LIABILITY AND INDEMNIFICATION.**—Subsection (e) of such section is amended to read as follows:

"(e) **LIABILITY AND INDEMNIFICATION.**—(1) The Secretary may not enter into a cooperative agreement under subsection (b) with a nonprofit organization for the participation of that organization in the demonstration project unless the agreement includes provisions that the nonprofit organization shall—

"(A) be liable for any loss or damage to Federal Government property that may result from, or in connection with, the provision of prerelease employment training by the organization in the demonstration project; and

"(B) 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.

"(2) The Secretary may not enter into an agreement under subsection (b) with the State concerned for the provision of prerelease employment training directly by the Secretary unless the agreement with the State concerned includes provisions that the State shall—

"(A) be liable for any loss or damage to Federal Government property that may result from, or in connection with, the provision of the training except to the extent that the loss or damage results from a wrongful act or omission of Federal Government personnel; and

"(B) 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 provision of the training except to the extent that the personal injury or property damage results from a wrongful act or omission of Federal Government personnel."

SEC. 1065. DEMONSTRATION PROJECT FOR USE OF ARMY INSTALLATIONS TO PROVIDE PRERELEASE EMPLOYMENT TRAINING TO NONVIOLENT OFFENDERS IN STATE PENAL SYSTEMS.

(a) **DEMONSTRATION PROJECT AUTHORIZED.**—The Secretary of the Army may conduct a demonstration project to test the feasibility of using Army facilities to provide employment training to nonviolent offenders in a State penal system before their release from incarceration. The demonstration project shall be limited to not more than three military installations under the jurisdiction of the Secretary.

(b) **SOURCES OF TRAINING.**—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) or may provide such training directly at such installations by agreement with the State concerned.

(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.**—(1) The Secretary may not enter into a cooperative agreement under subsection (b) with a nonprofit organization for the participation of that organization in the demonstration project unless the agreement includes provisions that the nonprofit organization shall—

(A) be liable for any loss or damage to Federal Government property that may result from, or in connection with, the provision of prerelease employment training by the organization under the demonstration project; and

(B) 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.

(2) The Secretary may not enter into an agreement under subsection (b) with the State concerned for the provision of prerelease employment training directly by the Secretary unless the agreement with the State concerned includes provisions that the State shall—

(A) be liable for any loss or damage to Federal Government property that may result from, or in connection with, the provision of the training except to the extent that the loss or damage results from a wrongful act or omission of Federal Government personnel; and

(B) 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 provision of the training except to the extent that the personal injury or property damage results from a wrongful act or omission of Federal Government personnel.

(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 appropriate.

SEC. 1066. INTERAGENCY PLACEMENT PROGRAM FOR FEDERAL EMPLOYEES AFFECTED BY REDUCTIONS IN FORCE.

(a) **STUDY AND REPORT.**—(1) The Director of the Office of Personnel Management shall conduct a study on the feasibility of establishing a mandatory interagency placement program for Federal employees affected by reductions in force.

(2) For purposes of paragraph (1), an interagency placement program is a program that

provides a system to require the offering of a position in an agency to an employee of another agency affected by a reduction in force if—

(A) the position cannot be filled through a placement program of the agency in which the position is located;

(B) the employee to whom the offer is made is qualified for the offered position; and

(C) the geographic location of the offered position is within the commuting area of—

(i) the residence of the employee; or

(ii) the employee's present or last-held position.

(3) The Director shall carry out this subsection in consultation with the Secretary of Defense.

(4) The Director shall seek comments from the heads of all appropriate Federal agencies in conducting the study required by paragraph (1).

(5) Not later than six months after the date of the enactment of this Act, the Director shall submit to Congress a report on the results of the study required by paragraph (1) and on any action taken by the Director under subsection (b).

(b) **AGREEMENTS TO ESTABLISH INTERAGENCY PLACEMENT PROGRAM.**—(1) The Director may establish a Government-wide interagency placement program for Federal employees affected by reductions in force if, during the 6-month period beginning on the date of the enactment of this Act, the Director, in consultation with the Secretary of Defense, determines that such a program is feasible. To carry out the program, the Director may enter into an agreement with the head of each agency that agrees to participate in the program. If the Director establishes a program under this subsection, it is not necessary that the program be an interagency placement program within the meaning of subsection (a)(2).

(2) If the Director establishes a program pursuant to paragraph (1), the report required by subsection (a)(5) shall identify each agency that does not agree to participate in the program and the reasons of the head of that agency for not agreeing to participate.

(c) **DEFINITIONS.**—For purposes of this section: (1) The term "agency" means an Executive agency as defined in section 105 of title 5, United States Code, except that such term does not include the General Accounting Office.

(2) The term "Federal employees affected by reductions in force" means Federal employees who are separated, or are scheduled to be separated, from service under a reduction in force pursuant to—

(A) regulations prescribed under section 3502 of title 5, United States Code; or

(B) procedures established under section 3595 of such title.

SEC. 1067. NATIONAL MUSEUM OF HEALTH AND MEDICINE.

(a) **PURPOSE.**—It is the purpose of this section—

(1) to display and interpret the collections of the Armed Forces Institute of Pathology currently located at Walter Reed Medical Center;

(2) to designate the public facility of the Armed Forces Institute of Pathology as the National Museum of Health and Medicine; and

(3) to designate a site for the relocation of the public facility of the National Museum of Health and Medicine so that it may serve as a central resource of instruction about, and be involved in, the critical health issues which confront all American citizens.

(b) **DESIGNATION AND SITE OF FACILITY.**—The public facility of the Armed Forces Institute of Pathology—

(1) shall also be known as the National Museum of Health and Medicine; and

(2) shall be located on or near the Mall on land owned by the Federal Government or the District of Columbia (or both) in the District of Columbia.

(c) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed as limiting the authority or responsibilities of the National Capital Planning Commission or the Commission of Fine Arts.

(d) **DEFINITION.**—As used in this section, the term "the Mall" means—

(1) the land designated as "Union Square", United States Reservation 6A; and

(2) the land designated as the "Mall", United States Reservations 3, 4, 5, and 6.

(e) **SENSE OF THE CONGRESS.**—

(1) **FINDINGS.**—Congress makes the following findings:

(A) The National Museum of Health and Medicine Foundation, Inc. (a private, nonprofit organization having for its primary purpose the relocation to the Mall and revitalization of the National Museum of Health and Medicine), the Armed Forces Institute of Pathology, and the Public Health Service have jointly supported planning to relocate the Museum to a site on land that is located east of and adjacent to the Hubert H. Humphrey Building (100 Independence Avenue, Southwest, in the District of Columbia).

(B) The National Museum of Health and Medicine Foundation, Inc., is deserving of the encouragement and support of the American people in its effort to relocate the National Museum of Health and Medicine to a site on land that is located east of and adjacent to the Hubert H. Humphrey Building, and in its effort to raise funds for a revitalized Museum to inspire increasing numbers of Americans to lead healthy lives through improved public understanding of health and the medical sciences.

(2) **LOCATION.**—It is the sense of Congress that, subject to appropriate approvals by the National Capital Planning Commission and the Commission of Fine Arts, the National Museum of Health and Medicine should be relocated to a site on land that is located east of and adjacent to the Hubert H. Humphrey Building for the purpose of educating the American public concerning health and the medical sciences.

SEC. 1068. ASSIGNMENTS OF EMPLOYEES BETWEEN FEDERAL AGENCIES AND FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS.

(a) **AUTHORITY.**—Section 3371(4) of title 5, United States Code, is amended—

(1) by striking out "or" at the end of subparagraph (B);

(2) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof "; or"; and

(3) by adding at the end the following new subparagraph:

"(D) a federally funded research and development center."

(b) **PROVISIONS GOVERNING ASSIGNMENTS.**—Section 3372 of title 5, United States Code, is amended by adding at the end the following new subsection:

"(e) Under regulations prescribed pursuant to section 3376 of this title—

"(1) an assignment of an employee of a Federal agency to another organization or an institution of higher education, and an employee so assigned, shall be treated in the same way as an assignment of an employee of a Federal agency to a State or local government, and an employee so assigned, is treated under the provisions of this subchapter governing an assignment of an employee of a Federal agency to a State or local government, except that the rate of pay of an employee assigned to a federally funded research and development center may not exceed the rate of pay that such employee would be paid for continued service in the position in the Federal agency from which assigned; and

"(2) an assignment of an employee of another organization or an institution of higher education to a Federal agency, and an employee so

assigned, shall be treated in the same way as an assignment of an employee of a State or local government to a Federal agency, and an employee so assigned, is treated under the provisions of this subchapter governing an assignment of an employee of a State or local government to a Federal agency."

SEC. 1069. REVIEW OF THE BOTTOM UP REVIEW AND THE FUTURE YEAR DEFENSE PROGRAM AND ESTABLISHMENT OF NEW FUNDING REQUIREMENTS AND PRIORITIES.

(a) **FINDINGS.**—Congress finds as follows:

(1) United States defense policy is to maintain the capability to fight and win two major regional contingencies nearly simultaneously.

(2) The Secretary of Defense conducted the Bottom Up Review during 1993 to structure the Armed Forces for the Post-Cold War period.

(3) The United States military force structure has shrunk dramatically since the 1991 Persian Gulf War and some critical force enhancements will not be deployed for several years.

(4) The Secretary of Defense (in testimony before the Committee on Armed Services of the Senate on February 2, 1994) stated that under current inflation assumptions the Department of Defense's Future Years Defense Program includes approximately \$20,000,000,000 more in program funding requests for fiscal years 1996 through 1999 than the defense funding levels projected for the President's budget for those years.

(5) The Secretary of the Navy (in testimony before the Committee on Armed Services of the Senate on March 8, 1994) stated that by 1999 the Department of the Navy will operate only 330 ships, rather than the 346 ships projected in the report on the Bottom Up Review.

(6) The Secretary of Defense, in his January 1994 Annual Report to the President and Congress, reported that the Air Force will field approximately 100 heavy bombers, rather than the "up to 184" assumed in the report on the Bottom Up Review.

(7) The plans of the Department of Defense for a major regional contingency in the Far East call for up to 5 Army divisions and the plans for a major regional contingency in Southwest Asia call for up to 7 Army divisions, while the report on the Bottom Up Review plans for an Army of 10 active divisions and at least 15 enhanced-readiness Army National Guard brigades.

(8) The President's budget for fiscal year 1995 assumes the Department of Defense will save at least \$6,000,000,000 from procurement reform.

(9) The first and second rounds of the Base Realignment and Closure Commission have not yet achieved the level of savings initially estimated, and the 1995 base closure round may cost significantly more than is assumed in the President's budget.

(10) United States forces are presently involved in humanitarian relief efforts in or around Rwanda, in a number of air and maritime operations relating to the United Nations operations in Bosnia, and in a variety of operations relating to Iraq, Haiti, Somalia, and Macedonia.

(11) United States forces may be called upon in the future to conduct additional humanitarian and relief missions.

(12) United States forces may be called upon to conduct even more significant operations to enforce a peace agreement in Bosnia and to facilitate the departure from Haiti of the military leadership.

(13) Many of the forces that are participating in these other-than-war or nontraditional operations would be required early on in the event of one or more major regional contingencies.

(14) There are inevitable tradeoffs among spending on force structure, readiness, modernization, personnel, pay, and quality of life.

(b) **SENSE OF CONGRESS.**—In light of the findings in subsection (a), it is the sense of Congress that—

(1) within 30 days after enactment of this Act, the Secretary of Defense should initiate a review of the assumptions and conclusions of the President's budget, the report on the Bottom Up Review, and the Future Years Defense Program, such review to include consideration of the various other-than-war or nontraditional operations in which the United States forces are or may be participating;

(2) not more than 180 days after the review is initiated, the Secretary should submit to the President and Congress a report which—

(A) describes in detail the force structure required to fight and win two major regional contingencies nearly simultaneously in light of other ongoing or potential operations;

(B) may also address possible changes in national security planning or programs, including revised alliance arrangements, increased reliance on reserve component forces, or adjustments to the national military strategy; and

(C) includes an evaluation of an Army configured as 12 active duty divisions, a number of which would be rounded out with National Guard combat units;

(3) not more than 60 days after receipt of the report from the Secretary of Defense, the President should submit to Congress a report detailing the steps the President intends to take to meet the force structure described in the Secretary's report;

(4) future-years defense budgets submitted to Congress by the President should reflect the funding level necessary to support the force structure described in the report;

(5) funding for national defense for fiscal years 1995 through 1997 should be established at a level sufficient to support a force structure adequate to meet a two-war strategy and to ensure that the United States does not have a hollow force;

(6) the force structure to meet the requirements of a two-war strategy represents the minimum level which should be maintained unless the strategy is modified;

(7) whenever possible and consistent with the safety of United States personnel, in deploying military forces in support of operations other than war or other nontraditional operations, the President should seek to use forces other than those identified for early deployment in the event of one or more major regional contingencies; and

(8) the President should be willing to increase defense spending if required to meet new or existing threats.

SEC. 1070. TECHNICAL AND CLERICAL AMENDMENTS.

(a) **TITLE 10, UNITED STATES CODE.**—Title 10, United States Code, is amended as follows:

(1) Section 113(e)(2) is amended by striking out "section 104" and inserting in lieu thereof "section 108".

(2) Section 133a(b) is amended by inserting "and Technology" before "in the performance of".

(3) Section 580a(a) is amended by striking out "the date of the enactment of this section" and inserting in lieu thereof "November 30, 1993".

(4) The section 1058 added by section 551(a) of Public Law 103-160 (107 Stat. 1661) is amended in subsection (d) by striking out "subject to this chapter" and inserting in lieu thereof "subject to the Uniform Code of Military Justice (chapter 47 of this title)".

(5)(A) The section 1058 added by section 554(a) of Public Law 103-160 (107 Stat. 1663) is redesignated as section 1059.

(B) The item relating to that section in the table of sections at the beginning of chapter 53 is revised to conform to the redesignation made by subparagraph (A).

(6)(A) The section 1058 added by section 1433(b) of Public Law 103-160 (107 Stat. 1834) is redesignated as section 1060.

(B) The item relating to that section in the table of sections at the beginning of chapter 53 is revised to conform to the redesignation made by subparagraph (A).

(7) Section 1151(h)(3)(B)(v) is amended by inserting "school" after "For the fifth".

(8)(A) The heading of section 1482a is amended so that the first letter of the fifth word is lower case.

(B) The item relating to that section in the table of sections at the beginning of chapter 75 is revised to conform to the amendment made by subparagraph (A).

(9) Section 2172(a)(3) is amended—

(A) by striking out "health education assistance loan" and inserting in lieu thereof "health professions education loan";

(B) by striking out "part C" and inserting in lieu thereof "part A"; and

(C) by striking out "42 U.S.C. 294" and inserting in lieu thereof "42 U.S.C. 292".

(10) Section 2350j is amended—

(A) in subsection (a), by inserting a comma after "Secretary of State" the second place it appears; and

(B) in subsection (f), by striking out "the" after "shall submit to".

(11) Section 2399 is amended—

(A) in subsection (b)(5) and (c)(1), by striking out "section 138(a)(2)(B)" and inserting in lieu thereof "section 139(a)(2)(B)";

(B) in subsection (g), by striking out "section 138" and inserting in lieu thereof "section 139"; and

(C) in subsection (h)(1), by striking out "section 138(a)(2)(A)" and inserting in lieu thereof "section 139(a)(2)(A)".

(12) Section 2502(d) is amended by striking out "Executive" and inserting in lieu thereof "executive".

(13)(A) Section 2540, as added by subsection (a) of section 822 of Public Law 103-160 (107 Stat. 1705), and section 2541, as added by subsection (b) of that section, are redesignated as sections 2539a and 2539b, respectively.

(B) The items relating to those sections in the table of sections at the beginning of subchapter V of chapter 148 are revised to conform to the redesignations made by subparagraph (A).

(14) Section 2865(a)(4) is amended by adding a period at the end.

(15) Sections 3022(a)(1), 5025(a)(1), and 8022(a)(1) are amended by striking out "section 137(c)" and inserting in lieu thereof "section 135(c)".

(16) The item relating to section 3082 in the table of sections at the beginning of chapter 307 (as added by section 521(b) of Public Law 103-160 (107 Stat. 1655)) is amended by striking out "3082." the second place it appears.

(17) Section 9021(c)(1) is amended by striking out "after the end of the 90-day period beginning on the date of the enactment of this section" and inserting in lieu thereof "after February 27, 1990".

(b) **PUBLIC LAW 103-160.**—Effective as of November 30, 1993, and as if included therein as enacted, the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160) is amended as follows:

(1) Section 507(d)(3) (107 Stat. 1647) is amended by inserting "note" after "10 U.S.C. 1293".

(2) Section 524(c) (107 Stat. 1657) is amended by inserting "his" in the first quoted matter therein after "termination of".

(3) Section 551(a)(1) (107 Stat. 1661) is amended by striking out "Section" and inserting in lieu thereof "Chapter".

(4) Section 554(a)(2) (107 Stat. 1666) is amended by striking out "inserting after the item relating to section 1056" and inserting in lieu thereof "adding at the end".

(5) Section 554(b) (107 Stat. 1666) is amended—

(A) in paragraph (1), by striking out "Section 1058 of title 10, United States Code, as added by subsection (a).", and inserting in lieu thereof "The section of title 10, United States Code, added by subsection (a)(1)"; and

(B) in paragraph (2), by striking out "1058".

(6) Section 713(a)(1) (107 Stat. 1689) is amended by striking out "third party" in the first quoted matter therein and inserting in lieu thereof "third-party".

(7) Section 931(c)(1) (107 Stat. 1734) is amended by inserting close quotation marks before the period at the end.

(8) Section 931(f) (107 Stat. 1734) is amended—

(A) by striking out "Public Law 101-180" in paragraphs (1) and (2) and inserting in lieu thereof "Public Law 100-180"; and

(B) by inserting "1305(b)" in paragraph (3) after "Such section".

(9) Section 1001(a) (107 Stat. 1742) is amended by adding close quotation marks and a period at the end.

(10) Section 1314(3) (107 Stat. 1786) is amended by striking out "adding at the end" and inserting in lieu thereof "inserting after subsection (f)".

(11) Section 1333(e)(4)(B)(i) (107 Stat. 1799) is amended by inserting a close parenthesis before the semicolon.

(12) Section 2854(1) (107 Stat. 1908) is amended by striking out "the" in the second quoted matter therein.

(13) Section 2902(a)(2) (107 Stat. 1911) is amended by striking out "Section 204(b)(7)(A)(ii)" and inserting in lieu thereof "Subparagraph (A)(i) of section 204(b)(7)".

(14) Section 2912(b)(2) (107 Stat. 1925) is amended by striking out "section 637(d)(1)" and inserting in lieu thereof "section 8(d)(1)".

(15) Section 2926(d) (107 Stat. 1932) is amended by striking out "Subsection (d)(1)(2)(C)(iii)" and inserting in lieu thereof "Subsection (d)(2)(C)(iii)".

(16) Section 3159(a) (107 Stat. 1956) is amended—

(A) in paragraph (1), by inserting a close parenthesis after "(15 U.S.C. 637(d)"; and

(B) in paragraph (3)—

(i) by inserting a close parenthesis after "(20 U.S.C. 1135d-5(3))"; and

(ii) by inserting a close parenthesis after "(20 U.S.C. 1059c(b)(1))".

(c) **PUBLIC LAW 102-484.**—Effective as of October 23, 1992, and as if included therein as enacted, the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484) is amended as follows:

(1) Section 1505(e)(2) (22 U.S.C. 5859a(e)(2)) is amended by striking out "and under subsection (d)(4)".

(2) Section 3161 (42 U.S.C. 7274h; 106 Stat. 2644) is amended—

(A) by striking out "work force" each place it appears in subsections (a), (c), and (d) and inserting in lieu thereof "workforce";

(B) by striking out "WORK FORCE" in the heading and inserting in lieu thereof "WORKFORCE"; and

(C) by striking out "Part D" in subsection (c)(6)(B) and inserting in lieu thereof "division D".

(3) Section 3302 (106 Stat. 2649) is amended by striking out "Bauxite, Refractory" in the table in subsection (a) and inserting in lieu thereof "Bauxite, Refractory".

(4) Section 3315 (106 Stat. 2654) is amended by inserting "of 1950" after "Defense Production Act" the first place it appears.

(d) **OTHER LAWS.**—

(1) Section 921 of Public Law 102-190 (10 U.S.C. 201 note; 105 Stat. 1452) is amended by striking out "section 136(b)(3)" in subsection (a) and inserting in lieu thereof "section 138(b)(3)".

(2) Section 2903(c)(6) of Public Law 101-510 (10 U.S.C. 2687 note) is amended by striking out "House or Representatives" and inserting in lieu thereof "House of Representatives".

(3) Section 653(b)(2) of Public Law 100-456 (10 U.S.C. 1448 note) is amended by striking out "section 411(a)" and inserting in lieu thereof "section 1311(a)".

(4) Section 4(c) of Public Law 92-425 (10 U.S.C. 1448 note) is amended by striking out "section 3112" and "section 541(b)" and inserting in lieu thereof "section 5312" and "section 1541(b)", respectively.

(5) Section 709 of title 32, United States Code, is amended—

(A) in subsection (e)(6), by striking out "thirty days prior to" and inserting in lieu thereof "30 days before"; and

(B) in subsection (g)(2), by striking out "clause (1) of this subsection" and inserting in lieu thereof "paragraph (1)".

(6) Section 908(c) of title 37, United States Code, is amended by striking out "section 1058" and inserting in lieu thereof "section 1060".

(7) Section 182(a) of Public Law 103-236 (108 Stat. 418) is amended by striking out "section 1058, title 10, United States Code, before the date of enactment of this Act," and inserting in lieu thereof "section 1060 of title 10, United States Code, before April 30, 1994,".

(8) Subchapter II of chapter 81 of title 5, United States Code, is amended as follows:

(A) Section 8171 is amended—

(i) in subsection (a)—

(I) by striking out "Chapter 18 of title 33" in the first sentence and inserting in lieu thereof "The Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.)";

(II) by striking out "section 902(2) of title 33" in the first sentence and inserting in lieu thereof "section 2(2) of such Act (33 U.S.C. 902(2))"; and

(III) by striking out "section 903(a) of title 33 which follows the first comma" in the second sentence and inserting in lieu thereof "section 3(a) of such Act (33 U.S.C. 903(3)) which follows the second comma";

(ii) in subsection (b), by striking out "section 902(4) of title 33" and inserting in lieu thereof "section 2(4) of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 902(4))";

(iii) in subsection (c)(1), by striking out "section 939(b) of title 33" and inserting in lieu thereof "39(b) of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 939(b))"; and

(iv) in subsection (d), by striking out "sections 918 and 921 of title 33" and inserting in lieu thereof "sections 18 and 21 of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 18 and 21, respectively)".

(B) Sections 8172 and 8173 are amended by striking out "section 902(2) of title 33" and inserting in lieu thereof "section 2(2) of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 2(2))".

(e) REFERENCES IN TITLE 10 TO SECTIONS OF TITLE 38.—Title 10, United States Code, is amended as follows:

(1) Section 706(c) is amended by striking out "section 4321" and inserting in lieu thereof "section 4301".

(2) Section 708(c)(2) is amended by striking out "section 1421" and inserting in lieu thereof "section 3021".

(3) Section 1450 is amended by striking out "section 411(a)" in subsections (c) and (k)(1) and inserting in lieu thereof "section 1311(a)".

(4) Section 1451(c)(2) is amended by striking out "section 411(a)" and inserting in lieu thereof "section 1311(a)".

(5) Section 1457(c)(3) is amended by striking out "section 411" and inserting in lieu thereof "section 1311".

(6) Section 2006(b)(2) is amended by striking out "section 1415(c)", "section 1411", and "section 1421(b)" and inserting in lieu thereof "section 3015(d)", "section 3011", and "section 3021(b)", respectively.

(7) Section 2184(1) is amended by striking out "section 1724" and inserting in lieu thereof "section 3524".

(8) Section 2641(c) is amended by striking out "section 5011(g)(5)" and inserting in lieu thereof "section 8111(g)(5)".

(9) Section 2679(a) is amended by striking out "section 3402" and inserting in lieu thereof "section 5902".

(f) CLARIFICATION OF APPLICABILITY OF LIMITATION RELATING TO CONTRACTED ADVISORY AND ASSISTANCE SERVICES.—Section 2399 of title 10, United States Code, is amended in subsection (e)(3)(B) by striking out "solely as a representative of" and inserting in lieu thereof "solely in testing for".

(g) PROCUREMENT OF AERONAUTICAL SUPPLIES FOR EXPERIMENTAL PURPOSES.—Section 2373(a) of title 10, United States Code, is amended by striking out "and chemical activity supplies," and inserting in lieu thereof "chemical activity, and aeronautical supplies,".

(h) COORDINATION WITH OTHER PROVISIONS OF THIS ACT.—For purposes of applying 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. 1071. AUTHORIZATION TO EXCHANGE CERTAIN ITEMS FOR TRANSPORTATION SERVICES.

Paragraph (1) of section 2572(b) of title 10, United States Code, is amended by inserting "transportation," after "salvage,".

SEC. 1072. AIR NATIONAL GUARD FIGHTER AIRCRAFT FORCE STRUCTURE.

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

(1) The reduction in the total number of Air Force general purpose fighter wings being implemented as part of the changes in the force structure of the Air Force pursuant to the proposals in the report on the Bottom Up Review conducted by the Secretary of Defense during 1993 includes reduction in the number of Air National Guard and Air Force Reserve fighter wings from 10 to 7.

(2) The plan (as of the date of the enactment of this Act) for implementing that reduction in the number of Air National Guard and Air Force Reserve fighter wings is to reduce the number of fighter aircraft designated as being in the Primary Aircraft Inventory category that are authorized for each Air National Guard fighter unit from 24 or 18 aircraft to 15 aircraft and to convert some Air National Guard fighter units to other purposes.

(3) The Commission on Roles and Missions of the Armed Forces (established by section 952 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 10 U.S.C. 111 note; 107 Stat. 1738)) is required under section 954(b) of that Act to submit to Congress a report on possible changes to existing allocations among the Armed Forces of military roles, missions, and functions.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the number of Air National Guard Combat Readiness Training Centers in operation during fiscal year 1995 should not be less than the number of such centers in operation at the end of fiscal year 1994; and

(2) the report referred to in subsection (a)(3) should contain a review of, and recommendations on, the assignment of roles and missions to units of the Air National Guard and the Air Force Reserve in relation to active component units that are the counterparts to those units

and on requirements for resources for training of those units.

(c) REQUIREMENT.—(1) After receiving the report referred to in subsection (a)(3), the Secretary of Defense shall review the findings of the Commission set forth in that report on the role and requirements for general purpose fighter units of the Air National Guard.

(2) Not later than 30 days after receiving the report, the Secretary shall submit to Congress a report on the appropriate level of aircraft authorized in the Primary Aircraft Inventory of the Air Force for general purpose fighter units of the Air National Guard. The report shall include the plans of the Secretary for providing in a timely manner the funding levels necessary to support the level of such aircraft determined appropriate by the Secretary, if additional funding would be required to achieve and maintain that level of such aircraft.

SEC. 1073. SENSE OF CONGRESS CONCERNING VISAS FOR HIGH-LEVEL OFFICIALS OF TAIWAN.

It is the sense of Congress that no visa should be denied for a high-level official of Taiwan to enter the United States unless the official is otherwise excludable under the immigration laws of the United States.

SEC. 1074. DEFENSE MAPPING AGENCY.

(a) UNAUTHORIZED USE OF NAME.—Chapter 167 of title 10, United States Code, is amended by adding at the end the following new section:

"§2797. Unauthorized use of Defense Mapping Agency name, initials, or seal

"(a) No person may, except with the written permission of the Secretary of Defense, knowingly use the words 'Defense Mapping Agency', the initials 'DMA', the seal of the Defense Mapping Agency, or any colorable imitation of such words, initials, or seal in connection with any merchandise, retail product, impersonation, solicitation, or commercial activity in a manner reasonably calculated to convey the impression that such use is approved, endorsed, or authorized by the Secretary of Defense.

"(b) Whenever it appears to the Attorney General that any person is engaged or about to engage in an act or practice which constitutes or will constitute conduct prohibited by subsection (a), the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice. Such court shall proceed as soon as practicable to hearing and determination of such action and may, at any time before such final determination, enter such restraining orders or prohibitions, or take such other action as is warranted, to prevent injury to the United States or to any person or class of persons for whose protection the action is brought."

(b) LIMITATION ON LIABILITY RELATING TO NAVIGATIONAL AIDS.—Chapter 167 of such title, as amended by subsection (a), is further amended by adding at the end the following new section:

"§2798. Civil actions barred

"(a) CLAIMS BARRED.—No civil action may be brought against the United States on the basis of the content of a navigational aid prepared or disseminated by the Defense Mapping Agency.

"(b) NAVIGATIONAL AIDS COVERED.—Subsection (a) applies with respect to a navigational aid in the form of a map, a chart, or a publication and any other form or medium of product or information in which the Defense Mapping Agency prepares or disseminates navigational aids."

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2797. Unauthorized use of Defense Mapping Agency name, initials, or seal.

"2798. Civil actions barred."

(d) **EFFECTIVE DATE.**—Section 2798 of title 10, United States Code, as added by subsection (b), shall take effect on the date of the enactment of this Act and shall apply with respect to (1) civil actions brought before such date that are pending adjudication on such date, and (2) civil actions brought on or after such date.

SEC. 1075. LIMITATION REGARDING TELECOMMUNICATIONS REQUIREMENTS

(a) **LIMITATION.**—No funds available to the Department of Defense or any other Executive agency may be expended to provide for meeting Department of Defense telecommunications requirements through the telecommunications procurement known as "FTS-2000" or through any other Government-wide telecommunications procurement until—

(1) The Secretary of Defense submits to the Congress a report containing—

(A) a certification by the Secretary that the FTS-2000 procurement or the other telecommunications procurement will provide assured, secure telecommunications support (including associated telecommunications services) for Department of Defense activities; and

(B) a description of how the procurement will be implemented and managed to meet defense information infrastructure requirements, including requirements to support deployed forces and intelligence activities; and

(2) 30 days elapse after the date on which such report is received by the committees.

(b) **DEFINITIONS.**—In this section:

(1) The term "defense telecommunications requirements" means requirements for telecommunications equipment and services that, if procured by the Department of Defense, would be exempt from the requirements of section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759) pursuant to section 2315 of title 10, United States Code.

(2) The term "Executive agency" has the meaning given such term in section 105 of title 5, United States Code.

(3) The term "procurement" has the meaning given such term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(c) **EFFECT ON OTHER LAW.**—Nothing in this section may be construed as modifying or superseding, or as intended to impair or restrict authorities or responsibilities under—

(1) section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759); or

(2) section 620 of Public Law 103-123.

TITLE XI—DEFENSE CONVERSION, REINVESTMENT, AND TRANSITION ASSISTANCE

SEC. 1101. SHORT TITLE.

This title may be cited as the "Defense Conversion, Reinvestment, and Transition Assistance Amendments of 1994".

SEC. 1102. FUNDING OF DEFENSE CONVERSION, REINVESTMENT, AND TRANSITION ASSISTANCE PROGRAMS FOR FISCAL YEAR 1995.

(a) **FUNDING.**—Of the amounts authorized to be appropriated pursuant to this Act for the Department of Defense for fiscal year 1995, the sum of \$3,090,808,000 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) \$7,500,000 of the amounts authorized to be appropriated pursuant to title I.

(2) \$2,190,408,000 of the amounts authorized to be appropriated pursuant to title II.

(3) \$892,900,000 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 the Defense Conversion, Reinvestment, and Transition Assistance Amendments of 1993 (title XIII of Public Law 103-160; 107 Stat. 1783) and the amendments made by that Act.

(3) The programs and activities authorized by this title and the amendments made by this title.

Subtitle A—Defense Technology and Industrial Base, Defense Reinvestment, and Defense Conversion

SEC. 1111. FUNDING OF DEFENSE TECHNOLOGY REINVESTMENT PROGRAMS FOR FISCAL YEAR 1995.

(a) **FUNDS AVAILABLE.**—Of the amount authorized to be appropriated under section 201 and specified in section 1102(b)(2) as a source of funds for defense conversion, reinvestment, and transition assistance programs, \$751,000,000 shall be available for activities described in the defense reinvestment program elements of the budget of the Department of Defense for fiscal year 1995.

(b) **ALLOCATION OF FUNDS.**—The funds made available under subsection (a) shall be allocated as follows:

(1) \$245,000,000 shall be available for defense dual-use critical technology partnerships under section 2511 of title 10, United States Code.

(2) \$96,000,000 shall be available for commercial-military integration partnerships under section 2512 of such title.

(3) \$80,000,000 shall be available for assistance of defense regional technology alliances under section 2513 of such title.

(4) \$30,000,000 shall be available for defense advanced manufacturing technology partnerships under section 2522 of such title.

(5) \$25,000,000 shall be available for assistance of manufacturing extension programs under section 2523 of such title.

(6) \$24,000,000 shall be available for defense manufacturing engineering education grants under section 2196 of such title.

(7) \$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.

(8) \$50,000,000 shall be available for the maritime technology development program under section 1352(c)(2) of the National Shipbuilding and Shipyard Conversion Act of 1993 (subtitle D of title XIII of Public Law 103-160; 10 U.S.C. 2501 note).

(9) \$35,000,000 shall be available for the agile manufacturing/enterprise integration program.

(10) \$30,000,000 shall be available for the advanced materials synthesis and processing partnership program.

(11) \$55,000,000 shall be available for the defense dual-use extension program under section 2524 of title 10, United States Code, of which—

(A) \$5,000,000 shall be used for provision of assistance pursuant to subsection (c)(3) of such section; and

(B) \$50,000,000 shall be available to cover the costs (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees issued pursuant to subsection (b)(3) of such section.

(12) \$10,000,000 shall be available for the Federal Defense Laboratory Diversification Program under section 2519 of title 10, United States Code, as added by section 1113(a).

(13) \$50,000,000 shall be available for the Navy Reinvestment Program under section 2520 of such title, as added by section 1113(b).

(c) **AVAILABILITY OF FUNDS FOR FISCAL YEAR 1994 TECHNOLOGY REINVESTMENT PROJECTS.**—Funds allocated under paragraphs (1) through (6) of subsection (b) to the defense reinvestment programs described in such paragraphs may also be used to make awards for technology reinvestment projects that were solicited under such programs in fiscal year 1994.

SEC. 1112. SUPPORT FOR TECHNOLOGIES WITH APPLICABILITY FOR LAW ENFORCEMENT AND MILITARY OPERATIONS OTHER THAN WAR.

(a) **SUPPORT AUTHORIZED.**—Using funds made available under subsection (b), the Secretary of Defense shall support the Memorandum of Understanding entered into between the Department of Defense and the Department of Justice on April 20, 1994, for the development, rapid deployment, and transition of technologies with applicability for law enforcement and military operations other than war. Such support may include support for national law enforcement technology centers of the National Institute of Justice.

(b) **FUNDING FOR FISCAL YEAR 1995.**—To carry out subsection (a), there shall be available to the Secretary \$41,000,000, of which—

(1) \$11,000,000 shall be derived from the amount authorized to be appropriated under section 201 and specified in section 1102(b) as a source of funds for defense conversion, reinvestment, and transition assistance programs; and

(2) \$30,000,000 shall be derived from the amount authorized to be appropriated under section 201(4) for the tactical technology and experimental evaluation of major innovative technology programs elements of the budget of the Department of Defense for fiscal year 1995.

SEC. 1113. FEDERAL DEFENSE LABORATORY DIVERSIFICATION AND NAVY REINVESTMENT IN THE TECHNOLOGY AND INDUSTRIAL BASE.

(a) **FEDERAL DEFENSE LABORATORY DIVERSIFICATION PROGRAM.**—Subchapter III of chapter 148 of title 10, United States Code, is amended by inserting at the end thereof the following new section:

"§2519. Federal Defense Laboratory Diversification Program

"(a) **ESTABLISHMENT OF PROGRAM.**—The Secretary of Defense shall conduct a program in accordance with this section for the purpose of promoting cooperation between Department of Defense laboratories and industry on research and development of dual-use technologies in order to further the national security objectives set forth in section 2501(a) of this title.

"(b) **PARTNERSHIPS.**—(1) The Secretary shall provide for the establishment under the program of cooperative arrangements (hereinafter in this section referred to as "partnerships") between a Department of Defense laboratory and eligible firms and nonprofit research corporations referred to in section 2511(b) of this title. A partnership may also include one or more additional Federal laboratories, institutions of higher education, agencies of State and local governments, and other entities, as determined appropriate by the Secretary.

"(2) For purposes of this section, a federally funded research and development center shall be considered a Department of Defense laboratory if the center is sponsored by the Department of Defense.

"(c) **ASSISTANCE AUTHORIZED.**—(1) The Secretary may make grants, enter into contracts, enter into cooperative agreements and other transactions pursuant to section 2371 of this title, and enter into cooperative research and development agreements under section 12 of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3710a) in order to establish partnerships.

"(2) Subject to subsection (d), the Secretary may provide a partnership with technical and

other assistance in order to facilitate the achievement of the purpose of this section.

"(d) **FINANCIAL COMMITMENT OF NON-FEDERAL GOVERNMENT PARTICIPANTS.**—(1) The Secretary shall ensure that the non-Federal Government participants in a partnership make a substantial contribution to the total cost of partnership activities. The amount of the contribution shall be commensurate with the risk undertaken by such participants and the potential benefits of the activities for such participants.

"(2) The regulations prescribed pursuant to section 2511(c)(2) of this title shall apply to in-kind contributions made by non-Federal Government participants in a partnership.

"(e) **SELECTION PROCESS.**—Competitive procedures shall be used in the establishment of partnerships.

"(f) **SELECTION CRITERIA.**—The criteria for the selection of a proposed partnership for establishment under this section shall include the criteria set forth in section 2511(f) of this title.

"(g) **REGULATIONS.**—The Secretary shall prescribe regulations for the purposes of this section."

(b) **NAVY REINVESTMENT PROGRAM.**—Such subchapter is further amended by inserting after section 2519 (as added by subsection (a)) the following new section:

"§2520. Navy Reinvestment Program

"(a) **ESTABLISHMENT OF PROGRAM.**—The Secretary of the Navy shall conduct a program in accordance with this section for the purpose of promoting cooperation between the Department of the Navy and industry on research and development of dual-use technologies in order to further the national security objectives set forth in section 2501(a) of this title.

"(b) **PARTNERSHIPS.**—The Secretary shall provide for the establishment under the program of cooperative arrangements (hereinafter in this section referred to as 'partnerships') between Department of the Navy entities and eligible firms and nonprofit research corporations referred to in section 2511(b) of this title. A partnership may also include one or more Federal laboratories, institutions of higher education, agencies of State and local governments, and other entities, as determined appropriate by the Secretary.

"(c) **PROGRAM REQUIREMENTS AND ADMINISTRATION.**—Subsections (c) through (f) of section 2519 of this title shall apply in the administration of the program.

"(d) **ADDITIONAL SELECTION CRITERIA.**—The selection criteria for a proposed partnership for establishment under this section shall also include the potential effectiveness of the partnership in the further development and application of each technology proposed to be developed by the partnership for Navy acquisition programs.

"(e) **REGULATIONS.**—The Secretary shall prescribe regulations for the purposes of this section."

(c) **CLERICAL AMENDMENTS.**—The table of sections at the beginning of such subchapter is amended by adding at the end the following:

"2519. Federal Defense Laboratory Diversification Program.

"2520. Navy Reinvestment Program."

(d) **DEFINITION OF FEDERAL LABORATORY.**—Section 2491(5) of title 10, United States Code, is amended by inserting before the period at the end the following: ", except that such terms include a federally funded research and development center sponsored by a Federal agency".

SEC. 1114. LOAN GUARANTEES UNDER DEFENSE DUAL-USE ASSISTANCE EXTENSION PROGRAM.

(a) **MEMORANDUM OF UNDERSTANDING TO ADMINISTER LOAN GUARANTEE PROGRAM.**—(1) For fiscal year 1995, the Secretary of Defense may

enter into a memorandum of understanding with the Administrator of the Small Business Administration, the Administrator of the Economic Development Administration of the Department of Commerce, or the head of any other Federal agency having expertise regarding the provision of loan guarantees, under which such agency may—

(A) process applications for loan guarantees under section 2524(b)(3) of title 10, United States Code, during that fiscal year;

(B) guarantee repayment of the resulting loans; and

(C) provide any other services to the Secretary to administer the loan guarantee program under such section during that fiscal year.

(2) From funds made available for the loan guarantee program under such section, the Secretary of Defense may transfer to the agency or agencies that are parties to the memorandum of understanding such sums as may be necessary for the agency or agencies to carry out activities under the loan guarantee program.

(3) The Secretary of Defense shall enter into the memorandum of understanding authorized by paragraph (1) within 60 days after the date of the enactment of this Act for the administration of the loan guarantee program under such section during fiscal year 1995.

(4) The total amount allocated under section 1111(b)(1)(B) to cover the costs of loan guarantees during fiscal year 1995 under the loan guarantee program shall be divided between small business concerns and medium-sized business concerns (as defined in section 2524(g) of title 10, United States Code) as follows:

(A) 60 percent for small business concerns.

(B) 40 percent for medium-sized business concerns.

(b) **SPECIAL REQUIREMENTS REGARDING LOAN GUARANTEES.**—Subsection (e) of section 2524 of title 10, United States Code, is amended to read as follows:

"(e) **SPECIAL REQUIREMENTS REGARDING LOAN GUARANTEES.**—(1) The Secretary shall carry out the loan guarantee program authorized under subsection (b)(3) during any fiscal year for which funds are specifically made available to cover the costs of loan guarantees to be issued pursuant to such subsection.

"(2) In addition to the selection criteria specified in subsection (f), the selection criteria in the case of the loan guarantee program under subsection (b)(3) shall also include the following:

"(A) The extent to which the loans to be guaranteed would support the retention of defense workers whose employment would otherwise be permanently or temporarily terminated as a result of reductions in expenditures by the United States for defense, the termination or cancellation of a defense contract, the failure to proceed with an approved major weapon system, the merger or consolidation of the operations of a defense contractor, or the closure or realignment of a military installation.

"(B) The extent to which the loans to be guaranteed would stimulate job creation and new economic activities in communities most adversely affected by reductions in expenditures by the United States for defense, the termination or cancellation of a defense contract, the failure to proceed with an approved major weapon system, the merger or consolidation of the operations of a defense contractor, or the closure or realignment of a military installation.

"(C) The extent to which the loans to be guaranteed would be used to acquire (or permit the use of other funds to acquire) capital equipment to modernize or expand the facilities of the borrower to enable the borrower to remain in the national technology and industrial base available to the Department of Defense.

"(3) To be eligible for a loan guarantee under subsection (b)(3), a borrower must be able to

demonstrate to the satisfaction of the Secretary that at least 25 percent of the value of the borrower's sales during the preceding fiscal year were derived from—

"(A) contracts with the Department of Defense or the defense-related activities of the Department of Energy; or

"(B) subcontracts in support of defense-related prime contracts.

"(4) The maximum amount of loan principal that the Secretary may guarantee under the loan guarantee program during a fiscal year may not exceed—

"(A) \$1,250,000, with respect to a small business concern; and

"(B) \$10,000,000 with respect to a medium-sized business concern."

(c) **CONFORMING AMENDMENT.**—Subsection (f) of such section is amended by striking out "SELECTION CRITERIA." and inserting in lieu thereof the following: "SELECTION PROCESS AND CRITERIA.—Competitive procedures shall be used in the selection of programs to receive assistance under this section."

SEC. 1115. FINANCIAL COMMITMENT REQUIREMENTS FOR SMALL BUSINESS CONCERNS FOR PARTICIPATION IN TECHNOLOGY REINVESTMENT PROJECTS.

(a) **DEFENSE DUAL-USE CRITICAL TECHNOLOGY PARTNERSHIPS.**—Section 2511(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3) The Secretary shall consider a partnership proposal submitted by a small business concern without regard to the ability of the small business concern to immediately meet its share of the anticipated partnership costs. Upon the selection of a partnership proposal submitted by a small business concern, the small business concern shall have a period of not less than 120 days in which to arrange to meet its financial commitment requirements under the partnership from sources other than a person of a foreign country. If the Secretary determines upon the expiration of that period that the small business concern will be unable to meet its share of the anticipated partnership costs, the Secretary shall revoke the selection of the partnership proposal submitted by the small business concern."

(b) **COMMERCIAL-MILITARY INTEGRATION PARTNERSHIPS.**—Section 2512(c)(3) of such title is amended by adding at the end the following new subparagraph:

"(C) The Secretary shall consider a partnership proposal submitted by a small business concern without regard to the ability of the small business concern to immediately meet its share of the anticipated partnership costs. Upon the selection of a partnership proposal submitted by a small business concern, the small business concern shall have a period of not less than 120 days in which to arrange to meet its financial commitment requirements under the partnership from sources other than a person of a foreign country. If the Secretary determines upon the expiration of that period that the small business concern will be unable to meet its share of the anticipated partnership costs, the Secretary shall revoke the selection of the partnership proposal submitted by the small business concern."

(c) **REGIONAL TECHNOLOGY ALLIANCES.**—Section 2513(e) of such title is amended by adding at the end the following new paragraph:

"(4) The Secretary shall consider a proposal for a regional technology alliance that is submitted by a small business concern without regard to the ability of the small business concern to immediately meet its share of the anticipated costs of the alliance. Upon the selection of a proposal submitted by a small business concern, the small business concern shall have a period of not less than 120 days in which to arrange to meet its financial commitment requirements under the regional technology alliance from

sources other than a person of a foreign country. If the Secretary determines upon the expiration of that period that the small business concern will be unable to meet its share of the anticipated costs, the Secretary shall revoke the selection of the proposal submitted by the small business concern."

(d) **DEFENSE DUAL-USE ASSISTANCE EXTENSION PROGRAMS.**—Section 2524(d) of such title is amended by adding at the end the following new paragraph:

"(3) The Secretary shall consider a program proposal submitted by a small business concern without regard to the ability of the small business concern to immediately meet its share of the anticipated program costs. Upon the selection of a proposal submitted by a small business concern, the small business concern shall have a period of not less than 120 days in which to arrange to meet its financial commitment requirements under the program from sources other than a person of a foreign country. If the Secretary determines upon the expiration of that period that the small business concern will be unable to meet its share of the anticipated program costs, the Secretary shall revoke the selection of the program proposal submitted by the small business concern."

(e) **DEFINITION OF PERSON OF A FOREIGN COUNTRY.**—Section 2491 of such title is amended by adding at the end the following new paragraph:

"(16) The term 'person of a foreign country' has the meaning given such term in section 3502(d) of the Primary Dealers Act of 1988 (22 U.S.C. 5342(d))."

SEC. 1116. CONDITIONS ON FUNDING OF DEFENSE TECHNOLOGY REINVESTMENT PROJECTS.

(a) **BENEFITS TO UNITED STATES ECONOMY.**—In providing for the establishment or financial support of partnerships and other cooperative arrangements under chapter 148 of title 10, United States Code (using funds made available under section 1111(a)), the Secretary of Defense shall ensure that the principal economic benefits of, and to the extent practicable, the job creation resulting from, such partnerships and arrangements accrue to the economy of the United States.

(b) **USE OF COMPETITIVE SELECTION PROCEDURES.**—Funds made available under subsection (a) of section 1111 for the defense technology reinvestment programs described in subsection (b) of such section, and funds made available under subsection (b) of section 1112 for the program described in subsection (a) 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.

SEC. 1117. USE OF CERTAIN FUNDS PENDING SUBMISSION OF A NATIONAL TECHNOLOGY AND INDUSTRIAL BASE PERIODIC DEFENSE CAPABILITY ASSESSMENT AND A PERIODIC DEFENSE CAPABILITY PLAN.

(a) **LIMITATION.**—Not more than 50 percent of the funds made available for program element 65104D activities from funds authorized to be appropriated by this Act may be expended until the Secretary of Defense submits to Congress—

(1) a national technology and industrial base periodic defense capability assessment required by section 2505 of title 10, United States Code; and

(2) a periodic defense capability plan required by section 2506 of such title.

(b) **PROGRAM ELEMENT 65104D ACTIVITIES DEFINED.**—For purposes of this section, the program element 65104D activities referred to in subsection (a) are the activities described as program element 65104D in the materials submitted to Congress by the Secretary of Defense in sup-

port of the budget for fiscal year 1995 that was submitted to Congress pursuant to section 1105(a) of title 31, United States Code.

SEC. 1118. DOCUMENTATION FOR AWARDS FOR COOPERATIVE AGREEMENTS OR OTHER TRANSACTIONS UNDER DEFENSE TECHNOLOGY REINVESTMENT PROGRAMS.

At the time of the award for a cooperative agreement or other transaction under a program carried out under chapter 148 of title 10, United States Code, the head of the agency concerned shall include in the file pertaining to such agreement or transaction a brief explanation of the manner in which the award advances and enhances a particular national security objective set forth in section 2501(a) of such title or a particular policy objective set forth in section 2501(b) of such title.

SEC. 1119. COMPTROLLER GENERAL ASSESSMENT OF EXTENT TO WHICH TECHNOLOGY AND INDUSTRIAL BASE PROGRAMS ATTAIN POLICY OBJECTIVES.

Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress an assessment of the extent to which awards for cooperative agreements and other transactions under programs carried out under chapter 148 of title 10, United States Code, have been made specifically to advance and enhance a particular national security objective set forth in section 2501(a) of such title or to achieve a particular policy objective set forth in section 2501(b) of such title.

Subtitle B—Community Adjustment and Assistance Programs

SEC. 1121. FUNDS FOR ADJUSTMENT AND DIVERSIFICATION ASSISTANCE FOR STATES AND LOCAL GOVERNMENTS FROM OFFICE OF ECONOMIC ADJUSTMENT.

Of the amount made available pursuant to section 1102(a), \$54,127,000 shall be available to provide community adjustment and economic diversification assistance under section 2391(b) of title 10, United States Code.

SEC. 1122. STUDIES AND PLANS FOR MARKET DIVERSIFICATION.

(a) **FORM OF COMMUNITY ADJUSTMENT AND ECONOMIC DIVERSIFICATION.**—Section 2391(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3) The terms 'community adjustment' and 'economic diversification' include the development of feasibility studies and business plans for market diversification within a community adversely affected by an action described in clause (A), (B), (C), or (E) of subsection (b)(1) by adversely affected businesses and labor organizations located in the community."

(b) **FUNDING FOR FISCAL YEAR 1995.**—Of the amount made available under section 1121, up to \$10,000,000 shall be available to provide community adjustment and economic diversification assistance under section 2391(b) of title 10, United States Code, for the purpose of developing feasibility studies and business plans. The amount of such funds provided for such purpose with respect to any adversely affected community may not exceed \$100,000.

SEC. 1123. ADVANCE COMMUNITY ADJUSTMENT AND ECONOMIC DIVERSIFICATION PLANNING.

(a) **ASSISTANCE AUTHORIZED.**—Section 2391(b) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (5), (6), and (7) as paragraphs (6), (7), and (8), respectively; and

(2) by inserting after paragraph (4) the following new paragraph:

"(5) The Secretary of Defense may also make grants, conclude cooperative agreements, and supplement other Federal funds in order to assist a State or local government in planning

community adjustments and economic diversification even though the State or local government is not currently eligible for assistance under paragraph (1) if the Secretary determines that a substantial portion of the economic activity or population of the geographic area to be subject to the advance planning is dependent on defense expenditures."

(b) **CONFORMING AMENDMENTS.**—Paragraph (8) of such section, as redesignated by subsection (a)(1), is amended by striking out "paragraph (6)" both places it appears and inserting in lieu thereof "paragraph (7)".

(c) **FUNDING FOR FISCAL YEAR 1995.**—Of the amount made available under section 1121, up to \$5,000,000 shall be available to assist advance planning of community adjustments and economic diversification under paragraph (5) of section 2391(b) of title 10, United States Code, as added by subsection (a)(2).

Subtitle C—Personnel Adjustment, Education, and Training Programs

SEC. 1131. TEACHER AND TEACHER'S AIDE PLACEMENT PROGRAMS.

(a) **PERIOD OF ELIGIBILITY.**—Subsection (c) of section 1151 of title 10, United States Code, is amended—

(1) in paragraph (1)(A), by striking out "seven-year period beginning on October 1, 1992," and inserting in lieu thereof "nine-year period beginning on October 1, 1990,"; and

(2) by striking out paragraph (4).

(b) **APPLICATION PERIOD.**—Subsection (e)(1) of such section is amended to read as follows:

"(e) **SELECTION OF PARTICIPANTS.**—(1) Selection of members to participate in the placement program authorized by subsection (a) shall be made on the basis of applications submitted to the Secretary of Defense on a timely basis. An application shall be in such form and contain such information as the Secretary may require. An application shall be considered to be submitted on a timely basis if the application is submitted as follows:

"(A) Except as provided in subparagraphs (B) and (C), not later than one year after the date of the discharge or release of the applicant from active duty.

"(B) In the case of an applicant discharged or released from active duty before January 19, 1994, not later than one year after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1995.

"(C) In the case of an applicant becoming educationally qualified for teacher placement assistance in accordance with subsection (c)(2) after the date of the discharge or release of the applicant from active duty, not later than one year after the date on which the applicant becomes educationally qualified."

(c) **FUNDING FOR FISCAL YEAR 1995.**—Of the amount made available pursuant to section 1102(a), \$65,000,000 shall be available for the teacher and teacher's aide placement programs authorized by sections 1151, 1598, and 2410j of title 10, United States Code.

SEC. 1132. ASSISTANCE FOR ELIGIBLE MEMBERS TO OBTAIN EMPLOYMENT WITH LAW ENFORCEMENT AGENCIES.

(a) **REVISED PROGRAM AUTHORITY.**—(1) Section 1152 of title 10, United States Code, is amended to read as follows:

"§1152. Assistance to eligible members and former members to obtain employment with law enforcement agencies

"(a) **PLACEMENT PROGRAM.**—The Secretary of Defense may enter into an agreement with the Attorney General to establish or participate in a program to assist eligible members and former members of the armed forces to obtain employment as law enforcement officers with eligible law enforcement agencies following the discharge or release of such members or former

members from active duty. Eligible law enforcement agencies shall consist of State law enforcement agencies, local law enforcement agencies, and Indian tribes that perform law enforcement functions (as determined by the Secretary of the Interior).

"(b) **ELIGIBLE MEMBERS.**—Any individual who, during the 6-year period beginning on October 1, 1993, is a member of the armed forces and is separated with an honorable discharge or is released from service on active duty characterized as honorable by the Secretary concerned shall be eligible to participate in a program covered by an agreement referred to in subsection (a).

"(c) **SELECTION.**—In the selection of applicants for participation in a program covered by an agreement referred to in subsection (a), preference shall be given to a member or former member who—

"(1) 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); and

"(2) 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, the Attorney General, or a participating eligible law enforcement agency prescribe in accordance with the agreement.

"(d) **GRANTS TO FACILITATE EMPLOYMENT.**—(1) The Secretary of Defense may provide funds to the Attorney General for grants under this section to reimburse participating eligible law enforcement agencies for costs, including salary and fringe benefits, of employing members or former members pursuant to a program referred to in subsection (a).

"(2) No grant with respect to an eligible member or former member may exceed a total of \$50,000.

"(3) Any grant with respect to an eligible member or former member shall be disbursed within 5 years after the date of the placement of a member or former member with a participating eligible law enforcement agency.

"(4) Preference in awarding grants through existing law enforcement hiring programs shall be given to State or local law enforcement agencies or Indian tribes that agree to hire eligible members and former members.

"(e) **ADMINISTRATIVE EXPENSES.**—Ten percent of the amount, if any, appropriated for a fiscal year to carry out the program established pursuant to subsection (a) may be used to administer the program.

"(f) **REQUIREMENT FOR APPROPRIATION.**—No person may be selected to participate in the program established pursuant to subsection (a) unless a sufficient amount of appropriated funds is available at the time of the selection to satisfy the obligations to be incurred by the United States under an agreement referred to in subsection (a) that applies with respect to the person.

"(g) **CONDITIONAL EXPANSION OF PLACEMENT TO INCLUDE FIREFIGHTERS.**—(1) Subject to paragraph (2), the Secretary may expand the placement activities authorized by subsection (a) to include the placement of eligible members and former members and eligible civilian employees of the Department of Defense as firefighters or members of rescue squads or ambulance crews with public fire departments.

"(2) The Secretary may implement the expansion authorized by this subsection only if the Secretary certifies to Congress not later than 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1995 that such expansion will facilitate

personnel transition programs of the Department of Defense. The expansion may be made through a program covered by an agreement referred to in subsection (a), if feasible, or in such other manner as the Secretary considers appropriate.

"(3) A civilian employee of the Department of Defense shall be eligible to participate in the expanded placement activities authorized under this subsection if the employee, during the six-year period beginning October 1, 1993, is 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."

(2) The item relating to such section in the table of sections at the beginning of chapter 58 of title 10, United States Code, is amended to read as follows:

"1152. Assistance to eligible members and former members to obtain employment with law enforcement agencies."

(b) **FUNDING FOR FISCAL YEAR 1995.**—(1) Of the amount made available pursuant to section 1102(a), \$25,000,000 shall be available for the placement of members and former members of the Armed Forces as law enforcement officers under section 1152 of title 10, United States Code.

(2) Of the amount made available pursuant to section 1102(a), up to \$5,000,000 shall be available for the placement of members and former members of the Armed Forces and civilian employees of the Department of Defense as firefighters or members of rescue squads or ambulance crews with public fire departments under section 1152 of title 10, United States Code, if the Secretary of Defense makes the certification required by subsection (g)(2) of such section within the time period specified in such subsection.

SEC. 1133. PILOT PROGRAM TO PLACE SEPARATED MEMBERS AND TERMINATED DEFENSE EMPLOYEES AS BILINGUAL MATH AND SCIENCE TEACHERS.

(a) **COOPERATIVE ARRANGEMENTS.**—During fiscal year 1995, the Secretary of Defense shall carry out a pilot program to establish cooperative arrangements between the Department of Defense and a consortium of two or more entities described in subsection (b) for the purpose of assisting bilingual members of the Armed Forces after their separation from active duty, and bilingual civilian employees of the Department of Defense after the termination of their employment, in obtaining certification and employment as bilingual elementary or secondary school teachers in mathematics or science.

(b) **ELIGIBLE ENTITIES.**—The entities with which the Secretary of Defense may enter into a cooperative arrangement under the pilot program are as follows:

(1) Local governments of States that contain military installations and a high concentration of students who would benefit from the increased presence of bilingual elementary or secondary school teachers in mathematics or science.

(2) A consortium of two or more institutions of higher education that have a demonstrated background, expertise, and experience in operating bilingual teacher training programs in mathematics and science with an emphasis in English as a second language.

(c) **ELIGIBLE MEMBERS AND EMPLOYEES.**—(1) A member of the Armed Forces shall be eligible to participate in a cooperative arrangement established under the pilot program if the member—

(A) during the seven-year period beginning on October 1, 1992, is discharged or released from active duty after six or more years of continuous active duty immediately before the discharge or release;

(B) has received a baccalaureate or advanced degree from an accredited institution of higher education;

(C) is bilingual; and

(D) satisfies such other criteria for selection as the Secretary of Defense may prescribe.

(2) A civilian employee of the Department of Defense shall be eligible to participate in a cooperative arrangement established under the pilot program if the employee—

(A) during the five-year period beginning October 1, 1992, is 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;

(B) has received a baccalaureate or advanced degree from an accredited institution of higher education;

(C) is bilingual; and

(D) satisfies such other criteria for selection as the Secretary of Defense may prescribe.

(d) **STIPEND FOR PARTICIPANTS.**—A member of the Armed Forces or a civilian employee of the Department of Defense who participates in a cooperative arrangement established under the pilot program shall be eligible to receive an educational stipend in the same amount as provided under paragraph (1) of subsection (g) of section 1151 of title 10, United States Code, subject to the conditions specified in paragraphs (2) and (3) of such subsection and section 1598(e)(2) of such title.

(e) **ADMINISTRATIVE COSTS.**—The Secretary of Defense shall cover the reasonable management costs of the pilot program incurred by the non-Federal entities participating in the cooperative arrangements established under the pilot program.

(f) **DEFINITIONS.**—For purposes of this section:

(1) The term "bilingual" means the ability to communicate in both the English and another language.

(2) 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.

(g) **FUNDING FOR FISCAL YEAR 1995.**—Of the amount made available pursuant to section 1102(a), \$5,000,000 shall be available to the Secretary of Defense to carry out this section.

SEC. 1134. DEMONSTRATION PROJECT TO ASSIST SEPARATED MEMBERS AND TERMINATED DEFENSE WORKERS TO BECOME BUSINESS OWNERS.

(a) **BUSINESS OWNERSHIP DEMONSTRATION PROJECT.**—During fiscal year 1995, the Secretary of Defense may carry out a demonstration project in not more than two eligible communities to assist separated members of the Armed Forces and terminated defense workers described in subsection (c) who reside in such communities to own their own businesses. The Secretary shall carry out the demonstration project in consultation with the Secretary of Commerce.

(b) **ELIGIBLE COMMUNITIES.**—To be eligible for selection by the Secretary of Defense as a site for the demonstration project, a community shall meet at least two of the following conditions:

(1) The local economy is heavily dependent on a defense contractor that is in the process of terminating a major defense contract (or having such contract terminated by the Department of Defense) or closing a major facility.

(2) The local economy may be adversely affected by changes in the use of a national laboratory previously engaged in the testing of nuclear weapons.

(3) The local economy would be adversely affected by the closure of two or more military installations.

(c) **PERSONS ELIGIBLE FOR ASSISTANCE.**—The following persons are eligible to participate in

the demonstration project to own their own businesses:

(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 layoff) 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.

(d) **ACTIVITIES UNDER DEMONSTRATION PROJECT.**—Under the demonstration project, the Secretary of Defense shall—

(1) develop a business plan to establish a facility in each community in which the demonstration project is conducted to assist persons described in subsection (c) to own their own businesses;

(2) conduct a market study to identify markets for the facility;

(3) develop innovative approaches to capital formation for the facility and persons described in subsection (c);

(4) conduct a skills assessment study to determine the number and type of employees needed to operate the facility; and

(5) analyze the potential to use persons described in subsection (c) as employees of the facility.

SEC. 1135. DEMONSTRATION PROJECT TO PROMOTE SHIP RECYCLING AS A METHOD TO ASSIST SEPARATED MEMBERS AND TERMINATED DEFENSE WORKERS.

(a) **SHIP RECYCLING DEMONSTRATION PROJECT.**—(1) Subject to paragraph (2), the Secretary of Defense may carry out a demonstration project in not more than three eligible locations to assist separated members of the Armed Forces and terminated defense workers described in subsection (c) to obtain employment by participating in the establishment and operation of ship recycling facilities. To carry out the demonstration project, the Secretary shall seek the participation of representatives of the ship recycling industry.

(2) The Secretary of Defense may not implement or carry out the demonstration project unless the Secretary certifies to Congress not later than 180 days after the date of the enactment of this Act that—

(A) the demonstration project will facilitate personnel transition programs of the Department of Defense; and

(B) activities under the demonstration project will not disrupt the operations of United States companies that are engaged in ship recycling and scrapping as of the date of the enactment of this Act.

(b) **ELIGIBLE LOCATIONS.**—A location shall be eligible for selection by the Secretary of Defense as a site for the demonstration project if the location contains one or more military installations that have been selected for closure or realignment pursuant to a base closure law and such installations include naval and port facilities. Competitive procedures shall be used in the selection of locations in which to conduct the demonstration project.

(c) **PERSONS ASSISTED UNDER DEMONSTRATION PROJECT.**—The demonstration project is intended to promote the establishment and operation of ship recycling facilities that will provide employment for the following persons:

(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 spend-

ing 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 layoff) 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.

(d) **ASSISTANCE AUTHORIZED.**—To carry out the demonstration project in an eligible location selected by the Secretary, the Secretary may make grants to, and enter into contracts and cooperative agreements with, State governments, local governments, private entities, nonprofit organizations, and institutions of higher education operating in that location.

(e) **ACTIVITIES SUPPORTED.**—A government or entity (or group of entities) receiving assistance under the demonstration project shall use the assistance to perform, or support the performance of, any of the following:

(1) Developing a business plan to establish a ship recycling facility for military and commercial ships currently in service and projected for future scrapping.

(2) In consultation with the private sector, conducting a market study of—

(A) the existing private sector capacity to perform ship recycling;

(B) the utilization of existing ship recycling capacity;

(C) the regional impact on markets for scrap generated from ship recycling;

(D) the environmental remediation requirements associated with ship recycling;

(E) the ability to incorporate the private sector into the ship recycling facilities established pursuant to the demonstration project; and

(F) such other issues related to ship recycling as the Secretary considers appropriate.

(3) Conducting a skills assessment study to determine the number and type of employees needed to operate a ship recycling facility.

(4) Developing plans for the cost-effective environmental remediation of ships to be recycled at the facility.

(5) Demonstrating the feasibility of a ship recycling facility to become financially self-sustaining or projecting a reasonable timetable for the completion of the demonstration project, in which case the entity shall develop training, skills enhancement, and career placement programs to assist employees involved in ship recycling to secure new occupations and careers.

(6) Supporting regional ship recycling start-up activities.

(7) Analyzing the potential to use persons described in subsection (c) as employees at a ship recycling facility.

(f) **TRANSFER OF EXCESS NAVAL VESSELS.**—The Secretary of Defense may allocate among the ship recycling facilities established under the demonstration project excess naval vessels of the United States for recycling.

(g) **FUNDING FOR FISCAL YEAR 1995.**—Of the amount made available pursuant to section 1102(a), \$7,500,000 shall be available to the Secretary of Defense to carry out the demonstration project if the Secretary of Defense makes the certification under subsection (a)(2) within the time period specified in such subsection.

SEC. 1136. ADMINISTRATION AND FUNDING OF DEFENSE DIVERSIFICATION PROGRAM AND DEFENSE CONVERSION ADJUSTMENT PROGRAM UNDER JOB TRAINING PARTNERSHIP ACT.

(a) **DEFENSE DIVERSIFICATION PROGRAM.**—Section 325A of the Job Training Partnership Act (29 U.S.C. 1662d-1) is amended—

(1) in subsection (a), by striking out "From the amount" and all that follows through "Labor," and inserting in lieu thereof "From funds made available to carry out this section, the Secretary, in consultation with the Secretary of Defense,";

(2) in subsections (c), (d), (e), (i), (k)(2), (l), and (m), by striking out "Secretary of Defense" each place it appears and inserting in lieu thereof "Secretary";

(3) in subsection (d)(1)(A), by striking out "in consultation with the Secretary of Labor,";

(4) in the heading of subsection (e), by striking out "BY SECRETARY OF DEFENSE";

(5) in subsection (k)(1), by striking out "Secretary of Defense, in consultation with the Secretary of Labor," and inserting in lieu thereof "Secretary, in consultation with the Secretary of Defense,"; and

(6) in subsection (n), by striking out "Secretary of Defense, in consultation with the Secretary of Labor," and inserting in lieu thereof "Secretary, in consultation with the Secretary of Defense,".

(b) **DEFENSE CONVERSION ADJUSTMENT PROGRAM.**—Section 325(a) of the Job Training Partnership Act (29 U.S.C. 1662d(a)) is amended by striking out "From the amount appropriated pursuant to section 4203 of the Defense Economic Adjustment, Diversification, Conversion, and Stabilization Act of 1990," and inserting in lieu thereof "From funds made available to carry out this section,".

SEC. 1137. ASSISTANCE FOR CERTAIN WORKERS DISLOCATED DUE TO REDUCTIONS BY THE UNITED STATES IN THE EXPORT OF DEFENSE ARTICLES AND SERVICES.

(a) **ASSISTANCE UNDER DEFENSE CONVERSION ADJUSTMENT PROGRAM.**—Section 325 of the Job Training Partnership Act (29 U.S.C. 1662d), as amended by section 1136(b), is further amended—

(1) in subsection (a), by striking out "or by closures of United States military facilities" each place it appears and inserting in lieu thereof "by closures of United States military facilities, or by reductions in the export of defense articles and defense services as a result of United States policy, including reductions in the amount of defense articles and defense services under agreements to provide such articles or services or through termination or completion of any such agreements";

(2) in subsection (d), by striking out "or by the closure of United States military installations" and inserting in lieu thereof "by closures of United States military facilities, or by reductions in the export of defense articles and defense services as a result of United States policy, including reductions in the amount of defense articles and defense services under agreements to provide such articles or services or through termination or completion of any such agreements"; and

(3) by adding at the end the following new subsection:

"(f) **DEFINITION.**—For purposes of this section, the term "defense articles and defense services" means defense articles, defense services, or design and construction services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), including defense articles and defense services licensed or approved for export under section 38 of that Act (22 U.S.C. 2778)."

(b) **ASSISTANCE UNDER DEFENSE DIVERSIFICATION PROGRAM.**—Section 325A of the Job Training Partnership Act (29 U.S.C. 1662d-1), as amended by section 1136(a), is further amended—

(1) in subsection (b)(3)(A), by striking out "or the closure or realignment of a military installation" and inserting in lieu thereof "the closure or realignment of a military installation, or reductions in the export of defense articles and defense services as a result of United States policy, including reductions in the amount of defense articles and defense services under agreements to provide such articles or services or through termination or completion of any such agreements";

(2) in subsection (k)(1), by striking out "or by the closure of United States military installations" and inserting in lieu thereof "the closure of United States military installations, or reductions in the export of defense articles and defense services as a result of United States policy, including reductions in the amount of defense articles and defense services under agreements to provide such articles or services or through termination or completion of any such agreements"; and

(3) in subsection (o), by adding at the end the following new paragraph:

"(3) **DEFENSE ARTICLES AND DEFENSE SERVICES.**—The term 'defense articles and defense services' means defense articles, defense services, or design and construction services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), including defense articles and defense services licensed or approved for export under section 38 of that Act (22 U.S.C. 2778)."

Subtitle D—Other Matters

SEC. 1141. EXTENSION OF ARMAMENT RETOOLING AND MANUFACTURING SUPPORT INITIATIVE AND ESTABLISHMENT OF ARMS INITIATIVE LOAN GUARANTEE PROGRAM.

(a) **EXTENSION.**—Section 193(a) of the Armament Retooling and Manufacturing Support Act of 1992 (subtitle H of title I of Public Law 102-484; 10 U.S.C. 2501 note) is amended by striking out "fiscal years 1993 and 1994" and inserting in lieu thereof "fiscal years 1993 through 1996".

(b) **LOAN GUARANTEES UNDER ARMS INITIATIVE.**—The Armament Retooling and Manufacturing Support Act of 1992 (10 U.S.C. 2501 note) is amended—

(1) by redesignating section 195 as section 196; and

(2) by inserting after section 194 the following new section:

"SEC. 195. ARMS INITIATIVE LOAN GUARANTEE PROGRAM.

(a) **PROGRAM AUTHORIZED.**—Subject to subsection (b), the Secretary of the Army may carry out a loan guarantee program to encourage commercial firms to use ammunition manufacturing facilities pursuant to section 193. Under such program, the Secretary may guarantee the repayment of any loan made to a commercial firm to fund, in whole or in part, the establishment of a commercial activity under this subtitle.

"(b) **ADVANCED BUDGET AUTHORITY.**—Loan guarantees under this section may not be committed except to the extent that appropriations of budget authority to cover their costs are made in advance, as required by section 504 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c).

"(c) **PROGRAM ADMINISTRATION.**—(1) The Secretary may enter into agreements with the Administrator of the Small Business Administration or the Administrator of the Farmers Home Administration, the Administrator of the Rural Development Administration, or the head of other appropriate agencies of the Department of Agriculture, under which such Administrators may, under this section—

"(A) process applications for loan guarantees;

"(B) guarantee repayment of loans; and

"(C) provide any other services to the Secretary to administer the loan guarantee program.

"(2) Each Administrator may guarantee loans under this section to commercial firms of any size, notwithstanding any limitations on the size of applicants imposed on other loan guarantee programs that the Administrator administers.

"(3) To the extent practicable, each Administrator shall use the same procedures for processing loan guarantee applications under this section as the Administrator uses for processing loan guarantee applications under other loan

guarantee programs that the Administrator administers.

"(d) **LOAN LIMITS.**—The maximum amount of loan principal guaranteed during a fiscal year under this section may not exceed—

"(1) \$20,000,000, with respect to any single borrower; and

"(2) \$320,000,000 with respect to all borrowers.

"(e) **TRANSFER OF FUNDS.**—The Secretary of the Army may transfer to an Administrator providing services under subsection (c), and the Administrator may accept, such funds as may be necessary to administer the loan guarantee program under this section.

"(f) **REPORTING REQUIREMENT.**—Not later than July 1 of each year in which a guarantee issued under this section is in effect, the Secretary shall submit to the congressional defense committees a report specifying the amounts of loans guaranteed under this section during the preceding calendar year. No report is required after fiscal year 1997."

(c) **AUTHORIZATION FOR USE OF EXISTING BUDGET AUTHORITY.**—Of the funds appropriated for the Armament Retooling and Manufacturing Support Initiative by title III of Public Law 102-396 under the heading "PROCUREMENT OF AMMUNITION, ARMY" (106 Stat. 1887), up to \$43,000,000 may be made available to cover the costs of loan guarantees issued under section 195 of the Armament Retooling and Manufacturing Support Act of 1992 (as added by subsection (b)(2)), in such amounts as provided in an appropriations Act enacted after the date of the enactment of this Act.

SEC. 1142. CHANGES IN NOTICE REQUIREMENTS UPON PENDING OR ACTUAL TERMINATION OF DEFENSE PROGRAMS.

(a) **TIME FOR NOTICE AFTER SUBMISSION OF BUDGET.**—Subsection (a) of 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—

(1) by striking out "As soon as reasonably practicable" and inserting in lieu thereof "Not later than 60 days"; and

(2) by striking out "and not more than 180 days after such date,".

(b) **TIME FOR NOTICE AFTER ENACTMENT OF APPROPRIATIONS ACT.**—Subsection (b) of such section is amended—

(1) by striking out "as soon as reasonably practicable" and inserting in lieu thereof "not later than 60 days"; and

(2) by striking out "and not more than 180 days after such date,".

(c) **TIME FOR NOTICE OF WITHDRAWAL OF NOTIFICATION.**—Subsection (f)(1) of such section is amended by striking out "as soon as reasonably practicable" and inserting in lieu thereof "not later than 60 days".

SEC. 1143. PLAN FOR DEPLOYMENT OF DEFENSE ENVIRONMENTAL TECHNOLOGIES FOR DREDGING OF DUAL-USE PORTS.

(a) **ESTABLISHMENT.**—The Secretary of Defense shall establish a plan for the Department of Defense to encourage the further development and deployment of existing defense environmental technologies in support of the dredging requirements of dual-use ports, including—

(1) the environmentally secure containment and management of contaminated dredged materials; and

(2) the decontamination of dredged materials.

(b) **MATTERS TO BE INCLUDED.**—The plan to be established pursuant to subsection (a) shall include the following:

(1) A description of defense reinvestment and defense conversion programs under chapter 148 of title 10, United States Code, that are available to facilitate the deployment of defense environmental technologies in support of the dredging requirements of dual-use ports.

(2) A description of existing defense environmental technologies and processes that are available to support the objectives of the plan to be established pursuant to subsection (a).

(3) Recommendations for strategies to deploy such technologies and processes to ports of various sizes, including—

(A) ports with projects requiring more than 5,000,000 cubic yards of sediment to be dredged annually;

(B) ports with projects requiring more than 1,000,000 cubic yards of sediment to be dredged annually;

(C) ports that have been affected by, or are likely to be affected by, the closure of one or more major military installations and that, as a result thereof, require substantial environmental remediation; and

(D) military port installations that have experienced significant delays in advancing dredging projects because of environmental compliance or dredged material disposal problems.

(4) After consultation with the heads of other appropriate Federal agencies, an assessment of other available technologies and processes that may be used in support of the plan to be established pursuant to subsection (a).

(5) An assessment of the potential benefits and methods of transfer of technologies and processes for use in connection with dredging processes in commercial ports and waterways.

(c) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall transmit to Congress a report containing the plan to be established pursuant to subsection (a).

TITLE XII—COOPERATIVE THREAT REDUCTION WITH STATES OF FORMER SOVIET UNION

SEC. 1201. COOPERATIVE THREAT REDUCTION PROGRAMS.

For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs described in section 1203(b) of the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103-160; 107 Stat. 1778; 22 U.S.C. 5952(b)).

SEC. 1202. EXTENSION OF SEMIANNUAL REPORT ON COOPERATIVE THREAT REDUCTION PROGRAMS.

Section 1207 of the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103-60; 107 Stat. 1782) is amended—

(1) by striking out "Not later than April 30, 1994, and not later than October 30, 1994," and inserting in lieu thereof "Not later than April 30 and not later than October 30 of each year,";

(2) by striking out "under this title" and inserting in lieu thereof "under programs described in section 1203(b)"; and

(3) in paragraph (3), by striking out "this title" and inserting in lieu thereof "the programs described in section 1203(b)".

SEC. 1203. REPORT ON ACCOUNTING FOR UNITED STATES ASSISTANCE.

(a) **REPORT.**—(1) The Secretary of Defense shall submit to Congress a report on the efforts made by the United States (including efforts through the use of audits, examinations, and on-site inspections) to ensure that assistance provided under cooperative threat reduction programs is fully accounted for and that such assistance is being used for its intended purposes.

(2) The report shall be submitted not later than 90 days after the date of the enactment of this Act.

(b) **INFORMATION TO BE INCLUDED.**—The report shall include the following:

(1) A list of cooperative threat reduction assistance that has been provided before the date of the report.

(2) A description of the current location of the assistance provided and the current condition of such assistance.

(3) A determination of whether the assistance has been used for its intended purpose.

(4) A description of the activities planned to be carried out during fiscal year 1995 to ensure that cooperative threat reduction assistance provided during that fiscal year is fully accounted for and is used for its intended purpose.

(c) **COMPTROLLER GENERAL ASSESSMENT.**—Not later than 30 days after the date on which the report of the Secretary under subsection (a) is submitted to Congress, the Comptroller General of the United States shall submit to Congress a report giving the Comptroller General's assessment of the report and making any recommendations that the Comptroller General considers appropriate.

SEC. 1204. REPORT ON CONTROL AND ACCOUNTABILITY OF MATERIAL RELATING TO WEAPONS OF MASS DESTRUCTION.

The Secretary of Defense shall submit to Congress a report on progress being made in each state of the former Soviet Union that is a recipient of assistance under Cooperative Threat Reduction programs toward the development of an effective system of control and accountability for material related to weapons of mass destruction in that country. Under such a system, officials of the United States and of the recipient country should have an accurate accounting of the weapons of mass destruction in that country and the fissile and chemical materials from those weapons. The report shall be submitted not later than three months after the date of the enactment of this Act.

SEC. 1205. MULTIYEAR PLANNING AND ALLIED SUPPORT.

(a) **FUNDING REPORT TO CONGRESS.**—The Secretary of Defense shall submit to Congress a report as described in subsection (b) on funding for Cooperative Threat Reduction programs with states of the former Soviet Union. The report shall be submitted at the time of the transmission to Congress of the budget justification materials for the funding request in the fiscal year 1996 budget for such Cooperative Threat Reduction programs.

(b) **MATTERS TO BE INCLUDED IN ANNUAL REPORT.**—The Secretary of Defense shall include in the report under subsection (a) the following:

(1) An estimate of the total amount that will be required to be expended by the United States in order to achieve the objectives of Cooperative Threat Reduction programs.

(2) A multiyear plan for the use of amounts and other resources provided by the United States for Cooperative Threat Reduction programs and to provide guidance for preparation of annual budget submissions.

(c) **SUBSEQUENT REVISIONS TO REPORT.**—The Secretary of Defense shall submit an updated version of the report under subsection (a) for any fiscal year after fiscal year 1996 for which the budget of the President proposes that funds be appropriated to the Department of Defense for Cooperative Threat Reduction programs.

(d) **FISCAL YEAR 1995 LIMITATION.**—Of the amount authorized in section 301 for Cooperative Threat Reduction programs, the sum of \$50,000,000 may not be obligated until the President certifies to Congress that the United States is making a concerted effort to ensure that allies of the United States are increasing their levels of support for activities that will aid in accomplishing the objectives of the Cooperative Threat Reduction programs.

SEC. 1206. FUNDING LIMITATIONS ON COOPERATIVE THREAT REDUCTION PROGRAM FOR FISCAL YEAR 1995.

(a) **PROGRAM AMOUNTS.**—Of the amount authorized to be appropriated in section 301 for Cooperative Threat Reduction programs—

(1) not more than \$60,000,000 may be obligated for the demilitarization of defense industries and the conversion of military technologies and capabilities into civilian activities;

(2) not more than \$200,000,000 may be obligated for Weapons Dismantlement, Destruction, and Denuclearization;

(3) not more than \$60,000,000 may be obligated for Safety and Security, Transportation, and Storage;

(4) not more than \$40,000,000 may be obligated for Nonproliferation;

(5) not more than \$20,000,000 may be obligated for Defense and Military-to-Military Contacts; and

(6) not more than \$20,000,000 may be obligated for other authorized programs and activities.

(b) **LIMITED AUTHORITY TO EXCEED INDIVIDUAL LIMITATION AMOUNTS.**—(1) If the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may, subject to paragraph (2), obligate amounts for the purposes stated in any of the paragraphs of subsection (a) in excess of the amount specified for those purposes in that paragraph. However, the total amount obligated for the purposes stated in the paragraphs in subsection (a) may not by reason of the use of the authority provided in the preceding sentence exceed the sum of the amounts specified in those paragraphs.

(2) An obligation for the purposes stated in any of the paragraphs in subsection (a) in excess of the amount specified in that paragraph may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress a notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

SEC. 1207. REPORT ON OFFENSIVE BIOLOGICAL WARFARE PROGRAM OF THE STATES OF THE FORMER SOVIET UNION.

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

(1) The United States has identified nonproliferation of weapons of mass destruction as a high priority in the conduct of United States national security policy.

(2) The United States is seeking universal adherence to global regimes that control nuclear, chemical, and biological weapons and is promoting new measures that provide increased transparency of biological weapons-related activities and facilities in an effort to help deter violations of and enhance compliance with the Biological Weapons Convention.

(3) In early 1992, Russian President Boris Yeltsin indicated to former United States President George Bush that Russia still had an offensive biological weapons program.

(4) A United States Government report dated January 19, 1993, on arms control noncompliance noted that Russian declarations up to that date had dramatically underestimated the size, scope, and maturity of the former Soviet biological weapons program.

(5) Despite President Yeltsin's decree of April 11, 1993, stating that activities in violation of the Biological Weapons Convention are illegal, questions continue to arise regarding offensive biological weapons research, development, testing, production, and storage in Russia as well as in other countries.

(6) A United States Government report, dated June 23, 1994, states the following: "The United States has determined that the offensive biological warfare program that Russia inherited from the Soviet Union violated the Biological Weapons Convention through at least March 1992. The Soviet offensive biological weapons program was massive, and included production, weaponization, and stockpiling. The status of the program since that time remains unclear and the U.S. remains concerned about the Russian biological warfare program."

(7) The Joint Statement on Biological Weapons issued by officials of the United States, the

United Kingdom, and Russia on September 14, 1992, confirmed the commitment of the three governments to full compliance with the Biological Weapons Convention and outlined steps designed to increase confidence in that commitment.

(8) The Presidents of Russia and the United States are scheduled to hold a summit meeting in Washington during the month of September 1994.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) the President should continue to urge all signatories to the Biological Weapons Convention to comply fully with the terms of that convention and with other international agreements relating to the control of biological weapons;

(2) the President should keep the Congress fully and currently informed regarding any Russian activities related to offensive biological weapons;

(3) the President should continue to insist that the Russian Government complete the steps noted and agreed to in the Joint Statement on Biological Weapons issued by officials of the United States, the United Kingdom, and Russia on September 14, 1992;

(4) subsequent meetings of representatives of the United States, the United Kingdom, and Russia on biological weapons and the September 1994 summit meeting in Washington provide opportunities for the President to again emphasize the importance of resolving the issues related to compliance with the Biological Weapons Convention;

(5) in assessing the President's fiscal year 1996 budget request for foreign assistance funds for Russia, and for other programs and activities to provide assistance to Russia, including the Cooperative Threat Reduction programs, Congress will consider United States Government assessments of Russia's compliance with its obligations under the Biological Weapons Convention; and

(6) as the President encourages increased transparency of biological weapons-related activities and facilities to deter violations of, and enhance compliance with, the Biological Weapons Convention, the President should also take appropriate actions to ensure that the United States is prepared to counter the effects of use of biological weapons by others.

(c) **PRESIDENTIAL REPORTS.**—Not later than February 1, 1995, not later than June 1, 1995, and not later than October 1, 1995, the President shall submit to Congress a report, in classified and unclassified forms, containing an assessment of the extent of compliance of the independent states of the former Soviet Union with the Biological Weapons Convention and other international agreements relating to the control of biological weapons.

(d) **CONTENT OF REPORT.**—The report shall include the following:

(1) **MATTERS RELATED TO COMPLIANCE.**—
(A) An evaluation of the extent of control and oversight by the government of the Russian Federation over the former Soviet military and dual civilian-military biological warfare programs.

(B) The extent, if any, of the biological warfare agent stockpile in any of the independent states of the former Soviet Union.

(C) The extent and scope, if any, of continued biological warfare research, development, testing, and production by such states, including the sites and types of activity at those sites.

(D) An evaluation of the effectiveness of possible delivery systems of biological weapons, including tube and rocket artillery, aircraft, and ballistic missiles.

(E) An assessment of measures taken by the Russian Government to complete the steps noted and agreed to in the 1992 Joint Statement on Biological Weapons referred to in subsection

(b)(3), including a determination of the extent to which Russia has—

(i) agreed to permit visits to military and non-military biological sites in order to attempt to resolve ambiguities;

(ii) provided information about biological weapons dismantlement accomplished to date, and further clarification of information provided in its United Nations Declarations regarding biological weapons;

(iii) been cooperative in exchanging information on a confidential, reciprocal basis concerning past offensive biological weapons programs not recorded in detail in its declarations to the United Nations;

(iv) cooperated in reviewing potential additional measures to monitor compliance with the Biological Weapons Convention and modalities for testing such measures;

(v) agreed to an examination of the physical infrastructure of its biological facilities to determine whether there is specific equipment or excess capacity inconsistent with their stated purpose;

(vi) helped identify ways to promote cooperation and investment in the conversion of biological weapons facilities; and

(vii) agreed to exchanges of scientists at biological facilities on a long-term basis.

(2) MATTERS RELATED TO UNITED STATES CAPABILITIES.—

(A) An evaluation of United States capabilities to detect and monitor biological warfare research, development, testing, production, and storage.

(B) On the basis of the assessment and evaluations referred to in other provisions of the report, recommendations by the Secretary of Defense and Chairman of the Joint Chiefs of Staff for the improvement of United States biological warfare defense and counter-measures.

(e) LIMITATION.—Of the amount authorized to be appropriated by section 301 for Cooperative Threat Reduction programs, \$25,000,000 may not be obligated until the President submits to Congress the first report required under subsection (c).

SEC. 1208. COORDINATION OF CERTAIN COOPERATIVE THREAT REDUCTION PROGRAMS.

(a) MILITARY-TO-MILITARY CONTACT PROGRAMS.—(1) None of the funds authorized to be appropriated in section 301 for Cooperative Threat Reduction programs may be obligated for activities under a military-to-military contact program until the Secretary of Defense and the Secretary of State submit to Congress a joint report on the coordination of military-to-military contact programs and comparable activities carried out under their respective jurisdictions.

(2) The report shall cover the following programs and activities:

(A) Defense and military-to-military contact programs to be carried out using funds authorized to be appropriated in section 301 for Cooperative Threat Reduction programs.

(B) Military-to-military contacts and comparable activities that are authorized by section 168 of title 10, United States Code, as added by section 1316.

(C) Programs authorized under chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.).

(3) The report shall include a discussion of how the programs and activities referred to in paragraph (2) are carried out to maximize—

(A) the effect of such programs and activities in enhancing United States foreign policy objectives; and

(B) cost-efficiency in the conduct of the programs and activities.

(b) REPORT.—Section 1207 of the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103-160; 107 Stat. 1777; 22 U.S.C. 5956), is

amended by adding at the end the following new paragraph:

"(5) A description of how all of the activities carried out under the authority of this title and other laws providing authority for cooperative threat reduction are coordinated with similar activities that are carried out under any other authority, including activities relating to military-to-military contacts, environmental restoration, and housing."

SEC. 1209. SENSE OF CONGRESS CONCERNING SAFE AND SECURE DISMANTLEMENT OF SOVIET NUCLEAR ARSENAL.

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

(1) It is a pressing national security challenge for the United States to expedite the safe and secure dismantlement of the nuclear arsenal of the former Soviet Union.

(2) In particular, it is essential to expedite the return of strategic nuclear warheads from Ukraine, Belarus, and Kazakhstan and to expedite the safe and secure dismantlement of the nuclear delivery vehicles of Ukraine, Belarus, and Kazakhstan.

(3) Leakage of nuclear materials and technology, and the continuing threat of emigration of scientists and technicians from the former Soviet nuclear weapons complex, pose a grave threat to United States national security and to international stability.

(4) Congress has authorized so-called "Nunn-Lugar" funds to enable the Department of Defense to carry out cooperative activities with states of the former Soviet Union to address the threats described in paragraphs (1), (2), and (3).

(b) SENSE OF CONGRESS.—In light of the findings in subsection (a), it is the sense of Congress that—

(1) the Secretary of Defense and the Secretary of State should continue to give their serious attention to carrying out a coordinated strategy for addressing the urgent national security issues described in subsection (a);

(2) the United States should expedite the availability and effective application of so-called "Nunn-Lugar" funds;

(3) although activities conducted with those funds should, to the extent feasible, draw upon United States technology and expertise, the United States should work with local contractors in Belarus, Kazakhstan, Russia, and Ukraine when doing so would expedite more effective use of those funds; and

(4) efforts should be made to make the Science and Technology Centers in Moscow and Kiev, designed to slow the emigration of scientists and technicians from the former Soviet weapons complex, fully operational on an expedited basis.

TITLE XIII—MATTERS RELATING TO ALLIES AND OTHER NATIONS

Subtitle A—Matters Relating to NATO

SEC. 1301. COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS WITH NATO ORGANIZATIONS.

(a) APPLICABILITY OF EXISTING AUTHORITY TO NATO ORGANIZATIONS.—Section 2350a of title 10, United States Code, is amended in subsections (a), (e)(2), and (i)(1) by inserting "or NATO organizations" after "major allies of the United States" each place it appears.

(b) NATO ORGANIZATION DEFINED.—Subsection (i) of such section is amended by adding at the end the following new paragraph:

"(4) The term 'NATO organization' means any North Atlantic Treaty Organization subsidiary body referred to in section 2350(2) of this title and any other organization of the North Atlantic Treaty Organization."

SEC. 1302. NORTH ATLANTIC TREATY ORGANIZATION.

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

(1) The North Atlantic Treaty Organization has served as a bulwark of peace, security, and democracy for the United States and the members of the alliance since 1949.

(2) The unswerving resolve of the member states of the North Atlantic Treaty Organization to mutual defense against the threat of communist aggression was central to the demise of the Warsaw Pact.

(3) The North Atlantic Treaty Organization is the most successful international security organization in history and is well suited to help marshal cooperative political, diplomatic, economic, and humanitarian efforts, buttressed by credible military capability aimed at deterring conflict, and thus contributing to international peace and security.

(4) The threat of instability in Eastern and Central Europe, as well as in the Southern and Eastern Mediterranean, continues to pose a fundamental challenge to the interests of the member states of the North Atlantic Treaty Organization.

(5) North Atlantic Treaty Organization assets have been deployed in recent years for more than the territorial defense of alliance members, and the Rome Summit of October 1991 adopted a new strategic concept for the North Atlantic Treaty Organization that entertained the possibility of operations beyond the alliance's self-defense area.

(6) In Oslo in July 1992, and in Brussels in December 1992, the alliance embraced the deployment of North Atlantic Treaty Organization forces to peacekeeping operations under the auspices of the United Nations or the Conference on Security and Cooperation in Europe.

(7) The North Atlantic Treaty Organization should attempt to cooperate with and seek a mandate from international organizations such as the United Nations when considering responses to crises outside the alliance's self-defense area.

(8) Not all members of the international community share a commonality of interests that would ensure timely action by the United Nations Security Council.

(9) It is critical that the security interests of the member countries of the North Atlantic Treaty Organization not be held hostage to indecision at the United Nations or a veto by a permanent member of the Security Council.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it should be the policy of the United States that, in accordance with article 53 of the United Nations Charter, the North Atlantic Treaty Organization retains the right of autonomy of action regarding missions in addition to collective defense should the United Nations Security Council or the Conference on Security and Cooperation in Europe fail to act;

(2) while it is desirable to work with other international organizations and arrangements where feasible in dealing with threats to the peace, the North Atlantic Treaty Organization is not an auxiliary to the United Nations or any other organization; and

(3) the member states of the North Atlantic Treaty Organization reserve the right to act collectively in defense of their vital interests.

SEC. 1303. AUTHORIZED END STRENGTH FOR MILITARY PERSONNEL IN EUROPE.

(a) END STRENGTH.—Paragraph (1) of section 1002(c) of the Department of Defense Authorization Act, 1985 (22 U.S.C. 1928 note), is amended to read as follows:

"(1) The end strength level of members of the Armed Forces of the United States assigned to permanent duty ashore in European member nations of the North Atlantic Treaty Organization may not exceed a permanent ceiling of approximately 100,000 in any fiscal year."

(b) EXCLUSION OF CERTAIN ISLAND-BASED TROOPS IN CALCULATION OF AUTHORIZED END

STRENGTH.—Such section is further amended by adding at the end the following new paragraph:

“(3) For purposes of this subsection, members of the Armed Forces of the United States assigned to permanent duty ashore in Iceland, Greenland, and the Azores are excluded in calculating the end strength level of members of the Armed Forces assigned to permanent duty ashore in European member nations of NATO.”.

(c) **CONFORMING AMENDMENT.**—Section 1303 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2546) is repealed.

(d) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on October 1, 1995.

SEC. 1304. ALLIED SHARE OF INSTALLATIONS COSTS.

(a) **GOAL FOR ALLIED CONTRIBUTIONS.**—In continuing efforts to enter into revised host-nation agreements as described in section 1301(e) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2545) and section 1401(c) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1824), the President shall seek to have European member nations of NATO assume an increased share of the nonpersonnel costs for United States military installations in those nations so that by September 30, 1996, those nations have assumed 37.5 percent of such costs.

(b) **DEFINITIONS.**—For purposes of this section:

(1) The term “nonpersonnel costs”, with respect to United States military installations in European member nations of NATO, means costs for those installations other than costs paid from military personnel accounts.

(2) The term “contributions”, with respect to the share of such nonpersonnel costs assumed by the European member nations of NATO, means those cash and in-kind contributions made by such nations that replace expenditures that would otherwise be made by the Secretary using funds appropriated or otherwise made available in defense appropriations Acts.

SEC. 1305. PAYMENTS-IN-KIND FOR RELEASE OF UNITED STATES OVERSEAS MILITARY FACILITIES TO NATO HOST COUNTRIES.

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

(1) The United States has invested \$6,500,000,000 in military infrastructure in North Atlantic Treaty Organization (NATO) countries.

(2) As part of an overall plan to reduce United States troop strength overseas, the Department of Defense plans to close, or reduce United States military presence at, 867 military sites outside the United States.

(3) Most of the military sites outside the United States announced for closure are in Europe, where the United States has already closed 434 such sites while carrying out a reduction in troop strength in Europe from 323,432 in 1987 to approximately 100,000 by the end of fiscal year 1996.

(4) When the United States closes military sites in Europe, it leaves buildings, roads, sewers, and other real property improvements behind.

(5) Some of the European NATO allies have agreed to pay the United States for the residual value of the real property improvements left behind.

(6) Although the United States military drawdown has been rapid since 1990, European allies have been slow to pay the United States the residual value of the sites released by the United States.

(7) As of 1994, the United States has recouped only \$33,300,000 in cash, most of which was recovered in 1989.

(8) Although the United States has released to Germany over 60 percent of the military sites

planned for closure by the United States in that country and the current value of United States facilities to be returned to the German government is estimated at approximately \$2,700,000,000, the German government has budgeted only \$25,000,000 for fiscal year 1994 for payment of compensation for the United States investment in those facilities.

(b) **POLICY.**—It is the sense of Congress that—

(1) the President should redouble efforts to recover the value of the United States investment in the military infrastructure in NATO countries;

(2) the President should enter into negotiations with the government of each NATO host country with a presumption that payments to compensate the United States for the negotiated value of improvements will be made in cash and deposited in the Department of Defense Overseas Military Facility Investment Recovery Account;

(3) the President should enter into negotiations for payments-in-kind only as a last resort and only after informing the Congress that negotiations for cash payments have not been successful; and

(4) to the extent that in-kind contributions are received in lieu of cash payments in any fiscal year, the in-kind contributions should be used for projects that are identified priorities of the Department of Defense.

(c) **REQUIREMENTS AND LIMITATIONS RELATING TO PAYMENTS-IN-KIND.**—(1) Subsection (e) of section 2921 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2687 note) is amended—

(A) by inserting “(I)” after “NEGOTIATIONS FOR PAYMENTS-IN-KIND.—”;

(B) by striking out “a written notice” and all that follows and inserting in lieu thereof “to the appropriate congressional committees a written notice regarding the intended negotiations.”; and

(C) by adding at the end the following new paragraphs:

“(2) The notice shall contain the following:

“(A) A justification for entering into negotiations for payments-in-kind with the host country.

“(B) The types of benefit options to be pursued by the Secretary in the negotiations.

“(C) A discussion of the adjustments that are intended to be made in the future-years defense program or in the budget of the Department of Defense for the fiscal year in which the notice is submitted or the following fiscal year in order to reflect costs that it may no longer be necessary for the United States to incur as a result of the payments-in-kind to be sought in the negotiations.

“(3) For purposes of this subsection, the appropriate congressional committees are—

“(A) the Committee on Armed Services, the Committee on Appropriations, and the Defense Subcommittees of the Committee on Appropriations of the House of Representatives; and

“(B) the Committee on Armed Services, the Committee on Appropriations, and the Defense Subcommittees of the Committee on Appropriations of the Senate.”.

(2) Such section is further amended by adding at the end the following new subsection:

“(h) **CONGRESSIONAL OVERSIGHT OF PAYMENTS-IN-KIND.**—(1) Not less than 30 days before concluding an agreement for acceptance of military construction or facility improvements as a payment-in-kind, the Secretary of Defense shall submit to Congress a notification on the proposed agreement. Any such notification shall contain the following:

“(A) A description of the military construction project or facility improvement project, as the case may be.

“(B) A certification that the project is needed by United States forces.

“(C) An explanation of how the project will aid in the achievement of the mission of those forces.

“(D) A certification that, if the project were to be carried out by the Department of Defense, appropriations would be necessary for the project and it would be necessary to provide for the project in the next future-years defense program.

“(2) Not less than 30 days before concluding an agreement for acceptance of host nation support or host nation payment of operating costs of United States forces as a payment-in-kind, the Secretary of Defense shall submit to Congress a notification on the proposed agreement. Any such notification shall contain the following:

“(A) A description of each activity to be covered by the payment-in-kind.

“(B) A certification that the costs to be covered by the payment-in-kind are included in the budget of one or more of the military departments or that it will otherwise be necessary to provide for payment of such costs in a budget of one or more of the military departments.

“(C) A certification that, unless the payment-in-kind is accepted or funds are appropriated for payment of such costs, the military mission of the United States forces with respect to the host nation concerned will be adversely affected.”.

SEC. 1306. GEORGE C. MARSHALL EUROPEAN CENTER FOR SECURITY STUDIES.

(a) **USE OF CONTRIBUTIONS.**—Funds received by the United States Government from the Federal Republic of Germany as its fair share of the costs of the George C. Marshall European Center for Security Studies shall be credited to appropriations available to the Department of Defense for the George C. Marshall European Center for Security Studies. Funds so credited shall be merged with the appropriations to which credited and shall be available for the Center for the same purposes and the same period as the appropriations with which merged.

(b) **WAIVER OF CHARGES.**—(1) The Secretary of Defense may waive reimbursement of the costs of conferences, seminars, courses of instruction, or similar educational activities of the George C. Marshall European Center for Security Studies for military officers and civilian officials of cooperation partner states of the North Atlantic Cooperation Council or the Partnership for Peace if the Secretary determines that attendance by such personnel without reimbursement is in the national security interest of the United States.

(2) Costs for which reimbursement is waived pursuant to paragraph (1) shall be paid from appropriations available for the Center.

SEC. 1307. SENSE OF THE SENATE CONCERNING PARTICIPATION IN ALLIED DEFENSE COOPERATION.

It is the sense of the Senate that the President should use existing authorities to the greatest extent possible to authorize the provision of the following types of assistance and cooperation to countries that are participating in the Partnership for Peace and are making significant progress in working with the North Atlantic Treaty Organization:

(1) Defense articles and services, as defined in the Foreign Assistance Act of 1961 and the Arms Export Control Act.

(2) Loan of materials, supplies, and equipment for research and development purposes.

(3) Leases and loans of major defense equipment and other defense articles.

(4) Cooperative military airlift agreements.

(5) The procurement of communications support and related supplies and services.

(6) Actions to standardize equipment with North Atlantic Treaty Organization members.

Subtitle B—Matters Relating to Several Countries

SEC. 1311. LIMITATION ON OBLIGATION OF FUNDS FOR OVERSEAS BASING ACTIVITIES.

(a) **LIMITATION.**—The total amount authorized to be appropriated to the Department of Defense 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 1995 may not exceed \$8,181,000,000, except to the extent provided by the Secretary of Defense under subsection (b).

(b) **EXCEPTION.**—The Secretary of Defense may increase the amount of the limitation under subsection (a) by such amount as the Secretary determines to be necessary in the national interest, except that such increase may not exceed \$400,000,000. The Secretary may not make any such increase until the Secretary notifies the Congress of the Secretary's intent to make such an increase and a period of 15 days elapses after the day on which the notification is received by the Congress.

(c) **ALLOCATIONS OF SAVINGS.**—Any amounts appropriated to the Department of Defense for fiscal year 1995 for the purposes covered by subsection (a) 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.

(d) **DEFINITION.**—In this section, the term "overseas basing activities" has the meaning given such term in section 1401(d)(2) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1825), except that such term does not include activities of the Department of Defense for which funds are provided through appropriations for Military Personnel.

SEC. 1312. CLARIFICATION AND CODIFICATION OF OVERSEAS MILITARY END STRENGTH LIMITATION.

(a) **IN GENERAL.**—(1) Chapter 3 of title 10, United States Code, is amended by inserting after section 123a the following new section:

"§123b. Forces stationed abroad: limitation on number

"(a) END-STRENGTH LIMITATION.—No funds appropriated to the Department of Defense may be used to support a strength level of members of the armed forces assigned to permanent duty ashore in nations outside the United States at the end of any fiscal year at a level in excess of 203,000.

"(b) EXCEPTION FOR WARTIME.—Subsection (a) does not apply in the event of a declaration of war or an armed attack on any member nation of the North Atlantic Treaty Organization, Japan, the Republic of Korea, or any other ally of the United States.

"(c) PRESIDENTIAL WAIVER.—The President may waive the operation of subsection (a) if the President declares an emergency. The President shall immediately notify Congress of any such waiver."

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"123b. Forces stationed abroad: limitation on number."

(b) **EFFECTIVE DATE.**—Section 123b of title 10, United States Code, as added by subsection (a), does not apply with respect to a fiscal year before fiscal year 1996.

(c) **CONFORMING REPEAL.**—Section 1302 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2545) is repealed.

SEC. 1313. COST-SHARING POLICY AND REPORT.

(a) **POLICY.**—It is the policy of the United States that the North Atlantic Treaty Organization (NATO) allies should assist the United States in paying the incremental costs incurred by the United States for maintaining members of the Armed Forces in assignments to permanent duty ashore in European member nations of NATO solely for support of NATO roles and missions.

(b) **IMPLEMENTATION.**—The President shall take all necessary actions to ensure the effective implementation of the policy set forth in subsection (a).

(c) **REPORT.**—The Secretary of Defense shall include in the annual report required by section 1002(d) of the Department of Defense Authorization Act, 1985 (22 U.S.C. 1928 note) the following:

(1) A description of the United States military forces assigned to permanent duty ashore in European member nations of NATO and an analysis of the cost of providing and maintaining such forces in such assignment primarily for support of NATO roles and missions.

(2) A description of the United States military forces assigned to permanent duty ashore in European member nations of NATO primarily in support of other United States interests in other regions of the world and an analysis of the cost of providing and maintaining such forces in such assignment primarily for that purpose.

(3) A specific enumeration and description of the offsets to United States costs of providing and maintaining United States military forces in Europe that the United States received from other NATO member nations in the fiscal year covered by the report, set out by country and by type of assistance, including both in-kind assistance and direct cash reimbursement, and the projected offsets for the five fiscal years following the fiscal year covered by the report.

(d) **INCREMENTAL COSTS DEFINED.**—For purposes of subsection (a), the definition provided for the term "incremental costs" in section 1046 of the National Defense Authorization Act for Fiscal Years 1992 and 1993, as added by subsection (e), shall apply with respect to maintaining members of the Armed Forces in assignments to permanent duty ashore in European member nations of NATO in the same manner as such term applies with respect to permanent stationing ashore of United States forces in foreign nations for purposes of subsection (e)(4) of such section 1046.

(e) **DEFINITION FOR REPORTING REQUIREMENT.**—Section 1046 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 105 Stat. 1466; 22 U.S.C. 1928 note) is amended by adding at the end the following new subsection:

"(f) INCREMENTAL COSTS DEFINED.—In this section, the term 'incremental costs', with respect to permanent stationing ashore of United States forces in foreign nations, means the difference between the costs associated with maintaining United States military forces in assignments to permanent duty ashore in the foreign nations and the costs associated with maintaining those same military forces at military bases in the United States."

SEC. 1314. REPORT ASSESSING THE NATIONAL SECURITY CONSEQUENCES OF UNITED STATES MILITARY COOPERATION PROGRAMS.

(a) **REPORT.**—The Secretary of Defense shall submit to Congress a report assessing the national security consequences of United States military cooperation programs. The report shall be submitted not later than the date of the submission to Congress of the next annual report of the Secretary of Defense submitted under section 113 of title 10, United States Code, after the date of the enactment of this Act.

(b) **MATTERS TO BE INCLUDED.**—The report under subsection (a) shall include the following:

(1) A description of cooperative military relationships in effect.

(2) A description of how activities under those relationships are intended to improve United States national security.

(3) An assessment of the risks to the United States associated with engaging in military cooperation programs with foreign countries should the government of any of such country change its political orientation in a manner hostile to United States interests.

(4) An analysis of the effect on United States national security of possible multilateral actions to reduce the military capability of governments and military forces that could pose a future threat to United States interests.

(5) An assessment of any implications for regional security effected by existing cooperative military relationships.

(c) **FORM OF REPORT.**—The report under subsection (a) shall be submitted in unclassified form and, to the extent necessary, in classified form.

SEC. 1315. REVIEW AND REPORT REGARDING DEPARTMENT OF DEFENSE PROGRAMS RELATING TO REGIONAL SECURITY AND HOST NATION DEVELOPMENT IN THE WESTERN HEMISPHERE.

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

(1) The political environment in the Western Hemisphere has been characterized in recent years by significant democratic advances and an absence of international strife, but democracy in some nations of the region is fragile.

(2) It is desirable for the Department of Defense to perform a positive role in influencing the defense establishments and military forces of nations in the Western Hemisphere to make positive contributions to the democratic process and to domestic development programs of their respective nations.

(3) Congress receives a number of annual reports relating to specific authorities granted to the Secretary of Defense under title 10, United States Code, such as the authorities relating to the conduct of bilateral or regional cooperation programs under section 1051 of that title, participation of developing countries in combined exercises under section 2010 of that title, and the training of special operations forces with friendly forces under section 2011 of that title.

(4) The annual reports are replete with statistics and dollar figures and generally lacking in substance.

(5) Congress does not receive annual reports with respect to other authorities of the Secretary of Defense, such as that relating to Latin American cooperation under section 1050 of title 10, United States Code.

(6) Testimony before Congress (including in particular the testimony of the commander of the United States Southern Command and the commander of the United States Atlantic Command) has emphasized the conduct of a large number of complementary programs under the leadership and supervision of those two commanders to foster appropriate military roles in democratic host nations and to assist countries in developing forces properly trained to address their security needs, including needs regarding illegal immigration, insurgencies, smuggling of illegal arms, munitions, and explosives across borders, and drug trafficking.

(7) Most of the programs referred to in paragraph (6) provide excellent and often unique training and experience to the United States forces involved.

(8) Military-to-military contact programs in the Western Hemisphere provide another tool to encourage a democratic orientation of the defense establishments and military forces of countries in the region.

(9) There is a need for the Secretary of Defense to conduct a comprehensive review of the

several authorities in title 10, United States Code, for the Secretary of Defense to engage in cooperative regional security programs with other countries in the Western Hemisphere in order to determine whether the authorities continue to be appropriate and necessary, particularly in the light of the changed circumstances in the region.

(10) There is a need for the Secretary of Defense to conduct a comprehensive review of various programs carried out pursuant to such authorities to ensure that such programs are designed to meet the needs of the host nations involved and the regional strategic and foreign policy objectives of the United States, including promotion of sustainable development, effective control of the military by elected civilian authorities, reliable regional security accords, and the appropriate role for militaries in democratic societies.

(11) There is a need for the Secretary of Defense to assess the strengths and weaknesses of the various regional security organizations, defense forums, and defense education institutions in the Western Hemisphere in order to identify any improvements needed to harmonize the defense policies of the United States and those of friendly nations of the region.

(b) REVIEW AND REPORT.—Not later than May 1, 1995, the Secretary of Defense, shall—

(1) in consultation with the Chairman of the Joint Chiefs of Staff and the commanders of the combatant commands responsible for regions in the Western Hemisphere, carry out a comprehensive review and assessment of the matters referred to in paragraphs (2), (9), (10), and (11) of subsection (a); and

(2) submit to Congress a report on the review and assessment carried out pursuant to paragraph (1).

(c) CONTENT OF REPORT.—The report shall contain a detailed and comprehensive description, discussion, and analysis of the following:

(1) The Department of Defense plan to support United States strategic objectives in the Western Hemisphere.

(2) The external and internal threats to the national security of the nations of the region.

(3) The various regional security cooperative programs carried out by the Department of Defense in the region in 1994, including training and education programs in the host nations and in the United States and defense contacts set forth on a country-by-country basis, the statutory authority, if any, for such programs, and the strategic objectives served.

(4) The various regional security organizations, defense forums, and defense education institutions that the United States maintains or in which the United States participates.

(5) The contribution that such programs, defense contacts, organizations, forums, and institutions make to the advancement of regional security, host nation security and national development, United States strategic objectives, and United States foreign policy objectives as described in paragraph (10) of subsection (a).

(6) United States humanitarian civic assistance and civic action programs conducted with host countries in the region and the effect that those programs have had in furthering the objectives described in paragraph (10) of subsection (a).

(7) The changes made or to be made in the programs, organizations, forums, and institutions referred to in paragraphs (3), (4), (5), and (6) as a result of the comprehensive review.

(d) RECOMMENDED LEGISLATION.—The report shall include any recommendations for legislation that the Secretary considers necessary to improve the ability of the Department to achieve its strategic objectives in the Western Hemisphere.

(e) CLASSIFICATION OF REPORT.—The report shall be submitted in an unclassified form and may, if necessary, have a classified supplement.

SEC. 1316. MILITARY-TO-MILITARY CONTACTS AND COMPARABLE ACTIVITIES.

(a) ACTIVITIES AUTHORIZED.—(1) Chapter 6 of title 10, United States Code, is amended by adding at the end the following new section:

“§168. Military-to-military contacts and comparable activities

“(a) PROGRAM AUTHORITY.—The Secretary of Defense may conduct military-to-military contacts and comparable activities that are designed to encourage a democratic orientation of defense establishments and military forces of other countries.

“(b) ADMINISTRATION.—The Secretary may provide funds appropriated for carrying out subsection (a) to the following officials for use as provided in subsection (c):

“(1) The commander of a combatant command, upon the request of the commander.

“(2) An officer designated by the Chairman of the Joint Chiefs of Staff, with respect to an area or areas not under the area of responsibility of a commander of a combatant command.

“(3) The head of any Department of Defense component.

“(c) AUTHORIZED ACTIVITIES.—An official provided funds under subsection (b) may use those funds for the following activities and expenses:

“(1) The activities of traveling contact teams, including any transportation expense, translation services expense, or administrative expense that is related to such activities.

“(2) The activities of military liaison teams.

“(3) Exchanges of civilian or military personnel between the Department of Defense and defense ministries of foreign governments.

“(4) Exchanges of military personnel between units of the armed forces and units of foreign armed forces.

“(5) Seminars and conferences held primarily in a theater of operations.

“(6) Distribution of publications primarily in a theater of operations.

“(7) Personnel expenses for Department of Defense civilian and military personnel to the extent that those expenses relate to participation in an activity described in paragraph (3), (4), (5), or (6).

“(8) Reimbursement of military personnel appropriations accounts for the pay and allowances paid to reserve component personnel for service while engaged in any activity referred to in another paragraph of this subsection.

“(d) RELATIONSHIP TO OTHER FUNDING.—Any amount provided during any fiscal year to an official under subsection (b) for an activity or expense referred to in subsection (c) shall be in addition to amounts otherwise available for those activities and expenses for that fiscal year.

“(e) LIMITATIONS.—(1) Funds may not be provided under this section for a fiscal year for any activity for which—

“(A) funding was proposed in the budget submitted to Congress for that fiscal year pursuant to section 1105(a) of title 31; and

“(B) Congress did not authorize appropriations.

“(2) An activity may not be conducted under this section with a foreign country unless the Secretary of State approves the conduct of such activity in that foreign country.

“(3) Funds may not be provided under this section for a fiscal year for any country that is not eligible in that fiscal year for assistance under chapter 5 of part II of the Foreign Assistance Act of 1961.

“(4) Except for those activities specifically authorized under subsection (c), funds may not be used under this section for the provision of defense articles or defense services to any country or for assistance under chapter 5 of part II of the Foreign Assistance Act of 1961.

“(f) MILITARY-TO-MILITARY CONTACTS DEFINED.—In this section, the term ‘military-to-military contacts’ means contacts between members of the armed forces and members of foreign armed forces through activities described in subsection (c).”

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“168. Military-to-military contacts and comparable activities.”

(b) FISCAL YEAR 1995 FUNDING.—Of the amount authorized to be appropriated under section 301(5) for operation and maintenance for Defense-wide activities, \$46,300,000 shall be available to the Secretary of Defense for the purposes of carrying out activities under section 168 of title 10, United States Code, as added by subsection (a).

(c) FISCAL YEAR 1995 ACTIVE DUTY END STRENGTHS.—(1) A member of a reserve component described in paragraph (2) shall not be counted (under section 115(a)(1) of title 10, United States Code) against the applicable end strength limitation for members of the Armed Forces on active duty for fiscal year 1995 prescribed in section 401.

(2) Paragraph (1) applies in the case of a member of a reserve component who is on active duty under a call or order to active duty for 180 days or more for activities under section 168 of title 10, United States Code, as added by subsection (a).

(d) REPORT.—Not later than February 15, 1995, the Secretary of Defense shall submit to Congress a report on the management structure of the military-to-military contacts program.

SEC. 1317. EXTENSION OF AUTHORITY TO ENTER INTO CERTAIN COOPERATIVE AGREEMENT AUTHORITIES TO INCLUDE THE UNITED NATIONS AND REGIONAL ORGANIZATIONS OF WHICH THE UNITED STATES IS A MEMBER.

(a) LOGISTICS AGREEMENTS.—Section 2341 of title 10, United States Code, is amended—

(1) by striking out “and” the first place it appears in paragraph (1) and inserting in lieu thereof a comma; and

(2) by inserting after “from North Atlantic Treaty Organization subsidiary bodies” the following: “, and from the United Nations Organization or any regional international organization of which the United States is a member”.

(b) CROSS-SERVICING AGREEMENTS.—Section 2342 of such title is amended—

(1) in subsection (a)(1)—

(A) by striking out “with—” in the matter preceding subparagraph (A) and inserting in lieu thereof “with any of the following:”;

(B) in subparagraph (A)—

(i) by capitalizing the first letter of the first word; and

(ii) by striking out the semicolon at the end and inserting in lieu thereof a period;

(C) in subparagraph (B)—

(i) by capitalizing the first letter of the first word; and

(ii) by striking out “; or” at the end and inserting in lieu thereof a period;

(D) by redesignating subparagraph (C) as subparagraph (D) and capitalizing the first letter of the first word of that subparagraph; and

(E) by inserting after subparagraph (B) the following new subparagraph (C):

“(C) The United Nations Organization or any regional international organization of which the United States is a member.”;

(2) in subsection (a)(2), by striking out “subsidiary body” both places it appears and inserting in lieu thereof “organization”; and

(3) in subsection (c), by striking out “as a routine or normal source” and inserting in lieu thereof “or international organization”.

(c) LAW APPLICABLE TO ACQUISITION AND CROSS-SERVING AGREEMENTS.—(1) Section 2343 of such title is amended—

- (A) by striking out subsection (a); and
(B) by striking out "(b)" before "Sections".

(2)(A) The heading of such section is amended to read as follows:

"§2343. Waiver of applicability of certain laws"

(B) The item relating to such section in the table of sections at the beginning of subchapter I of chapter 138 of such title is amended to read as follows:

"2343. Waiver of applicability of certain laws."

(d) METHOD OF PAYMENT FOR ACQUISITIONS AND TRANSFERS BY THE UNITED STATES.—Section 2344(b)(4) of such title is amended by inserting after "North Atlantic Treaty Organization subsidiary bodies" the following: "and the United Nations Organization or any regional international organization of which the United States is a member".

(e) LIQUIDATION OF ACCRUED CREDITS AND LIABILITIES.—Section 2345(a) of such title is amended by striking out "three" in the first sentence and inserting in lieu thereof "12".

(f) CREDITING OF RECEIPTS.—Section 2346 of such title is amended by striking out "shall be credited to applicable appropriations, accounts, and funds of the Department of Defense" and inserting in lieu thereof "shall be credited, at the option of the Secretary of Defense, to (1) the appropriation, fund, or account used in incurring the obligation, or (2) an appropriate appropriation, fund, or account currently available for the purposes for which the expenditures were made".

(g) LIMITATION ON AMOUNTS THAT MAY BE OBLIGATED OR ACCRUED BY THE UNITED STATES.—Section 2347 of such title is amended—

- (1) in subsection (a)(1)—

(A) by striking out "and" the first place it appears and inserting in lieu thereof a comma;

(B) by inserting after "subsidiary bodies of the North Atlantic Treaty Organization" the following: ", or from the United Nations Organization or any regional international organization of which the United States is a member";

(C) by striking out "\$150,000,000" and inserting in lieu thereof "\$200,000,000"; and

(D) by striking out "\$25,000,000" and inserting in lieu thereof "\$50,000,000";

- (2) in subsection (a)(2)—

(A) by striking out "\$10,000,000" the first place it appears and inserting in lieu thereof "\$60,000,000";

(B) by striking out "\$2,500,000" and inserting in lieu thereof "\$20,000,000"; and

(C) by striking out "\$10,000,000" the second place it appears and inserting in lieu thereof "\$60,000,000";

- (3) in subsection (b)(1)—

(A) by striking out "and" the first place it appears and inserting in lieu thereof a comma;

(B) by inserting after "subsidiary bodies of the North Atlantic Treaty Organization" the following: ", or from the United Nations Organization or any regional international organization of which the United States is a member"; and

(C) by striking out "\$100,000,000" and inserting in lieu thereof "\$150,000,000";

(4) in subsection (b)(2), by striking out "\$10,000,000" and inserting in lieu thereof "\$75,000,000"; and

(5) by adding at the end the following new subsection:

"(c) When the armed forces are involved in a contingency operation or in a non-combat operation (including an operation in support of the provision of humanitarian or foreign disaster assistance or in support of peacekeeping operations under chapter VI or VII of the Charter of

the United Nations), the restrictions in subsections (a) and (b) are waived for the purposes and duration of that operation."

(h) DEFINITIONS.—Section 2350 of such title is amended—

- (1) in paragraph (1)—

(A) by inserting "(including airlift)" after "transportation";

(B) by inserting "calibration services," after "maintenance services,"; and

(C) by adding at the end the following new sentence: "Such term includes temporary use of general purpose vehicles and other items of military equipment not designated as part of the United States Munitions List pursuant to section 38(a)(1) of the Arms Export Control Act."; and

(2) by adding at the end the following new paragraph:

"(4) The term 'transfer' means selling (whether for payment in currency, replacement-in-kind, or exchange of supplies or services of equal value), leasing, loaning, or otherwise temporarily providing logistic support, supplies, and services under the terms of a cross-servicing agreement."

(i) ANNUAL REPORT REQUIREMENT.—(1) Subchapter I of chapter 138 of title 10, United States Code, is amended by inserting after section 2349 the following new section:

"§2349a. Annual report on non-NATO agreements"

"(a) REPORT.—The Secretary of Defense shall submit to Congress, not later than January 15 of each of 1996, 1997, 1998, 1999, and 2000, a report covering non-NATO cross-servicing and acquisition actions in effect during the preceding fiscal year

"(b) MATTERS TO BE INCLUDED.—Each such report shall set forth in detail the following with respect to the preceding fiscal year:

- "(1) The total dollar amounts involved.

"(2) A description of any services and equipment provided or received through those actions.

"(3) A description of any equipment provided through those actions that is not returned.

"(4) The volume of credits and liabilities accrued and liquidated.

"(c) NON-NATO AGREEMENTS.—For purposes of this section, a non-NATO cross-servicing and acquisition agreement is a cross-servicing and acquisition agreement under this subchapter that involves countries or organizations other than North Atlantic Treaty Organization countries or subsidiary bodies."

(2) The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2349 the following new item:

"2349a. Annual report on non-NATO agreements."

(j) EFFECTIVE DATE.—The amendments made by this section shall apply with regard to any acquisition or transfer of logistic support, supplies, and services under the authority of subchapter I of chapter 138 of title 10, United States Code, that is initiated after the date of the enactment of this Act.

SEC. 1318. PERMANENT AUTHORITY FOR DEPARTMENT OF DEFENSE TO SHARE EQUITABLY THE COSTS OF CLAIMS UNDER INTERNATIONAL ARMAMENTS COOPERATIVE PROGRAMS.

Subsection (c) of section 843 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2469; 10 U.S.C. 2350a note) is repealed.

Subtitle C—Matters Relating to Specific Countries

SEC. 1321. DEFENSE COOPERATION BETWEEN THE UNITED STATES AND ISRAEL.

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

(1) The President has reiterated the long-standing United States commitment to maintaining the qualitative superiority of the Israeli Defense Force over any combination of adversaries.

(2) Congress continues to recognize the many benefits to the United States from its strategic relationship with Israel, including enhancing regional stability and technical cooperation.

(3) Despite the momentous peace process in which Israel and its neighbors are productively engaged, Israel continues to face difficult threats to its national security that are compounded by the proliferation of weapons of mass destruction and ballistic missiles.

(4) Congress is supportive of the objective of the President to enhance United States-Israel military and technical cooperation, particularly in the areas of missile defense and counter-proliferation.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the President should ensure that any conventional defense system or technology offered for release to any NATO or other major non-NATO ally should concurrently be available for purchase by Israel unless such action would contravene United States national interests; and

(2) the President should make available to Israel, within existing technology transfer laws, regulations, and policies, advanced United States technology necessary for continued progress in cooperative United States-Israel research and development of theater missile defenses.

SEC. 1322. READINESS OF MILITARY FORCES OF THE REPUBLIC OF KOREA.

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

(1) Under existing security arrangements between the United States and the Republic of Korea, responsibility for the defense of the territory of the Republic of Korea is allocated so that the Republic of Korea has primary responsibility for the ground defense of its territory and the United States has primary responsibility for air and sea defense of the Korean peninsula and for reinforcement.

(2) The Force Improvement Program of the Republic of Korea has not fully addressed critical shortfalls in its ground force capability which continue to exist even though the Republic of Korea spends approximately \$12,000,000,000 annually on defense while the Democratic People's Republic of Korea spends approximately \$4,000,000,000 annually on defense. The Republic of Korea has directed substantial defense resources to procuring submarines, destroyers, advanced aircraft, and other military systems that are marginal to its primary ground defense responsibility.

(3) The defense acquisition decisions of the Republic of Korea have had the effect of not allowing the Republic of Korea to attain self-sufficiency in its ground defense responsibility. As a result, there exists an undue burden on the United States for the ground defense of the Korean peninsula.

(4) The lack of intelligence capability to forecast the military intentions of the Democratic People's Republic of Korea presents major problems for the combined United States-Republic of Korea defense of South Korea.

(5) A short-warning attack by the Democratic People's Republic of Korea would cause major losses to the combined United States-Republic of Korea ground force.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President should urge the Republic of Korea to continue to improve its military ground forces with emphasis on counterartillery capabilities, defense against ballistic missiles and weapons of mass destruction, combined United States-Republic of Korea

logistics capabilities, combined United States-Republic of Korea medical support, and combined United States-Republic of Korea capabilities for tactical intelligence and indications and warning of a North Korean attack.

(c) **REPORT.**—Not later than January 15, 1995, the Secretary of Defense shall submit to Congress a report, in classified form, on—

(1) the readiness of the military forces of the Republic of Korea to defeat an attack by the military forces of the Democratic People's Republic of Korea; and

(2) the adequacy of the defense acquisition strategy of the Republic of Korea to meet its primary ground defense mission.

SEC. 1323. MILITARY PLANNING FOR THE SIZE AND STRUCTURE OF A FORCE REQUIRED FOR A MAJOR REGIONAL CONTINGENCY ON THE KOREAN PENINSULA.

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

(1) The Secretary of Defense conducted the Bottom-Up Review during 1993 to establish the size and structure for the Armed Forces for the Post-Cold-War era.

(2) The report on the Bottom-Up Review cites the need for the Armed Forces to be large enough to prevail in two major regional conflicts "nearly simultaneously".

(3) The report on the Bottom-Up Review gives special consideration to a scenario that hypothesizes that the two "nearly simultaneous" conflicts would occur in Korea and the Persian Gulf.

(4) The United States sent 7 Army divisions, the equivalent of 10 Air Force tactical fighter wings, 70 heavy bombers, 6 Navy aircraft carrier battle groups, and 5 Marine Corps brigades to the Persian Gulf to fight the war against Iraq.

(5) The report on the Bottom-Up Review asserts that the forces needed to fight two conflicts similar to that with Iraq can be drawn from a total military force of between 15 and 16 Army divisions, 20 Air Force tactical fighter wings, up to 184 heavy bombers, 11 active Navy aircraft carriers (along with one reserve/training carrier), and the equivalent of 12 Marine Corps brigades.

(6) The report on the Bottom-Up Review recognizes that approximately 100,000 members of the Armed Forces will be stationed in Europe.

(7) The report on the Bottom-Up Review recognizes that sizeable numbers of United States forces could be involved in peace enforcement and intervention operations at any one time.

(8) The report on the Bottom-Up Review makes no specific recommendation as to the number of forces to be held in reserve to provide a rotation base either to relieve troops in the event one or both hypothetical conflicts result in lengthy deployments or to replace combat losses.

(9) Military planners calculate that 430,000 or more United States military personnel may be needed to win a war with North Korea begun by an invasion of South Korea by North Korea.

(10) In a worst case scenario, the size of the force military planners may request to help defend South Korea could exceed the levels that are consistent with the recommendations of the report on the Bottom-Up Review if the existing and future force requirements for a presence in Europe, possible peace enforcement operations, and an adequate rotation base, as well as a second regional conflict, must be fulfilled simultaneously.

(11) The Bottom-Up review was conducted for the purpose of force-sizing and was not meant to constrain operational planning.

(b) **SENSE OF CONGRESS CONCERNING BUR.**—It is the sense of Congress that—

(1) the force structure identified in the report on the Bottom-Up Review should not be used to limit the size or structure of the force that United States military commanders may request in

preparation for a major regional contingency on the Korean peninsula; and

(2) the conclusions of the Bottom-Up Review should be continuously examined in light of the lessons learned from preparation for a major regional contingency on the Korean peninsula and from other military operations.

(c) **SENSE OF CONGRESS CONCERNING SITUATION ON KOREAN PENINSULA.**—It is the sense of Congress that the chairmen and ranking minority members of the Committees on Armed Services and chairmen and ranking minority members of the Appropriations Subcommittees on Defense of the Senate and House of Representatives should receive regular briefings from the Secretary of Defense on the situation on the Korean peninsula.

SEC. 1324. SENSE OF CONGRESS CONCERNING THE NORTH KOREAN NUCLEAR WEAPONS DEVELOPMENT PROGRAM.

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

(1) Between 1950 and 1953, the United States led a military coalition that successfully repelled an invasion of the Republic of Korea by North Korea, at a cost of more than 54,000 American lives.

(2) The United States and the Republic of Korea ratified a Mutual Security Treaty in 1954 that commits the United States to helping the Republic of Korea defend itself against external aggression.

(3) Approximately 37,000 United States military personnel are presently stationed in the Republic of Korea.

(4) The United States and the Republic of Korea have regularly conducted joint military exercises, including "Team Spirit" exercises.

(5) North Korea has built up an armed force nearly twice the size of that in the Republic of Korea and has not renounced the use of force, terrorism, and subversion in its attempts to subdue and subjugate the Republic of Korea.

(6) Although North Korea signed the Treaty on the Non-Proliferation of Nuclear Weapons in 1985, it has impeded the international inspection of its nuclear facilities that is required of all signatories of that Treaty.

(7) North Korea's nuclear weapons and ballistic missile programs represent a grave threat to the security of the Korean peninsula and the entire world.

(8) Efforts in recent years by the United States to reduce tensions on the Korean peninsula have included—

(A) the withdrawal of all nuclear weapons from the territory of the Republic of Korea and a reduction in the number of United States military personnel stationed there;

(B) the postponement of the 1994 Team Spirit exercises;

(C) the establishment of direct diplomatic contacts with the North Korean government; and

(D) the offer of expanded diplomatic and economic contacts with North Korea.

(9) Weapons-grade plutonium can be extracted from the fuel rods removed from North Korea's principal reactor at Yongbyon.

(10) International inspectors were not permitted to examine and test in a timely manner spent fuel rods removed from North Korea's principal nuclear reactor at Yongbyon, as required to ensure compliance with North Korea's obligations under the Nuclear Non-Proliferation Treaty.

(11) Diplomacy concerning the North Korean nuclear program has clearly reached a crucial stage, the unsatisfactory resolution of which would place the international nonproliferation regime in jeopardy and threaten the peace and security of the Korean peninsula, the Northeast Asia region, and, by extension, the rest of the world.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) the announced freeze on the North Korean nuclear program should remain in place until internationally agreed-upon safeguards of any North Korean civilian nuclear program can be made fully effective;

(2) the North Korean government should take a further step toward verified cooperation with the international nonproliferation regime by—

(A) permitting the unfettered international inspection and testing of the spent fuel rods removed from North Korea's nuclear reactor at the Yongbyon nuclear complex, followed by adequate international supervision of the transfer of all spent fuel rods from the Yongbyon complex and their disposal in another country; and

(B) accepting a comprehensive inspection process as required by the Treaty on the Non-Proliferation of Nuclear Weapons;

(3) a resolution of the inspection controversy at the Yongbyon complex that allows for anything less than the full international inspection of facilities in that complex required by North Korea's obligations under the Nuclear Non-Proliferation Treaty—

(A) would be unsatisfactory; and

(B) should prompt the Government of the United States to take such action as would indicate the severity with which the United States views this provocation against international norms; and

(4) such action should include (but not necessarily be limited to)—

(A) the seeking of international sanctions against North Korea; and

(B) the rescheduling of the Team Spirit exercises for 1994.

SEC. 1325. REPORT ON SECURITY RELATIONSHIP BETWEEN THE UNITED STATES AND JAPAN.

(a) **REPORT REQUIRED.**—Not later than March 1, 1995, the Secretary of Defense shall submit a report to Congress regarding the security relationship between the United States and Japan.

(b) **CONTENT OF REPORT.**—The report required by this section shall contain the following:

(1) An evaluation of the security objectives that the United States hopes to achieve in its relationship with Japan.

(2) An analysis of the threats, dangers, and risks to the United States and Japan in the Asia-Pacific region.

(3) An explanation of the United States strategy for achieving its security objectives with Japan and in the Asia-Pacific region.

(4) An evaluation of the role of the United States-Japan Security Treaty in achieving United States security objectives with Japan and in the Asia-Pacific region.

(5) An analysis of the contributions that regional security discussions, consultations, or frameworks could make to the achievement of United States and Japanese security objectives.

(6) A discussion of the process by which the United States and Japan address joint infrastructure matters, such as land and training issues, throughout Japan, including Okinawa.

(7) A description of the United States military facilities in Japan, including Okinawa, that have been transferred to Japan in the previous 10 years.

(8) A description of the contribution that Japan makes to the costs incurred by the United States in stationing military forces in Japan.

(9) A review of the United States military presence in Japan, including Okinawa, that contains the following information:

(A) The number and location of United States personnel.

(B) The number, size, and location of major United States military units.

(C) An inventory and description of the utilization of United States military facilities, including their military, economic, and environmental aspects.

(D) An explanation of the status of discussion between the United States and Japanese governments on joint infrastructure matters.

(E) A description of United States training activities.

TITLE XIV—PEACE OPERATIONS AND HUMANITARIAN ASSISTANCE ACTIVITIES

Subtitle A—Peace Operations

SEC. 1401. REPORTS ON REFORMING UNITED NATIONS PEACE OPERATIONS.

(a) **REPORTS REQUIRED.**—The Secretary of Defense shall submit to Congress two reports on proposals by the United States for improving management by the United Nations of peace operations. The Secretary shall submit the first report not later than December 1, 1994, and the second not later than June 1, 1995.

(b) **STATUS OF IMPLEMENTATION OF UNITED STATES PROPOSALS.**—Each report shall contain—

(1) a discussion of the status of implementation of proposals by the United States contained in section IV (relating to strengthening the United Nations) of the document entitled "The Clinton Administration's Policy on Reforming Multilateral Peace Operations" that was issued by the Executive Office of the President in May 1994; and

(2) an analysis of the results of such implementation.

(c) **SUBJECTS TO BE COVERED.**—Each report shall cover, at a minimum, the following matters:

(1) The reconfiguration and expansion of the staff for the United Nations Department of Peacekeeping Operations.

(2) The reasons for lengthy, potentially disastrous delays after a peace operation has been authorized and steps by the United Nations to reduce those delays.

(3) The establishment by the United Nations of a professional peace operations training program for commanders and other military and civilian personnel.

(4) Assistance by the United States to facilitate improvements by the United Nations in the matters described in paragraphs (1) and (3) and the terms under which such assistance has been or is being provided.

(d) **PEACE OPERATION DEFINED.**—In this section, the term "peace operation" means an operation to maintain or restore international peace and security under chapter VI or chapter VII of the Charter of the United Nations.

SEC. 1402. REPORT ON MILITARY READINESS IMPLEMENTATION OF BOSNIA PEACEKEEPING DEPLOYMENT.

(a) **REPORT.**—(1) The Secretary of Defense shall submit to the congressional defense committees a report assessing the implications for United States military readiness of the participation of United States ground combat forces in peacekeeping operations within Bosnia-Herzegovina.

(2) The report shall be submitted not later than 90 days after the date of the enactment of this Act or 30 days following the deployment of United States ground forces to Bosnia-Herzegovina, whichever occurs sooner.

(b) **MATTERS TO BE INCLUDED.**—The report under subsection (a) shall include the following:

(1) An estimate of the total number of forces required to carry out such an operation, including forces required for a rotation base.

(2) An estimate of the expected duration of such an operation.

(3) An estimate of the cost of such an operation, together with an explanation of how the Secretary proposes to provide funds for such an operation and an assessment of how such proposed funding plan would affect overall military readiness.

(4) An assessment of the effect such an operation would have on the ability of the United

States Armed Forces to execute successfully the two nearly-simultaneous major regional conflict strategy articulated in the Bottom-Up Review.

(5) An assessment of how readily forces participating in such an operation could be redeployed to a major regional conflict, including an analysis of the availability of strategic lift, the likely condition of equipment, and the extent of retraining necessary to facilitate such a redeployment.

(6) An assessment of the effect such an operation would have on the general combat readiness and deployability of combat units designated to be part of the contingency force, including the extent to which contingency force combat units would support the initial deployment and subsequent rotations.

(7) An assessment of the effect such an operation would have on the general combat readiness and deployability of combat units not designated to be part of the contingency force, including the extent to which non-contingency force combat units would support the initial deployment and subsequent rotations.

(8) For the initial deployment and subsequent rotations, an assessment of the number and type of combat support and combat service support units required from active forces, including how many of such units are designated to support the deployment of the contingency force.

(9) An assessment of the degree to which such an operation would require the use of reserve component units and personnel and the use and timing of involuntary Selected Reserve call-up authority as provided by section 673b of title 10, United States Code.

(10) An assessment of the anticipated cost of equipment refurbishment resulting from such an operation.

(11) An assessment of how the increased operational tempo associated with such an operation would affect the mission capable readiness rates and overall health of both strategic and theater airlift assets.

(c) **DEFINITIONS.**—For purposes of this section:

(1) The term "contingency force" includes—
(A) the set of four or five Army divisions that is designated as the Army contingency force by the Secretary of the Army, as well as Army active duty and reserve component combat, combat support, and combat service support units designated to respond to a regional conflict within the first 75 days of such conflict; and

(B) Air Force, Navy, and Marine Corps active duty and reserve component combat, combat support, and combat service support units designated to respond to a regional conflict within the first 75 days of such conflict.

(2) The term "Bottom-Up Review" means the October 1993 Department of Defense report entitled "Report on the Bottom-Up Review".

(d) **CLASSIFICATION OF REPORT.**—The report required by subsection (a) shall be submitted in unclassified form and, if necessary, in classified form.

SEC. 1403. REPORT ON INTELLIGENCE LESSONS LEARNED FROM UNITED STATES ACTIVITIES IN SOMALIA.

(a) **REPORT.**—The Secretary of Defense shall submit to Congress a report on the intelligence lessons learned from the United States participation in United Nations activities in Somalia.

(b) **MATTERS TO BE INCLUDED.**—The report shall—

(1) specifically describe the availability of intelligence on forces of other nations and of indigenous forces operating in Somalia before, during, and after the insertion of United States forces; and

(2) set forth a complete review of any intelligence failures, any equipment failures, and any equipment unavailability in the theater.

(c) **SUBMISSION OF REPORT.**—The report shall be submitted not later than 180 days after the date of the enactment of this Act.

SEC. 1404. BOSNIA AND HERZEGOVINA.

(a) **PURPOSE.**—It is the purpose of this section—

(1) to express the sense of Congress concerning the international efforts to end the conflict in Bosnia and Herzegovina; and

(2) to establish a process to end the arms embargo on the Government of Bosnia and Herzegovina.

(b) **STATEMENT OF SUPPORT.**—The Congress supports the efforts of the Contact Group to bring about a peaceful settlement of the conflict in Bosnia and Herzegovina based upon the Contact Group proposal.

(c) **SENSE OF CONGRESS.**—It is the sense of Congress that:

(1) The United States should work with the member nations of the North Atlantic Treaty Organization and with other permanent members of the United Nations Security Council to bring about a peaceful settlement of the conflict in Bosnia and Herzegovina which maintains the territorial integrity of Bosnia and Herzegovina.

(2) A peaceful settlement of the conflict must preserve an economically, politically, and militarily viable Bosnian state capable of exercising its rights under the Charter of the United Nations as part of a peaceful settlement, which rights include the inherent right of a sovereign state to self defense.

(3) The acceptance of the Contact Group proposal by the Government of Bosnia and Herzegovina should lead to the lifting of the Bosnia arms embargo.

(4) In providing weapons to the Bosnian Government or taking other actions, care should be taken to provide for the safety of the United Nations Protection Force (UNPROFOR) and the civilian personnel working for the United Nations or nongovernmental volunteer organizations.

(5) The United States should immediately seek to organize an international effort to provide assistance to the states bordering Serbia and Montenegro to bring about more effective enforcement by those states of the international economic sanctions on the Government of Serbia and Montenegro.

(d) **GENERAL UNITED STATES POLICY.**—The United States should exercise leadership within the international community to cause the Bosnian Serb faction to accept the Contact Group proposal. Such action should be taken on separate but complementary international and unilateral tracks, as set forth in subsections (e), (f), and (g).

(e) **INTERNATIONAL POLICY.**—If the Bosnian Serbs do not accept the Contact Group proposal by the date that is the later of October 15, 1994, or the end of the 10-day period beginning on the date of the enactment of this Act, the President (or his representative) should, not later than 14 days thereafter, formally introduce and support in the United Nations Security Council a resolution to terminate the Bosnia arms embargo. The resolution should provide for the termination of the arms embargo no later than December 1, 1994 (and may allow for the termination to be accomplished in stages ending no later than that date).

(f) **UNILATERAL UNITED STATES POLICY.**—(1) If by the earlier of November 15, 1994, or the end of the 15-day period beginning on the date on which a resolution described in subsection (e) (or a similar resolution) is formally introduced, the United Nations Security Council has not agreed to such a resolution and the Bosnian Serbs have not accepted the Contact Group proposal—

(A) the funding limitation specified in paragraph (2) shall be in effect;

(B) the President shall submit a plan to, and shall consult with, Congress on the manner in which United States Armed Forces and the military forces of friendly states would provide

training to the armed forces of the Government of Bosnia and Hercegovina outside of the territory of Bosnia and Hercegovina; and

(C) The President shall submit a plan to, and shall consult with, Congress regarding the unilateral termination by the United States of compliance with the Bosnia arms embargo and the implications thereof.

(2) If the funding limitation specified in this paragraph is in effect pursuant to paragraph (1)(A), then no funds appropriated by any provision of law may be used for the purpose of participation in, support for, or assistance to the enforcement of the Bosnia arms embargo by any Department, agency or other entity of the United States (or by any officer or employee of the United States or member of the Armed Forces of the United States) other than as required of all United Nations member states under the United Nations Security Council resolution referred to in subsection (h)(3) and the Charter of the United Nations.

(3)(A) The President may waive the limitation in paragraph (2) in the case of United States military personnel serving in NATO headquarters positions.

(B) Nothing in paragraph (2) is intended to impede enforcement of sanctions against Serbia.

(g) INTERIM POLICY.—If the Bosnian Serb faction attacks any area within those areas that have been designated by the United Nations as "safe areas", the President (or his representative) should promptly formally introduce and support in the United Nations Security Council a resolution that authorizes a selective lifting of the Bosnia arms embargo in order to allow the provision of defensive weapons (such as anti-tank weapons, counter-battery radars, and mortars) to enable the forces of the Government of Bosnia and Hercegovina to defend the safe areas.

(h) DEFINITIONS.—For purposes of this section:

(1) The term "Contact Group" means the group composed of representatives of the United States, Russia, France, Britain, and Germany seeking to bring about a peaceful settlement of the conflict in Bosnia and Hercegovina.

(2) The term "Contact Group proposal" means the peace proposal of the Contact Group that has been agreed to by the Government of Bosnia and Hercegovina and rejected by the Bosnian Serb faction.

(3) The term "Bosnia arms embargo" means application to the Government of Bosnia and Hercegovina of the arms embargo imposed by United Nations Security Council resolution 713, of September 25, 1991.

Subtitle B—Assistance Activities

SEC. 1411. OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID PROGRAMS.

(a) OHDACA PROGRAMS.—For purposes of section 301 and other provisions of this Act, programs of the Department of Defense designated as Overseas Humanitarian, Disaster, and Civic Aid (OHDACA) programs are the programs provided by—

(1) sections 401, 402, 2547, and 2551 of title 10, United States Code;

(2) section 404 of title 10, United States Code, as added by section 1412; and

(3) section 1413 of this Act.

(b) LIMITATION.—Not more than one-half of the amount authorized to be appropriated in section 301 for those programs may be obligated until the regulations required to be prescribed by subsection (a) of section 1504 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1839) have been prescribed.

SEC. 1412. FOREIGN DISASTER ASSISTANCE.

(a) AUTHORITY.—Subchapter I of chapter 20 of title 10, United States Code, is amended by adding at the end the following new section:

"§404. Foreign disaster assistance

"(a) IN GENERAL.—The President may direct the Secretary of Defense to provide disaster assistance outside the United States to respond to manmade or natural disasters when necessary to prevent loss of lives.

"(b) FORMS OF ASSISTANCE.—Assistance provided under this section may include transportation, supplies, services, and equipment.

"(c) NOTIFICATION REQUIRED.—Not later than 48 hours after the commencement of disaster assistance activities to provide assistance under this section, the President shall transmit to Congress a report containing notification of the assistance provided, and proposed to be provided, under this section and a description of so much of the following as is then available:

"(1) The manmade or natural disaster for which disaster assistance is necessary.

"(2) The threat to human lives presented by the disaster.

"(3) The United States military personnel and material resources that are involved or expected to be involved.

"(4) The disaster assistance that is being provided or is expected to be provided by other nations or public or private relief organizations.

"(5) The anticipated duration of the disaster assistance activities.

"(d) ORGANIZING POLICIES AND PROGRAMS.—Amounts appropriated to the Department of Defense for any fiscal year for Overseas Humanitarian, Disaster, and Civic Aid (OHDACA) programs of the Department shall be available for organizing general policies and programs for disaster relief programs for disasters occurring outside the United States."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

"404. Foreign disaster assistance."

SEC. 1413. HUMANITARIAN ASSISTANCE PROGRAM FOR CLEARING LANDMINES.

(a) PROGRAM AUTHORIZED.—The Secretary of Defense shall carry out a program for humanitarian purposes to provide assistance to other nations in the detection and clearance of landmines. Such assistance shall be provided through instruction, education, training, and advising of personnel of those nations in the various procedures that have been determined effective for detecting and clearing landmines.

(b) FORMS OF ASSISTANCE.—The Secretary may provide assistance under subsection (a) by—

(1) providing Department of Defense personnel to conduct the instruction, education, or training or to furnish advice; or

(2) providing financial assistance or in-kind assistance in support of such instruction, education, or training.

(c) LIMITATION ON UNITED STATES MILITARY PERSONNEL.—The Secretary of Defense shall ensure that no member of the Armed Forces of the United States—

(1) while providing assistance under subsection (a), engages in the physical detection, lifting, or destroying of landmines (unless the member does so for the concurrent purpose of supporting a United States military operation); or

(2) provides such assistance as part of a military operation that does not involve the Armed Forces of the United States.

(d) USE OF FUNDS.—Of the amount authorized to be appropriated by section 301 for Overseas Humanitarian, Disaster, and Civic Aid (OHDACA) programs of the Department of Defense, not more than \$20,000,000 shall be available for the program under subsection (a). Such amount may be used—

(1) for activities to support the clearing of landmines for humanitarian purposes, including

activities relating to the furnishing of education, training, and technical assistance;

(2) for the provision of equipment and technology by transfer or lease to a foreign government that is participating in a landmine clearing program under this section; and

(3) for contributions to nongovernmental organizations that have experience in the clearing of landmines to support activities described in subsection (a).

(e) NOTICE TO CONGRESS.—The Secretary of Defense shall provide notice to Congress of any activity carried out under this section.

TITLE XV—ARMS CONTROL MATTERS

SEC. 1501. EXTENSION AND REVISION OF NON-PROLIFERATION AUTHORITIES.

(a) EXTENSION OF NONPROLIFERATION AUTHORITIES.—Section 1505 of the National Defense Authorization Act for Fiscal Year 1993 (22 U.S.C. 5859a) is amended—

(1) in subsection (a), by striking out "during fiscal year 1994" and inserting in lieu thereof "during fiscal years 1994 and 1995"; and

(2) in subsection (e)(1), by striking out "fiscal year 1994" and inserting in lieu thereof "fiscal years 1994 and 1995".

(b) ACTIVITIES FOR WHICH ASSISTANCE MAY BE PROVIDED.—Subsection (b) of such section is amended—

(1) in paragraph (1)—

(A) by striking out "the International Atomic Energy Agency (IAEA)" and inserting in lieu thereof "international organizations";

(B) by striking out "nuclear";

(C) by striking out "aggressive" and inserting in lieu thereof "effective"; and

(D) by striking out "the Treaty on" and all that follows in such paragraph and inserting in lieu thereof "international agreements on non-proliferation."; and

(2) in paragraph (4), by striking out "nuclear proliferation through joint technical projects and improved intelligence sharing" and inserting in lieu thereof "nuclear, biological, chemical, and missile proliferation through technical projects and improved information sharing".

(c) SOURCES OF ASSISTANCE.—Subsection (d) of such section is amended—

(1) in paragraph (1)—

(A) by inserting "for fiscal year 1994" after "under this section"; and

(B) by striking out "fiscal year 1994 or" and inserting in lieu thereof "fiscal year 1994. Funds provided as assistance under this section for fiscal year 1995 shall be derived from amounts made available to the Department of Defense for fiscal year 1995. Funds provided as assistance under this section for a fiscal year referred to in this paragraph may also be derived"; and

(2) in paragraph (3), by inserting after "\$25,000,000" the following: "for fiscal year 1994 or \$20,000,000 for fiscal year 1995".

SEC. 1502. JOINT COMMITTEE FOR REVIEW OF COUNTERPROLIFERATION PROGRAMS OF THE UNITED STATES.

(a) NAME AND COMPOSITION.—Subsection (a) of section 1605 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat 1845) is amended—

(1) in paragraph (1)—

(A) by striking out "Non-Proliferation Program Review Committee" in the matter preceding subparagraph (A) and inserting in lieu thereof "Counterproliferation Program Review Committee";

(B) by striking out subparagraphs (B) and (E); and

(C) by redesignating subparagraphs (C), (D), and (F) as subparagraphs (B), (C), and (D), respectively;

(2) in paragraph (2), by adding at the end the following: "The Secretary of Energy shall serve as the Vice Chairman of the committee.";

(3) in paragraph (4), by adding at the end the following: "The Secretary of Energy may delegate to the Under Secretary of Energy responsible for national security programs of the Department of Energy the performance of the duties of the Vice Chairman of the committee."; and

(4) by striking out paragraph (5).

(b) PURPOSES OF COMMITTEE.—Subsection (b) of such section is amended—

(1) in paragraph (1)(A), by striking out "nonproliferation policy" and inserting in lieu thereof "counterproliferation policy"; and

(2) by adding at the end the following new paragraphs:

"(3) To establish priorities for programs and funding.

"(4) To encourage and facilitate interagency and interdepartmental funding of programs in order to ensure necessary levels of funding to develop, operate, and field highly-capable systems.

"(5) To ensure that Department of Energy programs are integrated with the operational needs of other departments and agencies of the Government.

"(6) To ensure that Department of Energy national security programs include technology demonstrations and prototype development of equipment."

(c) DUTIES.—Subsection (c) of such section is amended—

(1) in paragraph (1)—

(A) by striking out "(including counterproliferation capabilities) and technologies for support of United States nonproliferation policy" in the matter preceding subparagraph (A) and inserting in lieu thereof "and technologies for support of United States nonproliferation policy and counterproliferation policy";

(B) by inserting "and" at the end of subparagraph (D); and

(C) by striking out subparagraphs (F) and (G);

(2) by striking out paragraphs (2), (3), and (7);

(3) in paragraph (4), by striking out "to support fully the nonproliferation policy of the United States";

(4) by redesignating paragraphs (4), (5), and (6) as paragraphs (2), (3), and (4), respectively; and

(5) by adding at the end the following new paragraph (5):

"(5) assess each fiscal year the effectiveness of the committee actions during the preceding fiscal year, including, particularly, the status of recommendations made during such preceding fiscal year that were reflected in the budget submitted to Congress pursuant to section 1105(a) of title 31, United States Code, for the fiscal year following the fiscal year in which the assessment is made."

(d) COMMITTEE RECOMMENDATIONS.—Subsection (e) of such section is amended to read as follows:

"(e) RECOMMENDATIONS.—The committee shall submit to the President and the heads of all appropriate departments and agencies of the Government such programmatic recommendations regarding existing, planned, or new programs as the committee considers appropriate to encourage funding for capabilities and technologies at the level necessary to support United States counterproliferation policy."

(e) EXTENSION OF COMMITTEE.—Subsection (f) of such section is amended by striking out "six months after the date on which the report of the Secretary of Defense under section 1606 is submitted to Congress" and inserting in lieu thereof "at the end of September 30, 1996".

(g) HEADING AMENDMENT.—The heading of such section is amended by striking out "proliferation" and inserting in lieu thereof "counterproliferation".

SEC. 1503. REPORTS ON COUNTERPROLIFERATION ACTIVITIES AND PROGRAMS.

(a) REPORT REQUIRED.—Not later than May 1, 1995, and May 1, 1996, the Secretary of Defense shall submit to Congress a report of the findings of the Counterproliferation Program Review Committee established by subsection (a) of the Review Committee charter.

(2) For purposes of this section, the term "Review Committee charter" means section 1605 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160), as amended by section 1502.

(b) CONTENT OF REPORT.—Each report under subsection (a) shall include the following:

(1) A complete list, by specific program element, of the existing, planned, or newly proposed capabilities and technologies reviewed by the Review Committee pursuant to subsection (c) of the Review Committee charter.

(2) A complete description of the requirements and priorities established by the Review Committee.

(3) A comprehensive discussion of the near-term, mid-term, and long-term programmatic options formulated by the Review Committee for meeting requirements prescribed by the Review Committee and for eliminating deficiencies identified by the Review Committee, including the annual funding requirements and completion dates established for each such option.

(4) An explanation of the recommendations made pursuant to subsection (c) of the Review Committee charter, together with a full discussion of the actions taken to implement such recommendations or otherwise taken on the recommendations.

(5) A discussion and assessment of the status of each Review Committee recommendation during the fiscal year preceding the fiscal year in which the report is submitted, including, particularly, the status of recommendations made during such preceding fiscal year that were reflected in the budget submitted to Congress pursuant to section 1105(a) of title 31, United States Code, in the fiscal year of the report.

(6) Each specific Department of Energy program that the Secretary of Energy plans to develop to initial operating capability and each such program that the Secretary does not plan to develop to initial operating capability.

(7) For each technology program scheduled to reach initial operational capability, a recommendation from the Chairman of the Joint Chiefs of Staff that represents the views of the commanders of the unified and specified commands regarding the utility and requirement of the program.

(c) FORMS OF REPORT.—Each such report shall be submitted in both unclassified and classified forms, including an annex to the classified report for special compartmented information programs, special access programs, and special activities programs.

SEC. 1504. AMOUNTS FOR COUNTERPROLIFERATION ACTIVITIES.

(a) COUNTERPROLIFERATION ACTIVITIES.—Of the amount authorized to be appropriated in section 201(4), \$16,500,000 shall be available for counterproliferation activities.

(b) LIMITATION.—(1) Of the funds made available pursuant to subsection (a), \$4,000,000 may not be obligated until the Secretary of Defense submits to Congress a report on a proposed classified counterproliferation database system. The report shall provide—

(A) an assessment of current major databases and software capabilities of entities in the intelligence community and of national weapons laboratories and laboratories of the Armed Forces against capabilities defined in the proposed project; and

(B) an assessment of the technical feasibility of the proposed system, program plan, strategy, milestones and future year funding.

(2) No funds may be obligated for the database system described in the report until the Secretary of Defense and the Director of Central Intelligence enter into a written agreement concerning the program to develop that database system that provides—

(A) how funding for that program is to be divided between (i) the account of the National Foreign Intelligence Program, and (ii) Tactical Intelligence and Related Program accounts; and

(B) a plan for the sources of funds for, and the programmed amounts for, that program for fiscal years after fiscal year 1995.

(c) EDUCATION IN SUPPORT OF COUNTERPROLIFERATION ACTIVITIES.—Of the amount authorized to be appropriated in section 301(5), not more than \$2,000,000 shall be available for providing education to members of the Armed Forces in matters relating to counterproliferation.

(d) ADDITIONAL AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1) In addition to the transfer authority provided in section 1001, upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 1995 to counterproliferation programs, projects, and activities identified as areas for progress by the Counterproliferation Program Review Committee established by section 1605 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160), as amended by section 1502. 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 may transfer under the authority of this subsection may not exceed \$100,000,000.

(3) The authority provided by this subsection to transfer authorizations—

(A) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(B) may not be used to provide authority for an item that has been denied authorization by Congress.

(4) A transfer made from one account to another under the authority of this subsection 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.

(5) The Secretary of Defense shall promptly notify Congress of transfers made under the authority of this subsection.

(e) USE OF FUNDS FOR TECHNOLOGY DEVELOPMENT.—(1) Of the funds authorized to be appropriated by section 201(4) for counterproliferation technology projects—

(A) up to \$5,000,000 shall be available for a program to detect, locate, and disarm weapons of mass destruction that are hidden by a hostile state or terrorist or terrorist group in a confined area outside the United States; and

(B) up to \$10,000,000 shall be available for the training program referred to in paragraph (3).

(2) The Secretary of Defense shall make funds available for the program referred to in paragraph (1)(A) in a manner that, to the maximum extent practicable, ensures the effective use of existing resources of the national weapons laboratories.

(3)(A) The training program referred to in paragraph (1)(B) is a training program carried out jointly by the Secretary of Defense and the Director of the Federal Bureau of Investigation in order to expand and improve United States efforts to deter the possible proliferation and acquisition weapons of mass destruction by organized crime organizations in Eastern Europe,

the Baltic countries, and states of the former Soviet Union.

(B) Of the funds available under paragraph (1)(B) for the program referred to in subparagraph (A), \$9,000,000 may not be obligated or expended for that program until the Secretary of Defense and the Director of the Federal Bureau of Investigation jointly submit to the congressional committees specified in subparagraph (C) a report that—

(i) identifies the nature and extent of the threat posed to the United States by the possible proliferation and acquisition of weapons of mass destruction by organized crime organizations in Eastern Europe, the Baltic countries, and states of the former Soviet Union;

(ii) assesses the actions that the United States should undertake in order to assist law enforcement agencies of Eastern Europe, the Baltic countries, and states of the former Soviet Union in the efforts of such agencies to prevent and deter the theft of nuclear weapons material; and

(iii) contains an estimate of—
(1) the cost of undertaking such actions, including the costs of personnel, support equipment, and training;

(II) the time required to commence the carrying out of the program referred to in paragraph (1)(B); and

(III) the amount of funds, if any, that will be required in fiscal years after fiscal year 1995 in order to carry out the program.

(C) The congressional committees referred to in this subparagraph are the following:

(i) The Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives.

(ii) The Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate.

SEC. 1505. STUDIES RELATING TO UNITED STATES COUNTERPROLIFERATION POLICY.

(a) **EXTENSION OF AUTHORITY.**—Subsection (a) of section 1603 of the National Defense Authorization Act for Fiscal Year 1994 (22 U.S.C. 5859a; 107 Stat. 1843) is amended by striking out “During fiscal year 1994, the Secretary” and inserting in lieu thereof “The Secretary”.

(b) **REVISION OF REPORTING REQUIREMENT.**—Such section is further amended—

(1) by striking out subsections (d) and (e);
(2) by redesignating subsection (f) as subsection (d); and

(3) in subsection (d) (as so redesignated)—
(A) by striking “and not later than October 30 of each year”; and

(B) by striking out “six-month” and inserting in lieu thereof “twelve-month”.

(c) **FISCAL YEAR 1995 AMOUNT.**—Of the funds authorized to be appropriated by section 201(4) for technical studies, support, and analysis (PE 605104D), up to \$2,000,000 shall be available for studies relating to United States counterproliferation policy.

SEC. 1506. RESTRICTION RELATING TO SUBMISSION OF REPORT ON PROLIFERATION OF FOREIGN MILITARY SATELLITES.

None of the funds available to the Department of Defense may be expended for travel by the Assistant Secretary of Defense for International Security Policy 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).

SEC. 1507. LIMITATION ON FUNDS FOR STUDIES PENDING RECEIPT OF PREVIOUSLY REQUIRED REPORT.

(a) **LIMITATION.**—Of the total amount specified in section 1505 for counterproliferation activities for fiscal year 1995, \$1,000,000 shall be withheld from obligation until the report de-

scribed in subsection (b) has been submitted to Congress.

(b) **REPORT.**—The report referred to in subsection (a) is the report required to be submitted to Congress not later than May 30, 1994, pursuant to section 1422 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1829).

SEC. 1508. SENSE OF CONGRESS CONCERNING INDEFINITE EXTENSION OF NUCLEAR NON-PROLIFERATION TREATY.

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

(1) The Treaty on the Non-Proliferation of Nuclear Weapons, signed at Washington, D.C., London, and Moscow on July 1, 1968, is the centerpiece of global efforts to prevent the spread of nuclear weapons.

(2) The United States has demonstrated longstanding support for that treaty and related efforts to prevent the spread of nuclear weapons.

(3) President Clinton has declared that preventing the spread of nuclear weapons is one of the highest priorities of his Administration.

(4) In April 1995, the parties to the Treaty on the Non-Proliferation of Nuclear Weapons will convene a conference in New York City to discuss the indefinite extension of the treaty.

(5) The policy of the President is to seek at that conference the indefinite and unconditional extension of that treaty.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) the President has the full support of Congress in seeking the indefinite and unconditional extension of the Treaty on the Non-Proliferation of Nuclear Weapons;

(2) the President, when formulating and implementing other elements of nonproliferation policy of the United States (including United States counterproliferation doctrine, the Nuclear Posture Review, and nuclear testing policy), should take into account the objectives of the United States at the 1995 conference of the parties to the Treaty on the Non-Proliferation of Nuclear Weapons; and

(3) the President and the President’s senior national security advisers should dedicate themselves to ensuring the indefinite and unconditional extension of the Treaty on the Non-Proliferation of Nuclear Weapons at the 1995 conference for that treaty.

SEC. 1509. NEGOTIATION OF LIMITATIONS ON NUCLEAR WEAPONS TESTING.

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

(1) On January 25, 1994, the United States and 37 other nations began negotiations for a comprehensive treaty to ban permanently all nuclear weapons testing.

(2) On March 14, 1994, the President extended the current United States moratorium on nuclear weapons testing through September 1995.

(3) The United States is seeking to extend indefinitely the Treaty on the Non-Proliferation of Nuclear Weapons at the conference of the parties to the Treaty to be held in New York City in April 1995.

(4) Conclusion of a comprehensive nuclear test ban treaty could contribute toward successful negotiations to extend the Treaty on the Non-Proliferation of Nuclear Weapons.

(5) Agreements to eliminate nuclear weapons testing and to control the spread of nuclear weapons could contribute to the national security of the United States, its allies, and other nations around the world.

(b) **STATEMENT OF CONGRESSIONAL POLICY.**—In view of the findings set forth in subsection (a), Congress—

(1) applauds the President for maintaining the United States moratorium on nuclear weapons testing and for taking a leadership role toward negotiation of a comprehensive nuclear test ban treaty;

(2) encourages all nuclear powers to refrain from conducting nuclear explosions, before the conclusion of a comprehensive nuclear test ban treaty; and

(3) urges the Conference on Disarmament to make all possible progress toward a comprehensive nuclear test ban treaty by the end of 1994.

TITLE XVI—RESERVE OFFICER PERSONNEL MANAGEMENT ACT (ROPMA)

SEC. 1601. SHORT TITLE.

This title may be cited as the “Reserve Officer Personnel Management Act”.

SEC. 1602. REFERENCES TO TITLE 10, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 10, United States Code.

Subtitle A—Reserve Officer Personnel Management

PART I—REVISED AND STANDARDIZED RESERVE OFFICER PERSONNEL SYSTEM

SEC. 1611. PROMOTION AND RETENTION OF RESERVE OFFICERS.

Title 10, United States Code, is amended by adding at the end the following new subtitle:

“Subtitle E—Reserve Components

“PART I—ORGANIZATION AND ADMINISTRATION

“Chap.	Sec.
“1001. Definitions	10001
“1003. Reserve Components Generally ..	10101
“1005. Elements of Reserve Components	10141
“1007. Administration of Reserve Components	10201
“1009. Reserve Forces Policy Boards and Committees	10301
“1011. National Guard Bureau	10501
“1013. Budget Information and Annual Reports to Congress	10541

“PART II—PERSONNEL GENERALLY

“1201. Authorized Strengths and Distribution in Grade	12001
“1203. Enlisted Members	12101
“1205. Appointment of Reserve Officers	12201
“1207. Warrant Officers	12241
“1209. Active Duty	12301
“1211. National Guard Members in Federal Service	12401
“1213. Special Appointments, Assignments, Details, and Duties	12501
“1215. Miscellaneous Prohibitions and Penalties [No present sections]	
“1217. Miscellaneous Rights and Benefits	12601
“1219. Standards and Procedures for Retention and Promotion	12641
“1221. Separation	12681
“1223. Retired Pay for Non-Regular Service	12731
“1225. Retired Grade	12771

“PART III—PROMOTION AND RETENTION OF OFFICERS ON THE RESERVE ACTIVE-STATUS LIST

“1401. Applicability and Reserve Active-Status Lists	14001
“1403. Selection Boards	14101
“1405. Promotions	14301
“1407. Failure of Selection for Promotion and Involuntary Separation	14501
“1409. Continuation of Officers on the Reserve-Active Status List and Selective Early Removal	14701
“1411. Additional Provisions Relating to Involuntary Separation	14901

“PART IV—TRAINING FOR RESERVE COMPONENTS AND EDUCATIONAL ASSISTANCE PROGRAMS

“1601. Training Generally [No present sections]	
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"1606. Educational Assistance for Members of the Selected Reserve 16131

"1608. Health Professions Stipend Program 16201

"1609. Education Loan Repayments 16301

"PART V—SERVICE, SUPPLY, AND PROCUREMENT

"1801. Issue of Serviceable Material to Reserve Components [No present sections] 18231

"1803. Facilities for Reserve Components 18231

"1805. Miscellaneous Provisions 18501

"PART III—PROMOTION AND RETENTION OF OFFICERS ON THE RESERVE ACTIVE-STATUS LIST

"Chap. Sec.

"1401. Applicability and Reserve Active-Status Lists 14001

"1403. Selection Boards 14101

"1405. Promotions 14301

"1407. Failure of Selection for Promotion and Involuntary Separation 14501

"1409. Continuation of Officers on the Reserve Active-Status List and Selective Early Removal 14701

"1411. Additional Provisions Relating to Involuntary Separation 14901

"CHAPTER 1401—APPLICABILITY AND RESERVE ACTIVE-STATUS LISTS

- "Sec.
- "1401. Applicability of this part.
- "1402. Reserve active-status lists: requirement for each armed force.
- "1403. Reserve active-status lists: position of officers on the list.
- "1404. Reserve active-status lists: eligibility for Reserve promotion.
- "1405. Competitive categories.
- "1406. Determination of years in grade.

"§14001. Applicability of this part

"This chapter and chapters 1403 through 1411 of this title apply, as appropriate, to all reserve officers of the Army, Navy, Air Force, and Marine Corps except warrant officers.

"§14002. Reserve active-status lists: requirement for each armed force

"(a) The Secretary of each military department shall maintain a single list, to be known as the reserve active-status list, for each armed force under the Secretary's jurisdiction. That list shall include the names of all reserve officers of that armed force who are in an active status other than those on an active-duty list described in section 620 of this title or warrant officers (including commissioned warrant officers).

"(b) The reserve active-status list for the Army shall include officers in the Army Reserve and the Army National Guard of the United States. The reserve active-status list for the Air Force shall include officers in the Air Force Reserve and the Air National Guard of the United States. The Secretary of the Navy shall maintain separate lists for the Naval Reserve and the Marine Corps Reserve.

"§14003. Reserve active-status: position of officers on the list

"(a) POSITION ON LIST.—Officers shall be carried on the reserve active-status list of the armed force of which they are members in the order of seniority of the grade in which they are serving in an active status. Officers serving in the same grade shall be carried in the order of their rank in that grade.

"(b) EFFECT ON POSITION HELD BY REASON OF TEMPORARY APPOINTMENT OR ASSIGNMENT.—An officer whose position on the reserve active-status list results from service under a temporary appointment or in a grade held by reason of assignment to a position has, when that appoint-

ment or assignment ends, the grade and position on that list that the officer would have held if the officer had not received that appointment or assignment.

"§14004. Reserve active-status lists: eligibility for Reserve promotion

"Except as otherwise provided by law, an officer must be on a reserve active-status list to be eligible under chapter 1405 of this title for consideration for selection for promotion or for promotion.

"§14005. Competitive categories

"Each officer whose name appears on a reserve active-status list shall be placed in a competitive category. The competitive categories for each armed force shall be specified by the Secretary of the military department concerned under regulations prescribed by the Secretary of Defense. Officers in the same competitive category shall compete among themselves for promotion.

"§14006. Determination of years in grade

"For the purpose of chapters 1403 through 1411 of this title, an officer's years of service in a grade are computed from the officer's date of rank in grade as determined under section 741(d) of this title.

"CHAPTER 1403—SELECTION BOARDS

- "Sec.
- "14101. Convening of selection boards.
- "14102. Selection boards: appointment and composition.
- "14103. Oath of members.
- "14104. Confidentiality of board proceedings.
- "14105. Notice of convening of selection board.
- "14106. Communication with board by officers under consideration.
- "14107. Information furnished by the Secretary concerned to promotion boards.
- "14108. Recommendations by promotion boards.
- "14109. Reports of promotion boards: in general.
- "14110. Reports of promotion boards: review by Secretary.
- "14111. Reports of selection boards: transmittal to President.
- "14112. Dissemination of names of officers selected.

"§14101. Convening of selection boards

"(a) PROMOTION BOARDS.—(1) Whenever the needs of the Army, Navy, Air Force, or Marine Corps require, the Secretary concerned shall convene a selection board to recommend for promotion to the next higher grade, under chapter 1405 of this title, officers on the reserve active-status list of that armed force in a permanent grade from first lieutenant through brigadier general or, in the case of the Naval Reserve, lieutenant (junior grade) through rear admiral (lower half). A selection board convened under this subsection shall be known as a 'promotion board'.

"(2) A promotion board convened to recommend reserve officers of the Army or reserve officers of the Air Force for promotion (A) to fill a position vacancy under section 14315 of this title, or (B) to the grade of brigadier general or major general, shall (except in the case of a board convened to consider officers as provided in section 14301(e) of this title) be known as a 'vacancy promotion board'. Any other promotion board convened under this subsection shall be known as a 'mandatory promotion board'.

"(b) CONTINUATION BOARDS.—Whenever the needs of the Army, Navy, Air Force, or Marine Corps require, the Secretary concerned may convene a selection board to recommend officers of that armed force—

"(1) for continuation on the reserve active-status list under section 14701 of this title;

"(2) for selective early removal from the reserve active-status list under section 14704 of this title; or

"(3) for selective early retirement under section 14705 of this title.

A selection board convened under this subsection shall be known as a 'continuation board'.

"§14102. Selection boards: appointment and composition

"(a) APPOINTMENT.—Members of selection boards convened under section 14101 of this title shall be appointed by the Secretary of the military department concerned in accordance with this section. Promotion boards and special selection boards shall consist of five or more officers. Continuation boards shall consist of three or more officers. All of the officers of any such selection board shall be of the same armed force as the officers under consideration by the board.

"(b) COMPOSITION.—At least one-half of the members of such a selection board shall be reserve officers, to include at least one reserve officer from each reserve component from which officers are to be considered by the board. Each member of a selection board must hold a permanent grade higher than the grade of the officers under consideration by the board, and no member of a board may hold a grade below major or lieutenant commander.

"(c) REPRESENTATION OF COMPETITIVE CATEGORIES.—(1) Except as provided in paragraph (2), a selection board shall include at least one officer from each competitive category of officers to be considered by the board.

"(2) A selection board need not include an officer from a competitive category to be considered by the board if there is no officer of that competitive category on the reserve active-status list or the active-duty list in a permanent grade higher than the grade of the officers to be considered by the board and otherwise eligible to serve on the board. However, in such a case, the Secretary of the military department concerned, in his discretion, may appoint as a member of the board a retired officer of that competitive category who is in the same armed force as the officers under consideration by the board who holds a higher grade than the grade of the officers under consideration.

"(d) PROHIBITION OF SERVICE ON CONSECUTIVE PROMOTION BOARDS.—No officer may be a member of two successive promotion boards convened under section 14101(a) of this title for the consideration of officers of the same competitive category and grade if the second of the two boards is to consider any officer who was considered and not recommended for promotion to the next higher grade by the first of the two boards.

"§14103. Oath of members

"Each member of a selection board convened under section 14101 of this title shall take an oath to perform the duties of a member of the board without prejudice or partiality, having in view both the special fitness of officers and the efficiency of the member's armed force.

"§14104. Confidentiality of board proceedings

"Except as otherwise authorized or required by law, the proceedings of a selection board convened under section 14101 of this title may not be disclosed to any person not a member of the board.

"§14105. Notice of convening of promotion board

"(a) REQUIRED NOTICE.—At least 30 days before a promotion board is convened under section 14101(a) of this title to consider officers in a grade and competitive category for promotion to the next higher grade, the Secretary concerned shall either (1) notify in writing the officers eligible for consideration by the board for promotion regarding the convening of the board, or (2) issue a general written notice to the armed force concerned regarding the convening of the board.

“(b) **CONTENT OF NOTICE.**—A notice under subsection (a) shall include the date on which the board is to convene and (except in the case of a vacancy promotion board) the name and date of rank of the junior officer, and of the senior officer, in the promotion zone as of the date of the notice.

“§14106. **Communication with board by officers under consideration**

“Subject to regulations prescribed by the Secretary of the military department concerned, an officer eligible for consideration by a promotion board convened under section 14101(a) of this title who is in the promotion zone or above the promotion zone, or who is to be considered by a vacancy promotion board, may send a written communication to the board calling attention to any matter concerning the officer which the officer considers important to the officer's case. Any such communication shall be sent so as to arrive not later than the date on which the board convenes. The board shall give consideration to any timely communication under this section.

“§14107. **Information furnished by the Secretary concerned to promotion boards**

“(a) **INTEGRITY OF THE PROMOTION SELECTION BOARD PROCESS.**—(1) The Secretary of Defense shall prescribe regulations governing information furnished to selection boards convened under section 14101(a) of this title. Those regulations shall apply uniformly among the military departments. Any regulations prescribed by the Secretary of a military department to supplement those regulations may not take effect without the approval of the Secretary of Defense in writing.

“(2) No information concerning a particular eligible officer may be furnished to a selection board except for the following:

“(A) Information that is in the officer's official military personnel file and that is provided to the selection board in accordance with the regulations prescribed by the Secretary of Defense pursuant to paragraph (1).

“(B) Other information that is determined by the Secretary of the military department concerned, after review by that Secretary in accordance with standards and procedures set out in the regulations prescribed by the Secretary of Defense pursuant to paragraph (1), to be substantiated, relevant information that could reasonably and materially affect the deliberations of the promotion board.

“(C) Subject to such limitations as may be prescribed in those regulations, information communicated to the board by the officer in accordance with this section, section 14106 of this title (including any comment on information referred to in subparagraph (A) regarding that officer), or other applicable law.

“(D) A factual summary of the information described in subparagraphs (A), (B), and (C) that, in accordance with the regulations prescribed pursuant to paragraph (1) is prepared by administrative personnel for the purpose of facilitating the work of the selection board.

“(3) Information provided to a promotion board in accordance with paragraph (2) shall be made available to all members of the board and shall be made a part of the record of the board. Communication of such information shall be in a written form or in the form of an audio or video recording. If a communication is in the form of an audio or video recording, a written transcription of the recording shall also be made a part of the record of the promotion board.

“(4) Paragraphs (2) and (3) do not apply to the furnishing of appropriate administrative processing information to the promotion board by an administrative staff designated to assist the board, but only to the extent that oral communications are necessary to facilitate the work of the board.

“(5) Information furnished to a promotion board that is described in subparagraph (B), (C), or (D) of paragraph (2) may not be furnished to a later promotion board unless—

“(A) the information has been properly placed in the official military personnel file of the officer concerned; or

“(B) the information is provided to the later selection board in accordance with paragraph (2).

“(6)(A) Before information described in paragraph (2)(B) regarding an eligible officer is furnished to a selection board, the Secretary of the military department concerned shall ensure—

“(i) that such information is made available to such officer; and

“(ii) that the officer is afforded a reasonable opportunity to submit comments on that information to the promotion board.

“(B) If an officer cannot be given access to the information referred to in subparagraph (A) because of its classification status, the officer shall, to the maximum extent practicable, be furnished an appropriate summary of the information.

“(b) **INFORMATION TO BE FURNISHED.**—The Secretary of the military department concerned shall furnish to a promotion board convened under section 14101(a) of this title the following:

“(1) In the case of a mandatory promotion board, the maximum number (as determined in accordance with section 14307 of this title) of officers in each competitive category under consideration that the board is authorized to recommend for promotion to the next higher grade.

“(2) The name of each officer in each competitive category under consideration who is to be considered by the board for promotion.

“(3) The pertinent records (as determined by the Secretary) of each officer whose name is furnished to the board.

“(4) Information or guidelines relating to the needs of the armed force concerned for officers having particular skills, including (except in the case of a vacancy promotion board) guidelines or information relating to either a minimum number or a maximum number of officers with particular skills within a competitive category.

“(5) Such other information or guidelines as the Secretary concerned may determine to be necessary to enable the board to perform its functions.

“(c) **LIMITATION ON MODIFYING FURNISHED INFORMATION.**—Information or guidelines furnished to a selection board under subsection (a) may not be modified, withdrawn, or supplemented after the board submits its report to the Secretary of the military department concerned pursuant to section 14109(a) of this title. However, in the case of a report returned to a board pursuant to section 14110(a) of this title for further proceedings because of a determination by the Secretary of the military department concerned that the board acted contrary to law, regulation, or guidelines, the Secretary may modify, withdraw, or supplement such information or guidelines as part of a written explanation to the board as provided in that section.

“(d) **OFFICERS IN HEALTH-PROFESSIONS COMPETITIVE CATEGORIES.**—The Secretary of each military department, under uniform regulations prescribed by the Secretary of Defense, shall include in guidelines furnished to a promotion board convened under section 14101(a) of this title that is considering officers in a health-professions competitive category for promotion to a grade below colonel or, in the case of officers of the Naval Reserve, captain, a direction that the board give consideration to an officer's clinical proficiency and skill as a health professional to at least as great an extent as the board gives to the officer's administrative and management skills.

“§14108. **Recommendations by promotion boards**

“(a) **RECOMMENDATION OF BEST QUALIFIED OFFICERS.**—A promotion board convened under section 14101(a) of this title shall recommend for promotion to the next higher grade those officers considered by the board whom the board considers best qualified for promotion within each competitive category considered by the board or, in the case of a vacancy promotion board, among those officers considered to fill a vacancy. In determining those officers who are best qualified for promotion, the board shall give due consideration to the needs of the armed force concerned for officers with particular skills (as noted in the guidelines or information furnished the board under sections 14107 of this title).

“(b) **MAJORITY REQUIRED.**—A promotion board convened under section 14101(a) of this title may not recommend an officer for promotion unless—

“(1) the officer receives the recommendation of a majority of the members of the board; and

“(2) a majority of the members of the board finds that the officer is fully qualified for promotion.

“(c) **BOARD RECOMMENDATION REQUIRED FOR PROMOTION.**—Except as otherwise provided by law, an officer on the reserve active-status list may not be promoted to a higher grade under chapter 1405 of this title unless the officer is considered and recommended for promotion to that grade by a promotion board convened under section 14101(a) of this title (or by a special selection board convened under section 14502 of this title).

“(d) **DISCLOSURE OF BOARD RECOMMENDATIONS.**—The recommendations of a promotion board may be disclosed only in accordance with regulations prescribed by the Secretary of Defense. Those recommendations may not be disclosed to a person not a member of the board (or a member of the administrative staff designated by the Secretary concerned to assist the board) until the written report of the recommendations of the board, required by section 14109 of this title, is signed by each member of the board.

“(e) **PROHIBITION OF COERCION AND UNAUTHORIZED INFLUENCE OF ACTIONS OF BOARD MEMBERS.**—The Secretary convening a promotion board under section 14101(a) of this title, and an officer or other official exercising authority over any member of a selection board, may not—

“(1) censure, reprimand, or admonish the selection board or any member of the board with respect to the recommendations of the board or the exercise of any lawful function within the authorized discretion of the board; or

“(2) attempt to coerce or, by any unauthorized means, influence any action of a promotion board or any member of a promotion board in the formulation of the board's recommendations.

“§14109. **Reports of promotion boards: in general**

“(a) **REPORT OF OFFICERS RECOMMENDED FOR PROMOTION.**—Each promotion board convened under section 14101(a) of this title shall submit to the Secretary of the military department concerned a report in writing containing a list of the names of the officers recommended by the board for promotion. The report shall be signed by each member of the board.

“(b) **CERTIFICATION.**—Each report under subsection (a) shall include a certification—

“(1) that the board has carefully considered the record of each officer whose name was furnished to the board; and

“(2) that, in the case of a promotion board convened under section 14101(a) of this title, in the opinion of a majority of the members of the board, the officers recommended for promotion by the board are best qualified for promotion to

meet the needs of the armed force concerned (as noted in the guidelines or information furnished the board under section 14107 of this title) among those officers whose names were furnished to the selection board.

“(c) **SHOW-CAUSE RECOMMENDATIONS.**—(1) A promotion board convened under section 14101(a) of this title shall include in its report to the Secretary concerned the name of any reserve officer before it for consideration for promotion whose record, in the opinion of a majority of the members of the board, indicates that the officer should be required to show cause for retention in an active status.

“(2) If such a report names an officer as having a record which indicates that the officer should be required to show cause for retention, the Secretary concerned may provide for the review of the record of that officer as provided under regulations prescribed under section 14902 of this title.

“**§14110. Reports of promotion boards: review by Secretary**

“(a) **REVIEW OF REPORT.**—Upon receipt of the report of a promotion board submitted under section 14109(a) of this title, the Secretary of the military department concerned shall review the report to determine whether the board has acted contrary to law or regulation or to guidelines furnished the board under section 14107(a) of this title. Following that review, unless the Secretary concerned makes a determination as described in subsection (b), the Secretary shall submit the report as required by section 14111 of this title.

“(b) **RETURN OF REPORT FOR FURTHER PROCEEDINGS.**—If, on the basis of a review of the report under subsection (a), the Secretary of the military department concerned determines that the board acted contrary to law or regulation or to guidelines furnished the board under section 14107(a) of this title, the Secretary shall return the report, together with a written explanation of the basis for such determination, to the board for further proceedings. Upon receipt of a report returned by the Secretary concerned under this subsection, the selection board (or a subsequent selection board convened under section 14101(a) of this title for the same grade and competitive category) shall conduct such proceedings as may be necessary in order to revise the report to be consistent with law, regulation, and such guidelines and shall resubmit the report, as revised, to the Secretary in accordance with section 14109 of this title.

“**§14111. Reports of selection boards: transmittal to President**

“(a) **TRANSMITTAL TO PRESIDENT.**—The Secretary concerned, after final review of the report of a selection board under section 14110 of this title, shall submit the report with the Secretary's recommendations, to the Secretary of Defense for transmittal by the Secretary to the President for approval or disapproval. If the authority of the President to approve or disapprove the report of a promotion board is delegated to the Secretary of Defense, that authority may not be redelegated except to an official in the Office of the Secretary of Defense.

“(b) **REMOVAL OF NAME FROM BOARD REPORT.**—The name of an officer recommended for promotion by a selection board may be removed from the report of the selection board only by the President.

“(c) **RECOMMENDATIONS FOR REMOVAL OF SELECTED OFFICERS FROM REPORT.**—If the Secretary of a military department or the Secretary of Defense makes a recommendation under this section that the name of an officer be removed from the report of a promotion board and the recommendation is accompanied by information that was not presented to that promotion board, that information shall be made available to that

officer. The officer shall then be afforded a reasonable opportunity to submit comments on that information to the officials making the recommendation and the officials reviewing the recommendation. If an eligible officer cannot be given access to such information because of its classification status, the officer shall, to the maximum extent practicable, be provided with an appropriate summary of the information.

“**§14112. Dissemination of names of officers selected**

“Upon approval by the President of the report of a promotion board, the names of the officers recommended for promotion by the promotion board (other than any name removed by the President) may be disseminated to the armed force concerned. If those names have not been sooner disseminated, those names (other than the name of any officer whose promotion the Senate failed to confirm) shall be promptly disseminated to the armed force concerned upon confirmation by the Senate.

“**CHAPTER 1405—PROMOTIONS**

“Sec.

“14301. Eligibility for consideration for promotion: general rules.

“14302. Promotion zones.

“14303. Eligibility for consideration for promotion: minimum years of service in grade.

“14304. Eligibility for consideration for promotion: maximum years of service in grade.

“14305. Establishment of promotion zones: mandatory consideration for promotion.

“14306. Establishment of promotion zones: Naval Reserve and Marine Corps Reserve running mate system.

“14307. Numbers of officers to be recommended for promotion.

“14308. Promotions: how made.

“14309. Acceptance of promotion: oath of office.

“14310. Removal of officers from a list of officers recommended for promotion.

“14311. Delay of promotion: involuntary.

“14312. Delay of promotion: voluntary.

“14313. Authority to vacate promotions to grade of brigadier general or rear admiral (lower half).

“14314. Army and Air Force commissioned officers: generals ceasing to occupy positions commensurate with grade; state adjutants general.

“14315. Position vacancy promotions: Army and Air Force officers.

“14316. Army National Guard and Air National Guard: appointment to and Federal recognition in a higher reserve grade after selection for promotion.

“14317. Officers in transition to and from the active-status list or active-duty list.

“**§14301. Eligibility for consideration for promotion: general rules**

“(a) **ONE-YEAR RULE.**—An officer is eligible under this chapter for consideration for promotion by a promotion board convened under section 14101(a) of this title only if—

“(1) the officer is on the reserve active-status list of the Army, Navy, Air Force, or Marine Corps; and

“(2) during the one-year period ending on the date of the convening of the promotion board the officer has continuously performed service on either the reserve active-status list or the active-duty list (or on a combination of both lists).

“(b) **REQUIREMENT FOR CONSIDERATION OF ALL OFFICERS IN AND ABOVE THE ZONE.**—Whenever a promotion board (other than a vacancy promotion board) is convened under section 14101(a) of this title for consideration of officers

in a competitive category who are eligible under this chapter for consideration for promotion to the next higher grade, each officer in the promotion zone, and each officer above the promotion zone, for that grade and competitive category shall be considered for promotion.

“(c) **PREVIOUSLY SELECTED OFFICERS NOT ELIGIBLE TO BE CONSIDERED.**—A promotion board convened under section 14101(a) of this title may not consider for promotion to the next higher grade—

“(1) an officer whose name is on a promotion list for that grade as a result of recommendation for promotion to that grade by an earlier selection board convened under that section or section 14502 of this title or under chapter 36 of this title;

“(2) an officer who has been approved for Federal recognition by a board convened under section 307 of title 32 and nominated by the President for promotion to the next higher grade as a reserve of the Army or of the Air Force as the case may be; or

“(3) an officer who has been nominated by the President for promotion to the next higher grade under any other provision of law.

“(d) **OFFICERS BELOW THE ZONE.**—The Secretary of the military department concerned may, by regulation, prescribe procedures to limit the officers to be considered by a selection board from below the promotion zone to those officers who are determined to be exceptionally well qualified for promotion. The regulations shall include criteria for determining which officers below the promotion zone are exceptionally well qualified for promotion.

“(e) **RESERVE OFFICERS OF THE ARMY; CONSIDERATION FOR BRIGADIER GENERAL AND MAJOR GENERAL.**—In the case of officers of the Army, if the Secretary of the Army determines that vacancies are authorized or anticipated in the reserve grades of major general or brigadier general for officers who are on the reserve active-status list and who are not assigned to units organized to serve as a unit and the Secretary convenes a mandatory promotion board under section 14101(a) of this title to consider officers for promotion to fill such vacancies, the Secretary may limit the officers to be considered by that board to those determined to be exceptionally well qualified for promotion under such criteria and procedures as the Secretary may by regulation prescribe.

“(f) **CERTAIN RESERVE OFFICERS OF THE AIR FORCE.**—A reserve officer of the Air Force who (1) is in the Air National Guard of the United States and holds the grade of lieutenant colonel, colonel, or brigadier general, or (2) is in the Air Force Reserve and holds the grade of colonel or brigadier general, is not eligible for consideration for promotion by a mandatory promotion board convened under section 14101(a) of this title.

“(g) **NONCONSIDERATION OF OFFICERS SCHEDULED FOR REMOVAL FROM RESERVE ACTIVE-STATUS LIST.**—The Secretary of the military department concerned may, by regulation, provide for the exclusion from consideration for promotion by a promotion board of any officer otherwise eligible to be considered by the board who has an established date for removal from the reserve active-status list that is not more than 90 days after the date on which the selection board for which the officer would otherwise be eligible is to be convened.

“**§14302. Promotion zones**

“(a) **PROMOTION ZONES GENERALLY.**—For purposes of this chapter, a promotion zone is an eligibility category for the consideration of officers by a mandatory promotion board. A promotion zone consists of those officers on the reserve active-status list who are in the same grade and competitive category and who meet the requirements of both paragraphs (1) and (2) or the requirements of paragraph (3), as follows:

"(1)(A) In the case of officers in grades below colonel, for reserve officers of the Army, Air Force, and Marine Corps, or captain, for officers of the Naval Reserve, those who have neither (i) failed of selection for promotion to the next higher grade, nor (ii) been removed from a list of officers recommended for promotion to that grade.

"(B) In the case of officers in the grade of colonel or brigadier general, for reserve officers of the Army and Marine Corps, or in the grade of captain or rear admiral (lower half), for reserve officers of the Navy, those who have neither (i) been recommended for promotion to the next higher grade when considered in the promotion zone, nor (ii) been removed from a list of officers recommended for promotion to that grade.

"(2) Those officers who are senior to the officer designated by the Secretary of the military department concerned to be the junior officer in the promotion zone eligible for consideration for promotion to the next higher grade and the officer so designated.

"(3) Those officers who—

"(A) have been selected from below the zone for promotion to the next higher grade or by a vacancy promotion board, but whose names were removed from the list of officers recommended for promotion to that next higher grade resulting from that selection;

"(B) have not failed of selection for promotion to that next higher grade; and

"(C) are senior to the officer designated by the Secretary of the military department concerned to be the junior officer in the promotion zone eligible for consideration for promotion to that next higher grade and the officer so designated.

"(b) OFFICERS ABOVE THE ZONE.—Officers on the reserve active-status list are considered to be above the promotion zone for a grade and competitive category if they—

"(1) are eligible for consideration for promotion to the next higher grade;

"(2) are in the same grade as those officers in the promotion zone for that competitive category; and

"(3) are senior to the senior officer in the promotion zone for that competitive category.

"(c) OFFICERS BELOW THE ZONE.—Officers on the reserve active-status list are considered to be below the promotion zone for a grade and competitive category if they—

"(1) are eligible for consideration for promotion to the next higher grade;

"(2) are in the same grade as those officers in the promotion zone for that competitive category; and

"(3) are junior to the junior officer in the promotion zone for that competitive category.

"§14303. Eligibility for consideration for promotion: minimum years of service in grade

"(a) OFFICERS IN PAY GRADES O-1 AND O-2.—An officer who is on the reserve active-status list of the Army, Navy, Air Force, or Marine Corps and holds a permanent appointment in the grade of second lieutenant or first lieutenant as a reserve officer of the Army, Air Force, or Marine Corps, or in the grade of ensign or lieutenant (junior grade) as a reserve officer of the Navy, may not be promoted to the next higher grade, or granted Federal recognition in that grade, until the officer has completed the following years of service in grade:

"(1) Eighteen months, in the case of an officer holding a permanent appointment in the grade of second lieutenant or ensign.

"(2) Two years, in the case of an officer holding a permanent appointment in the grade of first lieutenant or lieutenant (junior grade).

"(b) OFFICERS IN PAY GRADES O-3 AND ABOVE.—Subject to subsection (d), an officer who is on the reserve active-status list of the Army, Air Force, or Marine Corps and holds a

permanent appointment in a grade above first lieutenant, or who is on the reserve active-status list of the Navy in a grade above lieutenant (junior grade), may not be considered for selection for promotion to the next higher grade, or examined for Federal recognition in the next higher grade, until the officer has completed the following years of service in grade:

"(1) Three years, in the case of an officer of the Army, Air Force, or Marine Corps holding a permanent appointment in the grade of captain, major, or lieutenant colonel or in the case of a reserve officer of the Navy holding a permanent appointment in the grade of lieutenant, lieutenant commander, or commander.

"(2) One year, in the case of an officer of the Army, Air Force, or Marine Corps holding a permanent appointment in the grade of colonel or brigadier general or in the case of a reserve officer of the Navy holding a permanent appointment in the grade of captain or rear admiral (lower half).

This subsection does not apply to an adjutant general or assistant adjutant general of a State or to an appointment in a higher grade which is based upon a specific provision of law.

"(c) AUTHORITY TO LENGTHEN MINIMUM PERIOD IN GRADE.—The Secretary concerned may prescribe a period of service in grade for eligibility for promotion, in the case of officers to whom subsection (a) applies, or for eligibility for consideration for promotion, in the case of officers to whom subsection (b) applies, that is longer than the applicable period specified in that subsection.

"(d) WAIVERS TO ENSURE TWO BELOW-THE-ZONE CONSIDERATIONS.—Subject to section 14307(b) of this title, the Secretary of the military department concerned may waive subsection (b) to the extent necessary to ensure that officers described in paragraph (1) of that subsection have at least two opportunities for consideration for promotion to the next higher grade as officers below the promotion zone.

"§14304. Eligibility for consideration for promotion: maximum years of service in grade

"(a) CONSIDERATION FOR PROMOTION WITHIN SPECIFIED TIMES.—(1) Officers described in paragraph (3) shall be placed in the promotion zone for that officer's grade and competitive category, and shall be considered for promotion to the next higher grade by a promotion board convened under section 14101(a) of this title, far enough in advance of completing the years of service in grade specified in the following table so that, if the officer is recommended for promotion, the promotion may be effective on or before the date on which the officer will complete those years of service.

Current Grade	Maximum years of service in grade
"First lieutenant or Lieutenant (junior grade)	5 years
"Captain or Navy Lieutenant	7 years
"Major or Lieutenant commander	7 years

"(2) Paragraph (1) is subject to subsections (a), (b), and (c) of section 14301 of this title and applies without regard to vacancies.

"(3) Paragraph (1) applies to an officer who is on the reserve active-status list of the Army, Navy, Air Force, or Marine Corps and who holds a permanent appointment in the grade of first lieutenant, captain, or major as a reserve of the Army, Air Force, or Marine Corps, or to an officer on the reserve active-status list of the Navy in the grade of lieutenant (junior grade), lieutenant, or lieutenant commander as a reserve of the Navy, and who, while holding that appointment, has not been considered by a selection board convened under section 14101(a) or 14502 of this title for promotion to the next higher grade.

"(b) PROMOTION DATE.—An officer holding a permanent grade specified in the table in subsection (a) who is recommended for promotion to the next higher grade by a selection board the first time the officer is considered for promotion while in or above the promotion zone and who is placed on an approved promotion list established under section 14308(a) of this title shall (if not promoted sooner or removed from that list by the President or by reason of declination) be promoted, without regard to the existence of a vacancy, on the date on which the officer completes the maximum years of service in grade specified in subsection (a). The preceding sentence is subject to the limitations of section 12011 of this title.

"(c) WAIVER AUTHORITY FOR NAVY AND MARINE CORPS RUNNING MATE SYSTEM.—If the Secretary of the Navy establishes promotion zones for officers on the reserve active-status list of the Navy or the Marine Corps Reserve in accordance with a running mate system under section 14306 of this title, the Secretary may waive the requirements of subsection (a) to the extent the Secretary considers necessary in any case in which the years of service for promotion, or for consideration for promotion, within those zones will exceed the maximum years of service in grade specified in subsection (a).

"§14305. Establishment of promotion zones: mandatory consideration for promotion

"(a) ESTABLISHMENT OF ZONE.—Before convening a mandatory promotion board under section 14101(a) of this title, the Secretary of the military department concerned shall establish a promotion zone for officers serving in each grade and competitive category to be considered by the board.

"(b) NUMBER IN THE ZONE.—The Secretary concerned shall determine the number of officers in the promotion zone for officers serving in any grade and competitive category from among officers who are eligible for promotion in that grade and competitive category under the provisions of sections 14303 and 14304 of this title and who are otherwise eligible for promotion.

"(c) FACTORS IN DETERMINING NUMBER IN THE ZONE.—The Secretary's determination under subsection (b) shall be made on the basis of an estimate of the following:

"(1) The number of officers needed in that competitive category in the next higher grade in each of the next five years.

"(2) In the case of a promotion zone for officers to be promoted to a grade to which the maximum years of in grade criteria established in section 14304 of this title apply, the number of officers in that competitive category who are required to be considered for selection for promotion to the next higher grade under that section.

"(3) The number of officers that should be placed in the promotion zone in each of the next five years to provide to officers in those years relatively similar opportunities for promotion.

"§14306. Establishment of promotion zones: Naval Reserve and Marine Corps Reserve running mate system

"(a) AUTHORITY OF SECRETARY OF THE NAVY.—The Secretary of the Navy may by regulation implement section 14305 of this title by requiring that the promotion zone for consideration of officers on the reserve active-status list of the Navy or the Marine Corps for promotion to the next higher grade be determined in accordance with a running mate system as provided in subsection (b).

"(b) ASSIGNMENT OF RUNNING MATES.—An officer to whom a running mate system applies shall be assigned as a running mate an officer of the same grade on the active-duty list of the same armed force. The officer on the reserve active-status list is in the promotion zone and is

eligible for consideration for promotion to the next higher grade by a selection board convened under section 14101(a) of this title when that officer's running mate is in or above the promotion zone established for that officer's grade under chapter 36 of this title.

"(c) CONSIDERATION OF OFFICERS BELOW THE ZONE UNDER A RUNNING MATE SYSTEM.—If the Secretary of the Navy authorizes the selection of officers for promotion from below the promotion zone in accordance with section 14307 of this title, the number of officers to be considered from below the zone may be established through the application of the running mate system or otherwise as the Secretary determines to be appropriate to meet the needs of the Navy or Marine Corps.

"§14307. Number of officers to be recommended for promotion

"(a) DETERMINATION OF MAXIMUM NUMBER.—Before convening a promotion board under section 14101(a) of this title for a grade and competitive category (other than a vacancy promotion board), the Secretary of the military department concerned, under regulations prescribed by the Secretary of Defense, shall determine the maximum number of officers in that grade and competitive category that the board may recommend for promotion. The Secretary shall make the determination under the preceding sentence of the maximum number that may be recommended with a view to having on the reserve active-status list a sufficient number of officers in each grade and competitive category to meet the needs of the armed force concerned for officers on that list. In order to make that determination, the Secretary shall determine (1) the number of positions needed to accomplish mission objectives which require officers of such competitive category in the grade to which the board will recommend officers for promotion, (2) the estimated number of officers needed to fill vacancies in such positions during the period in which it is anticipated that officers selected for promotion will be promoted, (3) the number of officers authorized by the Secretary of the military department concerned to serve on the reserve active-status list in the grade and competitive category under consideration, and (4) any statutory limitation on the number of officers in any grade or category (or combination thereof) authorized to be on the reserve active-status list.

"(b) BELOW-THE-ZONE SELECTIONS.—(1) The Secretary of the military department concerned may, when the needs of the armed force concerned require, authorize the consideration of officers in the grade of captain, major, or lieutenant colonel on the reserve active-status list of the Army or Air Force, in a grade above first lieutenant on the reserve active-status list of the Marine Corps, or in a grade above lieutenant (junior grade) on the reserve active-status list of the Navy, for promotion to the next higher grade from below the promotion zone.

"(2) When selection from below the promotion zone is authorized, the Secretary shall establish the number of officers that may be recommended for promotion from below the promotion zone in each competitive category to be considered. That number may not exceed the number equal to 10 percent of the maximum number of officers that the board is authorized to recommend for promotion in such competitive category, except that the Secretary of Defense may authorize a greater number, not to exceed 15 percent of the total number of officers that the board is authorized to recommend for promotion, if the Secretary of Defense determines that the needs of the armed force concerned so require. If the maximum number determined under this paragraph is less than one, the board may recommend one officer for promotion from below the promotion zone.

"(3) The number of officers recommended for promotion from below the promotion zone does

not increase the maximum number of officers that the board is authorized to recommend for promotion under subsection (a).

"§14308. Promotions: how made

"(a) PROMOTION LIST.—When the report of a selection board convened under section 14101(a) or 14502 of this title is approved by the President, the Secretary of the military department concerned shall place the names of all officers selected for promotion within a competitive category on a single list for that competitive category, to be known as a promotion list, in the order of seniority of those officers on the reserve active-status list.

"(b) PROMOTION; HOW MADE; ORDER.—(1) Officers on a promotion list for a competitive category shall be promoted in the manner specified in section 12203 of this title.

"(2) Officers on a promotion list for a competitive category shall be promoted to the next higher grade in accordance with regulations prescribed by the Secretary of the military department concerned. Except as provided in section 14311, 14312, or 14502(e) of this title or in subsection (d) or (e), promotions shall be made in the order in which the names of officers appear on the promotion list and after officers previously selected for promotion in that competitive category have been promoted.

"(3) Officers to be promoted to the grade of first lieutenant or lieutenant (junior grade) shall be promoted in accordance with regulations prescribed by the Secretary of the military department concerned.

"(c) DATE OF RANK.—(1) The date of rank of an officer appointed to a higher grade under this section is determined under section 741(d)(2) of this title.

"(2) Except as specifically authorized by law, a reserve officer is not entitled to additional pay or allowances if the effective date of the officer's promotion is adjusted to reflect a date earlier than the actual date of the officer's promotion.

"(d) OFFICERS WITH RUNNING MATES.—An officer to whom a running mate system applies under section 14306 of this title and who is selected for promotion is eligible for promotion to the grade for which selected when the officer who is that officer's running mate becomes eligible for promotion under chapter 36 of this title. The effective date of the promotion of that officer shall be the same as that of the officer's running mate in the grade to which the running mate is promoted.

"(e) ARMY RESERVE AND AIR FORCE RESERVE PROMOTIONS TO FILL VACANCIES.—Subject to this section and to section 14311(e) of this title, and under regulations prescribed by the Secretary of the military department concerned—

"(1) an officer in the Army Reserve or the Air Force Reserve who is on a promotion list as a result of selection for promotion by a mandatory promotion board convened under section 14101(a) of this title or a board convened under section 14502 or chapter 36 of this title may be promoted at any time to fill a vacancy in a position to which the officer is assigned; and

"(2) an officer in the Army Reserve or the Air Force Reserve who is on a promotion list as a result of selection for promotion by a vacancy promotion board convened under section 14101(a) of this title may be promoted at any time to fill the vacancy for which the officer was selected.

"(f) EFFECTIVE DATE OF PROMOTION AFTER FEDERAL RECOGNITION.—The effective date of a promotion of a reserve commissioned officer of the Army or the Air Force who is extended Federal recognition in the next higher grade in the Army National Guard or the Air National Guard under section 307 or 310 of title 32 shall be the date on which such Federal recognition in that grade is so extended.

"(g) ARMY AND AIR FORCE GENERAL OFFICER PROMOTIONS.—A reserve officer of the Army

who is on a promotion list for promotion to the grade of brigadier general or major general as a result of selection by a vacancy promotion board may be promoted to that grade only to fill a vacancy in that grade in a unit of the Army Reserve that is organized to serve as a unit and that has attained the strength prescribed by the Secretary of the Army. A reserve officer of the Air Force who is on a promotion list for promotion to the grade of brigadier general or major general as a result of selection by a vacancy promotion board may be promoted to that grade only to fill a vacancy in the Air Force Reserve in that grade.

"§14309. Acceptance of promotion; oath of office

"(a) ACCEPTANCE.—An officer who is appointed to a higher grade under this chapter shall be considered to have accepted the appointment on the date on which the appointment is made unless the officer expressly declines the appointment or is granted a delay of promotion under section 14312 of this title.

"(b) OATH.—An officer who has served continuously since taking the oath of office prescribed in section 3331 of title 5 is not required to take a new oath upon appointment to a higher grade under this chapter.

"§14310. Removal of officers from a list of officers recommended for promotion

"(a) REMOVAL BY PRESIDENT.—The President may remove the name of any officer from a promotion list at any time before the date on which the officer is promoted.

"(b) REMOVAL FOR WITHHOLDING OF SENATE ADVICE AND CONSENT.—If the Senate does not give its advice and consent to the appointment to the next higher grade of an officer whose name is on a list of officers approved by the President for promotion (except in the case of promotions to a reserve grade to which appointments may be made by the President alone), the name of that officer shall be removed from the list.

"(c) CONTINUED ELIGIBILITY FOR PROMOTION.—An officer whose name is removed from a list under subsection (a) or (b) continues to be eligible for consideration for promotion. If that officer is recommended for promotion by the next selection board convened for that officer's grade and competitive category and the officer is promoted, the Secretary of the military department concerned may, upon the promotion, grant the officer the same date of rank, the same effective date for the pay and allowances of the grade to which promoted, and the same position on the reserve active-status list, as the officer would have had if the officer's name had not been removed from the list.

"§14311. Delay of promotion: involuntary

"(a) DELAY DURING INVESTIGATIONS AND PROCEEDINGS.—(1) Under regulations prescribed by the Secretary of the military department concerned, the appointment of an officer to a higher grade may be delayed if any of the following applies before the date on which the appointment would otherwise be made:

"(A) Sworn charges against the officer have been received by an officer exercising general court-martial jurisdiction over the officer and the charges have not been disposed of.

"(B) An investigation is being conducted to determine whether disciplinary action of any kind should be brought against the officer.

"(C) A board of officers has been convened under section 14903 of this title to review the record of the officer.

"(D) A criminal proceeding in a Federal or State court of competent jurisdiction is pending against the officer.

"(2) If disciplinary action is not taken against the officer, if the charges against the officer are

withdrawn or dismissed, if the officer is not separated by the Secretary of the military department concerned as the result of having been required to show cause for retention, or if the officer is acquitted of the charges, as the case may be, then (unless action to delay the officer's appointment to the higher grade has been taken under subsection (b)) the officer shall be retained on the promotion list, list of officers found qualified for Federal recognition, or list of officers nominated by the President to the Senate for appointment in a higher reserve grade and shall, upon promotion to the next higher grade, have the same date of rank, the same effective date for the pay and allowances of the grade to which promoted, and the same position on the reserve active-status list as the officer would have had if no delay had intervened, unless the Secretary concerned determines that the officer was unqualified for promotion for any part of the delay. If the Secretary makes such a determination, the Secretary may adjust such date of rank, effective date of pay and allowances, and position on the reserve active-status list as the Secretary considers appropriate under the circumstances.

“(b) **DELAY FOR LACK OF QUALIFICATIONS.**—Under regulations prescribed by the Secretary of the military department concerned, the appointment of an officer to a higher grade may also be delayed if there is cause to believe that the officer is mentally, physically, morally, or professionally unqualified to perform the duties of the grade to which selected. If the Secretary concerned later determines that the officer is qualified for promotion to the higher grade, the officer shall be retained on the promotion list, the list of officers found qualified for Federal recognition, or list of officers nominated by the President to the Senate for appointment in a higher reserve grade, and shall, upon promotion to that grade, have the same date of rank, the same effective date for pay and allowances of that grade, and the same position on the reserve active-status list as the officer would have had if no delay had intervened, unless the Secretary concerned determines that the officer was unqualified for promotion for any part of the delay. If the Secretary makes such a determination, the Secretary may adjust such date of rank, effective date of pay and allowances, and position on the reserve active-status list as the Secretary considers appropriate under the circumstances.

“(c) **NOTICE TO OFFICER.**—(1) The appointment of an officer to a higher grade may not be delayed under subsection (a) or (b) unless the officer is given written notice of the grounds for the delay. The preceding sentence does not apply if it is impracticable to give the officer written notice before the date on which the appointment to the higher grade would otherwise take effect, but in such a case the written notice shall be given as soon as practicable.

“(2) An officer whose promotion is delayed under subsection (a) or (b) shall be given an opportunity to make a written statement to the Secretary of the military department concerned in response to the action taken. The Secretary shall give consideration to any such statement.

“(d) **MAXIMUM LENGTH OF DELAY IN PROMOTION.**—The appointment of an officer to a higher grade may not be delayed under subsection (a) or (b) for more than six months after the date on which the officer would otherwise have been promoted unless the Secretary concerned specifies a further period of delay. An officer's appointment may not be delayed more than 90 days after final action has been taken in any criminal case against the officer in a Federal or State court of competent jurisdiction or more than 90 days after final action has been taken in any court-martial case against the officer. Except for court action, a promotion may

not be delayed more than 18 months after the date on which the officer would otherwise have been promoted.

“(e) **DELAY BECAUSE OF LIMITATIONS ON OFFICER STRENGTH IN GRADE OR DUTIES TO WHICH ASSIGNED.**—(1) Under regulations prescribed by the Secretary of Defense, the promotion of a reserve officer on the reserve active-status list who is serving on active duty, or who is on full-time National Guard duty for administration of the reserves or the National Guard, to a grade to which the strength limitations of section 12011 of this title apply shall be delayed if necessary to ensure compliance with those strength limitations. The delay shall expire when the Secretary determines that the delay is no longer required to ensure such compliance.

“(2) The promotion of an officer described in paragraph (1) shall also be delayed while the officer is on duty described in that paragraph unless the Secretary of the military department concerned, under regulations prescribed by the Secretary of Defense, determines that the duty assignment of the officer requires a higher grade than the grade currently held by the officer.

“(3) The date of rank and position on the reserve active-status list of a reserve officer whose promotion to or Federal recognition in the next higher grade was delayed under paragraph (1) or (2) solely as the result of the limitations imposed under the regulations prescribed by the Secretary of Defense or contained in section 12011 of this title shall be the date on which the officer would have been promoted to or recognized in the higher grade had such limitations not existed.

“(4) If an officer whose promotion is delayed under paragraph (1) or (2) completes the period of active duty or full-time National Guard duty that the officer is required by law or regulation to perform as a member of a reserve component, the officer may request release from active duty or full-time National Guard duty. If the request is granted, the officer's promotion shall be effective upon the officer's release from such duty. The date of rank and position on the reserve active-status list of the officer shall be the date the officer would have been promoted to or recognized in the higher grade had the limitations imposed under regulations prescribed by the Secretary of Defense contained in section 12011 of this title not existed. If an officer whose promotion is delayed under paragraph (1) or (2) has not completed the period of active duty or full-time National Guard duty that the officer is required by law or regulation to perform as a member of a reserve component, the officer may be retained on active duty or on full-time National Guard duty in the grade in which the officer was serving before the officer's being found qualified for Federal recognition or the officer's selection for the promotion until the officer completes that required period of duty.

“§14312. **Delay of promotion: voluntary**

“(a) **AUTHORITY FOR VOLUNTARY DELAYS.**—(1) The Secretary of the military department concerned may, by regulation, permit delays of a promotion of an officer who is recommended for promotion by a mandatory selection board convened under section 14101(a) or a special selection board convened under section 14502 of this title at the request of the officer concerned. Such delays, in the case of any promotion, may extend for any period not to exceed three years from the date on which the officer would otherwise be promoted.

“(2) Regulations under this section shall provide that—

“(A) a request for such a delay of promotion must be submitted by the officer concerned before the delay may be approved; and

“(B) denial of such a request shall not be considered to be a failure of selection for promotion unless the officer declines to accept a promotion under circumstances set forth in subsection (c).

“(b) **EFFECT OF APPROVAL OF REQUEST.**—If a request for delay of a promotion under subsection (a) is approved, the officer's name shall remain on the promotion list during the authorized period of delay (unless removed under any other provision of law). Upon the end of the period of the authorized delay, or at any time during such period, the officer may accept the promotion, which shall be effective on the date of acceptance. Such an acceptance of a promotion shall be made in accordance with regulations prescribed under this section.

“(c) **EFFECT OF DECLINING A PROMOTION.**—An officer's name shall be removed from the promotion list and, if the officer is serving in a grade below colonel or, in the case of the Navy, captain, the officer shall be considered to have failed of selection for promotion if any of the following applies:

“(1) The Secretary concerned has not authorized voluntary delays of promotion under subsection (a) to the grade concerned and the officer declines to accept an appointment to a higher grade.

“(2) The Secretary concerned has authorized voluntary delays of promotion under subsection (a), but has denied the request of the officer for a delay of promotion and the officer then declines to accept an appointment to a higher grade.

“(3) The Secretary concerned has approved the request of an officer for a delay of promotion and, upon the end of the period of delay authorized in accordance with regulations prescribed under subsection (a), the officer then declines to accept an appointment to a higher grade.

“§14313. **Authority to vacate promotions to grade of brigadier general or rear admiral (lower half)**

“(a) **AUTHORITY.**—The President may vacate the appointment of a reserve officer to the grade of brigadier general or rear admiral (lower half) if the period of time during which the officer has served in that grade after promotion to that grade is less than 18 months.

“(b) **EFFECT OF PROMOTION BEING VACATED.**—Except as provided in subsection (c), an officer whose promotion to the grade of brigadier general is vacated under this section holds the grade of colonel as a reserve of the armed force of which the officer is a member. An officer whose promotion to the grade of rear admiral (lower half) is vacated under this section holds the grade of captain in the Naval Reserve. Upon assuming the lower grade, the officer shall have the same position on the reserve active-status list as the officer would have had if the officer had not served in the higher grade.

“(c) **SPECIAL RULE FOR OFFICERS SERVING AS ADJUTANT GENERAL.**—In the case of an officer serving as an adjutant general or assistant adjutant general whose promotion to the grade of brigadier general is vacated under this section, the officer then holds the reserve grade held by that officer immediately before the officer's appointment as adjutant general or assistant adjutant general.

“§14314. **Army and Air Force commissioned officers: generals ceasing to occupy positions commensurate with grade; State adjutants general**

“(a) **GENERAL OFFICERS.**—Within 30 days after a reserve officer of the Army or the Air Force on the reserve active-status list in a general officer grade ceases to occupy a position commensurate with that grade (or commensurate with a higher grade), the Secretary concerned shall transfer or discharge the officer in accordance with whichever of the following the officer elects:

“(1) Transfer the officer in grade to the Retired Reserve, if the officer is qualified and applies for the transfer.

"(2) Transfer the officer in grade to the inactive status list of the Standby Reserve, if the officer is qualified.

"(3) Discharge the officer from the officer's reserve appointment and, if the officer is qualified and applies therefor, appoint the officer in the reserve grade held by the officer as a reserve officer before the officer's appointment in a general officer grade.

"(4) Discharge the officer from the officer's reserve appointment.

"(b) ADJUTANTS GENERAL.—If a reserve officer who is federally recognized in the Army National Guard or the Air National Guard solely because of the officer's appointment as adjutant general or assistant adjutant general of a State ceases to occupy that position, the Secretary concerned, not later than 30 days after the date on which the officer ceases to occupy that position, shall—

"(1) withdraw that officer's Federal recognition; and

"(2) require that the officer—

"(A) be transferred in grade to the Retired Reserve, if the officer is qualified and applies for the transfer;

"(B) be discharged from the officer's reserve appointment and appointed in the reserve grade held by the officer as a reserve officer of the Air Force immediately before the appointment of that officer as adjutant general or assistant adjutant general, if the officer is qualified and applies for that appointment; or

"(C) be discharged from the officer's reserve appointment.

"(c) CREDIT FOR SERVICE IN GRADE.—An officer who is appointed under subsection (a)(3) or (b)(2)(B) shall be credited with an amount of service in the grade in which appointed that is equal to the amount of prior service in an active status in that grade and in any higher grade.

"§14315. Position vacancy promotions: Army and Air Force officers

"(a) OFFICERS ELIGIBLE FOR CONSIDERATION FOR VACANCY PROMOTIONS BELOW BRIGADIER GENERAL.—A reserve officer of the Army who is in the Army Reserve, or a Reserve officer of the Air Force who is in the Air Force Reserve, who is on the reserve active-status list in the grade of first lieutenant, captain, major, or lieutenant colonel is eligible for consideration for promotion to the next higher grade under this section if each of the following applies:

"(1) The officer is occupying or, as determined by the Secretary concerned, is available to occupy a position in the same competitive category as the officer and for which a grade higher than the one held by that officer is authorized.

"(2) The officer is fully qualified to meet all requirements for the position as established by the Secretary of the military department concerned.

"(3) The officer has held the officer's present grade for the minimum period of service prescribed in section 14303 of this title for eligibility for consideration for promotion to the higher grade.

"(b) CONSIDERATION FOR VACANCY PROMOTION TO BRIGADIER GENERAL OR MAJOR GENERAL.—

(1) A reserve officer of the Army who is in the Army Reserve and on the reserve active-status list in the grade of colonel or brigadier general may be considered for promotion to the next higher grade under this section if the officer (A) is assigned to the duties of a general officer of the next higher reserve grade in a unit of the Army Reserve organized to serve as a unit, (B) has held the officer's present grade for the minimum period of service prescribed in section 14303 of this title for eligibility for consideration for promotion to the higher grade, and (C) meets the standards for consideration prescribed by the Secretary of the Army.

"(2) A reserve officer of the Air Force who is in the Air Force Reserve and on the reserve ac-

tive-status list in the grade of colonel or brigadier general may be considered for promotion to the next higher grade under this section if the officer (A) is assigned to the duties of a general officer of the next higher reserve grade, and (B) meets the standards for consideration prescribed by the Secretary of the Air Force.

"(c) VACANCY PROMOTION BOARDS.—Consideration for promotion under this section shall be by a vacancy promotion board convened under section 14101(a) of this title.

"(d) EFFECT OF NONSELECTION.—An officer who is considered for promotion under this section and is not selected shall not be considered to have failed of selection for promotion.

"(e) SPECIAL RULE FOR OFFICERS FAILED OF SELECTION.—A reserve officer of the Army or the Air Force who is considered as failed of selection for promotion under section 14501 of this title to a grade may be considered for promotion under this section or, if selected, promoted to that grade only if the Secretary of the military department concerned finds that the officer is the only qualified officer available to fill the vacancy. The Secretary concerned may not delegate the authority under the preceding sentence.

"§14316. Army National Guard and Air National Guard: appointment to and Federal recognition in a higher reserve grade after selection for promotion

"(a) OPPORTUNITY FOR PROMOTION TO FILL A VACANCY IN THE GUARD.—If an officer of the Army National Guard of the United States or the Air National Guard of the United States is recommended by a mandatory selection board convened under section 14101(a) or a special selection board convened under section 14502 of this title for promotion to the next higher grade, an opportunity shall be given to the appropriate authority of the State to promote that officer to fill a vacancy in the Army National Guard or the Air National Guard of that jurisdiction.

"(b) AUTOMATIC FEDERAL RECOGNITION.—An officer of the Army National Guard of the United States or the Air National Guard of the United States who is on a promotion list for promotion to the next higher grade as a result of selection for promotion as described in subsection (a) and who before the date of promotion is appointed in that higher grade to fill a vacancy in the Army National Guard or Air National Guard shall—

"(1) be extended Federal recognition in that grade, without the examination prescribed in section 307 of title 32; and

"(2) subject to section 14311(e) of this title, be promoted to that reserve grade effective on the date of the officer's appointment in that grade in the Army National Guard or Air National Guard.

"(c) NATIONAL GUARD OFFICERS FAILED OF SELECTION.—An officer who is considered as failed of selection for promotion under section 14501 of this title to a grade may be extended Federal recognition in that grade only if the Secretary of the military department concerned finds that the officer is the only qualified officer available to fill a vacancy. The Secretary concerned may not delegate the authority under the preceding sentence.

"(d) TRANSFER TO ARMY RESERVE OR AIR FORCE RESERVE.—If, on the date on which an officer of the Army National Guard of the United States or of the Air National Guard of the United States who is on a promotion list as described in subsection (a) is to be promoted, the officer has not been promoted to fill a vacancy in the higher grade in the Army National Guard or the Air National Guard, the officer's Federal recognition in the officer's reserve grade shall be withdrawn and the officer shall be promoted and transferred to the Army Reserve or the Air Force Reserve as appropriate.

"§14317. Officers in transition to and from the active-status list or active-duty list

"(a) EFFECT OF TRANSFER TO INACTIVE STATUS OR RETIRED STATUS.—If a reserve officer on the reserve active-status list is transferred to an inactive status or to a retired status after having been recommended for promotion to a higher grade under this chapter or chapter 36 of this title, or after having been found qualified for Federal recognition in the higher grade under title 32, but before being promoted, the officer—

"(1) shall be treated as if the officer had not been considered and recommended for promotion by the selection board or examined and been found qualified for Federal recognition; and

"(2) may not be placed on a promotion list or promoted to the higher grade after returning to an active status,

unless the officer is again recommended for promotion by a selection board convened under chapter 36 of this title or section 14101(a) or 14502 of this title or examined for Federal recognition under title 32.

"(b) EFFECT OF PLACEMENT ON ACTIVE-DUTY LIST.—A reserve officer who is on a promotion list as a result of selection for promotion by a mandatory promotion board convened under section 14101(a) or a special selection board convened under section 14502 of this title and who before being promoted is placed on the active-duty list of the same armed force and placed in the same competitive category shall, under regulations prescribed by the Secretary of Defense, be placed on an appropriate promotion list for officers on the active-duty list established under chapter 36 of this title.

"(c) OFFICERS ON A PROMOTION LIST REMOVED FROM ACTIVE-DUTY LIST.—An officer who is on the active-duty list and is on a promotion list as the result of selection for promotion by a selection board convened under chapter 36 of this title and who before being promoted is removed from the active-duty list and placed on the reserve active-status list of the same armed force and in the same competitive category (including a regular officer who on removal from the active-duty list is appointed as a reserve officer and placed on the reserve active-status list) shall, under regulations prescribed by the Secretary of Defense, be placed on an appropriate promotion list established under this chapter.

"(d) OFFICERS SELECTED FOR POSITION VACANCIES.—If a reserve officer is ordered to active duty (other than active duty for training) or full-time National Guard duty (other than full-time National Guard duty for training only) after being recommended for promotion under section 14314 of this title to fill a position vacancy or examined for Federal recognition under title 32, and before being promoted to fill that vacancy, the officer shall not be promoted while serving such active duty or full-time National Guard duty unless the officer is ordered to active duty as a member of the unit in which the vacancy exists when that unit is ordered to active duty. If, under this subsection, the name of an officer is removed from a list of officers recommended for promotion, the officer shall be treated as if the officer had not been considered for promotion or examined for Federal recognition.

"(e) Under regulations prescribed by the Secretary of the military department concerned, a reserve officer who is not on the active-duty list and who is ordered to active duty in time of war or national emergency may, if eligible, be considered for promotion by a mandatory promotion board convened under section 14101(a) or a special selection board convened under section 14502 of this title for not more than two years from the date the officer is ordered to active duty unless the President suspends the operation of this section under the provisions of section 10213 or 644 of this title.

"CHAPTER 1407—FAILURE OF SELECTION FOR PROMOTION AND INVOLUNTARY SEPARATION

- "Sec.
 "14501. Failure of selection for promotion.
 "14502. Special selection boards: correction of errors.
 "14503. Discharge of officers with less than five years of commissioned service or found not qualified for promotion to first lieutenant or lieutenant (junior grade).
 "14504. Effect of failure of selection for promotion: reserve first lieutenants of the Army, Air Force, and Marine Corps and reserve lieutenants (junior grade) of the Navy.
 "14505. Effect of failure of selection for promotion: reserve captains of the Army, Air Force, and Marine Corps and reserve lieutenants of the Navy.
 "14506. Effect of failure of selection for promotion: reserve majors of the Army, Air Force, and Marine Corps and lieutenant commanders of the Navy.
 "14507. Removal from the active-status list for years of service: reserve lieutenant colonels and colonels of the Army, Air Force, and Marine Corps and reserve commanders and captains of the Navy.
 "14508. Removal from the reserve active-status list for years of service: reserve general and flag officers.
 "14509. Separation at age 60: reserve officers below brigadier general or rear admiral (lower half).
 "14510. Separation at age 60: reserve brigadier generals and rear admirals (lower half).
 "14511. Separation at age 62: major generals and rear admirals.
 "14512. Separation at age 64: officers holding certain offices.
 "14513. Separation for failure of selection of promotion.
 "14514. Discharge or retirement for years of service or after selection for early removal.
 "14515. Discharge or retirement for age.
 "14516. Separation to be considered involuntary.
 "14517. Entitlement of officers discharged under this chapter to separation pay.

"§14501. Failure of selection for promotion

"(a) An officer on the reserve active-status list in a grade below the grade of colonel or, in the case of an officer in the Naval Reserve, captain who is in or above the promotion zone established for that officer's grade and competitive category and who (1) is considered but not recommended for promotion (other than by a vacancy promotion board), or (2) declines to accept a promotion for which selected (other than by a vacancy promotion board), shall be considered to have failed of selection for promotion.

"(b) OFFICERS TWICE FAILED OF SELECTION.—An officer shall be considered for all purposes to have twice failed of selection for promotion if any of the following applies:

"(1) The officer is considered but not recommended for promotion a second time by a mandatory promotion board convened under section 14101(a) or a special selection board convened under section 14502(a) of this title.

"(2) The officer declines to accept a promotion for which recommended by a mandatory promotion board convened under section 14101(a) or a special selection board convened under section 14502(a) or 14502(b) of this title after previously failing of selection or after the officer's name was removed from the report of a selection board

under section 14111(b) or from a promotion list under section 14310 of this title after recommendation for promotion by an earlier selection board described in subsection (a).

"(3) The officer's name has been removed from the report of a selection board under section 14111(b) or from a promotion list under section 14310 of this title after recommendation by a mandatory promotion board convened under section 14101(a) or by a special selection board convened under section 14502(a) or 14502(b) of this title and—

"(A) the officer is not recommended for promotion by the next mandatory promotion board convened under section 14101(a) or special selection board convened under section 14502(a) of this title for that officer's grade and competitive category; or

"(B) the officer's name is again removed from the report of a selection board under section 14111(b) or from a promotion list under section 14310 of this title.

"§14502. Special selection boards: correction of errors

"(a) OFFICERS NOT CONSIDERED BECAUSE OF ADMINISTRATIVE ERROR.—(1) In the case of an officer or former officer who the Secretary of the military department concerned determines was not considered for selection for promotion from in or above the promotion zone by a mandatory promotion board convened under section 14101(a) of this title because of administrative error, the Secretary concerned shall convene a special selection board under this subsection to determine whether such officer or former officer should be recommended for promotion. Any such board shall be convened under regulations prescribed by the Secretary of Defense and shall be appointed and composed in accordance with section 14102 of this title and shall include the representation of competitive categories required by that section. The members of a board convened under this subsection shall be required to take an oath in the same manner as prescribed in section 14103 of this title.

"(2) A special selection board convened under this subsection shall consider the record of the officer or former officer as that record would have appeared to the promotion board that should have considered the officer or former officer. That record shall be compared with a sampling of the records of those officers of the same grade and competitive category who were recommended for promotion and those officers of the same grade and competitive category who were not recommended for promotion by that board.

"(3) If a special selection board convened under paragraph (1) does not recommend for promotion an officer or former officer in a grade below the grade of colonel or, in the case of an officer or former officer of the Navy, captain, whose name was referred to it for consideration, the officer or former officer shall be considered to have failed of selection for promotion.

"(b) OFFICERS CONSIDERED BUT NOT SELECTED; MATERIAL ERROR.—(1) In the case of an officer or former officer who was eligible for promotion and was considered for selection for promotion from in or above the promotion zone under this chapter by a selection board but was not selected, the Secretary of the military department concerned may, under regulations prescribed by the Secretary of Defense, convene a special selection board under this subsection to determine whether the officer or former officer should be recommended for promotion, if the Secretary determines that—

"(A) the action of the selection board that considered the officer or former officer was contrary to law or involved material error of fact or material administrative error; or

"(B) the selection board did not have before it for its consideration material information.

"(2) A special selection board convened under paragraph (1) shall be appointed and composed in accordance with section 14102 of this title (including the representation of competitive categories required by that section), and the members of such a board shall take an oath in the same manner as prescribed in section 14103 of this title.

"(3) Such board shall consider the record of the officer or former officer as that record, if corrected, would have appeared to the selection board that considered the officer or former officer. That record shall be compared with a sampling of the records of those officers of the same grade and competitive category who were recommended for promotion and those officers of the same grade and competitive category who were not recommended for promotion by that board.

"(4) If a special selection board convened under paragraph (1) does not recommend for promotion an officer or former officer in the grade of lieutenant colonel or commander or below whose name was referred to it for consideration, the officer or former officer shall be considered to have failed of selection for promotion by the board which did consider the officer but incurs no additional failure of selection for promotion from the action of the special selection board.

"(c) REPORT.—Each special selection board convened under this section shall submit to the Secretary of the military department concerned a written report, signed by each member of the board, containing the name of each officer it recommends for promotion and certifying that the board has considered carefully the record of each officer whose name was referred to it.

"(d) APPLICABLE PROVISIONS.—The provisions of sections 14104, 14109, 14110, and 14111 of this title apply to the report and proceedings of a special selection board convened under this section in the same manner as they apply to the report and proceedings of a promotion board convened under section 14101(a) of this title.

"(e) APPOINTMENT OF OFFICERS RECOMMENDED FOR PROMOTION.—(1) An officer whose name is placed on a promotion list as a result of recommendation for promotion by a special selection board convened under this section, shall, as soon as practicable, be appointed to the next higher grade in accordance with the law and policies which would have been applicable had he been recommended for promotion by the board which should have considered or which did consider him.

"(2) An officer who is promoted to the next higher grade as the result of the recommendation of a special selection board convened under this section shall, upon such promotion, have the same date of rank, the same effective date for the pay and allowances of that grade, and the same position on the reserve active-status list as the officer would have had if the officer had been recommended for promotion to that grade by the selection board which should have considered, or which did consider, the officer.

"(3) If the report of a special selection board convened under this section, as approved by the President, recommends for promotion to the next higher grade an officer not currently eligible for promotion or a former officer whose name was referred to it for consideration, the Secretary concerned may act under section 1552 of this title to correct the military record of the officer or former officer to correct an error or remove an injustice resulting from not being selected for promotion by the board which should have considered, or which did consider, the officer.

"(f) TIME LIMITS FOR CONSIDERATION.—The Secretary of Defense may prescribe by regulation the circumstances under which consideration by a special selection board is contingent upon application for consideration by an officer

or former officer and time limits within which an officer or former officer must make such application in order to be considered by a special selection board under this section.

“(g) **LIMITATION OF OTHER JURISDICTION.**—No official or court of the United States shall have power or jurisdiction—

“(1) over any claim based in any way on the failure of an officer or former officer of the armed forces to be selected for promotion by a selection board convened under chapter 1403 of this title until—

“(A) the claim has been referred to a special selection board by the Secretary concerned and acted upon by that board; or

“(B) the claim has been rejected by the Secretary without consideration by a special selection board; or

“(2) to grant any relief on such a claim unless the officer or former officer has been selected for promotion by a special selection board convened under this section to consider the officer's claim.

“(h) **JUDICIAL REVIEW.**—(1) A court of the United States may review a determination by the Secretary concerned under subsection (a)(1), (b)(1), or (e)(3) not to convene a special selection board. If a court finds the determination to be arbitrary or capricious, not based on substantial evidence, or otherwise contrary to law, it shall remand the case to the Secretary concerned, who shall provide for consideration of the officer or former officer by a special selection board under this section.

“(2) If a court finds that the action of a special selection board which considers an officer or former officer was contrary to law or involved material error of fact or material administrative error, it shall remand the case to the Secretary concerned, who shall provide the officer or former officer reconsideration by a new special selection board.

“(i) **DESIGNATION OF BOARDS.**—The Secretary of the military department concerned may designate a promotion board convened under section 14101(a) of this title as a special selection board convened under this section. A board so designated may function in both capacities.

“§14503. **Discharge of officers with less than five years of commissioned service or found not qualified for promotion to first lieutenant or lieutenant (junior grade)**

“(a) **AUTHORIZED DISCHARGES.**—The Secretary of the military department concerned may discharge any reserve officer who—

“(1) has less than five years of service in an active status as a commissioned officer; or

“(2) is serving in the grade of second lieutenant or ensign and has been found not qualified for promotion to the grade of first lieutenant or lieutenant (junior grade).

“(b) **TIME FOR DISCHARGE.**—(1) An officer described in subsection (a)(2)—

“(A) may be discharged at any time after being found not qualified for promotion; and

“(B) if not sooner discharged, shall be discharged at the end of the 18-month period beginning on the date on which the officer is first found not qualified for promotion.

“(2) Paragraph (1) shall not apply if the officer is sooner promoted.

“(c) **REGULATIONS.**—Discharges under this section shall be made under regulations prescribed by the Secretary of Defense and may be made without regard to section 12645 of this title.

“§14504. **Effect of failure of selection for promotion: reserve first lieutenants of the Army, Air Force, and Marine Corps and reserve lieutenants (junior grade) of the Navy**

“(a) **GENERAL RULE.**—A first lieutenant on the reserve active-status list of the Army, Air Force, or Marine Corps or a lieutenant (junior grade) on the reserve active-status list of the

Navy who has failed of selection for promotion to the next higher grade for the second time and whose name is not on a list of officers recommended for promotion to the next higher grade shall be separated in accordance with section 14513 of this title not later than the first day of the seventh month after the month in which the President approves the report of the board which considered the officer for the second time.

“(b) **EXCEPTIONS.**—Subsection (a) does not apply (1) in the case of an officer retained as provided by regulation of the Secretary of the military department concerned in order to meet planned mobilization needs for a period not in excess of 24 months beginning with the date on which the President approves the report of the selection board which resulted in the second failure, or (2) as provided in section 12646 or 12686 of this title.

“§14505. **Effect of failure of selection for promotion: reserve captains of the Army, Air Force, and Marine Corps and reserve lieutenants of the Navy**

“Unless retained as provided in section 12646 or 12686 of this title, a captain on the reserve active-status list of the Army, Air Force, or Marine Corps or a lieutenant on the reserve active-status list of the Navy who has failed of selection for promotion to the next higher grade for the second time and whose name is not on a list of officers recommended for promotion to the next higher grade and who has not been selected for continuation on the reserve active-status list under section 14701 of this title, shall be separated in accordance with section 14513 of this title not later than the first day of the seventh month after the month in which the President approves the report of the board which considered the officer for the second time.

“§14506. **Effect of failure of selection for promotion: reserve majors of the Army, Air Force and Marine Corps and reserve lieutenant commanders of the Navy**

“Unless retained as provided in section 12646, 12686, 14701, or 14702 of this title, each reserve officer of the Army, Navy, Air Force, or Marine Corps who holds the grade of major or lieutenant commander who has failed of selection to the next higher grade for the second time and whose name is not on a list of officers recommended for promotion to the next higher grade shall, if not earlier removed from the reserve active-status list, be removed from that list in accordance with section 14513 of this title on the first day of the month after the month in which the officer completes 20 years of commissioned service.

“§14507. **Removal from the reserve active-status list for years of service: reserve lieutenant colonels and colonels of the Army, Air Force, and Marine Corps and reserve commanders and captains of the Navy**

“(a) **LIEUTENANT COLONELS AND COMMANDERS.**—Unless continued on the reserve active-status list under section 14701 or 14702 of this title or retained as provided in section 12646 or 12686 of this title, each reserve officer of the Army, Navy, Air Force, or Marine Corps who holds the grade of lieutenant colonel or commander and who is not on a list of officers recommended for promotion to the next higher grade shall (if not earlier removed from the reserve active-status list) be removed from that list under section 14514 of this title on the first day of the month after the month in which the officer completes 28 years of commissioned service.

“(b) **COLONELS AND NAVY CAPTAINS.**—Unless continued on the reserve active-status list under section 14701 or 14702 of this title or retained as provided in section 12646 or 12686 of this title, each reserve officer of the Army, Air Force, or Marine Corps who holds the grade of colonel,

and each reserve officer of the Navy who holds the grade of captain, and who is not on a list of officers recommended for promotion to the next higher grade shall (if not earlier removed from the reserve active-status list) be removed from that list under section 14514 of this title on the first day of the month after the month in which the officer completes 30 years of commissioned service. This subsection does not apply to the adjutant general or assistant adjutants general of a State.

“§14508. **Removal from the reserve active-status list for years of service: reserve general and flag officers**

“(a) **THIRTY YEARS SERVICE OR FIVE YEARS IN GRADE.**—Unless retired, transferred to the Retired Reserve, or discharged at an earlier date, each reserve officer of the Army, Air Force, or Marine Corps in the grade of brigadier general who has not been recommended for promotion to the grade of major general, and each reserve officer of the Navy in the grade of rear admiral (lower half) who has not been recommended for promotion to rear admiral shall, 30 days after completion of 30 years of commissioned service or on the fifth anniversary of the date of the officer's appointment in the grade of brigadier general or rear admiral (lower half), whichever is later, be separated in accordance with section 14514 of this title.

“(b) **THIRTY-FIVE YEARS SERVICE OR FIVE YEARS IN GRADE.**—Unless retired, transferred to the Retired Reserve, or discharged at an earlier date, each reserve officer of the Army, Air Force, or Marine Corps in the grade of major general, and each reserve officer of the Navy in the grade of rear admiral, shall, 30 days after completion of 35 years of commissioned service or on the fifth anniversary of the date of the officer's appointment in the grade of major general or rear admiral, whichever is later, be separated in accordance with section 14514 of this title.

“(c) **RETENTION OF BRIGADIER GENERALS.**—A reserve officer of the Army or Air Force in the grade of brigadier general who would otherwise be removed from an active status under this subsection (a) may, in the discretion of the Secretary of the Army or the Secretary of the Air Force, as the case may be, be retained in an active status, but not later than the date on which the officer becomes 60 years of age. Not more than 10 officers of the Army and not more than 10 officers of the Air Force may be retained under this subsection at any one time.

“(d) **RETENTION OF MAJOR GENERALS.**—A reserve officer of the Army or Air Force in the grade of major general who would otherwise be removed from an active status under this subsection (b) may, in the discretion of the Secretary of the Army or the Secretary of the Air Force, as the case may be, be retained in an active status, but not later than the date on which the officer becomes 62 years of age. Not more than 10 officers of the Army and not more than 10 officers of the Air Force may be retained under this subsection at any one time.

“(e) **EXCEPTION FOR STATE ADJUTANTS GENERAL AND ASSISTANT ADJUTANTS GENERAL.**—This section does not apply to an officer who is the adjutant general or assistant adjutant general of a State.

“§14509. **Separation at age 60: reserve officers in grades below brigadier general or rear admiral (lower half)**

“Each reserve officer of the Army, Navy, Air Force, or Marine Corps in a grade below brigadier general or rear admiral (lower half) who has not been recommended for promotion to the grade of brigadier general or rear admiral (lower half) and is not a member of the Retired Reserve shall, on the last day of the month in which

that officer becomes 60 years of age, be separated in accordance with section 14515 of this title.

"§14510. Separation at age 60: reserve brigadier generals and rear admirals (lower half)

"Unless retired, transferred to the Retired Reserve, or discharged at an earlier date, each reserve officer of the Army, Air Force, or Marine Corps in the grade of brigadier general who has not been recommended for promotion to the grade of major general, and each reserve rear admiral (lower half) of the Navy who has not been recommended for promotion to the grade of rear admiral, except an officer covered by section 14512 of this title, shall be separated in accordance with section 14515 of this title on the last day of the month in which the officer becomes 60 years of age.

"§14511. Separation at age 62: major generals and rear admirals

"Unless retired, transferred to the Retired Reserve, or discharged at an earlier date, each reserve officer of the Army, Air Force, or Marine Corps in the grade of major general and each reserve officer of the Navy in the grade of rear admiral, except an officer covered by section 14512 of this title, shall be separated in accordance with section 14515 of this title on the last day of the month in which the officer becomes 62 years of age.

"§14512. Separation at age 64: officers holding certain offices

"(a) ARMY AND AIR FORCE.—Unless retired, transferred to the Retired Reserve, or discharged at an earlier date, a reserve officer of the Army or Air Force who is Chief of the National Guard Bureau, an adjutant general, or if a reserve officer of the Army, commanding general of the troops of a State, shall on the last day of the month in which the officer becomes 64 years of age, be separated in accordance with section 14515 of this title.

"(b) NAVY AND MARINE CORPS.—The Secretary of the Navy may defer the retirement under section 14510 or 14511 of a reserve officer of the Navy in a grade above captain or a reserve officer of the Marine Corps in a grade above colonel and retain the officer in an active status until the officer becomes 64 years of age. Not more than 10 officers may be so deferred at any one time, distributed between the Naval Reserve and the Marine Corps Reserve as the Secretary determines.

"§14513. Separation for failure of selection of promotion

"Each reserve officer of the Army, Navy, Air Force, or Marine Corps who is in an active status and whose removal from an active status or from a reserve active-status list is required by section 14504, 14505, or 14506 of this title shall (unless the officer's separation is deferred or the officer is continued in an active status under another provision of law) not later than the date specified in those sections—

"(1) be transferred to an inactive status if the Secretary concerned determines that the officer has skills which may be required to meet the mobilization needs of the officer's armed force;

"(2) be transferred to the Retired Reserve, if the officer is qualified and applies for such transfer; or

"(3) if the officer is not transferred to an inactive status or to the Retired Reserve, be discharged from the officer's reserve appointment.

"§14514. Discharge or retirement for years of service or after selection for early removal

"Each reserve officer of the Army, Navy, Air Force, or Marine Corps who is in an active status and who is required to be removed from an active status or from a reserve active-status list, as the case may be, under section 14507, 14508,

14704, or 14705 of this title (unless the officer is sooner separated or the officer's separation is deferred or the officer is continued in an active status under another provision of law), in accordance with those sections, shall—

"(1) be transferred to the Retired Reserve, if the officer is qualified and applies for such transfer; or

"(2) if the officer is not qualified or does not apply for such transfer, be discharged from the officer's reserve appointment.

"§14515. Discharge or retirement for age

"Each reserve officer of the Army, Navy, Air Force, or Marine Corps who is in an active status or on an inactive status list and who reaches the maximum age specified in section 14509, 14510, 14511, or 14512 of this title for the officer's grade or position shall (unless the officer is sooner separated or the officer's separation is deferred or the officer is continued in an active status under another provision of law) not later than the last day of the month in which the officer reaches that maximum age—

"(1) be transferred to the Retired Reserve, if the officer is qualified and applies for such transfer; or

"(2) if the officer is not qualified or does not apply for transfer to the Retired Reserve, be discharged from the officer's reserve appointment.

"§14516. Separation to be considered involuntary

"The separation of an officer pursuant to section 14513, 14514, or 14515 of this title shall be considered to be an involuntary separation for purposes of any other provision of law.

"§14517. Entitlement of officers discharged under this chapter to separation pay

"An officer who is discharged under section 14513, 14514, or 14515 of this title is entitled to separation pay under section 1174 of this title if otherwise eligible under that section.

"CHAPTER 1409—CONTINUATION OF OFFICERS ON THE RESERVE ACTIVE-STATUS LIST AND SELECTIVE EARLY REMOVAL

"Sec.

"14701. Selection of officers for continuation on the reserve active-status list.

"14702. Retention on reserve active-status list of certain officers until age 60.

"14703. Authority to retain chaplains and officers in medical specialties until specified age.

"14704. Selective early removal from the reserve active-status list.

"14705. Selective early retirement: reserve general and flag officers of the Navy and Marine Corps.

"14706. Computation of total years of service.

"§14701. Selection of officers for continuation on the reserve active-status list

"(a) CONSIDERATION FOR CONTINUATION.—(1) Upon application, a reserve officer of the Army, Navy, Air Force, or Marine Corps who is required to be removed from the reserve active-status list under section 14505, 14506, or 14507 of this title may, subject to the needs of the service and to section 14509 of this title, be considered for continuation on the reserve active-status list by a selection board convened under section 14101(b) of this title.

"(2) A reserve officer who holds the grade of captain in the Army, Air Force, or Marine Corps or the grade of lieutenant in the Navy and who is subject to separation under section 14513 of this title may not be continued on the reserve active-status list under this subsection for a period which extends beyond the last day of the month in which the officer completes 20 years of commissioned service.

"(3) A reserve officer who holds the grade of major or lieutenant commander and who is subject to separation under section 14513 of this

title may not be continued on the reserve active-status list under this subsection for a period which extends beyond the last day of the month in which the officer completes 24 years of commissioned service.

"(4) A reserve officer who holds the grade of lieutenant colonel or commander and who is subject to separation under section 14514 of this title may not be continued on the reserve active-status list under this subsection for a period which extends beyond the last day of the month in which the officer completes 33 years of commissioned service.

"(5) A reserve officer who holds the grade of colonel in the Army, Air Force, or Marine Corps or the grade of captain in the Navy and who is subject to separation under section 14514 of this title may not be continued on the reserve active-status list under this subsection for a period which extends beyond the last day of the month in which the officer completes 35 years of commissioned service.

"(6) An officer who is selected for continuation on the reserve active-status list as a result of the convening of a selection board under section 14101(b) of this title but who declines to continue on that list shall be separated in accordance with section 14513 or 14514 of this title, as the case may be.

"(7) Each officer who is continued on the reserve active-status list under this section, who is not subsequently promoted or continued on the active-status list, and whose name is not on a list of officers recommended for promotion to the next higher grade shall (unless sooner separated under another provision of law) be separated in accordance with section 14513 or 14514 of this title, as appropriate, upon the expiration of the period for which the officer was continued on the reserve active-status list.

"(b) APPROVAL OF SECRETARY CONCERNED.—Continuation of an officer on the reserve active-status list under this section pursuant to action of a continuation board convened under section 14101(b) of this title is subject to the approval of the Secretary of the military department concerned.

"(c) INSTRUCTIONS TO CONTINUATION BOARDS.—A continuation board convened under section 14101(b) of this title to consider officers for continuation on the reserve active-status list under this section shall act in accordance with the instructions and directions provided to the board by the Secretary of the military department concerned.

"(d) REGULATIONS.—The Secretary of Defense shall prescribe regulations for the administration of this section.

"§14702. Retention on reserve active-status list of certain officers until age 60

"(a) RETENTION.—Notwithstanding the provisions of section 14506 or 14507 of this title, the Secretary of the military department concerned may, with the officer's consent, retain on the reserve active-status list an officer in the grade of major, lieutenant colonel, or colonel who is—

"(1) an officer of the Army National Guard of the United States and assigned to a headquarters or headquarters detachment of a State; or

"(2) a reserve officer of the Army or Air Force who, as a condition of continued employment as a National Guard or Reserve technician is required by the Secretary concerned to maintain membership in a Selected Reserve unit or organization.

"(b) SEPARATION AT AGE 60.—An officer may be retained under this section only so long as the officer continues to meet the conditions of subsection (a)(1) or (a)(2). An officer may not be retained under this section after the last day of the month in which the officer becomes 60 years of age.

"§14703. Authority to retain chaplains and officers in medical specialties until specified age

"(a) RETENTION.—Notwithstanding any provision of chapter 1407 of this title and except for officers referred to in sections 14503, 14504, 14505, and 14506 of this title and under regulations prescribed by the Secretary of Defense—

"(1) the Secretary of the Army may, with the officer's consent, retain in an active status any reserve officer assigned to the Medical Corps, the Dental Corps, the Veterinary Corps, the Medical Services Corps (if the officer has been designated as allied health officer or biomedical sciences officer in that Corps), the Optometry Section of the Medical Services Corps, the Chaplains, the Army Nurse Corps, or the Army Medical Specialists Corps;

"(2) the Secretary of the Navy may, with the officer's consent, retain in an active status any reserve officer appointed in the Medical Corps, Dental Corps, Nurse Corps, or Chaplain Corps or appointed in the Medical Services Corps and designated to perform as a veterinarian, optometrist, podiatrist, allied health officer, or biomedical sciences officer; and

"(3) the Secretary of the Air Force may, with the officer's consent, retain in an active status any reserve officer who is designated as a medical officer, dental officer, veterinary officer, Air Force nurse, or chaplain or who is designated as a biomedical sciences officer and is qualified for service as a veterinarian, optometrist, or podiatrist.

"(b) SEPARATION AT SPECIFIED AGE.—An officer may not be retained in active status under this section later than the date on which the officer becomes 67 years of age (or, in the case of a reserve officer of the Army in the Chaplains or a reserve officer of the Air Force designated as a chaplain, 60 years of age).

"§14704. Selective early removal from the reserve active-status list

"(a) BOARDS TO RECOMMEND OFFICERS FOR REMOVAL FROM RESERVE ACTIVE-STATUS LIST.—Whenever the Secretary of the military department concerned determines that there are in any reserve component under the jurisdiction of the Secretary too many officers in any grade and competitive category who have at least 30 years of service computed under section 14706 of this title or at least 20 years of service computed under section 12732 of this title, the Secretary may convene a selection board under section 14101(b) of this title to consider all officers on that list who are in that grade and competitive category, and who have that amount of service, for the purpose of recommending officers by name for removal from the reserve active-status list, in the number specified by the Secretary by each grade and competitive category.

"(b) SEPARATION OF OFFICERS SELECTED.—In the case of an officer recommended for separation in the report of a board under subsection (a), the Secretary may separate the officer in accordance with section 14514 of this title.

"(c) REGULATIONS.—The Secretary of the military department concerned shall prescribe regulations for the administration of this section.

"§14705. Selective early retirement: reserve general and flag officers of the Navy and Marine Corps

"(a) AUTHORITY TO CONSIDER.—An officer in the Naval Reserve in an active status serving in the grade of rear admiral (lower half) or rear admiral and an officer in the Marine Corps Reserve in an active status serving in the grade of brigadier general or major general may be considered for early retirement whenever the Secretary of the Navy determines that such action is necessary.

"(b) BOARDS.—If the Secretary of the Navy determines that consideration for early retire-

ment under this section is necessary, the Secretary shall convene a board under section 14101(b) of this title to recommend an appropriate number of officers for early retirement.

"(c) SEPARATION UNDER SECTION 14514.—An officer selected for early retirement under this section shall be separated in accordance with section 14514 of this title.

"§14706. Computation of total years of service

"For the purpose of this chapter and chapter 1407 of this title, a reserve officer's years of service include all service, other than constructive service, of the officer as a commissioned officer of any uniformed service (other than service as a warrant officer).

"CHAPTER 1411—ADDITIONAL PROVISIONS RELATING TO INVOLUNTARY SEPARATION

"Sec.

"14901. Separation of chaplains for loss of professional qualifications.

"14902. Separation for substandard performance and for certain other reasons.

"14903. Boards of inquiry.

"14904. Rights and procedures.

"14905. Officer considered for removal: retirement or discharge.

"14906. Officers eligible to serve on boards.

"14907. Army National Guard of the United States and Air National Guard of the United States: discharge and withdrawal of Federal recognition of officers absent without leave.

"§14901. Separation of chaplains for loss of professional qualifications

"(a) SEPARATION.—Under regulations prescribed by the Secretary of Defense, an officer on the reserve active-status list who is appointed or designated as a chaplain may, if the officer fails to maintain the qualifications needed to perform the professional function of a chaplain, be discharged. The authority under the preceding sentence applies without regard to the provisions of section 12645 of this title.

"(b) EFFECT OF SEPARATION.—If an officer separated under this section is eligible for retirement, the officer may be retired. If the officer has completed the years of service required for eligibility for retired pay under chapter 1223 of this title, the officer may be transferred to the Retired Reserve.

"§14902. Separation for substandard performance and for certain other reasons

"(a) SUBSTANDARD PERFORMANCE OF DUTY.—The Secretary of the military department concerned shall prescribe, by regulation, procedures for the review at any time of the record of any reserve officer to determine whether that officer should be required, because that officer's performance has fallen below standards prescribed by the Secretary concerned, to show cause for retention in an active status.

"(b) MISCONDUCT, ETC.—The Secretary of the military department concerned shall prescribe, by regulation, procedures for the review at any time of the record of any reserve officer to determine whether that officer should be required, because of misconduct, because of moral or professional dereliction, or because the officer's retention is not clearly consistent with the interests of national security, to show cause for retention in an active status.

"(c) REGULATIONS.—The authority of the Secretary of a military department under this section shall be carried out subject to such limitations as the Secretary of Defense may prescribe by regulation.

"§14903. Boards of inquiry

"(a) CONVENING OF BOARDS.—The Secretary of the military department concerned shall convene a board of inquiry at such time and place as the Secretary may prescribe to receive evi-

dence and review the case of any officer who has been required to show cause for retention in an active status under section 14902 of this title. Each board of inquiry shall be composed of not less than three officers who have the qualifications prescribed in section 14906 of this title.

"(b) RIGHT TO FAIR HEARING.—A board of inquiry shall give a fair and impartial hearing to each officer required under section 14902 of this chapter to show cause for retention in an active status.

"(c) RECOMMENDATIONS TO SECRETARY.—If a board of inquiry determines that the officer has failed to establish that the officer should be retained in an active status, the board shall recommend to the Secretary concerned that the officer not be retained in an active status.

"(d) ACTION BY SECRETARY.—After review of the recommendation of the board of inquiry, the Secretary may—

"(1) remove the officer from an active status; or

"(2) determine that the case be closed.

"(e) ACTION IN CASES WHERE CAUSE FOR RETENTION IS ESTABLISHED.—(1) If a board of inquiry determines that an officer has established that the officer should be retained in an active status or if the Secretary determines that the case be closed, the officer's case is closed.

"(2) An officer who is required to show cause for retention under section 14902(a) of this title and whose case is closed under paragraph (1) may not again be required to show cause for retention under such subsection during the one-year period beginning on the date of that determination.

"(3)(A) Subject to subparagraph (B), an officer who is required to show cause for retention under section 14902(b) of this title and whose case is closed under paragraph (1) may again be required to show cause for retention at any time.

"(B) An officer who has been required to show cause for retention under section 14902(b) of this title and who is thereafter retained in an active status may not again be required to show cause for retention under such section solely because of conduct which was the subject of the previous proceeding, unless the recommendations of the board of inquiry that considered the officer's case are determined to have been obtained by fraud or collusion.

"§14904. Rights and procedures

"(a) PROCEDURAL RIGHTS.—Under regulations prescribed by the Secretary of Defense, an officer required under section 14902 of this title to show cause for retention in an active status—

"(1) shall be notified in writing, at least 30 days before the hearing of the officer's case by a board of inquiry, of the reasons for which the officer is being required to show cause for retention in an active status;

"(2) shall be allowed a reasonable time, as determined by the board of inquiry, to prepare for showing of cause for retention in an active status;

"(3) shall be allowed to appear in person and to be represented by counsel at proceedings before the board of inquiry; and

"(4) shall be allowed full access to, and shall be furnished copies of, records relevant to the case, except that the board of inquiry shall withhold any record that the Secretary concerned determines should be withheld in the interest of national security.

"(b) SUMMARY OF RECORDS WITHHELD.—When a record is withheld under subsection (a)(4), the officer whose case is under consideration shall, to the extent that the interest of national security permits, be furnished a summary of the record so withheld.

"§14905. Officer considered for removal: retirement or discharge

"(a) VOLUNTARY RETIREMENT OR DISCHARGE.—At any time during proceedings under

this chapter with respect to the removal of an officer from an active status, the Secretary of the military department concerned may grant a request by the officer—

"(1) for voluntary retirement, if the officer is qualified for retirement;

"(2) for transfer to the Retired Reserve if the officer has completed the years of service required for eligibility for retired pay under chapter 1223 of this title and is otherwise eligible for transfer to the Retired Reserve; or

"(3) for discharge in accordance with subsection (b)(3).

"(b) **REQUIRED RETIREMENT OR DISCHARGE.**—An officer removed from an active status under section 14903 of this title shall—

"(1) if eligible for voluntary retirement under any provision of law on the date of such removal, be retired in the grade and with the retired pay for which he would be eligible if retired under that provision;

"(2) if eligible for transfer to the Retired Reserve and has completed the years of service required for retired pay under chapter 1223 of this title, be transferred to the Retired Reserve; and

"(3) if ineligible for retirement or transfer to the Retired Reserve under paragraph (1) or (2) on the date of such removal—

"(A) be honorably discharged in the grade then held, in the case of an officer whose case was brought under subsection (a) of section 14902 of this title; or

"(B) be discharged in the grade then held, in the case of an officer whose case was brought under subsection (b) of section 14902 of this title.

"(c) **SEPARATION PAY.**—An officer who is discharged under subsection (b)(3) is entitled, if eligible therefor, to separation pay under section 1174(c) of this title.

"§14906. Officers eligible to serve on boards

"(a) **COMPOSITION OF BOARDS.**—(1) Each officer who serves on a board convened under this chapter shall be an officer of the same armed force as the officer being required to show cause for retention in an active status.

"(2) An officer may not serve on a board under this chapter unless the officer holds a grade above lieutenant colonel or commander and is senior in grade and rank to any officer considered by the board.

"(b) **LIMITATION.**—A person may not be a member of more than one board convened under this chapter to consider the same officer.

"§14907. Army National Guard of the United States and Air National Guard of the United States: discharge and withdrawal of Federal recognition of officers absent without leave

"(a) **AUTHORITY TO WITHDRAW FEDERAL RECOGNITION.**—If an officer of the Army National Guard of the United States or the Air National Guard of the United States has been absent without leave for three months, the Secretary of the Army or the Secretary of the Air Force, as appropriate, may—

"(1) terminate the reserve appointment of the officer; and

"(2) withdraw the officer's Federal recognition as an officer of the National Guard.

"(b) **DISCHARGE FROM RESERVE APPOINTMENT.**—An officer of the Army National Guard of the United States or the Air National Guard of the United States whose Federal recognition as an officer of the National Guard is withdrawn under section 323(b) of title 32 shall be discharged from the officer's appointment as a reserve officer of the Army or the Air Force, as the case may be."

PART II—CONFORMING AMENDMENTS

SEC. 1621. DEFINITION OF RESERVE ACTIVE-STATUS LIST.

Section 101(c) is amended by adding at the end the following new paragraph:

"(7) The term 'reserve active-status list' means a single list for the Army, Navy, Air Force, or Marine Corps (required to be maintained under section 14002 of this title) that contains the names of all officers of that armed force except warrant officers (including commissioned warrant officers) who are in an active status in a reserve component of the Army, Navy, Air Force, or Marine Corps and are not on an active-duty list."

SEC. 1622. AUTHORITY TO SUSPEND OFFICER PERSONNEL LAWS DURING WAR OR NATIONAL EMERGENCY.

(a) **AUTHORITY.**—Section 123 is amended to read as follows:

"§123. Authority to suspend officer personnel laws during war or national emergency

"(a) In time of war, or of national emergency declared by Congress or the President after November 30, 1980, the President may suspend the operation of any provision of law relating to the promotion, involuntary retirement, or separation of commissioned officers of the Army, Navy, Air Force, Marine Corps, or Coast Guard Reserve. So long as such war or national emergency continues, any such suspension may be extended by the President.

"(b) Any such suspension shall, if not sooner ended, end on the last day of the two-year period beginning on the date on which the suspension (or the last extension thereof) takes effect or on the last day of the one-year period beginning on the date of the termination of the war or national emergency, whichever occurs first. With respect to the end of any such suspension, the preceding sentence supersedes the provisions of title II of the National Emergencies Act (50 U.S.C. 1621–1622) which provide that powers or authorities exercised by reason of a national emergency shall cease to be exercised after the date of the termination of the emergency.

"(c) If a provision of law pertaining to the promotion of reserve officers is suspended under this section and if the Secretary of Defense submits to Congress proposed legislation to adjust the grades and dates of rank of reserve commissioned officers other than commissioned warrant officers, such proposed legislation shall, so far as practicable, be the same as that recommended for adjusting the grades and dates of rank of officers of the regular component of the armed force concerned."

(b) **CONFORMING REPEAL.**—Section 644 is repealed.

SEC. 1623. ACTIVE-DUTY LIST PROMOTION BOARDS TO HAVE AUTHORITY TO RECOMMEND THAT RESERVE OFFICERS CONSIDERED FOR PROMOTION BE REQUIRED TO SHOW CAUSE FOR RETENTION ON ACTIVE DUTY.

Section 617(b) is amended—

(1) by inserting "or reserve" after "any regular"; and

(2) by inserting "or 1411" after "chapter 60".

SEC. 1624. APPLICABILITY OF CHAPTER 36 TO RESERVE OFFICERS DURING WAR OR NATIONAL EMERGENCY.

Section 641 is amended—

(1) by inserting "(a)" before "Officers in the following"; and

(2) by adding at the end the following:

"(b) Under regulations prescribed by the Secretary of the military department concerned, a reserve officer who is ordered to active duty (whether voluntarily or involuntarily) during a war or national emergency and who would otherwise be placed on the active-duty list may be excluded from that list as determined by the Secretary concerned. Exclusion of an officer from the active-duty list as the result of action by the Secretary concerned under the preceding sentence shall expire not later than 24 months after the date on which the officer enters active duty under an order to active duty covered by that sentence."

SEC. 1625. GRADE IN WHICH RESERVE OFFICERS ARE ORDERED TO ACTIVE DUTY.

Section 689 is amended—

(1) by inserting "or full-time National Guard duty" after "active duty" the first two places it appears; and

(2) by inserting "and placed on the active-duty list" after "active duty" the third place it appears.

SEC. 1626. DATE OF RANK.

Section 741(d)(3) is amended—

(1) by inserting "or who is transferred from an inactive status to an active status and placed on the active-duty list or the reserve active-status list" after "warrant officer (W-5)";

(2) by inserting "or reserve active-status list" after "active-duty list" the second place it appears; and

(3) by adding at the end: "The authority to change the date of rank of a reserve officer who is placed on the active-duty list to a later date does not apply in the case of an officer who (A) has served continuously in the Selected Reserve of the Ready Reserve since the officer's last promotion, or (B) is placed on the active-duty list while on a promotion list as described in section 14317(b) of this title."

SEC. 1627. DISCHARGE BEFORE COMPLETION OF REQUIRED SERVICE IN CASE OF OFFICERS HAVING TWICE FAILED OF SELECTION FOR CAPTAIN OR NAVY LIEUTENANT.

Section 1005(b) is amended—

(1) by striking out "or" at the end of paragraph (1);

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

(3) by adding at the end the following:

"(3) an officer on the active-duty list or reserve active-status list who has failed of selection for promotion for the second time to the grade of captain, in the case of an officer of the Army, Air Force, or Marine Corps, or to the grade of lieutenant, in the case of an officer of the Navy; or

"(4) an officer whose discharge or transfer from an active status is required by law."

SEC. 1628. CONFORMING AMENDMENTS RELATING TO NAVY AND MARINE CORPS OFFICERS.

Section 6389 is amended—

(1) in subsection (a)—

(A) by inserting "while on the active-duty list" after "to the next higher grade"; and

(B) by striking out the period at the end and inserting in lieu thereof "or released from active duty and placed on the reserve active-status list";

(2) in subsection (b), by striking out "or (f)";

(3) in subsection (c)—

(A) by inserting "(1)" after "(c)";

(B) by striking out "lieutenant commander or above" both places it appears and inserting in lieu thereof "lieutenant commander or commander";

(C) by striking out "major or above" both places it appears and inserting in lieu thereof "major or lieutenant colonel";

(D) by inserting "while on the active-duty list" after "to the next higher grade" in the first sentence; and

(E) in the table—

(i) by striking out the line relating to the grades of captain in the Navy and colonel in the Marine Corps; and

(ii) by striking out "26 years" and inserting in lieu thereof "28 years";

(F) by designating the sentence after the table as paragraph (2) and in that sentence striking out "the first sentence of this subsection" and inserting in lieu thereof "the first sentence of paragraph (1)";

(G) by designating the next sentence as paragraph (3) and in that sentence striking out "the

first two sentences of this subsection" and inserting in lieu thereof "paragraph (1)"; and

(H) by designating the last sentence as paragraph (4) and in that sentence—

(i) striking out "the first two sentences of this subsection" and inserting in lieu thereof "paragraph (1)"; and

(ii) striking out "captain or"; and

(4) by striking out subsections (e), (f), and (g).

SEC. 1629. REPEAL OF RESERVE OFFICER PERSONNEL POLICY LAWS.

(a) ARMY PROVISIONS.—

(1) Chapter 337, relating to appointments as reserve officers (other than sections 3351 and 3352), is repealed.

(2) Chapter 361, relating to separation for various reasons, is repealed.

(3) Chapter 363, relating to separation or transfer to the Retired Reserve, is repealed.

(b) NAVY AND MARINE CORPS PROVISIONS.—

(1) Chapter 541, relating to running mates as reserve officers, is repealed.

(2) Chapter 549, relating to reserve promotions, is repealed.

(3) Sections 6391, 6392, 6397, 6403, and 6410 are repealed.

(c) AIR FORCE PROVISIONS.—

(1) Chapter 837, relating to appointments as reserve officers (other than sections 8351 and 8352), is repealed.

(2) Sections 8819 and 8820 are repealed.

(3) Chapter 863, relating to separation or transfer to the Retired Reserve, is repealed.

SEC. 1630. AMENDMENTS TO TITLE 32, UNITED STATES CODE.

Title 32, United States Code, is amended as follows:

(1) Sections 309 and 310 are amended to read as follows:

"§309. Federal recognition of National Guard officers: officers promoted to fill vacancies

"Each officer of the National Guard who is promoted to fill a vacancy in a federally recognized unit of the National Guard, and who has been on the reserve active-status list or the active-duty list of the Army or the Air Force for at least one year and has completed the minimum years of service in grade specified in section 14303 of title 10, shall be examined for Federal recognition in the grade to which the officer is promoted.

"§310. Federal recognition of National Guard officers: automatic recognition

"(a) Notwithstanding sections 307 and 309 of this title, if a second lieutenant of the National Guard is promoted to the grade of first lieutenant to fill a vacancy in a federally recognized unit in the National Guard, Federal recognition is automatically extended to that officer in the grade of first lieutenant, effective as of the date on which that officer has completed the service in the grade specified in section 14303(a)(1) of title 10 and has met such other requirements as prescribed by the Secretary concerned under section 14308(b) of that title, if the officer has remained in an active status since the officer was so recommended.

"(b) Notwithstanding sections 307 and 309 of this title, if an officer of the Army Reserve or the Air Force Reserve in a reserve grade above second lieutenant is appointed in the next higher grade in the National Guard to fill a vacancy in a federally recognized unit in the National Guard, Federal recognition is automatically extended to that officer in the grade in which the officer is so appointed in the National Guard if the officer has been recommended for promotion under chapter 1405 of title 10 and has remained in an active status since the officer was so recommended. The extension of Federal recognition under this subsection is effective as of the date when the officer is appointed in the National Guard."

(2) Section 323 is amended by striking out subsections (d) and (e) and inserting in lieu thereof the following:

"(d) The Federal recognition of a reserve commissioned officer of the Army or the Air Force who is—

"(1) federally recognized as an officer of the National Guard; and

"(2) subject to involuntary transfer to the Retired Reserve, transfer to an inactive status list, or discharge under chapter 1407, 1409, or 1411 of title 10;

shall, if not sooner withdrawn, be withdrawn on the date of such involuntary transfer or discharge."

Subtitle B—Other Personnel Policy Amendments

PART I—APPOINTMENTS

SEC. 1631. REPEAL OF SEPARATE AUTHORITY FOR ACCESSION OF WOMEN IN RESERVE COMPONENTS.

(a) ENLISTMENTS.—Section 510 is amended—

(1) by striking out subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(b) APPOINTMENT OF OFFICERS.—Section 591 is amended—

(1) by striking out subsection (c); and

(2) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

SEC. 1632. APPOINTMENT AUTHORITY FOR RESERVE GRADES OF LIEUTENANT COLONEL AND COMMANDER.

Section 593(a) is amended—

(1) in the first sentence, by striking out "Reserves in commissioned grades below lieutenant colonel and commander" and inserting in lieu thereof "reserve officers in commissioned grades of lieutenant colonel and commander or below"; and

(2) in the second sentence, by striking out "Reserves in commissioned grades above major and lieutenant commander" and inserting in lieu thereof "reserve officers in commissioned grades above lieutenant colonel and commander".

SEC. 1633. APPOINTMENT OF FORMER COMMISSIONED OFFICERS IN RESERVE COMPONENTS.

Chapter 34 is amended by inserting after section 596 the following new section:

"§596a. Commissioned officers: appointment of former commissioned officers

"Under regulations prescribed by the Secretary of Defense, a person who is a former commissioned officer may, if otherwise qualified, be appointed as a reserve officer of the Army, Navy, Air Force, or Marine Corps. A person so appointed—

"(1) may be placed on the reserve active-status list of that armed force in the grade equivalent to the permanent regular or reserve grade, and in the same competitive category, in which the person previously served satisfactorily on active duty or in an active status; and

"(2) may be credited for the purpose of determining date of rank under section 741(d) of this title with service in grade equal to that held by that person when discharged or separated."

SEC. 1634. CONSTRUCTIVE CREDIT FOR APPOINTMENT OF OFFICERS IN RESERVE COMPONENTS WITH QUALIFYING EDUCATION OR EXPERIENCE.

Chapter 34 is further amended by inserting after section 596a (as added by section 1633) the following new section:

"§596b. Commissioned officers: service credit upon original appointment

"(a)(1) For the purpose of determining the grade and the rank within grade of a person receiving an original appointment as a reserve commissioned officer (other than a commissioned warrant officer) in the Army, Navy, Air Force,

or Marine Corps, the person shall be credited at the time of the appointment with any commissioned service (other than service as a commissioned warrant officer) performed before such appointment as a regular officer, or as a reserve officer in an active status, in any armed force, the National Oceanic and Atmospheric Administration, or the Public Health Service.

"(2) The Secretary of Defense shall prescribe regulations, which shall apply uniformly among the Army, Navy, Air Force, and Marine Corps, to authorize the Secretary of the military department concerned to limit the amount of prior commissioned service with which a person receiving an original appointment may be credited under paragraph (1), or to deny any such credit, in the case of a person who at the time of such appointment is credited with constructive service under subsection (b).

"(b)(1) Under regulations prescribed by the Secretary of Defense, a person who is receiving an original appointment as a reserve commissioned officer (other than a commissioned warrant officer) of the Army, Navy, Air Force, or Marine Corps, or a designation in, or an assignment to, an officer category in which advanced education or training is required and who has advanced education or training, shall be credited with constructive service for such education, training, or experience, as follows:

"(A) One year for each year of advanced education beyond the baccalaureate degree level, for persons appointed or designated in, or assigned to, officer categories requiring such advanced education or an advanced degree as a prerequisite for such appointment, designation, or assignment. In determining the number of years of constructive service to be credited under this subparagraph to officers in any professional field, the Secretary concerned shall credit an officer with, but with not more than, the number of years of advanced education required by a majority of institutions that award degrees in that professional field for completion of the advanced education or award of the advanced degree.

"(B)(i) Credit for any period of advanced education in a health profession (other than medicine and dentistry) beyond the baccalaureate degree level which exceeds the basic education criteria for such appointment, designation, or assignment, if such advanced education will be directly used by the armed force concerned.

"(ii) Credit for experience in a health profession (other than medicine or dentistry), if such experience will be directly used by the armed force concerned.

"(C) Additional credit of (i) not more than one year for internship or equivalent graduate medical, dental, or other formal health professional training required by the armed forces, and (ii) not more than one year for each additional year of such graduate-level training or experience creditable toward certification in a speciality required by the armed force concerned.

"(D) Additional credit, in unusual cases, based on special experience in a particular field.

"(E) Additional credit for experience as a physician or dentist, if appointed, assigned, or designated as a medical or dental officer.

"(2) If the Secretary of Defense determines that the number of medical or dental officers serving in an active status in a reserve component of the Army, Navy, or Air Force in grades below major or lieutenant commander is critically below the number needed by such reserve component in such grades, the Secretary of Defense may authorize the Secretary of the military department concerned to credit any person who is receiving an original appointment for service as a medical or dental officer with a period of constructive credit in such amount (in addition to any amount credited such person under subsection (b)) as will result in the grade

of such person being that of captain or, in the case of the Naval Reserve, lieutenant.

"(3) Except as authorized by the Secretary concerned in individual cases and under regulations prescribed by the Secretary of Defense in the case of a medical or dental officer, the amount of constructive service credited an officer under this subsection may not exceed the amount required in order for the officer to be eligible for an original appointment as a reserve officer of the Army, Air Force, or Marine Corps in the grade of major or as a reserve officer of the Navy in the grade of lieutenant commander.

"(4) Constructive service credited an officer under this subsection is in addition to any service credited that officer under subsection (a) and shall be credited at the time of the original appointment of the officer or assignment to or designation in an officer category in which advanced education or training or special experience is required.

"(c) Constructive service may not be credited under subsection (b) for education, training, or experience obtained while serving as a commissioned officer (other than a warrant officer) on active duty or in an active status. However, in the case of an officer who completes advanced education or receives an advanced degree while on active duty or in an active status and in less than the number of years normally required to complete such advanced education or receive such advanced degree, constructive service may, subject to regulations prescribed under subsection (a)(2), be credited to the officer under subsection (b)(1)(A) to the extent that the number of years normally required to complete such advanced education or receive such advanced degree exceeds the actual number of years in which such advanced education or degree is obtained by the officer.

"(d) If the Secretary of Defense determines that the number of qualified judge advocates serving on the active-duty list of the Army, Navy, Air Force, or Marine Corps in grades below lieutenant commander or major is critically below the number needed by that armed force in those grades, the Secretary of Defense may authorize the Secretary of the military department concerned to credit any person who is receiving an original appointment with a view to assignment to the Judge Advocate General's Corps of the Army or appointment to the Judge Advocate General's Corps of the Navy, or who is receiving an original appointment in the Air Force or Marine Corps with a view to designation as a judge advocate, with a period of constructive service in such an amount (in addition to any amount credited such person under subsection (b)) as will result in the grade of such person being that of captain or, in the case of the Navy, lieutenant, and the date of rank of such person being junior to that of all other officers of the same grade serving on the active-duty list.

"(e) Constructive service credited an officer under subsection (b) or (d) shall be used only for determining the officer's—

"(1) initial grade as a reserve officer;

"(2) rank in grade; and

"(3) service in grade for promotion eligibility.

"(f) The grade and position on the reserve active-status list of a person receiving an appointment as a reserve officer who at the time of appointment is credited with service under this section shall be determined under regulations prescribed by the Secretary of Defense based upon the amount of service credited."

SEC. 1635. COMPUTATION OF YEARS OF SERVICE FOR TRANSFER OF ARMY OFFICERS TO RETIRED RESERVE.

(a) **INTERIM REPEAL OF OBSOLETE PROVISION.**—Effective for the period beginning on the date of the enactment of this Act and ending on the effective date specified in section 1291, sec-

tion 3853 is amended by striking out "the greater of—" and all that follows and inserting in lieu thereof "the sum of the following:

"(1) The officer's years of service as a commissioned officer of any component of the armed forces or of the Army without specification of component.

"(2) The officer's years of service in a federally recognized commissioned status in the National Guard if his service in the National Guard was continuous from the date of his Federal recognition as an officer in the National Guard to the date of his appointment in the National Guard of the United States."

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply with respect to transfers to the Retired Reserve and to discharges on or after the date of the enactment of this Act.

SEC. 1636. REPEAL OF MISCELLANEOUS OBSOLETE APPOINTMENT AUTHORITIES.

(a) **ARMY RESERVE OFFICERS APPOINTED IN TEMPORARY GRADES.**—Section 3352(a) is amended by striking out the second sentence.

(b) **AIR FORCE AVIATION CADETS.**—Section 8356 is repealed.

(c) **REDUNDANT STATEMENT OF AUTHORITY.**—Section 8379 is repealed.

PART II—SEPARATION AND RETIREMENT

SEC. 1641. COMPUTATION OF HIGHEST GRADE IN WHICH SATISFACTORILY SERVED FOR RESERVE COMMISSIONED OFFICERS AND FORMER OFFICERS.

Section 1370 is amended by adding at the end the following new subsection:

"(d)(1) Unless entitled to a higher grade, or to credit for satisfactory service in a higher grade, under some other provision of law, a person who is entitled to retired pay under chapter 1225 of this title shall, upon application under section 12731 of this title, be credited with satisfactory service in the highest grade in which that person served satisfactorily at any time in the armed forces, as determined by the Secretary concerned in accordance with this subsection.

"(2)(A) In order to be credited with satisfactory service in an officer grade (other than a warrant officer grade) below the grade of lieutenant colonel or commander, a person covered by paragraph (1) must have served satisfactorily in that grade (as determined by the Secretary of the military department concerned) as a reserve commissioned officer in an active status, or in a retired status on active duty, for not less than six months.

"(B) In order to be credited with satisfactory service in an officer grade above major or lieutenant commander and below lieutenant general or vice admiral, a person covered by paragraph (1) must have served satisfactorily in that grade (as determined by the Secretary of the military department concerned) as a reserve commissioned officer in an active status, or in a retired status on active duty, for not less than three years. A person covered by the preceding sentence who has completed at least six months of satisfactory service in grade and is transferred from an active status or discharged as a reserve commissioned officer solely due to the requirements of a nondiscretionary provision of law requiring that transfer or discharge due to the person's age or years of service may be credited with satisfactory service in the grade in which serving at the time of such transfer or discharge, notwithstanding failure of the person to complete three years of service in that grade.

"(3) A person whose length of service in the highest grade held does not meet the service in grade requirements specified in this subsection shall be credited with satisfactory service in the next lower grade in which that person served satisfactorily (as determined by the Secretary of the military department concerned) for not less than six months."

Subtitle C—Reorganization and Consolidation of Laws Relating to Reserve Components

SEC. 1661. LAWS RELATING TO ORGANIZATION AND ADMINISTRATION OF RESERVE COMPONENTS.

(a) **RESERVE COMPONENTS GENERALLY.**—(1) Subtitle E, as added by section 1611, is amended by inserting after the table of chapters at the beginning of the subtitle the following:

"PART I—ORGANIZATION AND ADMINISTRATION

"Chap	Sec.
"1001. Definitions	10001
"1003. Reserve Components Generally ..	10101
"1005. Elements of Reserve Components	10141
"1007. Administration of Reserve Components	10201
"1009. Reserve Forces Policy Boards and Committees	10301
"1011. National Guard Bureau	10501
"1013. Budget Information and Annual Reports to Congress	10541

"CHAPTER 1001—DEFINITIONS

"Sec.	
"10001. Definition of State.	
"§10001. Definition of State	

"In this subtitle, the term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

"CHAPTER 1003—RESERVE COMPONENTS GENERALLY

"Sec.	
"10101. Reserve components named.	
"10102. Purpose of reserve components.	
"10103. Basic policy for order of National Guard into Federal service.	
"10104. Army Reserve: composition.	
"10105. Army National Guard of the United States: composition.	
"10106. Army National Guard: when a component of the Army.	
"10107. Army National Guard of the United States: status when not in Federal service.	
"10108. Naval Reserve: administration.	
"10109. Marine Corps Reserve: administration.	
"10110. Air Force Reserve: composition.	
"10111. Air National Guard of the United States: composition.	
"10112. Air National Guard: when a component of the Air Force.	
"10113. Air National Guard of the United States: status when not in Federal service.	
"10114. Coast Guard Reserve.	

"§10101. Reserve components named

"The reserve components of the armed forces are:

- "(1) The Army National Guard of the United States.
- "(2) The Army Reserve.
- "(3) The Naval Reserve.
- "(4) The Marine Corps Reserve.
- "(5) The Air National Guard of the United States.
- "(6) The Air Force Reserve.
- "(7) The Coast Guard Reserve.

"§10102. Purpose of reserve components

"The purpose of each reserve component is to provide trained units and qualified persons available for active duty in the armed forces, in time of war or national emergency, and at such other times as the national security may require, to fill the needs of the armed forces whenever, during and after the period needed to procure and train additional units and qualified persons to achieve the planned mobilization, more units and persons are needed than are in the regular components.

"§10103. Basic policy for order of the National Guard and reserve components to active duty

"Whenever Congress determines that more units and organizations are needed for the national security than are in the regular components of the ground and air forces, the Army National Guard of the United States and the Air National Guard of the United States, or such parts of them as are needed, together with units of other reserve components necessary for a balanced force, shall be ordered to active duty and retained as long as so needed.

"§10104. Army Reserve: composition

"The Army Reserve includes all Reserves of the Army who are not members of the Army National Guard of the United States.

"§10105. Army National Guard of the United States: composition

"The Army National Guard of the United States is the reserve component of the Army that consists of—

"(1) federally recognized units and organizations of the Army National Guard; and

"(2) members of the Army National Guard who are also Reserves of the Army.

"§10106. Army National Guard: when a component of the Army

"The Army National Guard while in the service of the United States is a component of the Army.

"§10107. Army National Guard of the United States: status when not in Federal service

"When not on active duty, members of the Army National Guard of the United States shall be administered, armed, equipped, and trained in their status as members of the Army National Guard.

"§10108. Naval Reserve: administration

"(a) The Naval Reserve is the reserve component of the Navy. It shall be organized, administered, trained, and supplied under the direction of the Chief of Naval Operations.

"(b) The bureaus and offices of the executive part of the Department of the Navy have the same relation and responsibility to the Naval Reserve as they do to the Regular Navy.

"§10109. Marine Corps Reserve: administration

"(a) The Marine Corps Reserve is the reserve component of the Marine Corps. It shall be organized, administered, trained, and supplied under the direction of the Commandant of the Marine Corps.

"(b) The departments and offices of Headquarters, Marine Corps have the same relation and responsibilities to the Marine Corps Reserve as they do to the Regular Marine Corps.

"§10110. Air Force Reserve: composition

"The Air Force Reserve is a reserve component of the Air Force to provide a reserve for active duty. It consists of the members of the officers' section of the Air Force Reserve and of the enlisted section of the Air Force Reserve. It includes all Reserves of the Air Force who are not members of the Air National Guard of the United States.

"§10111. Air National Guard of the United States: composition

"The Air National Guard of the United States is the reserve component of the Air Force that consists of—

"(1) federally recognized units and organizations of the Air National Guard; and

"(2) members of the Air National Guard who are also Reserves of the Air Force.

"§10112. Air National Guard: when a component of the Air Force

"The Air National Guard while in the service of the United States is a component of the Air Force.

"§10113. Air National Guard of the United States: status when not in Federal service

"When not on active duty, members of the Air National Guard of the United States shall be administered, armed, equipped, and trained in their status as members of the Air National Guard.

"§10114. Coast Guard Reserve

"As provided in section 701 of title 14, the Coast Guard Reserve is a component of the Coast Guard and is organized, administered, trained, and supplied under the direction of the Commandant of the Coast Guard. Laws applicable to the Coast Guard Reserve are set forth in chapter 21 of title 14 (14 U.S.C. 701 et seq.).

"CHAPTER 1005—ELEMENTS OF RESERVE COMPONENTS

"Sec.

"10141. Ready Reserve; Standby Reserve; Retired Reserve: placement and status of members; training categories.

"10142. Ready Reserve generally.

"10143. Ready Reserve: Selected Reserve.

"10144. Ready Reserve: Individual Ready Reserve.

"10145. Ready Reserve: placement in.

"10146. Ready Reserve: transfer from.

"10147. Ready Reserve: training requirements.

"10148. Ready Reserve: failure to satisfactorily perform prescribed training.

"10149. Ready Reserve: continuous screening.

"10150. Ready Reserve: transfer back from Standby Reserve.

"10151. Standby Reserve: composition.

"10152. Standby Reserve: inactive status list.

"10153. Standby Reserve: status of members.

"10154. Retired Reserve.

"§10141. Ready Reserve; Standby Reserve; Retired Reserve: placement and status of members; training categories

"(a) There are in each armed force a Ready Reserve, a Standby Reserve, and a Retired Reserve. Each Reserve shall be placed in one of those categories.

"(b) Reserves who are on the inactive status list of a reserve component, or who are assigned to the inactive Army National Guard or the inactive Air National Guard, are in an inactive status. Members in the Retired Reserve are in a retired status. All other Reserves are in an active status.

"(c) As prescribed by the Secretary concerned, each reserve component except the Army National Guard of the United States and the Air National Guard of the United States shall be divided into training categories according to the degrees of training, including the number and duration of drills or equivalent duties to be completed in stated periods. The designation of training categories shall be the same for all armed forces and the same within the Ready Reserve and the Standby Reserve.

"§10142. Ready Reserve

"(a) The Ready Reserve consists of units or Reserves, or both, liable for active duty as provided in sections 12301 and 12302 of this title.

"(b) The authorized strength of the Ready Reserve is 2,900,000.

"§10143. Ready Reserve: Selected Reserve

"(a) Within the Ready Reserve of each of the reserve components there is a Selected Reserve. The Selected Reserve consists of units, and, as designated by the Secretary concerned, of Reserves, trained as prescribed in section 10147(a)(1) of this title or section 502(a) of title 32, as appropriate.

"(b) The organization and unit structure of the Selected Reserve shall be approved—

"(1) in the case of all reserve components other than the Coast Guard Reserve, by the Secretary of Defense based upon recommendations

from the military departments as approved by the Chairman of the Joint Chiefs of Staff in accordance with contingency and war plans; and

"(2) in the case of the Coast Guard Reserve, by the Secretary of Transportation upon the recommendation of the Commandant of the Coast Guard.

"§10144. Ready Reserve: Individual Ready Reserve

"Within the Ready Reserve of each of the reserve components there is an Individual Ready Reserve. The Individual Ready Reserve consists of those members of the Ready Reserve who are not in the Selected Reserve or the inactive National Guard.

"§10145. Ready Reserve: placement in

"(a) Each person required under law to serve in a reserve component shall, upon becoming a member, be placed in the Ready Reserve of his armed force for his prescribed term of service, unless he is transferred to the Standby Reserve under section 10146(a) of this title.

"(b) The units and members of the Army National Guard of the United States and of the Air National Guard of the United States are in the Ready Reserve of the Army and the Ready Reserve of the Air Force, respectively.

"(c) All Reserves assigned to units organized to serve as units and designated as units in the Ready Reserve are in the Ready Reserve.

"(d) Under such regulations as the Secretary concerned may prescribe, any qualified member of a reserve component or any qualified retired enlisted member of a regular component may, upon his request, be placed in the Ready Reserve. However, a member of the Retired Reserve entitled to retired pay or a retired enlisted member of a regular component may not be placed in the Ready Reserve unless the Secretary concerned makes a special finding that the member's services in the Ready Reserve are indispensable. The Secretary concerned may not delegate his authority under the preceding sentence.

"§10146. Ready Reserve: transfer from

"(a) Subject to subsection (c) and under regulations prescribed by the Secretary of Defense, or by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, a member in the Ready Reserve may be transferred to the Standby Reserve.

"(b) A Reserve who is qualified and so requests may be transferred to the Retired Reserve under regulations prescribed by the Secretary concerned and, in the case of the Secretary of a military department, approved by the Secretary of Defense.

"(c) A member of the Army National Guard of the United States or the Air National Guard of the United States may be transferred to the Standby Reserve only with the consent of the governor or other appropriate authority of the State.

"§10147. Ready Reserve: training requirements

"(a) Except as specifically provided in regulations to be prescribed by the Secretary of Defense, or by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, each person who is enlisted, inducted, or appointed in an armed force, and who becomes a member of the Ready Reserve under any provision of law except section 513 or 10145(b) of this title, shall be required, while in the Ready Reserve, to—

"(1) participate in at least 48 scheduled drills or training periods during each year and serve on active duty for training of not less than 14 days (exclusive of traveltime) during each year; or

"(2) serve on active duty for training not more than 30 days during each year.

"(b) A member who has served on active duty for one year or longer may not be required to perform a period of active duty for training if the first day of that period falls during the last 120 days of the member's required membership in the Ready Reserve.

"§10148. Ready Reserve: failure to satisfactorily perform prescribed training

"(a) A member of the Ready Reserve covered by section 10147 of this title who fails in any year to perform satisfactorily the training duty prescribed in that section, as determined by the Secretary concerned under regulations prescribed by the Secretary of Defense, may be ordered without his consent to perform additional active duty for training for not more than 45 days. If the failure occurs during the last year of his required membership in the Ready Reserve, his membership is extended until he performs that additional active duty for training, but not for more than six months.

"(b) A member of the Army National Guard of the United States or the Air National Guard of the United States who fails in any year to perform satisfactorily the training duty prescribed by or under law for members of the Army National Guard or the Air National Guard, as the case may be, as determined by the Secretary concerned, may, upon the request of the Governor of the State (or, in the case of the District of Columbia, the commanding general of the District of Columbia National Guard) be ordered, without his consent, to perform additional active duty for training for not more than 45 days. A member ordered to active duty under this subsection shall be ordered to duty as a Reserve of the Army or as a Reserve of the Air Force, as the case may be.

"§10149. Ready Reserve: continuous screening

"(a) Under regulations to be prescribed by the President, the Secretary concerned shall provide a system of continuous screening of units and members of the Ready Reserve to ensure the following:

"(1) That there will be no significant attrition of those members or units during a mobilization.

"(2) That there is a proper balance of military skills.

"(3) That except for those with military skills for which there is an overriding requirement, members having critical civilian skills are not retained in numbers beyond the need for those skills.

"(4) That with due regard to national security and military requirements, recognition will be given to participation in combat.

"(5) That members whose mobilization in an emergency would result in an extreme personal or community hardship are not retained in the Ready Reserve.

"(b) Under regulations to be prescribed by the Secretary of Defense, and by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, a member of the Ready Reserve who is designated as a member not to be retained in the Ready Reserve as a result of screening under subsection (a) shall, as appropriate, be—

"(1) transferred to the Standby Reserve;

"(2) discharged; or

"(3) if the member is eligible and applies therefor, transferred to the Retired Reserve.

"§10150. Ready Reserve: transfer back from Standby Reserve

"Under regulations to be prescribed by the Secretary of Defense, and by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, a member of the Standby Reserve who has not completed his required period of service in the Ready Reserve may be transferred to the Ready Reserve when the reason for his transfer to the Standby Reserve no longer exists.

"§10151. Standby Reserve: composition

"The Standby Reserve consists of those units or members, or both, of the reserve components, other than those in the Ready Reserve or Retired Reserve, who are liable for active duty only as provided in sections 12301 and 12306 of this title.

"§10152. Standby Reserve: inactive status list

"(a) An inactive status list shall be maintained in the Standby Reserve. Whenever an authority designated by the Secretary concerned considers that it is in the best interest of the armed force concerned, a member in the Standby Reserve who is not required to remain a Reserve, and who cannot participate in prescribed training, may, if qualified, be transferred to the inactive status list under regulations to be prescribed by the Secretary concerned. These regulations shall fix the conditions under which such a member is entitled to be returned to an active status.

"§10153. Standby Reserve: status of members

"While in an inactive status, a Reserve is not eligible for pay or promotion and (as provided in section 12734(a) of this title) does not accrue credit for years of service under chapter 1223 of this title.

"§10154. Retired Reserve

"The Retired Reserve consists of the following Reserves:

"(1) Reserves who are or have been retired under section 3911, 6323, or 8911 of this title or under section 291 of title 14.

"(2) Reserves who have been transferred to the Retired Reserve upon their request, retain their status as Reserves, and are otherwise qualified.

"CHAPTER 1007—ADMINISTRATION OF RESERVE COMPONENTS

"Sec.

"10201. Assistant Secretary of Defense for Reserve Affairs.

"10202. Regulations.

"10203. Reserve affairs: designation of general or flag officer of each armed force.

"10204. Personnel records.

"10205. Members of Individual Ready Reserve: requirement of notification of change of status.

"10206. Members: periodic physical examinations.

"10207. Mobilization forces: maintenance.

"10208. Annual mobilization exercise.

"10209. Regular and reserve components: discrimination prohibited.

"10210. Dissemination of information.

"10211. Policies and regulations: participation of reserve officers in preparation and administration.

"10212. Gratuitous services of officers: authority to accept.

"10213. Reserve components: dual membership prohibited.

"10214. Adjutants general and assistant adjutants general: reference to other officers of National Guard.

"10215. Officers of Army National Guard of the United States and Air National Guard of the United States: authority with respect to Federal status.

"§10201. Assistant Secretary of Defense for Reserve Affairs

"As provided in section 138(b)(2) of this title, the official in the Department of Defense with responsibility for overall supervision of reserve component affairs of the Department of Defense is the Assistant Secretary of Defense for Reserve Affairs.

"§10202. Regulations

"(a) Subject to standards, policies, and procedures prescribed by the Secretary of Defense,

the Secretary of each military department shall prescribe such regulations as the Secretary considers necessary to carry out provisions of law relating to the reserve components under the Secretary's jurisdiction.

"(b) The Secretary of Transportation, with the concurrence of the Secretary of the Navy, shall prescribe such regulations as the Secretary considers necessary to carry out all provisions of law relating to the reserve components insofar as they relate to the Coast Guard, except when the Coast Guard is operating as a service in the Navy.

"(c) So far as practicable, regulations for all reserve components shall be uniform.

"§10203. Reserve affairs: designation of general or flag officer of each armed force

"(a) The Secretary of the Army may designate a general officer of the Army to be directly responsible for reserve affairs to the Chief of Staff of the Army.

"(b) The Secretary of the Navy may designate a flag officer of the Navy to be directly responsible for reserve affairs to the Chief of Naval Operations and a general officer of the Marine Corps to be directly responsible for reserve affairs to the Commandant of the Marine Corps.

"(c) The Secretary of the Air Force may designate a general officer of the Air Force to be directly responsible for reserve affairs to the Chief of Staff of the Air Force.

"(d) The Secretary of Transportation may designate a flag officer of the Coast Guard to be directly responsible for reserve affairs to the Commandant of the Coast Guard.

"(e) This section does not affect the functions of the Chief of the National Guard Bureau, the Chief of Army Reserve, or the Chief of Air Force Reserve.

"§10204. Personnel records

"(a) The Secretary concerned shall maintain adequate and current personnel records of each member of the reserve components under the Secretary's jurisdiction showing the following with respect to the member:

"(1) Physical condition.

"(2) Dependency status.

"(3) Military qualifications.

"(4) Civilian occupational skills.

"(5) Availability for service.

"(6) Such other information as the Secretary concerned may prescribe.

"(b) Under regulations to be prescribed by the Secretary of Defense, the Secretary of each military department shall maintain a record of the number of members of each class of each reserve component who, during each fiscal year, have participated satisfactorily in active duty for training and inactive duty training with pay.

"§10205. Members of Ready Reserve: requirement of notification of change of status

"(a) Each member of the Ready Reserve shall notify the Secretary concerned of any change in the member's address, marital status, number of dependents, or civilian employment and of any change in the member's physical condition that would prevent the member from meeting the physical or mental standards prescribed for the member's armed force.

"(b) This section shall be administered under regulations prescribed by the Secretary of Defense and by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy.

"§10206. Members: periodic physical examinations

"(a) Each member of the Ready Reserve who is not on active duty shall—

"(1) be examined as to his physical fitness every five years, or more often as the Secretary concerned considers necessary; and

"(2) execute and submit annually to the Secretary concerned a certificate of physical condition.

Each Reserve in an active status, or on an inactive status list, who is not on active duty shall execute and submit annually to the Secretary concerned a certificate of physical condition.

"(b) The kind of duty to which a Reserve ordered to active duty may be assigned shall be considered in determining physical qualifications for active duty.

"§10207. Mobilization forces: maintenance

"(a) Whenever units or members of the reserve components are ordered to active duty (other than for training) during a period of partial mobilization, the Secretary concerned shall continue to maintain mobilization forces by planning and budgeting for the continued organization and training of the reserve components not mobilized, and make the fullest practicable use of the Federal facilities vacated by mobilized units, consistent with approved joint mobilization plans.

"(b) In this section, the term 'partial mobilization' means the mobilization resulting from action by Congress or the President, under any law, to bring units of any reserve component, and members not assigned to units organized to serve as units, to active duty for a limited expansion of the active armed forces.

"§10208. Annual mobilization exercise

"(a) The Secretary of Defense shall conduct at least one major mobilization exercise each year. The exercise should be as comprehensive and as realistic as possible and should include the participation of associated active component and reserve component units.

"(b) The Secretary shall maintain a plan to test periodically each active component and reserve component unit based in the United States and all interactions of such units, as well as the sustainment of the forces mobilized as part of the exercise, with the objective of permitting an evaluation of the adequacy of resource allocation and planning.

"§10209. Regular and reserve components: discrimination prohibited

"Laws applying to both Regulars and Reserves shall be administered without discrimination—

- "(1) among Regulars;
- "(2) among Reserves; and
- "(3) between Regulars and Reserves.

"§10210. Dissemination of information

"The Secretary of Defense shall require the complete and current dissemination, to all Reserves and to the public, of information of interest to the reserve components.

"§10211. Policies and regulations: participation of Reserve officers in preparation and administration

"Within such numbers and in such grades and assignments as the Secretary concerned may prescribe, each armed force shall have officers of its reserve components on active duty (other than for training) at the seat of government, and at headquarters responsible for reserve affairs, to participate in preparing and administering the policies and regulations affecting those reserve components. While so serving, such an officer is an additional number* of any staff with which he is serving.

"§10212. Gratuitous services of officers: authority to accept

"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.

"§10213. Reserve components: dual membership prohibited

"Except as otherwise provided in this title, no person may be a member of more than one reserve component at the same time.

"§10214. Adjutants general and assistant adjutants general: reference to other officers of National Guard

"In any case in which, under the laws of a State, an officer of the National Guard of that jurisdiction, other than the adjutant general or an assistant adjutant general, normally performs the duties of that office, the references in sections 12004(b)(1), 12215, 12642(c), 14507(b), 14508(e), and 14512 of this title to the adjutant general or the assistant adjutant general shall be applied to that officer instead of to the adjutant general or assistant adjutant general.

"§10215. Officers of Army National Guard of the United States and Air National Guard of the United States: authority with respect to Federal status

"(a)(1) Officers of the Army National Guard of the United States who are not on active duty—

"(A) may order members of the Army National Guard of the United States to active duty for training under section 12301(d) of this title; and

"(B) with the approval of the Secretary of the Air Force, may order members of the Air National Guard of the United States to active duty for training under that section.

"(2) Officers of the Air National Guard of the United States who are not on active duty—

"(A) may order members of the Air National Guard of the United States to active duty for training under section 12301(d) of this title; and

"(B) with the approval of the Secretary of the Army, may order members of the Army National Guard of the United States to active duty for training under that section.

"(b) Officers of the Army National Guard of the United States or the Air National Guard of the United States who are not on active duty—

"(1) may enlist, reenlist, or extend the enlistments of persons as Reserves of the Army or Reserves of the Air Force for service in the Army National Guard of the United States or the Air National Guard of the United States, as the case may be; and

"(2) with respect to their Federal status, may promote or discharge persons enlisted or reenlisted as Reserves of the Army or Reserves of the Air Force for that service.

"(c) This section shall be carried out under regulations prescribed by the Secretary of the Army, with respect to matters concerning the Army, and by the Secretary of the Air Force, with respect to matters concerning the Air Force."

(2)(A) Sections 261 through 265 and 267 through 281 are repealed.

(B) Chapter 11 is amended by striking out the table of sections at the beginning and inserting in lieu thereof the following:

"Sec.
"261. Reference to chapters 1003, 1005, and 1007.

"§261. Reference to chapters 1003, 1005, and 1007

"Provisions of law relating to the reserve components generally, including provisions relating to the organization and administration of the reserve components, are set forth in chapter 1003 (beginning with section 10101), chapter 1005 (beginning with section 10141), and chapter 1007 (beginning with section 10201) of this title."

(3)(A) Chapter 519 and sections 652, 2001, 3076 through 3080, and 8076 through 8080 are repealed.

(B) Section 552(e) of Public Law 98-525 is repealed.

(4) Section 1004 is amended—

(A) by striking out subsections (a) and (b); and

(B) by striking out "(c)" before "Except as otherwise provided".

(5)(A) Section 10147(a), as added by paragraph (1), applies only to persons who were inducted, enlisted, or appointed in an armed force after August 9, 1955.

(B) Section 10148(b), as added by paragraph (1), applies only to persons who became members of the Army National Guard of the United States or the Air National Guard of the United States after October 4, 1961.

(b) BOARDS AND COMMITTEES.—(1) Part I of subtitle E (as added by subsection (a)) is amended by adding at the end the following:

"CHAPTER 1009—RESERVE FORCES POLICY BOARDS AND COMMITTEES

"Sec.

"10301. Reserve Forces Policy Board.

"10302. Army Reserve Forces Policy Committee.

"10303. Naval Reserve Policy Board.

"10304. Marine Corps Reserve Policy Board.

"10305. Air Force Reserve Forces Policy Committee.

"§10301. Reserve Forces Policy Board

"(a) There is in the Office of the Secretary of Defense a Reserve Forces Policy Board. The Board consists of the following:

"(1) A civilian chairman appointed by the Secretary of Defense.

"(2) The Assistant Secretary of the Army for Manpower and Reserve Affairs, the Assistant Secretary of the Navy for Manpower and Reserve Affairs, and the Assistant Secretary of the Air Force for Manpower and Reserve Affairs.

"(3) An officer of the Regular Army designated by the Secretary of the Army.

"(4) An officer of the Regular Navy and an officer of the Regular Marine Corps, each designated by the Secretary of the Navy.

"(5) An officer of the Regular Air Force designated by the Secretary of the Air Force.

"(6) Four reserve officers designated by the Secretary of Defense upon the recommendation of the Secretary of the Army, two of whom must be members of the Army National Guard of the United States, and two of whom must be members of the Army Reserve.

"(7) Four reserve officers designated by the Secretary of Defense upon the recommendation of the Secretary of the Navy, two of whom must be members of the Naval Reserve, and two of whom must be members of the Marine Corps Reserve.

"(8) Four reserve officers designated by the Secretary of Defense upon the recommendation of the Secretary of the Air Force, two of whom must be members of the Air National Guard of the United States, and two of whom must be members of the Air Force Reserve.

"(9) A reserve officer of the Army, Navy, Air Force, or Marine Corps who is a general officer or flag officer designated by the Chairman of the Board with the approval of the Secretary of Defense, and who serves without vote as military adviser to the Chairman and as executive officer of the Board.

"(10) An officer of the Regular Army, Regular Navy, Regular Air Force, or Regular Marine Corps serving in a position on the Joint Staff who is designated by the Chairman of the Joint Chiefs of Staff.

"(b) Whenever the Coast Guard is not operating as a service in the Navy, the Secretary of Transportation may designate two officers of the Coast Guard, Regular or Reserve, to serve as voting members of the Board.

"(c) The Board, acting through the Assistant Secretary of Defense for Reserve Affairs, is the principal policy adviser to the Secretary of Defense on matters relating to the reserve components.

"(d) This section does not affect the committees on reserve policies prescribed within the military departments by sections 10302 through 10305 of this title.

"(e) A member of a committee or board prescribed under a section listed in subsection (d) may, if otherwise eligible, be a member of the Reserve Forces Policy Board.

"(f) The Board shall act on those matters referred to it by the Chairman and, in addition, on any matter raised by a member of the Board.

"§10303. Naval Reserve Policy Board

"A Naval Reserve Policy Board shall be convened at least once annually at the seat of government to consider, recommend, and report to the Secretary of the Navy on reserve policy matters. At least half of the members of the Board must be officers of the Naval Reserve.

"§10304. Marine Corps Reserve Policy Board

"A Marine Corps Reserve Policy Board shall be convened at least once annually at the seat of government to consider, recommend, and report to the Secretary of the Navy on reserve policy matters. At least half of the members of the Board must be officers of the Marine Corps Reserve."

(2)(A) Section 3021 is transferred to chapter 1009 (as added by paragraph (1)), inserted after section 10301, and redesignated as section 10302.

(B) Section 8021 is transferred to chapter 1009 (as added by paragraph (1)), inserted after section 10304, and redesignated as section 10305.

(3) The text of section 175 is amended to read as follows:

"There is in the Office of the Secretary of Defense a Reserve Forces Policy Board. The functions, membership, and organization of that board are set forth in section 10301 of this title."

(4)(A) Chapter 303 (as amended by paragraph (2)(A)) is amended by adding at the end the following:

"§3021. Army Reserve Forces Policy Committee
"There is in the Office of the Secretary of the Army an Army Reserve Forces Policy Committee. The functions, membership, and organization of that committee are set forth in section 10302 of this title."

(B) Chapter 803 (as amended by paragraph (2)(B)) is amended by adding at the end the following:

"§8021. Air Force Reserve Forces Policy Committee

"There is in the Office of the Secretary of the Air Force an Air Force Reserve Forces Policy Committee. The functions, membership, and organization of that committee are set forth in section 10305 of this title."

(c) NATIONAL GUARD BUREAU.—(1)(A) Chapter 1011, as added by section 904(a), is amended by inserting after section 10506 the following:

"§10507. National Guard Bureau: assignment of officers of regular or reserve components

"Except as provided in section 124402(b) of this title, the President may assign to duty in the National Guard Bureau as many regular or reserve officers of the Army or Air Forces as he considers necessary."

(B) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 10506 the following new item:

"10507. National Guard Bureau: assignment of officers of regular or reserve components."

(2) Sections 3541 and 8541 are repealed.
(d) ANNUAL REPORTS TO CONGRESS.—(1) Part I of subtitle E, as added by subsection (a), is amended by adding after chapter 1011, as added by section 904(a), the following:

"CHAPTER 1013—BUDGET INFORMATION AND ANNUAL REPORTS TO CONGRESS

"Sec.

"10541. National Guard and reserve component equipment: annual report to Congress.

"10542. Army National Guard combat readiness: annual report."

(2)(A) Section 115b is transferred to chapter 1013, as added by paragraph (1), inserted after the table of sections, and redesignated as section 10541.

(B) The heading of that section is amended to read as follows:

"§10541. National Guard and reserve component equipment: annual report to Congress"

(3) Section 3082 is transferred to chapter 1013, as added by paragraph (1), inserted after section 10541 (as transferred and redesignated by paragraph (2)), redesignated as section 10542, and amended by striking out the word in the section heading before the colon and by striking out subsection (c).

SEC. 1662. LAWS RELATING TO RESERVE COMPONENT PERSONNEL POLICY.

(a) STRENGTH AND DISTRIBUTION IN GRADE.—(1) Subtitle E, as added by section 1611, is amended by inserting after part I of such subtitle, as added by section 1661, the following:

"PART II—PERSONNEL GENERALLY

"Chap.	Sec.
"1201. Authorized Strengths and Distribution in Grade	12001
"1203. Enlisted Members	12101
"1205. Appointment of Reserve Officers	12201
"1207. Warrant Officers	12241
"1209. Active Duty	12301
"1211. National Guard Members in Federal Service	12401
"1213. Special Appointments, Assignments, Details, and Duties	12501
"1215. Miscellaneous Prohibitions and Penalties [No present sections]	
"1217. Miscellaneous Rights and Benefits	12601
"1219. Standards and Procedures for Retention and Promotion	12641
"1221. Separation	12681
"1223. Retired Pay for Non-Regular Service	12731
"1225. Retired Grade	12771

"CHAPTER 1201—AUTHORIZED STRENGTHS AND DISTRIBUTION IN GRADE

"Sec.	
"12001. Authorized strengths: reserve components.	
"12002. Authorized strengths: Army and Air Force reserve components, exclusive of members on active duty.	
"12003. Authorized strengths: commissioned officers active status.	
"12004. Strength in grade: reserve general and flag officers in an active status.	
"12005. Strength in grade: commissioned officers in grades below brigadier general or rear admiral (lower half) in an active status.	
"12006. Strength limitations: authority to waive in time of war or national emergency.	
"12007. Reserve officers of the Army: distribution.	
"12008. Army Reserve and Air Force Reserve: warrant officers.	
"12009. Army and Air Force reserve components: temporary increases.	
"12010. Computations for Naval Reserve and Marine Corps Reserve: rule when fraction occurs in final result.	
"12011. Authorized strengths: reserve officers on active duty or on full-time National Guard duty for administration of the reserves or the National Guard.	

"12012. Authorized strengths: senior enlisted members on active duty or on full-time National Guard duty for administration of the reserves or the National Guard.

"§12001. Authorized strengths: reserve components

"(a) Whenever the authorized strength of a reserve component (other than the Coast Guard Reserve) is not prescribed by law, it shall be prescribed by the President.

"(b) Subject to the authorized strength of the reserve component concerned, the authorized strength of each reserve component (other than the Coast Guard Reserve) in members in each grade is that which the Secretary concerned determines to be necessary to provide for mobilization requirements. The Secretary shall review these determinations at least once each year and revise them if he considers it necessary. However, a member of the reserve component concerned may not, as a result of such a determination, be reduced in the member's reserve grade without the member's consent.

"§12002. Authorized strengths: Army and Air Force reserve components, exclusive of members on active duty

"(a) The authorized strengths of the National Guard and the reserve components of the Army and the Air Force, exclusive of members who are included in the strengths authorized for members of the Army and Air Force, respectively, on active duty, are as follows:

"Army National Guard and the Army National Guard of the United States	600,000
"Army Reserve	980,000
"Air National Guard and the Air National Guard of the United States	150,000
"Air Force Reserve	500,000.

"(b) The strength authorized by this section for the Army National Guard and the Army National Guard of the United States, and the strength authorized by this section for the Air National Guard and the Air National Guard of the United States, shall be allocated among the States.

"§12003. Authorized strengths: commissioned officers in an active status

"(a) The authorized strengths of the Army, Navy, Air Force, and Marine Corps in reserve commissioned officers, other than commissioned warrant officers and officers on an active-duty list, in an active status are as follows:

"Army	275,000
"Air Force	200,000
"Navy	150,000
"Marine Corps	24,500.

"(b) The authorized strengths prescribed by subsection (a) may not be exceeded unless—

"(1) the Secretary concerned determines that a greater number is necessary for planned mobilization requirements; or

"(2) the excess results directly from the operation of a nondiscretionary provision of law.

"§12004. Strength in grade: reserve general and flag officers in an active status

"(a) The authorized strengths of the Army, Air Force, and Marine Corps in reserve general officers in an active status, and the authorized strength of the Navy in reserve officers in the grades of rear admiral (lower half) and rear admiral in an active-status, are as follows:

"Army	207
"Air Force	157
"Navy	48
"Marine Corps	10.

"(b) The following Army and Air Force reserve officers shall not be counted for purposes of this section:

"(1) Those serving as adjutants general or assistant adjutants general of a State.

"(2) Those serving in the National Guard Bureau.

"(3) Those counted under section 526 of this title.

"(c)(1) The authorized strength of the Navy under subsection (a) is exclusive of officers counted under section 526 of this title. Of the number authorized under subsection (a), 39 are distributed among the line and the staff corps as follows:

"Line	28
"Medical Corps	5
"Chaplain Corps	1
"Judge Advocate General's Corps	1
"Dental Corps	2
"Nurse Corps	1
"Medical Service Corps	1

"(2) The remaining authorizations for the Navy under subsection (a) shall be distributed among such other staff corps as are established by the Secretary of the Navy under the authority provided by section 5150(b) of this title, except that—

"(A) if the Secretary has established a Supply Corps, the authorized strength for the Supply Corps shall be seven; and

"(B) if the Secretary has established a Civil Engineering Corps, the authorized strength for the Civil Engineering Corps shall be two.

"(3) Not more than 50 percent of the officers in an active status authorized under this section for the Navy may serve in the grade of rear admiral.

"(d) The authorized strength of the Marine Corps under subsection (a) is exclusive of those counted under section 526 of this title.

"(e)(1) A reserve general officer of the Army or Air Force may not be reduced in grade because of a reduction in the number of general officers authorized under subsection (a).

"(2) An officer of the Naval Reserve or the Marine Corps Reserve may not be reduced in permanent grade because of a reduction in the number authorized by this section for his grade.

"§12005. Strength in grade: commissioned officers in grades below brigadier general or rear admiral (lower half) in an active status

"(a)(1) Subject to paragraph (2), the authorized strength of the Army and the Air Force in reserve commissioned officers in an active status in each grade named in paragraph (2) is as prescribed by the Secretary of the Army or the Secretary of the Air Force, respectively. A vacancy in any grade may be filled by an authorized appointment in any lower grade.

"(2) A strength prescribed by the Secretary concerned under paragraph (1) for a grade may not be higher than the percentage of the strength authorized for the Army or the Air Force, as the case may be, under section 12003 of this title that is specified for that grade as follows:

Grade	Army percentage	Air Force percentage
Colonel	2	1.8
Lieutenant colonel	6	4.6
Major	13	14.0
Captain	35	32.0

Grade	Army percentage	Air Force percentage
First lieutenant and second lieutenant (when combined with the number authorized for general officer grades under section 12004 of this title)	44	47.6

"(b)(1) The authorized strengths of the Naval Reserve in line officers in an active status in the grades of captain, commander, lieutenant commander, and lieutenant, and in the grades of lieutenant (junior grade) and ensign combined, are the following percentages of the total authorized number of those officers:

"Captain	1.5 percent
"Commander	7 percent
"Lieutenant commander	22 percent
"Lieutenant	37 percent
"Lieutenant (junior grade) and ensign (when combined with the number authorized for flag officer grades under section 12004 of this title)	32.5 percent.

"(2) When the actual number of line officers in an active status in any grade is less than the number authorized by paragraph (1) for that grade, the difference may be applied to increase the number authorized by that paragraph for any lower grade or grades.

"(c)(1) The authorized strengths of the Marine Corps Reserve in officers in an active status in the grades of colonel, lieutenant colonel, major, and captain, and in the grades of first lieutenant and second lieutenant combined, are the following percentages of the total authorized number of those officers:

"Colonel	2 percent
"Lieutenant colonel	6 percent
"Major	12 percent
"Captain	35 percent
"First lieutenant and second lieutenant (when combined with the number authorized for general officer grades under section 12004 of this title)	32.5 percent.

"(2) When the actual number of officers in an active status in any grade is less than the number authorized by paragraph (1) for that grade, the difference may be applied to increase the number authorized by that paragraph for any lower grade or grades.

"(d)(1) An officer of the Army or Air Force may not be reduced in grade because of a reduction in the number of commissioned officers authorized for the officer's grade under this section.

"(2) An officer of the Naval Reserve or the Marine Corps Reserve may not be reduced in permanent grade because of a reduction in the number authorized by this section for his grade.

"§12006. Strength limitations: authority to waive in time of war or national emergency

"(a) In time of war, or of national emergency declared by Congress or the President, the President may suspend the operation of any provision of section 12003, 12004, or 12005 of this title. So long as any such war or national emergency continues, any such suspension may be extended by the President.

"(b) Any suspension under subsection (a) shall, if not sooner ended, end on the last day of the two-year period beginning on the date on

which the suspension (or the last extension thereof) takes effect or on the last day of the one-year period beginning on the date of the termination of the war or national emergency, whichever occurs first. With respect to the end of any such suspension, the preceding sentence supersedes the provisions of title 11 of the National Emergencies Act (50 U.S.C. 1621, 1622) which provide that powers or authorities exercised by reason of a national emergency shall cease to be exercised after the date of termination of the emergency.

"§12007. Reserve officers of the Army: distribution

"The Secretary of the Army shall distribute the number of reserve commissioned officers, other than commissioned warrant officers, authorized in each commissioned grade between those assigned to reserve units organized to serve as units and those not assigned to such units. The Secretary shall distribute the number who are assigned to reserve units organized to serve as units among the units of each reserve component by prescribing appropriate tables of organization and tables of distribution. The Secretary shall distribute the number who are not assigned to such units between—

- "(1) each special branch; and
- "(2) all other branches taken together.

"§12008. Army Reserve and Air Force Reserve: warrant officers

"The Secretary of the Army may prescribe the authorized strength of the Army Reserve in warrant officers. The Secretary of the Air Force may prescribe the authorized strength of the Air Force Reserve in warrant officers.

"§12009. Army and Air Force reserve components: temporary increases

"(a) The authorized strength in any reserve grade, as prescribed under this chapter, for any reserve component under the jurisdiction of the Secretary of the Army or the Secretary of the Air Force is automatically increased to the minimum extent necessary to give effect to each appointment made in that grade under section 1211(a), 3036, 14304(b), 14314, or 14317 of this title.

"(b) An authorized strength so increased is increased for no other purpose. While an officer holds that grade, the officer whose appointment caused the increase is counted for the purpose of determining when other appointments, not under those sections, may be made in that grade.

"§12010. Computations for Naval Reserve and Marine Corps Reserve: rule when fraction occurs in final result

"When there is a fraction in the final result of any computation under this chapter for the Naval Reserve or the Marine Corps Reserve, a fraction of one-half or more is counted as one, and a fraction of less than one-half is disregarded.

"§12012. Authorized strengths: senior enlisted members on active duty or on full-time National Guard duty for administration of the reserves or National Guard

"(a) The number of enlisted members in pay grades E-8 and E-9 who may be on active duty (other than for training) or on full-time National Guard duty under the authority of section 502(f) of title 32 (other than for training) as of the end of any fiscal year in connection with organizing, administering, recruiting, instructing, or training the reserve components or the National Guard may not exceed the number for that grade and armed force in the following table:

"Grade	Army	Navy	Air Force	Marine Corps
E-9	569	202	328	14
E-8	2,585	429	840	74

"(b) Whenever the number of members serving in pay grade E-9 for duty described in subsection (a) is less than the number authorized for that grade under subsection (a), the difference between the two numbers may be applied to increase the number authorized under such subsection for pay grade E-8."

(2)(A) Section 524 is transferred to chapter 1201, as added by paragraph (1), inserted after section 12010, and redesignated as section 12011.

(B) The heading of that section is amended to read as follows:

"§12011. Authorized strengths: reserve officers on active duty or on full-time National Guard duty for administration of the reserves or the National Guard"

(3) Chapter 531 and sections 3212, 3217 through 3225, 5454, 5456, 5457, 5458, 8212, and 8217 through 8225 are repealed.

(4) Section 517 is amended—

(A) by striking out subsection (b); and
(B) by redesignating subsection (c) as subsection (b) and in that subsection striking out "or whenever" and all that follows through "under subsection (b)".

(b) ENLISTMENTS.—(1) Part II of subtitle E, as added by subsection (a), is amended by adding after chapter 1201 (as added by subsection (a)), the following:

"CHAPTER 1203—ENLISTED MEMBERS

"Sec.

"12101. Definition.

"12102. Reserve components: qualifications.

"12103. Reserve components: terms.

"12104. Reserve components: transfers.

"12105. Army Reserve and Air Force Reserve: transfer from Guard components.

"12106. Army and Air Force Reserve: transfer to upon withdrawal as member of National Guard.

"12107. Army National Guard of United States; Air National Guard of the United States: enlistment in.

"§12101. Definition

"In this chapter, the term 'enlistment' means original enlistment or reenlistment.

"§12105. Army Reserve and Air Force Reserve: transfer from Guard components

"(a) Under such regulations as the Secretary concerned may prescribe—

"(1) an enlisted member of the Army National Guard of the United States may be transferred in grade to the Army Reserve; and

"(2) an enlisted member of the Air National Guard of the United States may be transferred in grade to the Air Force Reserve.

"(b) Upon such a transfer, the member transferred is eligible for promotion to the highest regular or reserve grade ever held by him in the Army, if transferred under subsection (a)(1), or the Air Force, if transferred under subsection (a)(2), if his service has been honorable.

"(c) A transfer under this section may only be made with the consent of the governor or other appropriate authority of the State concerned.

"§12106. Army and Air Force Reserve: transfer to upon withdrawal as member of National Guard

"(a) An enlisted member of the Army National Guard of the United States who ceases to be a member of the Army National Guard becomes a member of the Army Reserve unless he is also discharged from his enlistment as a Reserve.

"(b) An enlisted member of the Air National Guard of the United States who ceases to be a

member of the Air National Guard becomes a member of the Air Force Reserve unless he is also discharged from his enlistment as a Reserve.

"(c) An enlisted member who becomes a member of the Army Reserve or the Air Force Reserve under this section ceases to be a member of the Army National Guard of the United States or the Air National Guard of the United States, as the case may be.

"§12107. Army National Guard of United States; Air National Guard of the United States: enlistment in

"(a) Except as provided in subsection (c), to become an enlisted member of the Army National Guard of the United States or the Air National Guard of the United States, a person must—

"(1) be enlisted in the Army National Guard or the Air National Guard, as the case may be;

"(2) subscribe to the oath set forth in section 304 of title 32; and

"(3) be a member of a federally recognized unit or organization of the Army National Guard or the Air National Guard, as the case may be, in the grade in which he is to be enlisted as a Reserve.

"(b)(1) Under regulations to be prescribed by the Secretary of the Army, a person who enlists in the Army National Guard, or whose term of enlistment in the Army National Guard is extended, shall be concurrently enlisted, or his term of enlistment shall be concurrently extended, as the case may be, as a Reserve of the Army for service in the Army National Guard of the United States.

"(2) Under regulations to be prescribed by the Secretary of the Air Force, a person who enlists in the Air National Guard, or whose term of enlistment in the Air National Guard is extended, shall be concurrently enlisted, or his term of enlistment shall be concurrently extended, as the case may be, as a Reserve of the Air Force for service in the Air National Guard of the United States.

"(c)(1) A member of the Army Reserve who enlists in the Army National Guard in his reserve grade, and is a member of a federally recognized unit or organization of the Army National Guard, becomes a member of the Army National Guard of the United States and ceases to be a member of the Army Reserve.

"(2) A member of the Air Force Reserve who enlists in the Air National Guard in his reserve grade, and is a member of a federally recognized unit or organization of the Air National Guard, becomes a member of the Air National Guard of the United States and ceases to be a member of the Air Force Reserve."

(2) Sections 510 (as amended by section 1631(a)), 511, and 512 are transferred to chapter 1203, as added by paragraph (1), inserted after section 12101, and redesignated as follows:

Section	Redesignated section
510	12102
511	12103
512	12104

(3) The following sections are repealed: sections 3259, 3260, 3261, 8259, 8260, and 8261.

(c) APPOINTMENT OF OFFICERS.—(1) Part II of subtitle E, as added by subsection (a), is further amended by adding after chapter 1203 (as added by subsection (b)) the following:

"CHAPTER 1205—APPOINTMENT OF RESERVE OFFICERS

"Sec.

"12201. Qualifications for appointment.

"12202. Commissioned officer grades.

"12203. Commissioned officers: appointment, how made; term.

"12204. Commissioned officers: original appointment; limitation.

"12205. Commissioned officers: appointment; educational requirement.

"12206. Commissioned officers: appointment of former commissioned officers.

"12207. Commissioned officers: service credit upon original appointment.

"12208. Officers: appointment upon transfer.

"12209. Officer candidates: enlisted Reserves.

"12210. Attending Physician to the Congress: reserve grade while so serving.

"12211. Officers: Army National Guard of United States.

"12212. Officers: Air National Guard of United States.

"12213. Officers: Army Reserve: transfer from Army National Guard of United States.

"12214. Officers: Air Force Reserve: transfer from Air National Guard of United States.

"12215. Commissioned officers: reserve grade of adjutants general and assistant adjutants general.

"§12215. Commissioned officers: reserve grade of adjutants general and assistant adjutants general

"(a) The adjutant general or an assistant adjutant general of the Army National Guard of a State may, upon being extended Federal recognition, be appointed as a reserve officer of the Army as of the date on which he is so recognized.

"(b) The adjutant general or an assistant adjutant general of the Air National Guard of a State may be appointed in the reserve commissioned grade in which Federal recognition in the Air National Guard is extended to him."

(2) Sections 591 (as amended by section 1631(b)), 592, 593 (as amended by section 1632), 594, 596, 596a (as added by section 1633), 596b (as added by section 1634), and 595 are transferred (in that order) to chapter 1205, as added by paragraph (1), inserted after the table of sections, and redesignated as follows:

Section	Redesignated section
591	12201
592	12202
593	12203
594	12204
596	12205
596a (as added by section 1633)	12206
596b (as added by section 1634)	12207
595	12208

(3) Sections 600, 600a, 3351, 8351, 3352 (as amended by section 1636(a)), and 8352 are transferred (in that order) to chapter 1205, as added by paragraph (1), inserted after section 12208, and redesignated as follows:

Section	Redesignated section
600	12209
600a	12210
3351	12211
8351	12212
3352	12213

8352 12214
 (d) WARRANT OFFICERS.—(1) Part II of subtitle E, as added by subsection (a), is further amended by adding after chapter 1205 (as added by subsection (c)) the following:

“CHAPTER 1207—WARRANT OFFICERS

- “Sec.
- “12241. Warrant officers: grades; appointment, how made; term.
- “12242. Warrant officers: promotion.
- “12243. Warrant officers: suspension of laws for promotions or mandatory retirement or separation during war or emergency.”.

(2) Sections 597, 598, and 599 are transferred to chapter 1207, as added by paragraph (1), inserted after the table of sections, and redesignated as follows:

Section	Redesignated section
597	12241
598	12242
599	12243

(3) Chapter 34 is amended to read as follows:

“CHAPTER 34—APPOINTMENTS AS RESERVE OFFICERS

- “Sec.
- “591. Reference to chapters 1205 and 1207.
- “§591. Reference to chapters 1205 and 1207
- “Provisions of law relating to appointments of reserve officers other than warrant officers are set forth in chapter 1205 of this title (beginning with section 12201). Provisions of law relating to appointments and promotion of reserve warrant officers are set forth in chapter 1207 (beginning with section 12241).”.

(e) ACTIVE DUTY.—(1) Part II of subtitle E, as added by subsection (a), is further amended by adding after chapter 1207 (as added by subsection (d)) the following:

“CHAPTER 1209—ACTIVE DUTY

- “Sec.
- “12301. Reserve components generally.
- “12302. Ready Reserve.
- “12303. Ready Reserve: members not assigned to, or participating satisfactorily in, units.
- “12304. Selected Reserve: order to active duty other than during war or national emergency.
- “12305. Authority of President to suspend certain laws relating to promotion, retirement, and separation.
- “12306. Standby Reserve.
- “12307. Retired Reserve.
- “12308. Retention on active duty after becoming qualified for retired pay.
- “12309. Reserve officers: use of in expansion of armed forces.
- “12310. Reserves: for organizing, administering, etc., reserve components.
- “12311. Active duty agreements.
- “12312. Active duty agreements: release from duty.
- “12313. Reserves: release from active duty.
- “12314. Reserves: kinds of duty.
- “12315. Reserves: duty with or without pay.
- “12316. Payment of certain Reserves while on duty.
- “12317. Reserves: theological students; limitations.
- “12318. Reserves on active duty: duties; funding.
- “12319. Ready Reserve: muster duty.
- “12320. Reserve officers: grade in which ordered to active duty.
- “12321. Reserve Officer Training Corps units: limitation on number of Reserves assigned.”.

(2) Sections 672 through 673a, section 673b (as amended by section 511), sections 673c through

687, section 689 (as amended by section 1625), and section 690 are transferred to chapter 1209, as added by paragraph (1), inserted after the table of sections, and redesignated as follows:

Section	Redesignated section
672	12301
673	12302
673a	12303
673b	12304
673c	12305
674	12306
675	12307
676	12308
677	12309
678	12310
679	12311
680	12312
681	12313
682	12314
683	12315
684	12316
685	12317
686	12318
687	12319
689	12320
690	12321

(3) The heading of section 12321 (as so redesignated) is amended to read as follows:

“§12321. Reserve Officer Training Corps units: limitation on number of Reserves assigned”.

(4) Chapter 39 is amended by inserting after section 671b the following:

“§672. Reference to chapter 1209

“Provisions of law relating to service of members of reserve components on active duty are set forth in chapter 1209 of this title (beginning with section 12301).”.

(f) NATIONAL GUARD MEMBERS IN FEDERAL SERVICE.—(1) Part II of subtitle E, as added by subsection (a), is further amended by adding after chapter 1209 (as added by subsection (e)) the following:

“CHAPTER 1211—NATIONAL GUARD MEMBERS IN FEDERAL SERVICE

- “Sec.
- “12401. Army and Air National Guard of United States: status.
- “12402. Army and Air National Guard of United States: commissioned officers; duty in National Guard Bureau.
- “12403. Army and Air National Guard of United States: members; status in which ordered into Federal service.
- “12404. Army and Air National Guard of United States: mobilization; maintenance of organization.
- “12405. National Guard in Federal service: status.
- “12406. National Guard in Federal service: call.
- “12407. National Guard in Federal service: period of service; apportionment.
- “12408. National Guard in Federal service: physical examination.

“§12401. Army and Air National Guard of the United States: status

“Members of the Army National Guard of the United States and the Air National Guard of the United States are not in active Federal service except when ordered thereto under law.

“§12402. Army and Air National Guard of United States: commissioned officers; duty in National Guard Bureau

“(a) The President may, with their consent, order commissioned officers of the Army National Guard of the United States and the Air National Guard of the United States to active duty in the National Guard Bureau.

“(b)(1) The number of officers of the Army National Guard of the United States in grades

below brigadier general who are ordered to active duty in the National Guard Bureau may not be more than 40 percent of the number of officers of the Army authorized for duty in that Bureau and, to the extent practicable, shall not exceed 40 percent of the number of officers of the Army serving in that Bureau in any grade below brigadier general.

“(2) The number of officers of the Air National Guard of the United States in grades below brigadier general who are ordered to active duty in the National Guard Bureau may not be more than 40 percent of the number of officers of the Air Force authorized for duty in that Bureau and, to the extent practicable, shall not exceed 40 percent of the number of officers of the Air Force serving in that Bureau in any grade below brigadier general.

“§12403. Army and Air National Guard of United States: members; status in which ordered into Federal service

“Members of the Army National Guard of the United States ordered to active duty shall be ordered to duty as Reserves of the Army. Members of the Air National Guard of the United States ordered to active duty shall be ordered to duty as Reserves of the Air Force.

“§12404. Army and Air National Guard of United States: mobilization; maintenance of organization

“During an initial mobilization, the organization of a unit of the Army National Guard of the United States or of the Air National Guard of the United States ordered into active Federal service shall, so far as practicable, be maintained as it existed on the date of the order to duty.

“§12405. National Guard in Federal service: status

“Members of the National Guard called into Federal service are, from the time when they are required to respond to the call, subject to the laws and regulations governing the Army or the Air Force, as the case may be, except those applicable only to members of the Regular Army or Regular Air Force, as the case may be.

“§12406. National Guard in Federal service: call

“Whenever—
 “(1) the United States, or any of the Territories, Commonwealths, or possessions, is invaded or is in danger of invasion by a foreign nation;

“(2) there is a rebellion or danger of a rebellion against the authority of the Government of the United States; or

“(3) the President is unable with the regular forces to execute the laws of the United States; the President may call into Federal service members and units of the National Guard of any State in such numbers as he considers necessary to repel the invasion, suppress the rebellion, or execute those laws. Orders for these purposes shall be issued through the governors of the States or, in the case of the District of Columbia, through the commanding general of the National Guard of the District of Columbia.

“§12407. National Guard in Federal service: period of service; apportionment

“(a) Whenever the President calls the National Guard of a State into Federal service, he may specify in the call the period of the service. Members and units called shall serve inside or outside the territory of the United States during the term specified, unless sooner relieved by the President. However, no member of the National Guard may be kept in Federal service beyond the term of his commission or enlistment.

“(b) When the National Guard of a State is called into Federal service with the National Guard of another of those jurisdictions, the President may apportion the total number called

from the Army National Guard or from the Air National Guard, as the case may be, on the basis of the populations of the jurisdictions affected by the call.

"§12408. National Guard in Federal service: physical examination

"(a) Under regulations prescribed by the President, each member of the National Guard called into Federal service shall be examined as to physical fitness, without further commission or enlistment.

"(b) Immediately before such a member is mustered out of Federal service, he shall be examined as to physical fitness. The record of this examination shall be retained by the United States."

(2) Sections 3495 through 3502 and 8495 through 8502 are repealed.

(g) MISCELLANEOUS PROVISIONS.—(1) Part II of subtitle E, as added by subsection (a), is further amended by adding after chapter 1211 (as added by subsection (f)) the following:

"CHAPTER 1213—SPECIAL APPOINTMENTS, ASSIGNMENTS, DETAILS, AND DUTIES

"Sec.

"12501. Reserve components: detail of members of regular and reserve components to assist.

"12502. Chief and assistant chief of staff of National Guard divisions and wings in Federal service: detail.

"§12501. Reserve components: detail of members of regular and reserve components to assist

"The Secretary concerned shall detail such members of the regular and reserve components under his jurisdiction as are necessary to effectively develop, train, instruct, and administer those reserve components.

"§12502. Chief and assistant chief of staff of National Guard divisions and wings in Federal service: detail

"(a) The President may detail a regular or reserve officer of the Army as chief of staff, and a regular or reserve officer or an officer of the Army National Guard as assistant to the chief of staff, of any division of the Army National Guard that is in Federal service as an Army National Guard organization.

"(b) The President may detail a regular or reserve officer of the Air Force as chief of staff, and a regular or reserve officer or an officer of the Air National Guard as assistant to the chief of staff, of any wing of the Air National Guard that is in Federal service as an Air National Guard organization.

"CHAPTER 1215—MISCELLANEOUS PROHIBITIONS AND PENALTIES

"[No present sections]

"CHAPTER 1217—MISCELLANEOUS RIGHTS AND BENEFITS

"Sec.

"12601. Compensation: Reserve on active duty accepting from any person.

"12602. Members of Army National Guard of United States and Air National Guard of United States: credit for service as members of National Guard.

"§12601. Compensation: Reserve on active duty accepting from any person

"Any Reserve who, before being ordered to active duty, was receiving compensation from any person may, while he is on that duty, receive compensation from that person.

"§12602. Members of Army National Guard of United States and Air National Guard of United States: credit for service as members of National Guard

"(a) For the purposes of laws providing benefits for members of the Army National Guard of

the United States and their dependents and beneficiaries—

"(1) military training, duty, or other service performed by a member of the Army National Guard of the United States in his status as a member of the Army National Guard for which he is entitled to pay from the United States shall be considered military training, duty, or other service, as the case may be, in Federal service as a Reserve of the Army;

"(2) full-time National Guard duty performed by a member of the Army National Guard of the United States shall be considered active duty in Federal service as a Reserve of the Army; and

"(3) inactive-duty training performed by a member of the Army National Guard of the United States in his status as a member of the Army National Guard, in accordance with regulations prescribed under section 502 of title 32 or other express provision of law, shall be considered inactive-duty training in Federal service as a Reserve of the Army.

"(b) For the purposes of laws providing benefits for members of the Air National Guard of the United States and their dependents and beneficiaries—

"(1) military training, duty, or other service performed by a member of the Air National Guard of the United States in his status as a member of the Air National Guard for which he is entitled to pay from the United States shall be considered military training, duty, or other service, as the case may be, in Federal service as a Reserve of the Air Force;

"(2) full-time National Guard duty performed by a member of the Air National Guard of the United States shall be considered active duty in Federal service as a Reserve of the Air Force; and

"(3) inactive-duty training performed by a member of the Air National Guard of the United States in his status as a member of the Air National Guard, in accordance with regulations prescribed under section 502 of title 32 or other express provision of law, shall be considered inactive-duty training in Federal service as a Reserve of the Air Force."

(2) Sections 715, 1033, 3542, 3686, 8542, and 8686 are repealed.

(h) STANDARDS AND PROCEDURES FOR RETENTION AND PROMOTION.—(1) Part II of subtitle E, as added by subsection (a), is further amended by adding after chapter 1217 (as added by subsection (g)) the following:

"CHAPTER 1219—STANDARDS AND PROCEDURES FOR RETENTION AND PROMOTION

"Sec.

"12641. Standards and procedures: Secretary to prescribe.

"12642. Standards and qualifications: result of failure to comply with.

"12643. Boards for appointment, promotion, and certain other purposes: composition.

"12644. Members physically not qualified for active duty: discharge or transfer to retired status.

"12645. Commissioned officers: retention until completion of required service.

"12646. Commissioned officers: retention of after completing 18 or more, but less than 20, years of service.

"12647. Commissioned officers: retention in active status while assigned to Selective Service System or serving as United States property and fiscal officers."

(2) Sections 1001, 1002, 266, 1004 (as amended by section 1661(b)(4)), and 1005 through 1007 are transferred (in that order) to chapter 1219, as added by paragraph (1), inserted after the table of sections, and redesignated as follows:

Section	Redesignated section
1001	12641
1002	12642
266	12643
1004	12644
1005	12645
1006	12646
1007	12647

(3) Section 1003 is repealed.

(4)(A) The heading of section 12641 (as so redesignated) is amended to read as follows:

"§12641. Standards and procedures: Secretary to prescribe"

(B) The heading of section 12644 (as so redesignated) is amended to read as follows:

"§12644. Members physically not qualified for active duty: discharge or transfer to retired status"

(5) Chapter 51 is amended by striking out the table of sections at the beginning and inserting in lieu thereof the following:

"Sec.

"1001. Reference to chapter 1219.

"§1001. Reference to chapter 1219

"Provisions of law relating to standards and procedures for retention and promotion of members of reserve components are set forth in chapter 1219 of this title (beginning with section 12641)."

(i) SEPARATION.—(1) Part II of subtitle E, as added by subsection (a), is further amended by adding after chapter 1219 (as added by subsection (h)) the following:

"CHAPTER 1221—SEPARATION

"Sec.

"12681. Reserves: discharge authority.

"12682. Reserves: discharge upon becoming ordained minister of religion.

"12683. Reserve officers: limitation on involuntary separation.

"12684. Reserves: separation for absence without authority or sentence to imprisonment.

"12685. Reserves separated for cause: character of discharge.

"12686. Reserves on active duty within two years of retirement eligibility: limitation on release from active duty.

"§12681. Reserves: discharge authority

"Subject to other provisions of this title, reserve commissioned officers may be discharged at the pleasure of the President. Other Reserves may be discharged under regulations prescribed by the Secretary concerned.

"§12682. Reserves: discharge upon becoming ordained minister of religion

"Under regulations to be prescribed by the Secretary of Defense, a Reserve who becomes a regular or ordained minister of religion is entitled upon his request to a discharge from his reserve enlistment or appointment.

"§12683. Reserve officers: limitation on involuntary separation

"(a) An officer of a reserve component who has at least five years of service as a commissioned officer may not be separated from that component without his consent except—

"(1) under an approved recommendation of a board of officers convened by an authority designated by the Secretary concerned; or

"(2) by the approved sentence of a court-martial.

"(b) Subsection (a) does not apply—

"(1) to a separation under section 12684, 14901, or 14907 of this title;

"(2) to a dismissal under section 1161(a) of this title; or

"(3) to a transfer under section 12213, 12214, 14514, or 14515 of this title.

"§12684. Reserves: separation for absence without authority or sentence to imprisonment

"The President or the Secretary concerned may drop from the rolls of the armed force concerned any Reserve—

"(1) who has been absent without authority for at least three months; or

"(2) who is sentenced to confinement in a Federal or State penitentiary or correctional institution after having been found guilty of an offense by a court other than a court-martial or other military court, and whose sentence has become final.

"§12685. Reserves separated for cause: character of discharge

"A member of a reserve component who is separated for cause, except under section 12684 of this title, is entitled to a discharge under honorable conditions unless—

"(1) the member is discharged under conditions other than honorable under an approved sentence of a court-martial or under the approved findings of a board of officers convened by an authority designated by the Secretary concerned; or

"(2) the member consents to a discharge under conditions other than honorable with a waiver of proceedings of a court-martial or a board.

"§12686. Reserves on active duty within two years of retirement eligibility: limitation on release from active duty

"Under regulations to be prescribed by the Secretary concerned, which shall be as uniform as practicable, a member of a reserve component who is on active duty (other than for training) and is within two years of becoming eligible for retired pay or retainer pay under a purely military retirement system, may not be involuntarily released from that duty before he becomes eligible for that pay, unless the release is approved by the Secretary."

(2) Sections 1162 and 1163 are repealed.

(j) **RETIRED PAY.**—(1) Chapter 67 is transferred to part II of subtitle E, as added by subsection (a), inserted after chapter 1221 (as added by subsection (i)), and amended to read as follows:

"CHAPTER 1223—RETIRED PAY FOR NON-REGULAR SERVICE

"Sec.

"12731. Age and service requirements.

"12731a. Temporary special retirement qualification authority.

"12732. Entitlement to retired pay: computation of years of service.

"12733. Computation of retired pay: computation of years of service.

"12734. Time not creditable toward years of service.

"12735. Inactive status list.

"12736. Service credited for retired pay benefits not excluded for other benefits.

"12737. Limitation on active duty.

"12738. Limitations on revocation of retired pay.

"12739. Computation of retired pay.

"§12731. Age and service requirements

"(a) Except as provided in subsection (c), a person is entitled, upon application, to retired pay computed under section 12739 of this title, if the person—

"(1) is at least 60 years of age;

"(2) has performed at least 20 years of service computed under section 12732 of this title;

"(3) performed the last eight years of qualifying service while a member of any category named in section 12732(a)(1) of this title, but not while a member of a regular component, the Fleet Reserve, or the Fleet Marine Corps Reserve; and

"(4) is not entitled, under any other provision of law, to retired pay from an armed force or re-

tainer pay as a member of the Fleet Reserve or the Fleet Marine Corps Reserve.

"(b) Application for retired pay under this section must be made to the Secretary of the military department, or the Secretary of Transportation, as the case may be, having jurisdiction at the time of application over the armed force in which the applicant is serving or last served.

"(c)(1) A person who, before August 16, 1945, was a Reserve of an armed force, or a member of the Army without component or other category covered by section 12732(a)(1) of this title except a regular component, is not eligible for retired pay under this chapter unless—

"(A) the person performed active duty during World War I or World War II; or

"(B) the person performed active duty (other than for training) during the Korean conflict, the Berlin crisis, or the Vietnam era.

"(2) In this subsection:

"(A) The term 'World War I' means the period beginning on April 6, 1917, and ending on November 11, 1918.

"(B) The term 'World War II' means the period beginning on September 9, 1940, and ending on December 31, 1946.

"(C) The term 'Korean conflict' means the period beginning on June 27, 1950, and ending on July 27, 1953.

"(D) The term 'Berlin crisis' means the period beginning on August 14, 1961, and ending on May 30, 1963.

"(E) The term 'Vietnam era' means the period beginning on August 5, 1964, and ending on March 27, 1973.

"(d) The Secretary concerned shall notify each person who has completed the years of service required for eligibility for retired pay under this chapter. The notice shall be sent, in writing, to the person concerned within one year after the person completes that service. The notice shall include notice of the elections available to such person under the Survivor Benefit Plan established under subchapter II of chapter 73 of this title and the Supplemental Survivor Benefit Plan established under subchapter III of that chapter, and the effects of such elections.

"(e) Notwithstanding section 8301 of title 5, the date of entitlement to retired pay under this section shall be the date on which the requirements of subsection (a) have been completed.

"(f) In the case of a person who completes the service requirements of subsection (a)(2) during the period beginning on the date of the enactment of this subsection and ending on September 30, 1999, the provisions of subsection (a)(3) shall be applied by substituting 'the last six years' for 'the last eight years'.

"§12731a. Temporary special retirement qualification authority

"(a) **RETIREMENT WITH AT LEAST 15 YEARS OF SERVICE.**—For the purposes of section 12731 of this title, the Secretary concerned may—

"(1) during the period described in subsection (b), determine to treat a member of the Selected Reserve of a reserve component of the armed force under the jurisdiction of that Secretary as having met the service requirements of subsection (a)(2) of that section and provide the member with the notification required by subsection (d) of that section if the member—

"(A) as of October 1, 1991, has completed at least 15, and less than 20, years of service computed under section 12732 of this title; or

"(B) after that date and before October 1, 1999, completes 15 years of service computed under that section; and

"(2) upon the request of the member submitted to the Secretary, transfer the member to the Retired Reserve.

"(b) **PERIOD OF AUTHORITY.**—The period referred to in subsection (a)(1) is the period beginning on October 23, 1992, and ending on October 1, 1999.

"(c) **APPLICABILITY SUBJECT TO NEEDS OF THE SERVICE.**—(1) The Secretary concerned may limit the applicability of subsection (a) to any category of personnel defined by the Secretary in order to meet a need of the armed force under the jurisdiction of the Secretary to reduce the number of members in certain grades, the number of members who have completed a certain number of years of service, or the number of members who possess certain military skills or are serving in designated competitive categories.

"(2) A limitation under paragraph (1) shall be consistent with the purpose set forth in section 4414(a) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2713).

"(3) Notwithstanding the provisions of section 4415(2) of the Defense Conversion Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102-484; 106 Stat. 2714), the Secretary concerned may, consistent with the other provisions of this section, provide the notification required by section 12731(d) of this title to a member who no longer meets the qualifications for membership in the Selected Reserve solely because the member is unfit because of physical disability. Such notification may not be made if the disability is the result of the member's intentional misconduct, willful neglect, or willful failure to comply with standards and qualifications for retention established by the Secretary concerned or was incurred during a period of unauthorized absence.

"(d) **EXCLUSION.**—This section does not apply to persons referred to in section 12731(c) of this title.

"(e) **REGULATIONS.**—The authority provided in this section shall be subject to regulations prescribed by the Secretary of Defense and by the Secretary of Transportation with respect to the Coast Guard.

"§12732. Entitlement to retired pay: computation of years of service

"(a) Except as provided in subsection (b), for the purpose of determining whether a person is entitled to retired pay under section 12731 of this title, the person's years of service are computed by adding the following:

"(1) The person's years of service, before July 1, 1949, in the following:

"(A) The armed forces.

"(B) The federally recognized National Guard before June 15, 1933.

"(C) A federally recognized status in the National Guard before June 15, 1933.

"(D) The National Guard after June 14, 1933, if his service therein was continuous from the date of his enlistment in the National Guard, or his Federal recognition as an officer therein, to the date of his enlistment or appointment, as the case may be, in the National Guard of the United States, the Army National Guard of the United States, or the Air National Guard of the United States.

"(E) The Naval Reserve Force.

"(F) The Naval Militia that conformed to the standards prescribed by the Secretary of the Navy.

"(G) The National Naval Volunteers.

"(H) The Army Nurse Corps, the Navy Nurse Corps, the Nurse Corps Reserve of the Army, or the Nurse Corps Reserve of the Navy, as it existed at any time after February 2, 1901.

"(I) The Army under an appointment under the Act of December 22, 1942 (ch. 805, 56 Stat. 1072).

"(J) An active full-time status, except as a student or apprentice, with the Medical Department of the Army as a civilian employee—

"(i) in the dietetic or physical therapy categories, if the service was performed after April 6, 1917, and before April 1, 1943; or

"(ii) in the occupational therapy category, if the service was performed before appointment in

the Army Nurse Corps or the Women's Medical Specialist Corps and before January 1, 1949, or before appointment in the Air Force before January 1, 1949, with a view to designation as an Air Force nurse or medical specialist.

"(2) Each one-year period, after July 1, 1949, in which the person has been credited with at least 50 points on the following basis:

"(A) One point for each day of—

"(i) active service; or

"(ii) full-time service under sections 316, 502, 503, 504, and 505 of title 32 while performing annual training duty or while attending a prescribed course of instruction at a school designated as a service school by law or by the Secretary concerned;

if that service conformed to required standards and qualifications.

"(B) One point for each attendance at a drill or period of equivalent instruction that was prescribed for that year by the Secretary concerned and conformed to the requirements prescribed by law, including attendance under section 502 of title 32.

"(C) Points at the rate of 15 a year for membership—

"(i) in a reserve component of an armed force,

"(ii) in the Army or the Air Force without component, or

"(iii) in any other category covered by subsection (a)(1) except a regular component.

For the purpose of clauses (A), (B), and (C), service in the National Guard shall be treated as if it were service in a reserve component, if the person concerned was later appointed in the National Guard of the United States, the Army National Guard of the United States, the Air National Guard of the United States, or as a Reserve of the Army or the Air Force, and served continuously in the National Guard from the date of his Federal recognition to the date of that appointment.

"(3) The person's years of active service in the Commissioned Corps of the Public Health Service.

"(4) The person's years of active commissioned service in the National Oceanic and Atmospheric Administration (including active commissioned service in the Environmental Science Services Administration and in the Coast and Geodetic Survey).

"(b) The following service may not be counted under subsection (a):

"(1) Service (other than active service) in an inactive section of the Organized Reserve Corps or of the Army Reserve, or in an inactive section of the officers' section of the Air Force Reserve.

"(2) Service (other than active service) after June 30, 1949, while on the Honorary Retired List of the Naval Reserve or of the Marine Corps Reserve.

"(3) Service in the inactive National Guard.

"(4) Service in a non-federally recognized status in the National Guard.

"(5) Service in the Fleet Reserve or the Fleet Marine Corps Reserve.

"(6) Service as an inactive Reserve nurse of the Army Nurse Corps established by the Act of February 2, 1901 (ch. 192, 31 Stat. 753), as amended, and service before July 1, 1938, as an inactive Reserve nurse of the Navy Nurse Corps established by the Act of May 13, 1908 (ch. 166, 35 Stat. 146).

"(7) Service in any status other than that as commissioned officer, warrant officer, nurse, flight officer, aviation midshipman, appointed aviation cadet, or enlisted member, and that described in clauses (I) and (J) of subsection (a)(1).

"§12733. Computation of retired pay: computation of years of service

"For the purpose of computing the retired pay of a person under this chapter, the person's years of service and any fraction of such a year

are computed by dividing 360 into the sum of the following:

"(1) The person's days of active service.

"(2) The person's days of full-time service under sections 316, 502, 503, 504, and 505 of title 32 while performing annual training duty or while attending a prescribed course of instruction at a school designated as a service school by law or by the Secretary concerned.

"(3) One day for each point credited to the person under clause (B) or (C) of section 12732(a)(2) of this title, but not more than 60 days in any one year.

"(4) 50 days for each year before July 1, 1949, and proportionately for each fraction of a year, of service (other than active service) in a reserve component of an armed force, in the Army or the Air Force without component, or in any other category covered by section 12732(a)(1) of this title, except a regular component.

"§12734. Time not creditable toward years of service

"(a) Service in an inactive status may not be counted in any computation of years of service under this chapter.

"(b) Time spent after retirement (without pay) for failure to conform to standards and qualifications prescribed under section 12641 of this title may not be credited in a computation of years of service under this chapter.

"§12735. Inactive status list

"(a) A member who would be eligible for retired pay under this chapter but for the fact that that member is under 60 years of age may be transferred, at his request and by direction of the Secretary concerned, to such inactive status list as may be established for members of his armed force, other than members of a regular component.

"(b) While on an inactive status list under subsection (a), a member is not required to participate in any training or other program prescribed for his component.

"(c) The Secretary may at any time recall to active status a member who is on an inactive status list under subsection (a).

"§12736. Service credited for retired pay benefits not excluded for other benefits

"No period of service included wholly or partly in determining a person's right to, or the amount of, retired pay under this chapter may be excluded in determining his eligibility for any annuity, pension, or old-age benefit, under any other law, on account of civilian employment by the United States or otherwise, or in determining the amount payable under that law, if that service is otherwise properly credited under it.

"§12737. Limitation on active duty

"A member of the armed forces may not be ordered to active duty solely for the purpose of qualifying the member for retired pay under this chapter.

"§12738. Limitations on revocation of retired pay

"(a) After a person is granted retired pay under this chapter, or is notified in accordance with section 12731(d) of this title that the person has completed the years of service required for eligibility for retired pay under this chapter, the person's eligibility for retired pay may not be denied or revoked on the basis of any error, miscalculation, misinformation, or administrative determination of years of service performed as required by section 12731(a)(2) of this title, unless it resulted directly from the fraud or misrepresentation of the person.

"(b) The number of years of creditable service upon which retired pay is computed may be adjusted to correct any error, miscalculation, misinformation, or administrative determination and when such a correction is made the person is entitled to retired pay in accordance with the

number of years of creditable service, as corrected, from the date the person is granted retired pay.

"§12739. Computation of retired pay

"(a) The monthly retired pay of a person entitled to that pay under this chapter is the product of—

"(1) the retired pay base for that person as computed under section 1406(b)(2) or 1407 of this title; and

"(2) 2½ percent of the years of service credited to that person under section 12733 of this title.

"(b) The amount computed under subsection (a) may not exceed 75 percent of the retired pay base upon which the computation is based.

"(c) Amounts computed under this section, if not a multiple of \$1, shall be rounded down to the next lower multiple of \$1."

(2) Section 1401(a) is amended by striking out formula number 3 in the table set forth in that section.

(3) Section 1405(a)(3) is amended by striking out "section 1333" and "section 1331" and inserting in lieu thereof "section 12733" and "section 12731", respectively.

(4) Section 1406(b) is amended—

(A) by striking out the matter preceding the table and inserting in lieu thereof the following:

"(b) RETIREMENT UNDER SUBTITLE A OR E.—

"(1) DISABILITY, WARRANT OFFICER, AND DOPMA RETIREMENT.—In the case of a person whose retired pay is computed under this subtitle, the retired pay base is determined in accordance with the following table.":

(B) in the table—

(i) by striking out the entry relating to section 1331 (including the matter relating to that entry in the column under the heading "The retired pay base is:"); and

(ii) by redesignating the references to footnotes 3 and 4 so as to refer to footnotes 2 and 3, respectively;

(C) by striking out footnote 2 to the table and redesignating footnotes 3 and 4 as footnotes 2 and 3, respectively; and

(D) by adding at the end the following:

"(2) NON-REGULAR SERVICE RETIREMENT.—In the case of a person who is entitled to retired pay under section 12731 of this title, the retired pay base is the monthly basic pay, determined at the rates applicable on the date when retired pay is granted, of the highest grade held satisfactorily by the person at any time in the armed forces. For purposes of the preceding sentence, the highest grade in which a person served satisfactorily as an officer shall be determined in accordance with section 1370(d) of this title."

(5) Section 1407 is amended—

(A) in subsection (c)(2)(B), by striking out "chapter 67" and inserting in lieu thereof "chapter 1223"; and

(B) in subsection (f)(2)—

(i) by striking out "CHAPTER 67" in the heading and inserting in lieu thereof "CHAPTER 1223"; and

(ii) by striking out "section 1331" and inserting in lieu thereof "section 12731".

(6) Section 1409(a)(1)(B) is amended by striking out "chapter 67" and inserting in lieu thereof "chapter 1223".

(7) Part II of subtitle A is amended by inserting after chapter 65 the following:

"CHAPTER 67—RETIRED PAY FOR NONREGULAR SERVICE

"Sec.

"1331. Reference to chapter 1223.

"§1331. Reference to chapter 1223

"Provisions of law relating to retired pay for nonregular service are set forth in chapter 1223 of this title (beginning with section 12731)."

(8) Section 6034 is repealed.

(k) RETIRED GRADE.—(1) Part II of subtitle E, as added by subsection (a), is further amended

by adding after chapter 1223 (as added by subsection (f)) the following:

"CHAPTER 1225—RETIRED GRADE

- "Sec.
- "12771. Reserve officers: grade on transfer to Retired Reserve.
- "12772. Reserve commissioned officers who have served as Attending Physician to the Congress: grade on transfer to Retired Reserve.
- "12773. Limitation on accrual of increased pay or benefits.
- "12774. Retired lists.

"§12771. Reserve officers: grade on transfer to Retired Reserve

"Unless entitled to a higher grade under another provision of law, a reserve commissioned officer, other than a commissioned warrant officer, who is transferred to the Retired Reserve is entitled to be placed on the retired list established by section 12774(a) of this title in the highest grade in which he served satisfactorily, as determined by the Secretary concerned and in accordance with section 1370(d), in the armed force in which he is serving on the date of transfer.

"§12772. Reserve commissioned officers who have served as Attending Physician to the Congress: grade on transfer to Retired Reserve

"Unless entitled to a higher grade under another provision of law, a reserve commissioned officer who is transferred to the Retired Reserve after having served in the position of Attending Physician to the Congress is entitled to be placed on the retired list established by section 12774(a) of this title in the grade held by the officer while serving in that position.

"§12773. Limitation on accrual of increased pay or benefits

"Unless otherwise provided by law, no person is entitled to increased pay or other benefits because of sections 12771 and 12772 of this title.

"§12774. Retired lists

"(a) Under regulations prescribed by the Secretary concerned, there shall be maintained retired lists containing the names of the Reserves of the armed forces under the Secretary's jurisdiction who are in the Retired Reserve.

"(b) The Secretary of the Navy shall maintain a United States Naval Reserve Retired List containing the names of members of the Naval Reserve and the Marine Corps Reserve entitled to retired pay."

- (2) Sections 1374 and 6017 are repealed.
- (3)(A) Section 1376 is amended—
- (i) by striking out subsection (a); and
- (ii) by striking out "(b)" before "The Secretary concerned".

(B) The heading of that section is amended to read as follows:

"§1376. Temporary disability retired lists".

SEC. 1663. LAWS RELATING TO RESERVE COMPONENT TRAINING AND EDUCATIONAL ASSISTANCE PROGRAMS.

(a) TRAINING GENERALLY.—Subtitle E, as added by section 1611, is amended by adding after part III of such subtitle (as added by that section) the following:

"PART IV—TRAINING FOR RESERVE COMPONENTS AND EDUCATIONAL ASSISTANCE PROGRAMS

"Chap.	Sec.
"1601. Training Generally ...	[No present sections]
"1606. Educational Assistance for Members of the Selected Reserve	16131
"1608. Health Professions Stipend Program	16201
"1609. Education Loan Repayments	16301

"CHAPTER 1601—TRAINING GENERALLY
"[No present sections]"

(b) MONTGOMERY GI BILL FOR SELECTED RESERVE.—(1) Part IV of subtitle E (as added by subsection (a)) is amended by adding at the end the following:

"CHAPTER 1606—EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE SELECTED RESERVE

- "Sec.
- "16131. Educational assistance program: establishment; amount.
- "16132. Eligibility for educational assistance.
- "16133. Time limitations for use of entitlement.
- "16134. Termination of assistance.
- "16135. Failure to participate satisfactorily; penalties.
- "16136. Administration of program.
- "16137. Reports to Congress."

(2) Sections 2131 through 2137 are transferred to chapter 1606, as added by paragraph (1), inserted after the table of sections, and redesignated as follows:

Section	Redesignated section
2131	16131
2132	16132
2133	16133
2134	16134
2135	16135
2136	16136
2137	16137

(3) Section 16131 (as so redesignated) is amended—

(A) in subsection (c)(3)(B)(i), by striking out "section 672 (a), (d), or (g), 673, or 673b" and inserting in lieu thereof "section 12301(a), 12301(d), 12301(g), 12302, or 12304"; and

(B) in subsection (g)(1), by striking out "section 2136(c)" and inserting in lieu thereof "section 16136(c)".

(4) Section 16132 (as so redesignated) is amended—

(A) in subsection (a), by striking out "section 2131" and inserting in lieu thereof "section 16131"; and

(B) in subsection (c), by striking out "sections 2134 and 2135" and inserting in lieu thereof "section 16134 and 16135".

(5) Section 16133 (as so redesignated) is amended—

(A) in subsection (b)(1)(B), by striking out "section 268(b)" and inserting in lieu thereof "section 10143(a)"; and

(B) in subsection (b)(4)(A), by striking out "section 672 (a), (d), or (g), 673, or 673b" and inserting in lieu thereof "section 12301(a), 12301(d), 12301(g), 12302, or 12304".

(6) Section 16135 (as so redesignated) is amended—

(A) by striking out "section 2132" in subsection (a)(1)(A) and inserting in lieu thereof "section 16132"; and

(B) by striking out "section 2132(a)" in subsection (b)(1)(A) and inserting in lieu thereof "section 16132(a)".

(7) Chapter 106 is amended by striking out the table of sections at the beginning and inserting in lieu thereof the following:

- "Sec.
- "2131. Reference to chapter 1606.
- "2138. Savings provision.

"§2131. Reference to chapter 1606

"Provisions of law relating to educational assistance for members of the Selected Reserve under the Montgomery GI Bill program are set forth in chapter 1606 of this title (beginning with section 16131)."

(c) HEALTH PROFESSIONS STIPEND PROGRAM.—

(1) Part IV of subtitle E (as added by subsection (a)) is amended by adding after chapter 1606 (as added by subsection (b)) the following:

"CHAPTER 1608—HEALTH PROFESSIONS STIPEND PROGRAM

- "Sec.
- "16201. Financial assistance: health-care professionals in reserve components.
- "16202. Reserve service: required active duty for training.
- "16203. Penalties and limitations.
- "16204. Regulations.

"§16204. Regulations

"This chapter shall be administered under regulations prescribed by the Secretary of Defense."

(2) Section 2128 is transferred to chapter 1608, as added by paragraph (1), inserted after the table of sections, redesignated as section 16201, and amended by striking out subsection (f).

(3) Section 2129 is transferred to chapter 1608, as added by paragraph (1), inserted after section 16201 (as transferred and redesignated by paragraph (2)), and redesignated as section 16202.

(4)(A) Section 2130 is transferred to chapter 1608, as added by paragraph (1), inserted after section 16202 (as transferred and redesignated by paragraph (3)), redesignated as section 16203, and amended by striking out subsection (c).

(B) The heading of that section is amended to read as follows:

"§16203. Penalties and limitations".

(5) Section 16201, as so redesignated, is amended by striking out "subchapter" each place it appears and inserting in lieu thereof "chapter".

(6) Section 16202, as so redesignated, is amended by striking out "section 2128" both places it appears and inserting in lieu thereof "section 16201".

(7) Chapter 105 is amended—

(A) in the table of subchapters before subchapter I—

(i) by striking out the item relating to subchapter II; and

(ii) by redesignating the item relating to subchapter III so as to refer to subchapter II;

(B) by striking out the heading for subchapter II and the table of sections following that heading; and

(C) by redesignating subchapter III as subchapter II.

(d) EDUCATION LOAN REPAYMENT PROGRAMS.—(1) Part IV of subtitle E (as added by subsection (a)) is amended by adding after chapter 1608 (as added by subsection (c)) the following:

"CHAPTER 1609—EDUCATION LOAN REPAYMENT PROGRAMS

- "Sec.
- "16301. Education loan repayment program: enlisted members of Selected Reserve with critical specialties.
- "16302. Education loan repayment program: health professions officers serving in Selected Reserve with wartime critical medical skill shortages.

"§16301. Education loan repayment program: enlisted members of Selected Reserve with critical specialties

"(a)(1) Subject to the provisions of this section, the Secretary of Defense may repay—

- "(A) any loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.); or
- "(B) any loan made under part E of such title (20 U.S.C. 1087aa et seq.).

Repayment of any such loan shall be made on the basis of each complete year of service performed by the borrower.

"(2) The Secretary may repay loans described in paragraph (1) in the case of any person for service performed as an enlisted member of the Selected Reserve of the Ready Reserve of an armed force in a reserve component and military specialty specified by the Secretary of Defense.

The Secretary may repay such a loan only if the person to whom the loan was made performed such service after the loan was made.

"(b) The portion or amount of a loan that may be repaid under subsection (a) is 15 percent or \$500, whichever is greater, for each year of service.

"(c) If a portion of a loan is repaid under this section for any year, interest on the remainder of the loan shall accrue and be paid in the same manner as is otherwise required.

"(d) Nothing in this section shall be construed to authorize refunding any repayment of a loan.

"(e) A person who transfers from service making the person eligible for repayment of loans under this section (as described in subsection (a)(2)) to service making the person eligible for repayment of loans under section 2171 of this title (as described in subsection (a)(2) of that section) during a year shall be eligible to have repaid a portion of such loan determined by giving appropriate fractional credit for each portion of the year so served, in accordance with regulations of the Secretary concerned.

"(f) The Secretary of Defense shall, by regulation, prescribe a schedule for the allocation of funds made available to carry out the provisions of this section and section 2171 of this title during any year for which funds are not sufficient to pay the sum of the amounts eligible for repayment under subsection (a) and section 2171(a) of this title."

(2)(A) Section 2172 is transferred to the end of chapter 1609, as added by paragraph (1), and redesignated as section 16302.

(B) The heading of such section is amended to read as follows:

"§16302. Education loan repayment program: health professions officers serving in Selected Reserve with wartime critical medical skill shortages".

(e) CONFORMING AMENDMENTS.—Section 2171 is amended as follows:

(1) Subsection (a)(1)(B) is amended by striking out "or" after "(B)".

(2) Subsection (a)(2) is amended—

(A) in the first sentence, by striking out "person for—" and all that follows through "(B) service performed" and inserting in lieu thereof "person for service performed"; and

(B) by striking out the second sentence.

(3) Subsection (b) is amended to read as follows:

"(b) The portion or amount of a loan that may be repaid under subsection (a) is 33½ percent or \$1,500, whichever is greater, for each year of service."

(4) Subsection (e) is amended by striking out "Any individual who transfers from service described in clause (A) or (B) of subsection (a)(2) to service described in the other clause of such subsection" and inserting in lieu thereof "A person who transfers from service making the person eligible for repayment of loans under this section (as described in subsection (a)(2)) to service making the person eligible for repayment of loans under section 16301 of this title (as described in subsection (a)(2) of that section)".

(5) Subsection (f) is amended—

(A) by inserting "and section 16301 of this title" after "this section"; and

(B) by inserting "and section 16301(a) of this title" after "subsection (a)".

(6) The heading of such section is amended to read as follows:

"§2171. Education loan repayment program: enlisted members on active duty in specified military specialties".

SEC. 1664. LAWS RELATING TO RESERVE COMPONENT PROCUREMENT AND EQUIPMENT.

(a) ADDITION OF NEW PART.—(1) Subtitle E, as added by section 1611, is amended by adding after part IV of such subtitle (as added by section 1663) the following:

"PART V—SERVICE, SUPPLY, AND PROCUREMENT

"Chap. Sec.
"1801. Issue of Serviceable Material to Reserve Components [No present sections]

"1803. Facilities for Reserve Components 18231

"1805. Miscellaneous Provisions 18501

"CHAPTER 1801—ISSUE OF SERVICEABLE MATERIAL TO RESERVE COMPONENTS

"[No present sections]".

(b) FACILITIES FOR RESERVE COMPONENTS.—(1) Chapter 133 is transferred to the end of part V of subtitle E, as added by subsection (a), and redesignated as chapter 1803.

(2) The sections of that chapter are redesignated as follows:

Section	Redesignated section
2231	18231
2232	18232
2233	18233
2233a	18233a
2234	18234
2235	18235
2236	18236
2237	18237
2238	18238
2239	18239

(3) The items in the table of sections at the beginning of such chapter are revised to reflect the redesignations made by paragraph (2).

(4) Section 18233 (as redesignated by paragraph (2)) is amended by striking out "sections 2233a, 2234, 2235, 2236, and 2238" in subsection (a) and inserting in lieu thereof "sections 18233a, 18234, 18235, 18236, and 18238".

(5) Section 18233a (as redesignated by paragraph (2)) is amended—

(A) in subsection (a), by striking out "section 2233" and inserting in lieu thereof "section 18233"; and

(B) in subsection (b), by striking out "section 2233(a)" and inserting in lieu thereof "section 18233(a)".

(6) Section 18234 (as redesignated by paragraph (2)) is amended by striking out "section 2233" and inserting in lieu thereof "section 18233".

(7) Section 18235 (as redesignated by paragraph (2)) is amended by striking out "section 2233(a)(1)" in subsection (a)(1) and inserting in lieu thereof "section 18233".

(8) Section 18236 (as redesignated by paragraph (2)) is amended—

(A) in subsection (a)—
(i) by striking out "section 2233" in the first sentence and inserting in lieu thereof "section 18233"; and

(ii) by striking out "section 2233(a) (3) or (4)" in the second sentence and inserting in lieu thereof "paragraph (3) or (4) of section 18233(a)";

(B) in subsection (b)—
(i) by striking out "clause (4) or (5) of section 2233(a)" in the matter preceding paragraph (1) and inserting in lieu thereof "paragraph (4) or (5) of section 18233(a)"; and

(ii) by striking out "section 2233(e)" in paragraph (2) and inserting in lieu thereof "section 18233(e)"; and

(C) in subsection (c), by striking out "section 2233" and inserting in lieu thereof "section 18233".

(9) Section 18237 (as redesignated by paragraph (2)) is amended—

(A) in subsection (a), by striking out "section 2233(a)(2), (3) and (4)" and inserting in lieu thereof "paragraph (2), (3), or (4) of section 18233(a)"; and

(B) in subsection (b), by striking out "section 2233(a) (2), (3) or (4)" and inserting in lieu

thereof "paragraph (2), (3), or (4) of section 18233(a)".

(10) Section 18239 (as redesignated by paragraph (2)) is amended by striking out "section 2233" both places it appears and inserting in lieu thereof "section 18233".

(11) Part IV of subtitle A is amended by inserting after chapter 131 the following:

"CHAPTER 133—FACILITIES FOR RESERVE COMPONENTS

"Sec.

"2231. Reference to chapter 1803.

"§2231. Reference to chapter 1803

"Provisions of law relating to facilities for reserve components are set forth in chapter 1803 of this title (beginning with section 18231)."

(c) MISCELLANEOUS PROVISIONS.—(1) Part V of subtitle E, as added by subsection (a), is amended by adding after chapter 1803, as transferred by subsection (b), the following:

"CHAPTER 1805—MISCELLANEOUS PROVISIONS

"Sec.

"18501. Reserve components: personnel and logistic support by military departments.

"18502. Reserve components: supplies, services, and facilities.

"§18501. Reserve components: personnel and logistic support by military departments

"The Secretary concerned is responsible for providing the personnel, equipment, facilities, and other general logistic support necessary to enable units and Reserves in the Ready Reserve of the reserve components under his jurisdiction to satisfy the training requirements and mobilization readiness requirements for those units and Reserves as recommended by the Secretary concerned and by the Chairman of the Joint Chiefs of Staff and approved by the Secretary of Defense, and as recommended by the Commandant of the Coast Guard and approved by the Secretary of Transportation when the Coast Guard is not operated as a service of the Navy.

"§18502. Reserve components: supplies, services, and facilities

"(a) The Secretary concerned shall make available to the reserve components under his jurisdiction the supplies, services, and facilities of the armed forces under his jurisdiction that he considers necessary to support and develop those components.

"(b) Whenever he finds it to be in the best interest of the United States, the Secretary concerned may issue supplies of the armed forces under his jurisdiction to the reserve components under his jurisdiction, without charge to the appropriations for those components for the cost or value of the supplies or for any related expense.

"(c) Whenever he finds it to be in the best interest of the United States, the Secretary of the Army or the Secretary of the Air Force may issue to the Army National Guard or the Air National Guard, as the case may be, supplies of the armed forces under his jurisdiction that are in addition to supplies issued to that National Guard under section 702 of title 32 or charged against its appropriations under section 106 or 107 of title 32, without charge to the appropriations for those components for the cost or value of the supplies or for any related expense.

"(d) Supplies issued under subsection (b) or (c) may be repossessed or redistributed as prescribed by the Secretary concerned."

(2) Section 2540 is repealed.

SEC. 1665. LEGISLATIVE CONSTRUCTION.

(a) REFERENCES TO TRANSFERRED OR REPLACED PROVISIONS.—A reference to a provision of title 10, United States Code, transferred or replaced by the provisions of sections 1661 through 1664 (including a reference in a regulation, order, or other law) shall be treated as referring

to that provision as transferred or to the corresponding provision as so enacted by this subtitle.

(b) SAVINGS PROVISION FOR REGULATIONS.—A regulation, rule, or order in effect under a provision of title 10, United States Code, replaced by a provision of that title enacted by sections 1661 through 1664 shall continue in effect under the corresponding provision so enacted until repealed, amended, or superseded.

(c) GENERAL SAVINGS PROVISION.—An action taken, or a right that matured, under a provision of title 10, United States Code, replaced by a provision of that title enacted by sections 1661 through 1664 shall be treated as having been taken, or having matured, under the corresponding provision so enacted.

Subtitle D—Technical and Clerical Amendments

SEC. 1671. AMENDMENTS TO SUBTITLE A OF TITLE 10, UNITED STATES CODE.

(a) TABLE OF SUBTITLES.—The table of subtitles preceding subtitle A is amended by adding at the end the following new item:

“E. Reserve Components 10001”.

(b) TABLES OF SECTIONS.—

(1) The table of sections at the beginning of chapter 2 is amended by striking out the item relating to section 115b.

(2) The table of sections at the beginning of chapter 3 is amended by striking out the item relating to section 123 and inserting in lieu thereof the following:

“123. Authority to suspend officer personnel laws during war or national emergency.”.

(3) The table of sections at the beginning of chapter 31 is amended by striking out the items relating to sections 510, 511, 512, and 517.

(4) The table of sections at the beginning of chapter 32 is amended—

(A) by striking out the item relating to section 524; and

(B) by striking out “524,” in the item relating to section 527.

(5) The table of sections at the beginning of subchapter V of chapter 36 is amended by striking out the item relating to section 644.

(6) The table of sections at the beginning of chapter 37 is amended by striking out the item relating to section 652.

(7) The table of sections at the beginning of chapter 39 is amended—

(A) by striking out the item relating to section 672 and inserting in lieu thereof the following: “672. Reference to chapter 1209.”;

and

(B) by striking out the items relating to section 673 through 686 and section 689.

(8) The table of sections at the beginning of chapter 41 is amended by striking out the item relating to section 715.

(9) The table of sections at the beginning of chapter 53 is amended by striking out the item relating to section 1033.

(10) The table of sections at the beginning of chapter 59 is amended by striking out the items relating to sections 1162 and 1163.

(11) The table of sections at the beginning of chapter 69 is amended—

(A) by striking out the item relating to section 1374; and

(B) by striking out the item relating to section 1376 and inserting in lieu thereof the following: “1376. Temporary disability retired lists.”.

(12) The table of sections at the beginning of chapter 101 is amended by striking out the item relating to section 2001.

(13) The table of sections at the beginning of chapter 109 is amended by striking out the items relating to sections 2171 and 2172 and inserting in lieu thereof the following:

“2171. Education loan repayment program: enlisted members on active duty in specified military specialties.”.

(14) The table of sections at the beginning of subchapter I of chapter 152 is amended by striking out the item relating to section 2540.

(c) CROSS-REFERENCE AMENDMENTS—

(1) Section 101(a)(13) is amended by striking out “672(a), 673, 673b, 673c, 688, 3500, or 8500” and inserting in lieu thereof “688, 12301(a), 12302, 12304, 12305, or 12406”.

(2) Section 113(c)(3) is amended by striking out “chapters 51, 337, 361, 363, 549, 573, 837, 861, and 863 of this title, as far as they apply to reserve officers” and inserting in lieu thereof “chapters 1219 and 1401 through 1411 of this title”.

(3) Section 523(b)(1) is amended—

(A) in subparagraph (B), by striking out “section 265” and all that follows through “of this title” and inserting in lieu thereof “section 10211, 10302 through 10305, or 12402 of this title”;

(B) in subparagraph (C), by striking out “section 672(d)” and inserting in lieu thereof “section 12301(d)”;

(C) in subparagraph (E), by striking out “section 673b” and inserting in lieu thereof “section 12304”.

(4) Section 527 is amended by striking out “524,” in the text and in the heading.

(5) Section 641(1) is amended—

(A) in subparagraph (B), by striking out “section 175” and all that follows through “of this title” and inserting in lieu thereof “section 3038, 8038, 10211, 10301 through 10305, 10501, or 12402 of this title”;

(B) in subparagraph (C), by striking out “section 672(d)” and inserting in lieu thereof “section 12301(d)”;

(C) in subparagraph (E), by striking out “section 673b” and inserting in lieu thereof “section 12304”.

(6) Sections 1201, 1202, and 1203 are each amended by striking out “section 270(b)” and inserting in lieu thereof “section 10148(a)”.

(7)(A) Section 1076(b)(2)(A) is amended by striking out “under chapter 67 of this title” and inserting in lieu thereof “under chapter 1223 of this title (or under chapter 67 of this title as in effect before the effective date of the Reserve Officer Personnel Management Act)”.

(B) Section 1370(a)(1) is amended by striking out “chapter 67” and inserting in lieu thereof “chapter 1223”.

(8) Section 1482(f)(2) is amended by striking out “section 1332” and “section 1331” and inserting in lieu thereof “section 12732” and “12731”, respectively.

(d) SURVIVOR BENEFIT PLAN.—Subchapter II of chapter 73 is amended as follows:

(1) Section 1447(14) is amended by striking out “chapter 67 of this title” and inserting in lieu thereof “chapter 1223 of this title (or under chapter 67 of this title as in effect before the effective date of the Reserve Officer Personnel Management Act)”.

(2) The following provisions are amended by striking out “section 1331(d)” and inserting in lieu thereof “section 12731(d)”: sections 1447(2)(C), 1448(a)(2)(B), 1448(f)(1)(A), and 1448(f)(1)(B).

SEC. 1672. AMENDMENTS TO SUBTITLE B OF TITLE 10, UNITED STATES CODE.

(a) TABLES OF CHAPTERS.—The table of chapters at the beginning of subtitle B, and the table of chapters at the beginning of part II of that subtitle, are each amended by striking out the items relating to chapters 337, 361, and 363.

(b) TABLES OF SECTIONS.—

(1) The table of sections at the beginning of chapter 307 is amended by striking out the items relating to section 3076 through 3080 and section 3082.

(2) The table of sections at the beginning of chapter 331 is amended by striking out the items

relating to section 3212 and sections 3217 through 3225.

(3) The table of sections at the beginning of chapter 333 is amended by striking out the items relating to sections 3259, 3260, and 3261.

(4) The table of sections at the beginning of chapter 341 is amended by striking out the items relating to sections 3495 through 3502.

(5) The table of sections at the beginning of chapter 343 is amended by striking out the items relating to sections 3541 and 3542.

(6) The table of sections at the beginning of chapter 353 is amended by striking out the item relating to section 3686.

(c) CROSS REFERENCE AMENDMENTS.—

(1) Section 3038(b) is amended by striking out “section 265” and inserting in lieu thereof “section 10211”.

(2) Section 3961(a) is amended by striking out “chapter 67” and inserting in lieu thereof “chapter 1223”.

(3) Section 4342(b)(1)(B) is amended by striking out “section 1331 of this title” and inserting in lieu thereof “section 12731 of this title (or under section 1331 of this title as in effect before the effective date of the Reserve Officer Personnel Management Act)”.

SEC. 1673. AMENDMENTS TO SUBTITLE C OF TITLE 10, UNITED STATES CODE.

(a) TABLES OF CHAPTERS.—

(1) The table of chapters at the beginning of subtitle C is amended by striking out the items relating to chapters 519, 531, 541, and 549.

(2) The table of chapters at the beginning of part I of subtitle C is amended by striking out the item relating to chapter 519.

(3) The table of chapters at the beginning of part II of subtitle C is amended by striking out the items relating to chapters 531, 541, and 549.

(b) TABLES OF SECTIONS.—

(1) The table of sections at the beginning of chapter 533 is amended by striking out the items relating to sections 5456, 5457, and 5458.

(2) The table of sections at the beginning of chapter 539 is amended by striking out the item relating to section 5600.

(3) The table of sections at the beginning of chapter 555 is amended by striking out the items relating to sections 6017 and 6034.

(4) The table of sections at the beginning of chapter 573 is amended by striking out the items relating to sections 6391, 6392, 6397, 6403, and 6410.

(c) CROSS REFERENCE AMENDMENTS.—

(1) Section 6389(a) is amended by striking out “section 1005” and inserting in lieu thereof “section 12645”.

(2) Section 6954(b)(1)(B) is amended by striking out “section 1331 of this title” and inserting in lieu thereof “section 12731 of this title (or under section 1331 of this title as in effect before the effective date of the Reserve Officer Personnel Management Act)”.

(d) REPEAL OF SECTION REDUNDANT WITH SECTION 741.—

(1) Section 5506 is repealed.

(2) The table of sections at the beginning of chapter 535 is amended by striking out the item relating to section 5506.

SEC. 1674. AMENDMENTS TO SUBTITLE D OF TITLE 10, UNITED STATES CODE.

(a) TABLES OF CHAPTERS.—The table of chapters at the beginning of subtitle D, and the table of chapters at the beginning of part II of that subtitle, are each amended by striking out the items relating to chapters 837 and 863.

(b) TABLES OF SECTIONS.—

(1) The table of sections at the beginning of chapter 807 is amended by striking out the items relating to sections 8076 through 8080.

(2) The table of sections at the beginning of chapter 831 is amended by striking out the items relating to section 8212 and sections 8217 through 8225.

(3) The table of sections at the beginning of chapter 833 is amended by striking out the items relating to sections 8259, 8260, and 8261.

(4) The table of sections at the beginning of chapter 841 is amended by striking out the items relating to sections 8495 through 8502.

(5) The table of sections at the beginning of chapter 843 is amended by striking out the items relating to sections 8541 and 8542.

(6) The table of sections at the beginning of chapter 853 is amended by striking out the item relating to section 8686.

(7) The table of sections at the beginning of chapter 861 is amended by striking out the items relating to sections 8819 and 8820.

(c) CROSS REFERENCE AMENDMENTS.—

(1) Section 8038(b) is amended by striking out "section 265" and inserting in lieu thereof "section 10211".

(2) Section 8961(a) is amended by striking out "chapter 67" and inserting in lieu thereof "chapter 1223".

(3) Section 9342(b)(1)(B) is amended by striking out "section 1331 of this title" and inserting in lieu thereof "section 12731 of this title (or under section 1331 of this title as in effect before the effective date of the Reserve Officer Personnel Management Act)".

SEC. 1675. AMENDMENTS TO SUBTITLE E OF TITLE 10, UNITED STATES CODE.

(a) CHAPTER 1203.—Section 12102 (as transferred and redesignated by section 1662(b)(2)) is amended by striking out "section 3261 or 8261" in subsection (a) and inserting in lieu thereof "section 12107".

(b) CHAPTER 1205.—Sections of chapter 1205 (as transferred and redesignated by section 1662(c)(2)) are amended as follows:

(1) Section 12203 is amended by striking out "3352, or 8352" in subsection (a) and inserting in lieu thereof "12213, or 12214".

(2) Sections 12213 and 12214 are amended by striking out "or Territory, Puerto Rico, or the District of Columbia, whichever is" in subsection (a).

(c) CHAPTER 1209.—Sections of chapter 1209 (as transferred and redesignated by section 1662(e)(2)) are amended as follows:

(1) Section 12301 is amended—
(A) in subsection (b), by striking out "or Territory" and all that follows through the period at the end and inserting in lieu thereof "(or, in the case of the District of Columbia National Guard, the commanding general of the District of Columbia National Guard)"; and
(B) in subsection (d), by striking out "or Territory, Puerto Rico, or the District of Columbia, whichever is".

(2) Section 12304 is amended—
(A) by striking out "section 673(a)" in subsection (a) and inserting in lieu thereof "section 12302(a)";
(B) by striking out "section 268(b)" in subsection (b) and inserting in lieu thereof "section 10143(a)"; and
(C) by striking out "section 3500 or 8500" in subsection (b) and inserting in lieu thereof "section 12406".

(3) Section 12305 is amended by striking out "section 672, 673, or 673b" in subsections (a) and (b) and inserting in lieu thereof "section 12301, 12302, or 12304".

(4) Section 12306 is amended by striking out "section 672" in subsection (a) and inserting in lieu thereof "section 12301".

(5) Section 12307 is amended by striking out "section 672(a) or 688", "section 1001(b)", and "chapter 67" and inserting in lieu thereof "section 688 or 12301(a)", "section 12641(b)", and "chapter 1223", respectively.

(6) Section 12308 is amended by striking out "chapter 67" and "section 1332(b)" and inserting in lieu thereof "chapter 1223" and "section 12732(b)", respectively.

(7) Section 12310 is amended by striking out "section 672(d)" in subsection (a) and inserting in lieu thereof "section 12301(d)".

(8) Section 12312 is amended by striking out "section 679(a)" in subsections (a) and (b) and inserting in lieu thereof "section 12311(a)".

(9) Section 12318 is amended—
(A) by striking out "section 673 or 673b" in subsections (a) and (b) and inserting in lieu thereof "section 12302 or 12304"; and
(B) by striking out "section 678" in subsection (b) and inserting in lieu thereof "section 12310".

(10) Section 12319(d) is amended by striking out "chapter 67" and inserting in lieu thereof "chapter 1223".

(11) Section 12320 is amended by striking out "section 3353, 5600, or 8353" and inserting in lieu thereof "section 12207".

(d) CHAPTER 1219.—Sections of chapter 1219 (as transferred and redesignated by section 1662(h)) are amended as follows:

(1) Section 12642 is amended—
(A) by striking out "section 1332(a)(2)" in subsection (a) and inserting in lieu thereof "section 12732(a)(2)"; and
(B) by striking out "section 1005" in subsection (b) and inserting in lieu thereof "section 12645".

(2) Section 12645 is amended by striking out "chapter 337, 361, 363, 573, 837, 861, or 863" in subsection (a) and inserting in lieu thereof "chapter 573, 1407, 1409, or 1411".

(3) Section 12646 is amended—
(A) by striking out "section 1332" each place it appears in subsections (a) and (b) and inserting in lieu thereof "section 12732";
(B) by striking out "chapter 337, 361, 363, 573, 837, 861, or 863" in subsections (a) and (b) and inserting in lieu thereof "chapter 573, 1407, or 1409"; and
(C) by striking out subsection (e) and inserting in lieu thereof the following:

"(e)(1) A reserve commissioned officer on active duty (other than for training) or full-time National Guard duty (other than full-time National Guard duty for training only) who, on the date on which the officer would otherwise be removed from an active status under section 6389, 14513, or 14514 of this title or section 740 of title 14, is within two years of qualifying for retirement under section 3911, 6323, or 8911 of this title may, in the discretion of the Secretary concerned and subject to paragraph (2), be retained on that duty for a period of not more than two years.

"(2) An officer may be retained on active duty or full-time National Guard duty under paragraph (1) only if—
(A) at the end of the period for which the officer is retained the officer will be qualified for retirement under section 3911, 6323, or 8911 of this title; and
(B) the officer will not, before the end of that period, reach the age at which transfer from an active status or discharge is required by this title or title 14.

"(3) An officer who is retained on active duty or full-time National Guard duty under this section may not be removed from an active status while on that duty."

(4) Section 12647 is amended by striking out "chapters 337, 363, 573, 837, and 863" and inserting in lieu thereof "chapters 573, 1407, and 1409".

SEC. 1676. AMENDMENTS TO TITLES 32 AND 37, UNITED STATES CODE.

(a) TITLE 32, UNITED STATES CODE.—Title 32, United States Code, is amended as follows:

(1) Section 107(c) is amended by striking out "section 3496 or 8496" and inserting in lieu thereof "section 12402".

(2) Section 307(a)(3) is amended by striking out "and sections 8365 and 8366 of title 10".

(3) Section 323(c) is amended by striking out "section 3259, 3352(a), 8259, or 8352(a)" and inserting in lieu thereof "section 12105, 12213(a), or 12214(a)".

(4) The items relating to sections 309 and 310 in the table of sections at the beginning of chapter 3 are amended to read as follows:

"309. Federal recognition of National Guard officers: officers promoted to fill vacancies.

"310. Federal recognition of National Guard officers: automatic recognition."

(b) TITLE 37, UNITED STATES CODE.—Title 37, United States Code, is amended as follows:

(1) Section 204(a)(2) is amended by striking out "section 3021, 3496, 3541, 8021, 8496, or 8541" and inserting in lieu thereof "section 10302, 10305, 10502, or 12402".

(2) Section 205(e)(2) is amended—
(A) by striking out "section 511(b) or 511(d)" in subparagraph (A) and inserting in lieu thereof "section 12103(b) or 12103(d)"; and
(B) by striking out "chapter 39" in subparagraph (B) and inserting in lieu thereof "chapter 1209".

(3) Section 905 is amended—
(A) by striking out "chapter 549" in subsection (a) and inserting in lieu thereof "chapter 1405"; and
(B) by striking out "section 5908" in subsection (b) and inserting in lieu thereof "section 14308(b)".

SEC. 1677. AMENDMENTS TO OTHER LAWS.

(a) TITLE 5, UNITED STATES CODE.—Title 5, United States Code, is amended as follows:

(1) Section 5517(d)(2) is amended by striking out "section 270(a) of title 10" and inserting in lieu thereof "section 10147 of title 10".

(2) Section 6323(b) is amended—
(A) in paragraph (1), by striking out "section 261 of title 10" and inserting in lieu thereof "section 10101 of title 10"; and
(B) in paragraph (2)(A), by striking out "3500, or 8500 of title 10" and inserting in lieu thereof "or 12406 of title 10"; and
(3) Sections 8332(c)(2)(B) and 8411(c)(2)(B) are amended by striking out "chapter 67 of title 10" and inserting in lieu thereof "chapter 1223 of title 10 (or under chapter 67 of that title as in effect before the effective date of the Reserve Officer Personnel Management Act)".

(4) Sections 8401(30) and 8456(a)(1)(A) are amended by striking out "section 261(a) of title 10" and inserting in lieu thereof "section 10101 of title 10".

(b) TITLE 14, UNITED STATES CODE.—Title 14, United States Code, is amended as follows:

(1) Section 41a(a) is amended by striking out "section 679 of title 10" and inserting in lieu thereof "section 12311 of title 10".

(2) Section 271(e) is amended by striking out "section 593 of title 10" and inserting in lieu thereof "section 12203 of title 10".

(3) Section 712(c)(1) is amended by striking out "section 270 of title 10" and inserting in lieu thereof "section 10147 of title 10".

(4) Section 713 is amended by striking out "section 511(d) of title 10" and inserting in lieu thereof "section 12103(d) of title 10".

(5) Sections 740(c) and 741(b) are amended by striking out "section 1006 of title 10" and inserting in lieu thereof "section 12646 of title 10".

(c) INTERNAL REVENUE CODE OF 1986.—Section 219(g)(6)(A) of the Internal Revenue Code of 1986 is amended by striking out "section 261(a) of title 10" and inserting in lieu thereof "section 10101 of title 10".

(d) TITLE 38, UNITED STATES CODE.—Title 38, United States Code, is amended as follows:

(1) Sections 1965(5)(B), 1965(5)(C), and 1968(a)(4)(B) are amended by striking out "chapter 67 of title 10" and inserting in lieu thereof "chapter 1223 of title 10 (or under chapter 67 of that title as in effect before the effective date of the Reserve Officer Personnel Management Act)".

serting in lieu thereof "section 12105, 12213(a), or 12214(a)".

(4) The items relating to sections 309 and 310 in the table of sections at the beginning of chapter 3 are amended to read as follows:

"309. Federal recognition of National Guard officers: officers promoted to fill vacancies.

"310. Federal recognition of National Guard officers: automatic recognition."

(b) TITLE 37, UNITED STATES CODE.—Title 37, United States Code, is amended as follows:

(1) Section 204(a)(2) is amended by striking out "section 3021, 3496, 3541, 8021, 8496, or 8541" and inserting in lieu thereof "section 10302, 10305, 10502, or 12402".

(2) Section 205(e)(2) is amended—
(A) by striking out "section 511(b) or 511(d)" in subparagraph (A) and inserting in lieu thereof "section 12103(b) or 12103(d)"; and
(B) by striking out "chapter 39" in subparagraph (B) and inserting in lieu thereof "chapter 1209".

(3) Section 905 is amended—
(A) by striking out "chapter 549" in subsection (a) and inserting in lieu thereof "chapter 1405"; and
(B) by striking out "section 5908" in subsection (b) and inserting in lieu thereof "section 14308(b)".

SEC. 1677. AMENDMENTS TO OTHER LAWS.

(a) TITLE 5, UNITED STATES CODE.—Title 5, United States Code, is amended as follows:

(1) Section 5517(d)(2) is amended by striking out "section 270(a) of title 10" and inserting in lieu thereof "section 10147 of title 10".

(2) Section 6323(b) is amended—
(A) in paragraph (1), by striking out "section 261 of title 10" and inserting in lieu thereof "section 10101 of title 10"; and
(B) in paragraph (2)(A), by striking out "3500, or 8500 of title 10" and inserting in lieu thereof "or 12406 of title 10"; and
(3) Sections 8332(c)(2)(B) and 8411(c)(2)(B) are amended by striking out "chapter 67 of title 10" and inserting in lieu thereof "chapter 1223 of title 10 (or under chapter 67 of that title as in effect before the effective date of the Reserve Officer Personnel Management Act)".

(4) Sections 8401(30) and 8456(a)(1)(A) are amended by striking out "section 261(a) of title 10" and inserting in lieu thereof "section 10101 of title 10".

(b) TITLE 14, UNITED STATES CODE.—Title 14, United States Code, is amended as follows:

(1) Section 41a(a) is amended by striking out "section 679 of title 10" and inserting in lieu thereof "section 12311 of title 10".

(2) Section 271(e) is amended by striking out "section 593 of title 10" and inserting in lieu thereof "section 12203 of title 10".

(3) Section 712(c)(1) is amended by striking out "section 270 of title 10" and inserting in lieu thereof "section 10147 of title 10".

(4) Section 713 is amended by striking out "section 511(d) of title 10" and inserting in lieu thereof "section 12103(d) of title 10".

(5) Sections 740(c) and 741(b) are amended by striking out "section 1006 of title 10" and inserting in lieu thereof "section 12646 of title 10".

(c) INTERNAL REVENUE CODE OF 1986.—Section 219(g)(6)(A) of the Internal Revenue Code of 1986 is amended by striking out "section 261(a) of title 10" and inserting in lieu thereof "section 10101 of title 10".

(d) TITLE 38, UNITED STATES CODE.—Title 38, United States Code, is amended as follows:

(1) Sections 1965(5)(B), 1965(5)(C), and 1968(a)(4)(B) are amended by striking out "chapter 67 of title 10" and inserting in lieu thereof "chapter 1223 of title 10 (or under chapter 67 of that title as in effect before the effective date of the Reserve Officer Personnel Management Act)".

(2) Section 3002 is amended—

(A) in paragraph (4), by striking out "section 268(b) of title 10" and inserting in lieu thereof "section 10143(a) of title 10"; and

(B) in paragraph (6), by striking out "section 511(d) of title 10" and inserting in lieu thereof "section 12103(d) of title 10".

(e) PUBLIC LAW 99-661.—Section 403(b)(1) of Public Law 99-661 (10 U.S.C. 521 note) is amended—

(1) in subparagraph (B), by striking out "section 265" and all that follows through "of title 10" and inserting in lieu thereof "section 10148(a), 10211, 10302 through 10305, 12301(a), or 12402 of title 10";

(2) in subparagraph (C), by striking out "section 672(d)" and inserting in lieu thereof "section 12301(d)"; and

(3) in subparagraph (E), by striking out "section 673b" and inserting in lieu thereof "section 12304".

(f) MILITARY SELECTIVE SERVICE ACT.—Section 6 of the Military Selective Service Act (50 U.S.C. App. 456) is amended—

(1) in subsection (c)(2)(A), by striking out "section 270 of title 10" and inserting in lieu thereof "section 10147 of title 10";

(2) in subsection (c)(2)(D), by striking out "section 511(b) of title 10" and inserting in lieu thereof "section 12103 of title 10"; and

(3) in subsection (d)(1), by striking out "section 270(a) of title 10" and inserting in lieu thereof "section 10147 of title 10".

Subtitle E—Transition Provisions

SEC. 1681. CONTINUATION ON THE RESERVE ACTIVE-STATUS LIST OF CERTAIN RESERVE COLONELS OF THE ARMY AND AIR FORCE.

(a) CONTINUATION UNDER OLD LAW.—Except as provided in subsection (b), a reserve officer of the Army or the Air Force who, on the effective date of this title—

(1) is subject to placement on the reserve active-status list of the Army or the Air Force; and

(2)(A) holds the reserve grade of colonel, (B) is on a list of officers recommended for promotion to the reserve grade of colonel, or (C) has been nominated by the President for appointment in the reserve grade of colonel,

shall continue to be subject to mandatory transfer to the Retired Reserve or discharge from the officer's reserve appointment under section 3851 or 8851 of title 10, United States Code, as in effect on the day before the effective date of this title.

(b) EXEMPTION.—This section does not apply to an officer who is—

(1) sooner transferred from an active status or discharged under some other provision of law;

(2) promoted to a higher grade, unless the officer was on a list of officers recommended for promotion to the reserve grade of colonel before the effective date of this title; or

(3) continued on the reserve active-status list under section 14701 of title 10, United States Code, as added by this title.

SEC. 1682. EFFECTS OF SELECTION FOR PROMOTION AND FAILURE OF SELECTION FOR ARMY AND AIR FORCE OFFICERS.

(a) PROMOTIONS TO FILL VACANCIES.—A reserve commissioned officer of the Army or Air Force (other than a commissioned warrant officer) who, on the day before the effective date of this title, is recommended for promotion to fill a vacancy in the Army Reserve or the Air Force Reserve under section 3383, 3384, 8372, or 8373 of title 10, United States Code, as in effect on the day before the effective date of this title, in the next higher reserve grade shall be considered to have been recommended for promotion to that grade by a vacancy promotion board under section 14101(a)(2) of title 10, United States Code, as added by this title.

(b) PROMOTIONS OTHER THAN TO FILL VACANCIES.—A reserve officer of the Army or Air Force who, on the day before the effective date of this title, is recommended for promotion under section 3366, 3367, 3370, 3371, 8366, or 8371 of title 10, United States Code, as in effect on the day before the effective date of this title, to a reserve grade higher than the grade in which the officer is serving shall be considered to have been recommended for promotion by a mandatory promotion board convened under section 14101(a)(1) of title 10, United States Code, as added by this title.

(c) OFFICERS FOUND QUALIFIED FOR PROMOTION TO FIRST LIEUTENANT.—A reserve officer of the Army or Air Force who, on the effective date of the title, holds the grade of second lieutenant and has been found qualified for promotion to the grade of first lieutenant in accordance with section 3365, 3382, or 8365 of title 10, United States Code, as in effect on the day before the effective date of this title, shall be promoted to that grade on the date on which the officer would have been promoted under the provisions of chapter 337 or 837 of such title, as in effect on the day before the effective date of this title, unless sooner promoted under regulations prescribed by the Secretary of the Army or the Secretary of the Air Force under section 14308(b) of title 10, United States Code, as added by this title.

(d) OFFICERS ONCE FAILED OF SELECTION.—(1) A reserve officer of the Army in the grade of first lieutenant, captain, or major who, on the day before the effective date of this title, has been considered once but not recommended for promotion to the next higher reserve grade under section 3366 or 3367 of title 10, United States Code, or a reserve officer of the Air Force in the grade of first lieutenant, captain, or major who, on the day before the effective date of this title, is a deferred officer within the meaning of section 8368 of such title, shall be considered to have been considered once but not selected for promotion by a board convened under section 14101(a)(1) of title 10, United States Code, as added by this title. If the officer is later considered for promotion by a selection board convened under that section and is not selected for promotion (or is selected for promotion but declines to accept the promotion), the officer shall be considered for all purposes to have twice failed of selection for promotion.

(2) In the case of a reserve officer of the Army or Air Force in an active status who, on the day before the effective date of this title, is in the grade of first lieutenant, captain, or major and whose name has been removed, under the provisions of section 3363(f) of title 10, United States Code, from a list of officers recommended for promotion or who has previously not been promoted because the President declined to appoint the officer in the next higher grade under section 8377 of such title as in effect on the day before the effective date of this title, or whose name was removed from a list of officers recommended for promotion to the next higher grade because the Senate did not consent to the officer's appointment, if the officer is later considered for promotion by a selection board convened by section 14101(a)(1) of title 10, United States Code, as added by this title, and (A) is not selected for promotion, (B) is selected for promotion but removed from the list of officers recommended or approved for promotion, or (C) is selected for promotion but declines to accept the promotion, the officer shall be considered for all purposes to have twice failed of selection for promotion.

(e) OFFICERS TWICE FAILED OF SELECTION.—A reserve officer of the Army or Air Force in an active status who, on the day before the effective date of this title, is in the grade of first lieutenant, captain, or major and on that date is

subject to be treated as prescribed in section 3846 or 8846 of title 10, United States Code, shall continue to be governed by that section as in effect on the day before the effective date of this title.

(f) OFFICERS WITH APPROVED PROMOTION DECLINATIONS IN EFFECT.—A reserve officer of the Army who, on the day before the effective date of this title, has declined a promotion under subsection (f) or (g) of section 3364 of title 10, United States Code, shall while carried on the reserve active status list be subject to the provisions of subsections (h), (i), and (j) of such section, as in effect on the day before the effective date of this title, except that the name of an officer to whom this section applies shall be placed on a promotion list under section 14308(a) of title 10, United States Code (as added by this title), and, at the end of the approved period of declination, shall be considered to have failed of promotion if the officer again declines to accept the promotion.

(g) COVERED OFFICERS.—This section applies to reserve officers of the Army and Air Force who—

(1) on the day before the effective date of this title are in an active status; and

(2) on the effective date of this title are subject to placement on the reserve active-status list of the Army or the Air Force.

SEC. 1683. EFFECTS OF SELECTION FOR PROMOTION AND FAILURE OF SELECTION FOR NAVY AND MARINE CORPS OFFICERS.

(a) RECOMMENDATIONS FOR PROMOTION.—An officer covered by this section who, on the day before the effective date of this title, has been recommended for promotion to a reserve grade higher than the grade in which the officer is serving shall be considered to have been recommended for promotion to that grade under section 14101(a) of title 10, United States Code, as added by this title.

(b) FAILURES OF SELECTION.—An officer covered by this section who, on the day before the effective date of this title is considered to have failed of selection for promotion one or more times under chapter 549 of title 10, United States Code, to a grade below captain, in the case of a reserve officer of the Navy, or to a grade below colonel, in the case of a reserve officer of the Marine Corps, shall be subject to chapters 1405 and 1407 of title 10, United States Code, as added by this title, as if such failure or failures had occurred under the provisions of those chapters.

(c) OFFICERS OTHER THAN COVERED OFFICERS RECOMMENDED FOR PROMOTION.—A reserve officer of the Navy or Marine Corps who on the day before the effective date of this title (1) has been recommended for promotion in the approved report of a selection board convened under chapter 549 of title 10, United States Code, and (2) was on the active-duty list of the Navy or Marine Corps may be promoted under that chapter, as in effect on the day before the effective date of this title.

(d) OFFICERS FOUND QUALIFIED FOR PROMOTION TO LIEUTENANT (JUNIOR GRADE) OR FIRST LIEUTENANT.—A covered officer who, on the effective date of this title, holds the grade of second lieutenant and has been found qualified for promotion in accordance with section 5908 or 5910 of title 10, United States Code, as in effect on the day before the effective date of this title, shall be promoted on the date on which the officer would have been promoted under the provisions of chapter 549 of such title, as in effect on the day before the effective date of this title, unless sooner promoted under regulations prescribed by the Secretary of the Navy under section 14307(b) of such title, as added by this title.

(e) OFFICERS WHOSE NAMES HAVE BEEN OMITTED FROM A LIST FURNISHED TO A SELECTION BOARD.—A covered officer whose name, as of the effective date of this title, had been omitted

by administrative error from the list of officers furnished the most recent selection board to consider officers of the same grade and component, shall be considered by a special selection board established under section 14502 of title 10, United States Code, as added by this title. If the officer is selected for promotion by that board, the officer shall be promoted as specified in section 5904 of title 10, United States Code, as in effect on the day before the effective date of this title.

(f) COVERED OFFICERS.—Except as provided in subsection (c), this section applies to any reserve officer of the Navy or Marine Corps who (1) before the effective date of this title is in an active status, and (2) on the effective date of this title is subject to placement on the reserve active-status list of the Navy or Marine Corps.

SEC. 1684. DELAYS IN PROMOTIONS AND REMOVALS FROM PROMOTION LIST.

(a) DELAYS IN PROMOTIONS.—(1) A delay in a promotion that is in effect on the day before the effective date of this title under the laws and regulations in effect on that date shall continue in effect on and after that date as if the promotion had been delayed under section 14311 of title 10, United States Code, as added by this title.

(2) The delay of the promotion of a reserve officer of the Army or the Air Force which was in effect solely to achieve compliance with limitations set out in section 524 of title 10, United States Code, or with regulations prescribed by the Secretary of Defense with respect to sections 3380(c) and 3380(c) of title 10, United States Code, as in effect on the day before the effective date of this title, shall continue in effect as if the promotion had been delayed under section 14311(e) of such title, as added by this title.

(b) REMOVALS FROM LIST.—An action that was initiated before the effective date of this title under the laws and regulations in effect before that date to remove the name of an officer from a promotion list or from a list of officers recommended or approved for promotion shall continue on and after such date as if such action had been initiated under section 14110(d) or 14310, as appropriate, of title 10, United States Code, as added by this title.

SEC. 1685. MINIMUM SERVICE QUALIFICATIONS FOR PROMOTION.

During the five-year period beginning on the effective date of this title, the Secretary of the Army and the Secretary of the Air Force may waive the provisions of section 14304 of title 10, United States Code, as added by this title. The Secretary may, in addition, during any period in which such a waiver is in effect, establish minimum periods of total years of commissioned service an officer must have served to be eligible for consideration for promotion to the grade of captain, major, or lieutenant colonel by boards convened under section 14101(a) of title 10, United States Code, as added by this title.

SEC. 1686. ESTABLISHMENT OF RESERVE ACTIVE-STATUS LIST.

(a) SIX-MONTH DEADLINE.—Not later than six months after the effective date of this title, the Secretary of the military department concerned shall ensure that—

(1) all officers of the Army, Navy, Air Force, and Marine Corps who are required to be placed on the reserve active-status list of their Armed Force under section 14002 of title 10, United States Code, as added by this title, shall be placed on the list for their armed force and in their competitive category; and

(2) the relative seniority of those officers on each such list shall be established.

(b) REGULATIONS.—The Secretary concerned shall prescribe regulations for the establishment of relative seniority. The Secretary of the Army and the Secretary of the Air Force shall, in prescribing such regulations, provide for the consideration of both promotion service established

under section 3360(b) or 3360(e) of title 10, United States Code, as in effect on the day before the effective date of this title, and total commissioned service established under section 3360(c) or 3366(e) of such title, as in effect on the day before the effective date of this title. An officer placed on a reserve active-status list in accordance with this section shall be considered to have been on the list as of the effective date of this title.

SEC. 1687. PRESERVATION OF RELATIVE SENIORITY UNDER THE INITIAL ESTABLISHMENT OF THE RESERVE ACTIVE-STATUS LIST.

In order to maintain the relative seniority among reserve officers of the Army, Navy, Air Force, or Marine Corps as determined under section 1686, the Secretary of the military department concerned may, during the one-year period beginning on the effective date of this title, adjust the date of rank of any reserve officer of such Armed Force who was in an active status but not on the active-duty list on such effective date.

SEC. 1688. GRADE ON TRANSFER TO THE RETIRED RESERVE.

In determining the highest grade held satisfactorily by a person at any time in the Armed Forces for the purposes of paragraph (2) of section 1406(b) of title 10, United States Code, as added by this title, the requirement for satisfactory service on the reserve active-status list contained in section 1370(d) of title 10, United States Code, as added by this title, shall apply only to reserve commissioned officers who are promoted to a higher grade as a result of selection for promotion under chapter 36 of that title or under chapter 1405 of that title, as added by this title, or having been found qualified for Federal recognition in a higher grade under chapter 3 of title 32, United States Code, after the effective date of this title.

SEC. 1689. RIGHTS FOR OFFICERS WITH OVER THREE YEARS SERVICE.

A reserve officer of the Army, Navy, Air Force, or Marine Corps who was in an active status on the day before the effective date of this title and who was subject to placement of the reserve active-status list on the effective date of this title may not be discharged under section 14503 of title 10, United States Code, as added by this title, until on or after the day on which that officer completes three years of continuous service as a reserve commissioned officer.

SEC. 1690. MANDATORY SEPARATION FOR AGE FOR CERTAIN RESERVE OFFICERS OF THE NAVY AND MARINE CORPS.

(a) SAVINGS PROVISIONS FOR REQUIRED SEPARATION AGE.—A reserve officer of the Navy or the Marine Corps—

(1) who—

(A) on the effective date of this title is in an active status, and

(B) on the day before the effective date of this title was an officer described in section 6389(e), 6397(a), 6403(a), or 6403(b) of title 10, United States Code; and

(2) who, on or after the effective date of this title is subject to elimination from an active status under any provision of such title,

is entitled to be treated as that officer would have been treated under section 6397 or 6403 as applicable, as in effect on the day before the effective date of this title, if that treatment would result in the date for the officer's separation from an active status being a later date than the date established under the law in effect on or after the effective date of this title.

(b) SAVINGS PROVISIONS FOR MANDATORY SEPARATION FOR AGE.—An officer who was initially appointed in the Naval Reserve or the Marine Corps Reserve before January 1, 1953, and who cannot complete 20 years of service computed

under section 12732 of this title before he becomes 62 years of age, but can complete this service by the time he becomes 64 years of age, may be retained in an active status not later than the date he becomes 64 years of age.

(c) An officer who was initially appointed in the Naval Reserve or the Marine Corps Reserve before the effective date of this title, and who cannot complete 20 years of service computed under section 12732 of this title before he becomes 60 years of age, but can complete this service by the time he becomes 62 years of age, may be retained in an active status not later than the date he becomes 62 years of age.

Subtitle F—Effective Dates and General Savings Provisions

SEC. 1691. EFFECTIVE DATE.

(a) EFFECTIVE DATE FOR AMENDMENTS.—Except as provided in subsection (b), the amendment made by section 1611 and the amendments made by subtitles C and D shall take effect on December 1, 1994.

(b) EFFECTIVE DATE FOR NEW RESERVE OFFICER PERSONNEL POLICIES.—(1) The provisions of part III of subtitle E of title 10, United States Code, as added by section 1611, shall become effective on October 1, 1996. The amendments made by part II of subtitle A, by subtitle B, and by section 1671(c)(2) and paragraphs (2), (3)(B), (3)(C), and (4) of section 1675(d) shall take effect on October 1, 1996.

(2) Any reference in subtitle E of this title to the effective date of this title is a reference to the effective date prescribed in paragraph (1).

(3) The personnel policies applicable to Reserve officers under the provisions of law in effect on the day before the date prescribed in subsection (a) and replaced by the Reserve officer personnel policies prescribed in part III of subtitle E of title 10, United States Code, as added by section 1611, shall, notwithstanding the provisions of subsection (a), continue in effect until the effective date prescribed in paragraph (1).

(4) The authority to prescribe regulations under the provisions of part III of subtitle E of title 10, United States Code, as added by section 1611, shall take effect on the date of the enactment of this Act.

SEC. 1692. PRESERVATION OF SUSPENDED STATUS OF LAWS SUSPENDED AS OF EFFECTIVE DATE.

If a provision of law that is in a suspended status on the day before the effective date of this title under section 1691(b)(1) is transferred or amended by this title, the suspended status of that provision is not affected by that transfer or amendment.

SEC. 1693. PRESERVATION OF PRE-EXISTING RIGHTS, DUTIES, PENALTIES, AND PROCEEDINGS.

Except as otherwise provided in this title, the provisions of this title and the amendments made by this title do not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before the effective date of this title under section 1691(b)(1).

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SECTION 2001. SHORT TITLE.

This division may be cited as the "Military Construction Authorization Act for Fiscal Year 1995".

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), and, in the case of the project described in section 2104(b)(2), other amounts appropriated pursuant to authorizations enacted after this Act for that project, the Secretary of the Army may

acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or location	Amount
Alabama	Redstone Arsenal	\$2,600,000
California	Fort Irwin	10,000,000
Georgia	Fort Benning	6,550,000
	Fort Gordon	44,750,000
Hawaii	Schofield Barracks	20,700,000
Kentucky	Fort Campbell	52,500,000
	Fort Knox	8,500,000
Maryland	Edgewood Arsenal	2,600,000
	Adelphi Laboratory Center	6,600,000
New Jersey	Bayonne Military Ocean Terminal	4,050,000
New York	Fort Drum	12,600,000
	United States Military Academy, West Point	28,000,000
North Carolina	Fort Bragg	29,000,000
	Sunny Point Military Ocean Terminal	22,200,000
Oklahoma	Fort Sill	18,000,000
Pennsylvania	Tobyhanna Depot	17,000,000
South Carolina	Charleston Naval Weapons Station	20,000,000
Texas	Fort Bliss	16,800,000
	Fort Hood	45,800,000
	Fort Sam Houston	4,300,000
Virginia	Fort Lee	15,600,000
	Fort Myer	7,300,000
Washington	Fort Lewis	64,000,000
CONUS Classified	Classified Location	1,900,000

(b) OUTSIDE THE UNITED STATES.—Using the Secretary of the Army 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:

Army: Outside the United States

Country	Installation or location	Amount
Korea	Camp Casey	\$29,200,000
	Camp Red Cloud	5,400,000
Kwajalein Atoll	Kwajalein	6,400,000
Worldwide	Host Nation Support	10,000,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—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 installations and locations outside the United States, and in the amounts set forth in the following table:

Army: Family Housing

State	Installation	Purpose	Amount
Alaska	Fort Richardson	72 units	\$5,000,000
Colorado	Fort Carson	145 units	16,500,000
Georgia	Fort Stewart	128 units	10,600,000
Hawaii	Schofield Barracks	190 units	26,000,000
Kansas	Fort Riley	126 units	12,600,000
Massachusetts	Natick Research Center	35 units	4,150,000
New York	United States Military Academy, West Point	56 units	8,000,000
Texas	Fort Bliss	215 units	21,400,000
	Fort Sam Houston	100 units	10,000,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed \$5,992,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may improve existing military family housing in an amount not to exceed \$49,760,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Subject to subsection (c), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1994, for military construction, land acquisition, and military family housing functions of the

Department of the Army in the total amount of \$1,736,686,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), \$447,350,000.

(2) For military construction projects outside the United States authorized by section 2101(b), \$51,000,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, \$12,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$66,126,000.

(5) For military family housing functions:
(A) For construction and acquisition, planning and design, and improvements of military family housing and facilities, \$170,002,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), \$1,013,708,000, of which not more than \$243,442,000 may be obligated or expended for the leasing of military family housing 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 2101 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a) (as reduced by operation of subsection (c)); and

(2) \$14,000,000 (the balance of the amount authorized under section 2101(a) for the construction and renovation of a food processing facility at the United States Military Academy, West Point, New York).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (5) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by \$23,500,000, which represents the combination of project savings resulting from favorable bids, reduced overhead costs, cancellations due to force structure

changes, and cancellations due to 1995 base closure and realignment decisions.

SEC. 2105. AUTHORIZATION OF MILITARY CONSTRUCTION PROJECT AT FORT BRAGG, NORTH CAROLINA, FOR WHICH FUNDS HAVE BEEN APPROPRIATED.

Using amounts previously appropriated for such purpose, the Secretary of the Army may carry out a military construction project for the construction of a library at Fort Bragg, North Carolina, in the total amount of \$5,500,000.

SEC. 2106. RELOCATION OF ARMY FAMILY HOUSING UNITS FROM FORT HUNTER LIGGETT, CALIFORNIA, TO FORT STEWART, GEORGIA.

Section 2102(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102-190; 105 Stat. 1511) is amended—

(1) by striking out paragraph (1) and inserting in lieu thereof the following new paragraph:

“(1) Fort Hunter Liggett, California, one hundred fifty-four units, \$12,300,000.”; and

(2) by striking out paragraph (5) and inserting in lieu thereof the following new paragraph:

“(5) Fort Stewart, Georgia, one hundred twenty-one units, \$9,890,000.”.

SEC. 2107. HIGHWAY SAFETY AT HAWTHORNE ARMY AMMUNITION PLANT, NEVADA.

(a) **STUDY.**—The Secretary of the Army shall carry out a study of traffic safety on the highway at the Hawthorne Army Ammunition Plant, Nevada. In carrying out the study, the Secretary shall—

(1) evaluate traffic safety on the highway, including traffic safety with respect to the rail and truck crossing of the highway at the Plant;

(2) evaluate the feasibility and desirability of constructing a vehicle bridge over the rail and truck crossing; and

(3) determine whether any construction required to improve traffic safety on the highway should be funded as a military construction project or as a defense access road construction project.

(b) **ARCHITECTURAL AND ENGINEERING SERVICES AND CONSTRUCTION DESIGN.**—If the Secretary determines as a result of the study under subsection (a) that construction of a vehicle bridge over the rail and truck crossing of the

highway at the Plant is feasible and desirable, the Secretary may—

(1) obtain architectural and engineering activities and carry out construction design with respect to the construction of the bridge; or

(2) request that the Secretary of Transportation carry out the construction of the bridge as a project for the construction of a defense access road under section 210 of title 23, United States Code.

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), and, in the case of the project described in section 2204(b)(2), other amounts appropriated pursuant to authorizations enacted after this Act for that project, 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	Camp Pendleton Amphibious Task Force	\$10,700,000
	Camp Pendleton Marine Corp Base	6,860,000
	China Lake Naval Air Warfare Center	6,000,000
	El Centro Naval Air Facility	3,000,000
	Lemoore Naval Air Station	7,000,000
	North Island Naval Air Station	18,830,000
	Port Hueneme Construction Battalion Center	9,650,000
	San Diego Marine Corps Recruit Depot	1,090,000
	San Diego Naval Station	4,100,000
	Twentynine Palms, Marine Corps Air-Ground Combat Center	2,900,000
Florida	Jacksonville Fleet and Industrial Supply Center	2,200,000
	Pensacola Naval Air Station	2,100,000
Hawaii	Kaneohe Bay Marine Corps Air Station	4,900,000
Illinois	Great Lakes Navy Public Works Center	13,000,000
	Crane Naval Surface Warfare Center	7,970,000
Indiana	Indian Head Naval Surface Warfare Center	10,400,000
	Patuxent River Naval Air Warfare Center	4,200,000
Maryland	United States Naval Academy	1,900,000
	Lakehurst Naval Air Warfare Center	2,950,000
New Jersey	White Sands Naval Ordnance Missile Test Station	1,390,000
New Mexico	Camp Lejeune Marine Corp Base	14,850,000
	Cherry Point Marine Corps Air Station	2,100,000
Pennsylvania	Philadelphia Naval Shipyard	10,500,000
	Newport Naval Education and Training Center	14,500,000
Rhode Island	Newport Naval War College	28,000,000
South Carolina	Beaufort Marine Corps Air Station	10,800,000
	Parris Island Marine Corps Recruit Depot	8,350,000
Texas	Ingleside Naval Station	14,110,000
	Kingsville Naval Air Station	1,530,000
Virginia	Chesapeake Naval Security Group Activity	1,150,000
	Dam Neck Fleet Combat Training Center	7,000,000
	Little Creek Amphibious Base	5,000,000
	Norfolk Marine Corps Security Force Battalion Atlantic	6,480,000
	Norfolk Naval Base	5,100,000
	Norfolk Naval Station	16,430,000
Washington	Quantico Marine Corps Combat Development Command	19,900,000
	Bremerton Puget Sound Naval Shipyard	11,040,000
	Everett Naval Station	21,690,000
CONUS Classified	Whidbey Island Naval Air Station	5,200,000
	Aircraft Fire Rescue and Vehicle Maintenance Facilities	2,200,000

(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 out-

side the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or location	Amount
Greece	Souda Bay, Crete Naval Support Activity	\$3,050,000
Italy	Naples Naval Support Activity	28,460,000
	Sigonella Naval Air Station	13,750,000
Puerto Rico	Sabana Seca Naval Security Group Activity	1,650,000
United Kingdom	Saint Mawgan Joint Communication Center	3,900,000

SEC. 2202. FAMILY HOUSING.

(a) **CONSTRUCTION AND ACQUISITION.**—Using amounts appropriated pursuant to the author-

ization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may construct or acquire family housing units (in-

cluding 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	Camp Pendleton Marine Corps Base	196 units	\$28,552,000
	San Diego Navy Public Works Center	136 units	18,262,000
Hawaii	Moanalua Terrace	100 units (replacement)	16,000,000
Maryland	Patuxent River Naval Air Station	Housing Office	863,000
Mississippi	Gulfport Construction Battalion Center	120 units	10,370,000
Texas	Corpus Christi Naval Air Station	100 units	11,800,000
Virginia	Norfolk Navy Public Works Center	Warehouse and Self Help Center	555,000
Washington	Everett Naval Station	Housing Office	780,000

(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 \$24,681,000.

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 \$155,602,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) **IN GENERAL.**—Subject to subsection (c), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1994, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of \$1,591,824,000 as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), \$309,070,000.

(2) For military construction projects outside the United States authorized by section 2201(b), \$50,810,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, \$7,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$43,380,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvements of military family housing and facilities, \$267,465,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), \$937,599,000, of which not more than \$114,336,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) **LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.**—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a) (as reduced by operation of subsection (c)); and

(2) \$18,000,000 (the balance of the amount authorized under section 2201(a) for the construction of a Strategic Maritime Research Center at the Naval War College, Newport, Rhode Island).

(c) **ADJUSTMENT.**—The total amount authorized to be appropriated pursuant to paragraphs (1) through (5) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by \$23,500,000, which represents the combination of project savings resulting from favorable bids, reduced overhead costs, cancellations due to force structure changes, and cancellations due to 1995 base closure and realignment decisions.

SEC. 2205. RESTORATION OF AUTHORITY TO CARRY OUT MILITARY CONSTRUCTION PROJECT AT NAVAL SUPPLY CENTER, PENSACOLA, FLORIDA.

(a) **REAUTHORIZATION.**—Notwithstanding section 2205(b)(1)(D)(ii) of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103-160; 107 Stat. 1865), the Secretary of the Navy may carry out the military construction project at the Naval Supply Center, Pensacola, Florida, which involves construction of a cold storage facility at the installation and was originally authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102-190; 105 Stat. 1514).

(b) **CONFORMING AMENDMENT.**—Section 2205(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102-190; 105 Stat. 1518), as amended by section 2205(b)(2) of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103-160; 107 Stat. 1865), is further amended—

(A) in the matter preceding the paragraphs, by striking out “\$1,759,990,000” and inserting in lieu thereof “\$1,765,690,000”; and

(B) in paragraph (1), by striking out “\$667,700,000” and inserting in lieu thereof “\$673,400,000”.

SEC. 2206. DESIGN ACTIVITIES FOR UPGRADE OF MAYPORT NAVAL STATION, FLORIDA.

(a) **COMMENCEMENT OF DESIGN ACTIVITIES.**—At the conclusion of the facilities study prepared by the Secretary of the Navy to identify infrastructure improvements that would be necessary to provide Mayport Naval Station, Flor-

ida, with the capability to serve as a homeport for a nuclear powered aircraft carrier and the programmatic environmental impact study to identify environmental issues associated with such improvements, the Secretary shall begin design activities for such military construction projects as may be necessary to provide for such a capability.

(b) **RULE OF CONSTRUCTION.**—Nothing in subsection (a) shall be construed as an authorization to the Secretary to proceed with the construction of facilities specifically designed to make Mayport Naval Station capable of serving as a homeport for a nuclear powered aircraft carrier.

SEC. 2207. RELOCATION OF PASCAGOULA COAST GUARD STATION, MISSISSIPPI.

(a) **AGREEMENT ON RELOCATION.**—Subject to subsection (c), the Secretary of the Navy and the Secretary of Transportation may enter into an agreement that provides for the relocation of the activities and functions of Pascagoula Coast Guard Station to Pascagoula Naval Station, Pascagoula, Mississippi.

(b) **PROHIBITION ON RELOCATION OR CONSTRUCTION COSTS.**—The Navy may not incur any construction costs relating to the relocation. The Coast Guard may not incur any construction costs or relocation costs relating to the relocation.

(c) **CONDITION ON RELOCATION.**—The activities and functions of Pascagoula Coast Guard Station may not be relocated to Pascagoula Naval Station if either—

(1) the Secretary of the Navy determines that the relocation of the Coast Guard facility would interfere with the performance of the mission of the Navy at Pascagoula Naval Station; or

(2) the Secretary of Transportation determines that the relocation of the Coast Guard facility would be incompatible with Coast Guard operations in the Pascagoula area.

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) **INSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or location	Amount
Alabama	Maxwell Air Force Base	\$9,600,000
Alaska	Cape Lisburne Long Range Radar Site	2,800,000

Air Force: Inside the United States—Continued

State	Installation or location	Amount
Arizona	Elmendorf Air Force Base	5,000,000
Arkansas	Luke Air Force Base	4,900,000
California	Little Rock Air Force Base	4,800,000
	Beale Air Force Base	11,850,000
	Edwards Air Force Base	\$7,050,000
	McClellan Air Force Base	8,500,000
	Travis Air Force Base	3,600,000
	Vandenberg Air Force Base	6,550,000
Colorado	Peterson Air Force Base	1,750,000
Delaware	Dover Air Force Base	10,500,000
Florida	Cape Canaveral Air Force Station	10,450,000
Georgia	Moody Air Force Base	13,400,000
	Robins Air Force Base	21,200,000
Idaho	Mountain Home Air Force Base	15,950,000
Illinois	Scott Air Force Base	2,700,000
Kansas	McConnell Air Force Base	500,000
Louisiana	Barksdale Air Force Base	15,700,000
Maryland	Andrews Air Force Base	6,300,000
Mississippi	Columbus Air Force Base	13,200,000
	Keesler Air Force Base	11,240,000
Missouri	Whiteman Air Force Base	24,290,000
Montana	Malmstrom Air Force Base	7,200,000
Nebraska	Offutt Air Force Base	2,260,000
Nevada	Nellis Air Force Base	600,000
New Jersey	McGuire Air Force Base	17,000,000
New Mexico	Holloman Air Force Base	10,950,000
	Kirtland Air Force Base	28,000,000
North Carolina	Pope Air Force Base	5,050,000
North Dakota	Grand Forks Air Force Base	5,200,000
	Minot Air Force Base	5,850,000
Ohio	Wright-Patterson Air Force Base	26,550,000
Oklahoma	Altus Air Force Base	3,750,000
	Tinker Air Force Base	20,443,000
	Vance Air Force Base	11,680,000
South Carolina	Charleston Air Force Base	11,400,000
South Dakota	Ellsworth Air Force Base	5,950,000
Tennessee	Arnold Air Force Base	1,900,000
Texas	Brooks Air Force Base	6,500,000
	Kelly Air Force Base	8,950,000
	Lackland Air Force Base	5,200,000
	Sheppard Air Force Base	3,300,000
Virginia	Langley Air Force Base	5,500,000
Washington	Fairchild Air Force Base	17,900,000
	McChord Air Force Base	10,400,000
Wyoming	F.E. Warren Air Force Base	2,650,000
CONUS Classified	Classified Location	2,141,000

(b) OUTSIDE THE UNITED STATES.—Using 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
Germany	Ramstein Air Base	\$12,350,000
	Spangdahlem Air Base	9,473,000
Greenland	Thule Air Base	2,450,000
Portugal	Lajes Field, Azores	2,850,000
United Kingdom	Lakenheath Royal Air Force Base	7,100,000
Overseas Classified	Classified Locations	4,050,000

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Air Force: Family Housing

State	Installation	Purpose	Amount
Alabama	Maxwell Air Force Base	25 units	\$2,100,000
Arizona	Davis Monthan Air Force Base	110 units	10,029,000
California	Beale Air Force Base	76 units	8,842,000
	Edwards Air Force Base	34 units	4,629,000
	Los Angeles Air Force Station	50 units	8,962,000
	Vandenberg Air Force Base	128 units	16,460,000
District of Columbia	Bolling Air Force Base	100 units	9,000,000
Florida	Patrick Air Force Base	75 units	7,145,000
Idaho	Mountain Home Air Force Base	4 units	881,000
	Mountain Home Air Force Base	60 units	5,712,000
Kansas	McConnell Air Force Base	70 units	8,322,000
Louisiana	Barksdale Air Force Base	82 units	8,236,000
Missouri	Whiteman Air Force Base	Housing Office	567,000
New Mexico	Cannon Air Force Base	1 unit	230,000
	Holloman Air Force Base	76 units	7,733,000
	Kirtland Air Force Base	106 units	10,056,000
North Carolina	Pope Air Force Base	120 units	14,874,000
	Seymour Johnson Air Force Base	74 units	6,025,000
North Dakota	Grand Forks Air Force Base	Housing Office	709,000

Air Force: Family Housing—Continued

State	Installation	Purpose	Amount
South Carolina	Shaw Air Force Base	3 units	631,000
Texas	Dyess Air Force Base	59 units	7,077,000
Utah	Hill Air Force Base	138 units	11,400,000
Virginia	Langley Air Force Base	148 units	14,421,000
Washington	Fairchild Air Force Base	6 units	1,035,000
Wyoming	F.E. Warren Air Force Base	106 units	11,321,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed \$9,275,000.

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)(6)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed \$61,770,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) IN GENERAL.—Subject to subsection (c), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1994, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of \$1,601,602,000 as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), \$438,154,000.

(2) For military construction projects outside the United States authorized by section 2301(b), \$38,273,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, \$7,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$49,386,000.

(5) For the construction of the climatic test chamber at Eglin Air Force Base, Florida, authorized by section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2594), \$20,000,000.

(6) For military family housing functions: (A) For construction and acquisition, planning and design, and improvements of military family housing and facilities, \$247,444,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), \$824,845,000, of which not more than \$112,757,000 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) (as reduced by operation of subsection (c)).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (6) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by \$23,500,000, which represents the combination of project savings resulting from favorable bids, reduced overhead costs, cancellations due to force structure changes, and cancellations due to 1995 base closure and realignment decisions.

SEC. 2305. AUTHORIZATION OF MILITARY CONSTRUCTION PROJECTS AT TYNDALL AIR FORCE BASE, FLORIDA, FOR WHICH FUNDS HAVE BEEN APPROPRIATED.

(a) AUTHORIZATION.—The table in section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103-160; 107 Stat. 1867) is amended in the item relating to Tyndall Air Force Base, Florida, by striking out "\$2,600,000" in the amount column and inserting in lieu thereof "\$8,200,000".

(b) CONFORMING AMENDMENT.—Section 2304(a) of such Act (107 Stat. 1870) is amended—

(1) in the matter preceding the paragraphs, by striking out "\$2,040,031,000" and inserting in lieu thereof "\$2,045,631,000"; and

(2) in paragraph (1), by striking out "\$877,539,000" and inserting in lieu thereof "\$883,139,000".

SEC. 2306. REVISION OF AUTHORIZED FAMILY HOUSING PROJECT AT TYNDALL AIR FORCE BASE, FLORIDA.

The table in section 2302(a) of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103-160; 107 Stat. 1869) is amended in the item relating to Tyndall Air Force Base, Florida, by striking out "Infrastructure" in the purpose column and inserting in lieu thereof "45 units".

SEC. 2307. MODIFICATION OF AIR FORCE PLANT NO. 3, TULSA, OKLAHOMA.

(a) MODIFICATION AUTHORIZED.—Subject to subsection (b), of the amount authorized to be appropriated under section 301(4), not more than \$10,000,000 shall be available to the Secretary of the Air Force to carry out the modification of Air Force Plant No. 3, Tulsa, Oklahoma.

(b) CONDITION.—The Secretary of the Air Force may not obligate any of the funds made available under subsection (a) until after the end of a period of 30 legislative days (as defined in section 2687(e)(4) of title 10, United States Code) beginning on the date the Secretary submits to the congressional defense committees a report certifying that the modification is consistent with the long term national security mission of Air Force Plant No. 3.

SEC. 2308. REPEAL OF LIMITATION ON ORDER OF RETIREMENT OF MINUTEMAN II MISSILES.

Section 2307 of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510; 104 Stat. 1775) is repealed.

TITLE XXIV—DEFENSE AGENCIES

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

Agency	Installation or location	Amount
Chemical Agents and Munitions Destruction	Anniston Army Depot, Alabama	\$5,000,000
	Pine Bluff Arsenal, Arkansas	3,000,000
	Tooele Army Depot, Utah	4,000,000
	Umatilla Army Depot, Oregon	12,000,000
Defense Intelligence Agency	Bolling Air Force Base, Washington, District of Columbia	600,000
Defense Logistics Agency	Defense Construction Supply Center, Columbus, Ohio	2,200,000
	Defense Contract Management Area Office, El Segundo, California	5,100,000
	Defense Fuel Support Point, Craney Island, Virginia	3,652,000
Defense Medical Facility Office	Headquarters, Defense Logistics Agency, Ft. Belvoir, Virginia	4,600,000
	Fort Dix, New Jersey	2,000,000
	Fort McPherson, Georgia	13,300,000
	McClellan Air Force Base, California	10,280,000
	Fort Meade, Maryland	5,458,000
	CONUS Classified Location	5,300,000
National Security Agency	Naval Surface Warfare Center, Virginia	1,560,000
Office Secretary of Defense	Eglin Auxiliary Field No. 9, Florida	20,200,000
Section 6 Schools	Fort Bragg, North Carolina	8,000,000
Special Operations Forces	Kirtland Air Force Base, New Mexico	9,600,000
	Naval Base Coronado, San Diego, California	3,400,000

SEC. 2402. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in section

2405(a)(11)(A), the Secretary of Defense may construct or acquire family housing units (including land acquisition) at the location, for the

purpose, and in the amount set forth in the following table:

Defense Agencies: Family Housing

Country	Agency	Purpose	Amount
Belgium	National Security Agency	1 unit	\$300,000

SEC. 2403. IMPROVEMENT 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 2405(a)(11)(A), the Secretary of Defense may improve existing military family housing units in an amount not to exceed \$50,000.

SEC. 2404. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(8), the Secretary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code.

SEC. 2405. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) **IN GENERAL.**—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1994, 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 \$3,213,608,000 as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), \$119,250,000.

(2) 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), \$120,000,000.

(3) 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), \$66,000,000.

(4) 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), \$75,000,000.

(5) For unspecified minor construction projects under section 2805 of title 10, United States Code, \$22,348,000.

(6) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, \$3,511,000.

(7) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$51,960,000.

(8) For energy conservation projects authorized by section 2404, \$50,000,000.

(9) 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), \$87,600,000.

(10) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), \$2,588,558,000.

(11) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvements of military family housing and facilities, \$350,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), \$29,031,000, of which not more than \$24,051,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) **LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.**—Notwithstanding the cost variations authorized by section 2853 of title 10,

United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the total amount authorized to be appropriated under subsection (a)(1).

SEC. 2406. COMMUNITY IMPACT ASSISTANCE WITH REGARD TO NAVAL WEAPONS STATION, CHARLESTON, SOUTH CAROLINA.

Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(10), the Secretary of the Navy shall transfer \$3,000,000 to the South Carolina Department of Highways and Public Transportation to be used for improvements to North Rhett Avenue, which provides access to the Naval Weapons Station, Charleston, South Carolina, to help alleviate the adverse effects of the closure of the Charleston Naval Station and Charleston Naval Shipyard, South Carolina, on the surrounding communities.

SEC. 2407. PLANNING AND DESIGN FOR CONSTRUCTION IN SUPPORT OF CONSOLIDATION OF OPERATIONS OF THE DEFENSE FINANCE AND ACCOUNTING SERVICE.

Of the amount authorized to be appropriated by section 2405(a)(7), \$6,000,000 shall be available for planning and design activities relating to military construction in support of the consolidation of operations of the Defense Finance and Accounting Service.

SEC. 2408. MODIFICATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 1993 PROJECT.

(a) **MODIFICATION OF AUTHORITY.**—(1) The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2599) is amended in the item relating to Fitzsimons Army Medical Center, Colorado, by striking out "\$390,000,000" in the amount column and inserting in lieu thereof "\$225,000,000".

(2) Section 2403(c)(6) of such Act (106 Stat. 2600) is amended by striking out "\$388,000,000" and inserting in lieu thereof "\$223,000,000".

(b) **CERTIFICATION.**—(1) If the budget for fiscal year 1996 that is submitted to Congress under section 1105 of title 31, United States Code, includes a request for funds for the construction of a replacement facility at Fitzsimons Army Medical Center, Colorado, then not later than March 15, 1995, the Secretary of Defense shall submit to the congressional defense committees a certification that the replacement facility is needed to meet military health care requirements.

(2) In making the certification, the Secretary of Defense shall address the issues raised in the Audit Report of the Inspector General of the Department of Defense dated March 21, 1994, and entitled "Medical Treatment Facility Requirements—Fitzsimons Army Medical Center", including—

(A) the cost-effectiveness of building a replacement facility;

(B) the Department of Defense policy on construction of new military medical treatment facilities in areas in which the majority of the patient population is military retirees and their dependents;

(C) the percentage of the patient population in the catchment area of Fitzsimons Army Medical Center and in the Region 8 area that consists of—

- (i) active duty personnel;
- (ii) dependents of active duty personnel;
- (iii) military retirees; and
- (iv) dependents of military retirees;

(D) the availability to and cost for the patient population in the catchment area of medical care provided by civilian medical facilities located in that area;

(E) the occupancy rates of civilian medical facilities in the catchment area;

(F) the nature and extent of advanced medical procedures provided by civilian medical facilities in the catchment area;

(G) the ability of and cost to other Department of Defense medical facilities and civilian medical facilities located in the Region 8 area of providing medical care to patients in that area that are currently served by Fitzsimons Army Medical Center;

(H) the projected occupancy rates at Fitzsimons Army Medical Center with and without patients from outside the catchment area and the Region 8 area; and

(I) the cost-effectiveness and contribution of the Graduate Medical Education program at Fitzsimons Army Medical Center to meeting the training requirements of the Army for military medical personnel.

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, 1994, 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 \$119,000,000.

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, 1994, 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, \$188,062,000; and

(B) for the Army Reserve, \$57,370,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, \$22,748,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, \$249,053,000; and

(B) for the Air Force Reserve, \$57,066,000.

SEC. 2602. PROHIBITION ON USE OF FUNDS FOR UNAUTHORIZED GUARD AND RESERVE PROJECTS.

(a) **PROHIBITION OF UNAUTHORIZED PROJECTS.**—Except as provided in subsection

(b), funds appropriated pursuant to the authorization of appropriations in section 2601 may only be used for the purpose of paying for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces (and for contributions for such purposes) under chapter 133 of title 10, United States Code, in the case of projects for the Guard and Reserve Forces specified in the joint explanatory statement of the committee of conference to accompany the bill S. 2182 of the One Hundred and Third Congress.

(b) EXCEPTIONS.—Subsection (a) shall not apply with respect to funds authorized to be appropriated in section 2601 for unspecified planning and design and for unspecified minor construction. Such subsection shall also not apply in the case of a project for the Guard and Reserve Forces—

(1) specifically authorized by a law enacted after the date of the enactment of this Act;

(2) designated as emergency construction, in the same manner as provided for military construction projects under section 2803 of title 10, United States Code;

(3) designated as contingency construction, in the same manner as provided for military construction projects under section 2804 of such title;

(4) designated as a construction project required to carry out an environmental response action, in the same manner as provided for military construction projects under section 2810 of such title;

(5) designated as a construction project required to repair, restore, or replace a damaged or destroyed facility, in the same manner as provided for military construction projects under section 2854 of such title; or

(6) specified in the joint explanatory statement of the committee of conference to accompany any Act, enacted before the date of enactment of this Act, authorizing funds for military construction projects if the authorization for the project has not expired by the time the expenditure is to be made.

SEC. 2603. AUTHORIZATION OF PROJECTS FOR WHICH FUNDS HAVE BEEN APPROPRIATED.

(a) FISCAL YEAR 1994 GUARD AND RESERVE PROJECTS.—Section 2601 of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103-160; 107 Stat. 1878) is amended—

(1) in paragraph (1), by striking out "\$283,483,000" and inserting in lieu thereof "\$299,223,000"; and

(2) in paragraph (2), by striking out "\$25,013,000" and inserting in lieu thereof "\$33,713,000".

(b) FISCAL YEAR 1993 AIR NATIONAL GUARD PROJECT.—Section 2601(3)(A) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2602) is amended by striking out "\$305,759,000" and inserting in lieu thereof "\$306,959,000".

(c) FISCAL YEAR 1992 ARMY NATIONAL GUARD PROJECT.—Section 2601(1)(A) 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 "\$210,745,000" and inserting in lieu thereof "\$211,759,000".

SEC. 2604. STATE NATIONAL GUARD HEADQUARTERS, FORT DIX, NEW JERSEY.

Funds appropriated pursuant to the authorization of appropriations in section 2601(1)(A) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2602) for the renovation of facilities at Fort Dix, New Jersey, for the purpose of accommodating a consolidated New Jersey National Guard headquarters may also be used for additions and alterations to such facilities for the same purpose.

SEC. 2605. COLORADO STATE AREA COMMAND ARMORY, ENGLEWOOD, COLORADO.

(a) CONTRIBUTION AUTHORIZED.—Using amounts appropriated for this purpose pursuant to the authorization of appropriations in section 2601(1)(A), the Secretary of Defense may make a contribution to the State of Colorado under paragraph (4) or (5) of section 2233(a) of title 10, United States Code, in connection with the relocation of the Colorado State Area Command Armory to Englewood, Colorado, and the improvement of such relocated armory.

(b) COMPUTATION OF AMOUNT OF CONTRIBUTION.—Notwithstanding section 2236(b) of title 10, United States Code, in computing the cost of construction under such section for purposes of making the contribution authorized under subsection (a), the Secretary of Defense may consider the cost or market value of the buildings and other improvements contributed by the State of Colorado in connection with the relocation of the Colorado State Area Command Armory. The amount of the Federal contribution

for such armory under paragraph (4) or (5) of section 2233(a) of such title, as authorized by subsection (a), may not exceed \$2,725,000.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Infrastructure program (and authorizations of appropriations therefor) shall expire on the later of—

- (1) October 1, 1997; or
- (2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 1998.

(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, 1997; or
- (2) the date of the enactment of an Act authorizing funds for fiscal year 1998 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 1992 PROJECTS.

(a) EXTENSIONS.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102-190; 105 Stat. 1535), authorizations for the projects set forth in the tables in subsection (b), as provided in section 2101, 2102, 2201, 2301, or 2601 of that Act, shall remain in effect until October 1, 1995, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1996, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Army: Extension of 1992 Project Authorizations

State	Installation or location	Project	Amount
Colorado	Fort Carson	Family Housing New Construction (1 Unit)	\$150,000
Georgia	Fort Benning	General Instruction Facility	2,150,000
	Fort Stewart	Family Housing New Construction (120 Units)	9,700,000
Oregon	Umatilla Depot Activity	Ammunition Demilitarization Support Facility	3,600,000
		Ammunition Demilitarization Utilities	7,500,000

Navy: Extension of 1992 Project Authorizations

State	Installation or location	Project	Amount
Mississippi	Gulfport Naval Construction Battalion Center	Controlled Humidity Warehouse	\$7,000,000
West Virginia	Green Bank Naval Observatory	Alternate Operations Center	5,400,000
Italy	Signonella Naval Air Station	Operations Control Center	9,850,000
	Sicily Naval Communications Station	Satellite terminal	2,750,000
Outside United States	Various locations	Satellite terminals	10,570,000

Air Force: Extension of 1992 Project Authorization

State	Installation or location	Project	Amount
Alaska	Eareckson (formerly Shemya) Air Force Station	Hazardous Materials Storage	\$4,000,000
Arizona	Davis Monthan Air Force Base	Wastewater Treatment Facility	4,100,000
California	Beale Air Force Base	Munitions Maintenance Facility	2,700,000
Delaware	Dover Air Force Base	Additions and Alterations Child Development Center	2,600,000
Kansas	McConnell Air Force Base	Temporary Lodging Facility	2,700,000
Maryland	Andrews Air Force Base	Upgrade Mystic Star	2,700,000
North Carolina	Pope Air Force Base	Child Development Center	2,050,000

Army National Guard: Extension of 1992 Project Authorizations

State	Location	Project	Amount
California	Stockton	Additions and Alterations Combined Support Maintenance Shop	\$1,613,000
District of Columbia	Fort Belvoir	Army Aviation Support Facility	2,765,000
Maryland	Cheltenham	Armory/Maintenance Shop	3,300,000
	Towson	Direct Logistics Warehouse	373,000
Mississippi	West Point	Maintenance Shop	1,270,000
	Tupelo	Maintenance Shop	\$992,000
	Senatobia	Maintenance Shop	723,000
Nevada	Washoe County	Maintenance Shop	1,050,000
North Carolina	Camp Butner	Range	986,000
Ohio	Toledo	Armory	3,183,000
Rhode Island	Camp Varnum	Sewer and Water System	578,000
	Camp Fogarty	Armory	5,151,000
West Virginia	Huntington	Guard and Reserve Center	2,983,000

Army Reserve: Extension of 1992 Project Authorizations

State	Location	Project	Amount
Massachusetts	Taunton	Reserve Center	\$3,526,000
Ohio	Perrysburg	Reserve Center Addition	2,749,000
Pennsylvania	Johnstown	Army and Marine Corps Aviation Facility	30,224,000
Tennessee	Jackson	Joint Training Facility	1,537,000
West Virginia	Huntington	Guard and Reserve Center	6,617,000

SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1991 PROJECTS.

(a) EXTENSIONS.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510; 104 Stat. 1782), the authorizations

for the projects set forth in the tables in subsection (b), as provided in section 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) and section 2702 of the Military Construction Authorization Act for

Fiscal Year 1994 (division B of Public Law 103-160; 107 Stat. 1880), shall remain in effect until October 1, 1995, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1996, whichever is later.

(b) TABLE.—The tables referred to in subsection (a) is as follows:

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
California	Beale Air Force Base	Student Dormitory	\$3,650,000
Colorado	Buckley Air National Guard Base	Child Development Center	4,550,000
Hawaii	Schofield Barracks	Combat Arms Training/Maintenance Facility	1,400,000

Defense Agencies: Extension of 1991 Project Authorization

State	location	Project	Amount
Maryland	Defense Logistics Agency, Defense Reutilization and Marketing Office, Fort Meade	Covered Storage	\$9,500,000

SEC. 2704. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall take effect on the later of—

- (1) October 1, 1994; or
- (2) the date of the enactment of this Act.

TITLE XXVIII—GENERAL PROVISIONS**Subtitle A—Military Construction Program and Military Family Housing Changes****SEC. 2801. LIMITATION ON REPAIR OF EXISTING FACILITIES.**

(a) APPLICATION OF LIMITATION TO MAJOR REPAIRS.—Section 2811 of title 10, United States Code, is amended to read as follows:

“§2811. Repair of facilities

“(a) REPAIRS USING OPERATIONS AND MAINTENANCE FUNDS.—Using funds available to the Secretary concerned for operation and maintenance, the Secretary concerned may carry out repair projects for an entire single-purpose facility or one or more functional areas of a multi-purpose facility.

“(b) APPROVAL REQUIRED FOR MAJOR REPAIRS.—A repair project costing more than \$5,000,000 may not be carried out under this section unless approved in advance by the Secretary concerned. In determining the total cost of a repair project, the Secretary shall include all phases of a multi-year repair project to a single facility. In considering a repair project for approval, the Secretary shall ensure that the project is consistent with force structure plans, that repair of the facility is more cost effective than replacement, and that the project is an appropriate use of operation and maintenance funds.

“(c) PROHIBITION ON NEW CONSTRUCTION OR ADDITIONS.—Construction of new facilities or additions to existing facilities may not be carried out under the authority of this section.”

(b) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of subchapter 1 of chapter 169 of title 10, United States Code, is amended to read as follows:

“2811. Repair of facilities”.

SEC. 2802. CLARIFICATION OF REQUIREMENT FOR NOTIFICATION OF CONGRESS OF IMPROVEMENTS IN FAMILY HOUSING UNITS.

Section 2825(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3) The limitation contained in the first sentence of paragraph (1) does not apply to a project for the improvement of a family housing unit or units referred to in that sentence if the project (including the amount requested for the project) is identified in the budget materials submitted to Congress by the Secretary of Defense in connection with the submission to Congress of the budget for a fiscal year pursuant to section 1105 of title 31.”

SEC. 2803. LIMITED PARTNERSHIPS FOR NAVY HOUSING.

(a) AUTHORITY FOR HOUSING PARTNERSHIPS.—Subchapter II of chapter 169 of title 10, United States Code, is amended by adding at the end the following new section:

“§2837. Limited partnerships with private developers of housing

“(a) LIMITED PARTNERSHIPS.—(1) In order to meet the housing requirements of members of the naval service, and the dependents of such members, at a military installation described in paragraph (2), the Secretary of the Navy may enter into a limited partnership with one or more private developers to encourage the construction of housing and accessory structures within commuting distance of the installation. The Secretary may contribute not less than five percent, but not more than 35 percent, of the development costs under a limited partnership.

“(2) Paragraph (1) applies to a military installation under the jurisdiction of the Secretary at

which there is a shortage of suitable housing to meet the requirements of members and dependents referred to in such paragraph.

“(b) COLLATERAL INCENTIVE AGREEMENTS.—The Secretary may also enter into collateral incentive agreements with private developers who enter into a limited partnership under subsection (a) to ensure that, where appropriate—

“(1) a suitable preference will be afforded members of the naval service in the lease or purchase, as the case may be, of a reasonable number of the housing units covered by the limited partnership; or

“(2) the rental rates or sale prices, as the case may be, for some or all of such units will be affordable for such members.

“(c) SELECTION OF INVESTMENT OPPORTUNITIES.—(1) The Secretary shall use publicly advertised, competitively bid or competitively negotiated, contracting procedures, as provided in chapter 137 of this title, to enter into limited partnerships under subsection (a).

“(2) When a decision is made to enter into a limited partnership under subsection (a), the Secretary shall submit a report in writing to the appropriate committees of Congress on that decision. Each such report shall include the justification for the limited partnership, the terms and conditions of the limited partnership, a description of the development costs for projects under the limited partnership, and a description of the share of such costs to be incurred by the Secretary. The Secretary may then enter into the limited partnership only after the end of the 21-day period beginning on the date the report is received by such committees.

“(d) ACCOUNT.—(1) There is hereby established on the books of the Treasury an account to be known as the ‘Navy Housing Investment Account’.

“(2) There shall be deposited into the Account—

“(A) such funds as may be authorized for and appropriated to the Account; and

“(B) any proceeds received by the Secretary from the repayment of investments or profits on investments of the Secretary under subsection (a).

“(3) In such amounts as is provided in advance in appropriation Acts, the Account shall be available for contracts, investments, and expenses necessary for the implementation of this section.

“(4) The Secretary may not enter into a contract in connection with a limited partnership under subsection (a) or a collateral incentive agreement under subsection (b) unless the Account contains sufficient funds, as of the time the contract is entered into, to satisfy the total obligations to be incurred by the United States under the contract.

“(e) NAVY HOUSING INVESTMENT BOARD.—(1) The Secretary of the Navy shall establish a board to be known as the ‘Navy Housing Investment Board’, which shall have the duties—

“(A) of advising the Secretary regarding those proposed limited partnerships under subsection (a), if any, that are financially and otherwise sound investments for meeting the objectives of this section;

“(B) of administering the Account established under subsection (d); and

“(C) of assisting the Secretary in such other ways as the Secretary determines to be necessary and appropriate to carry out this section.

“(2) The Navy Housing Investment Board shall be composed of seven members appointed for a two-year term by the Secretary. Among such members, the Secretary may appoint two persons from the private sector who have knowledge and experience in the financing and the construction of housing. The Secretary shall designate one of the members as chairperson of the Board.

“(3) Members of the Navy Housing Investment Board, other than those members regularly employed by the Federal Government, may be paid while attending meetings of the Board or otherwise serving at the request of the Secretary, compensation 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 for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Board. Members shall receive travel expenses, including per diem in lieu of subsistence, in accordance with section 5702 and 5703 of title 5.

“(4) The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Navy Housing Investment Board.

“(f) REPORT.—Not later than 60 days after the end of each fiscal year in which the Secretary carries out activities under this section, the Secretary shall transmit to Congress a report specifying the amount and nature of the deposits into, and the expenditures from, the Account during such fiscal year and of the amount and nature of all other expenditures made pursuant to such section during such fiscal year.

“(g) TRANSFER OF NAVY LANDS PROHIBITED.—Nothing in this section shall be construed to permit the Secretary, as part of a limited partnership entered into under this section, to transfer the right, title, or interest of the United States in any real property under the jurisdiction of the Secretary.

“(h) EXPIRATION AND TERMINATION OF AUTHORITIES.—(1) The authority of the Secretary to enter into a limited partnership under this section shall expire on September 30, 1999.

“(2) The Navy Housing Investment Board shall terminate on November 30, 1999.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

“2837. Limited partnerships with private developers of housing.”

SEC. 2804. REIMBURSEMENT FOR SERVICES PROVIDED BY THE DEPARTMENT OF DEFENSE INCIDENT TO CONSTRUCTION, MAINTENANCE, OR REPAIR PROJECTS TO REAL PROPERTY.

(a) FIXED RATE FOR REIMBURSEMENT FOR CERTAIN SERVICES.—Section 2205 of title 10, United States Code, is amended—

(1) by inserting “(a) AVAILABILITY OF REIMBURSEMENTS.—” before the first sentence; and

(2) by adding at the end the following new subsection:

“(b) FIXED RATE FOR REIMBURSEMENT FOR CERTAIN SERVICES.—The Secretary of Defense and the Secretaries of the military departments may charge a fixed rate for reimbursement of the costs of providing planning, supervision, administrative, or overhead services incident to any construction, maintenance, or repair project to real property or for providing facility services, irrespective of the appropriation financing the project or facility services.”

(b) CONFORMING AMENDMENTS.—(1) The heading of such section is amended to read as follows:

“§2205. Reimbursements”.

(2) The item relating to such section in the table of sections at the beginning of chapter 131 of title 10, United States Code, is amended to read as follows:

“2205. Reimbursements.”

SEC. 2805. AUTHORITY TO PAY CLOSING COSTS UNDER HOMEOWNERS ASSISTANCE PROGRAM.

Section 1013(c) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374(c)) is amended by inserting after the first sentence the following new sentence: “The

Secretary may also pay a person who elects to receive a cash payment under clause (1) of the preceding sentence an amount that the Secretary determines appropriate to reimburse the person for the costs incurred by the person in the sale of the property if the Secretary determines that such payment will benefit the person and is in the best interest of the Federal Government."

Subtitle B—Defense Base Closure and Realignment

SEC. 2811. PROHIBITION AGAINST CONSIDERATION IN BASE CLOSURE PROCESS OF ADVANCE CONVERSION PLANNING UNDERTAKEN BY POTENTIAL AFFECTED COMMUNITIES.

(a) DEPARTMENT OF DEFENSE RECOMMENDATIONS.—Subsection (c)(3) 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—

(1) by inserting "(A)" before "In considering"; and

(2) by adding at the end the following new subparagraphs:

"(B) In considering military installations for closure or realignment, the Secretary may not take into account for any purpose any advance conversion planning undertaken by an affected community with respect to the anticipated closure or realignment of an installation.

"(C) For purposes of subparagraph (B), in the case of a community anticipating the economic effects of a closure or realignment of a military installation, advance conversion planning—

"(i) shall include community adjustment and economic diversification planning undertaken by the community before an anticipated selection of a military installation in or near the community for closure or realignment; and

"(ii) may include the development of contingency redevelopment plans, plans for economic development and diversification, and plans for the joint use (including civilian and military use, public and private use, civilian dual use, and civilian shared use) of the property or facilities of the installation after the anticipated closure or realignment."

(b) COMMISSION RECOMMENDATIONS.—Subsection (d)(2) of such section is amended by adding at the end the following new subparagraph:

"(E) In making recommendations under this paragraph, the Commission may not take into account for any purpose any advance conversion planning undertaken by an affected community with respect to the anticipated closure or realignment of a military installation."

SEC. 2812. CONSULTATION REGARDING PERSONAL PROPERTY LOCATED AT MILITARY INSTALLATIONS TO BE CLOSED.

(a) CLOSURES UNDER 1988 ACT.—(1) Section 204(b)(3)(D) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note) is amended by adding at the end the following new sentence: "In connection with the development of the redevelopment plan for the installation, the Secretary shall consult with the entity responsible for developing the redevelopment plan to identify the items of personal property located at the installation, if any, that the entity desires to be retained at the installation for reuse or redevelopment of the installation."

(b) CLOSURES UNDER 1990 ACT.—Section 2905(b)(3)(D) 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: "In connection with the development of the redevelopment plan for the installation, the Secretary shall consult with the entity responsible for developing the redevelopment plan to identify the items of personal property

located at the installation, if any, that the entity desires to be retained at the installation for reuse or redevelopment of the installation."

SEC. 2813. CLARIFYING AND TECHNICAL AMENDMENTS TO BASE CLOSURE LAWS.

(a) CLARIFICATION OF SCOPE OF TERMINATION OF AUTHORITY UNDER 1988 ACT.—Section 202(c) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note) is amended—

(1) by striking out "The authority" and inserting in lieu thereof "(1) Except as provided in paragraph (2), the authority"; and

(2) by adding at the end the following new paragraph:

"(2) The termination of authority set forth in paragraph (1) shall not apply to the authority of the Secretary to carry out environmental restoration and waste management at, or disposal of property of, military installations closed or realigned under this title."

(b) USE OF UNOBLIGATED FUNDS IN 1988 ACCOUNT FOR ENVIRONMENTAL RESTORATION AND PROPERTY DISPOSAL.—Section 207(a)(5) of such Act is amended—

(1) by striking out "Unobligated funds" and inserting in lieu thereof "(A) Except as provided in subparagraph (B), unobligated funds"; and

(2) by adding at the end the following new subparagraph:

"(B) The Secretary may, after the termination of authority referred to in subparagraph (A), use any unobligated funds referred to in that subparagraph that are not transferred in accordance with that subparagraph to carry out environmental restoration and waste management at, or disposal of property of, military installations closed or realigned under this title."

(c) CLARIFICATION OF DISPOSAL AUTHORITY.—

(1) UNDER 1988 ACT.—Section 204(b)(1) of such Act is amended in the matter above paragraph (1) by striking out "real property and facilities" and inserting in lieu thereof "real property, facilities, and personal property".

(2) UNDER 1990 ACT.—Section 2905(b)(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 in the matter above paragraph (1) by striking out "real property and facilities" and inserting in lieu thereof "real property, facilities, and personal property".

(d) DEFINITION OF REDEVELOPMENT AUTHORITY.—

(1) UNDER 1988 ACT.—Section 209(10) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note) is amended by striking out "and for" and inserting in lieu thereof "or for".

(2) UNDER 1990 ACT.—Section 2910(9) 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 "and for" and inserting in lieu thereof "or for".

(3) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) shall take effect as if included in the amendments made by section 2918 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1927).

(e) CROSS REFERENCE.—

(1) UNDER 1988 ACT.—Section 204(b)(5)(A) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note) is amended by striking out "subsection (b)(1)" and inserting in lieu thereof "paragraph (1)".

(2) UNDER 1990 ACT.—Section 2905(b)(5)(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) is amended by striking out "subsection (b)(1)" and inserting in lieu thereof "paragraph (1)".

SEC. 2814. GOVERNMENT RENTAL OF FACILITIES LOCATED ON CLOSED MILITARY INSTALLATIONS.

(a) AUTHORIZATION TO RENT BASE CLOSURE PROPERTIES.—To promote the rapid conversion of military installations that are closed pursuant to a base closure law, the Administrator of the General Services may give priority consideration, when leasing space in accordance with the Public Buildings Act of 1959 (40 U.S.C. 601 et seq.) and the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.), to facilities of such an installation that have been acquired by a non-Federal entity.

(b) BASE CLOSURE LAW DEFINED.—For purposes of 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).

SEC. 2815. REPORT OF EFFECT OF BASE CLOSURES ON FUTURE MOBILIZATION OPTIONS.

(a) REPORT REQUIRED.—The Secretary of Defense shall prepare a report evaluating the effect of base closures and realignments conducted since January 1, 1987, on the ability of the Armed Forces to remobilize to the end strength levels authorized for fiscal year 1987 by sections 401, 403, 411, 412, and 421 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661; 100 Stat. 3859). The report shall identify those military construction projects, if any, that would be necessary to facilitate such remobilization and any defense assets disposed of under a base closure or realignment, such as air space, that would be difficult to reacquire in the event of such remobilization.

(b) TIME FOR SUBMISSION.—Not later than January 31, 1996, the Secretary shall submit to the congressional defense committees the report required by this section.

SEC. 2816. RESTORATION OF ANNUAL LEAVE FOR CIVILIAN EMPLOYEES IN CONNECTION WITH CERTAIN BASE REALIGNMENTS.

(a) RESTORATION REQUIRED.—Section 6304(d)(3) of title 5, United States Code, is amended—

(1) by striking "(3)" and inserting "(3)(A)";

(2) by striking "closure of" and inserting "closure of, and any realignment with respect to,"; and

(3) by adding at the end the following new subparagraph:

"(B) For the purpose of subparagraph (A), the term 'realignment' means a base realignment (as defined in subsection (e)(3) of section 2687 of title 10) that meets the requirements of subsection (a)(2) of such section."

(b) APPLICATION OF AMENDMENTS.—The amendments made by subsection (a) shall apply only with respect to the restoration of annual leave of employees at military installations undergoing realignment if such leave is lost by operation of section 6304 of title 5, United States Code, on or after the date of the enactment of this Act.

SEC. 2817. AGREEMENTS OF SETTLEMENT FOR RELEASE OF IMPROVEMENTS AT OVERSEAS MILITARY INSTALLATIONS.

(a) AGREEMENTS SUBJECT TO OMB REVIEW.—Subsection (g) of section 2921 of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510; 10 U.S.C. 2687 note) is amended by inserting after the first sentence the following: "The prohibition set forth in the preceding sentence shall apply only to agreements of settlement for improvements having a value in excess of \$10,000,000."

(b) REPORTS TO CONGRESS.—Such subsection is further amended—

(1) by inserting "(1)" before "The Secretary of Defense"; and

(2) by adding at the end the following:

"(2) Each year, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on each proposed agreement of settlement that was not submitted by the Secretary to the Director of the Office of Management and Budget in the previous year under paragraph (1) because the value of the improvements to be released pursuant to the proposed agreement did not exceed \$10,000,000."

Subtitle C—Changes to Existing Land Conveyance Authority

SEC. 2821. ADDITIONAL LESSEE OF PROPERTY AT NAVAL SUPPLY CENTER, OAKLAND, CALIFORNIA.

Section 2834(b) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2614) is amended—

(1) is paragraph (1)—

(A) by striking out "City" the second place it appears and inserting in lieu thereof "Cities"; and

(B) by inserting "the City of Alameda, California," after "California," the first place it appears; and

(2) in paragraphs (2) and (3), by striking out "City" each place it appears and inserting in lieu thereof "Cities".

SEC. 2822. MODIFICATIONS OF LAND CONVEYANCE, FORT A.P. HILL MILITARY RESERVATION, VIRGINIA.

(a) PARTICIPATION OF ADDITIONAL POLITICAL SUBDIVISIONS IN REGIONAL CORRECTIONAL FACILITY.—Subparagraph (B) of subsection (c)(3) of section 603 of the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991 (Public Law 102-25; 105 Stat. 108) is amended to read as follows:

"(B) Subparagraph (A) shall not be construed to prohibit any political subdivision not named in such subparagraph from—

"(i) participating initially in the written agreement referred to in paragraph (2); or

"(ii) agreeing at a later date to participate as a member of the governmental entity referred to in paragraph (2)(A), or by contract with such entity, in the construction or operation of the regional facility to be constructed on the parcel of land conveyed under this section."

(b) TIME FOR CONSTRUCTION AND OPERATION OF CORRECTIONAL FACILITY.—(1) Subsection (d)(1)(A)(i) of such section is amended by striking out "not later than 24 months after the date of the enactment of this Act" and inserting in lieu thereof "not later than April 1, 1997".

(2) The Secretary of the Army shall provide the recipient of the conveyance of property under section 603 of such Act with such legal instrument as is appropriate to modify, in accordance with the amendment made by paragraph (1), any statement of conditions contained in any existing instrument which conveyed the property to that recipient. The Secretary shall record the instrument in the appropriate office or offices of the Commonwealth of Virginia or political subdivision within the Commonwealth.

SEC. 2823. PRESERVATION OF CALVERTON PINE BARRENS, NAVAL WEAPONS INDUSTRIAL RESERVE PLANT, NEW YORK, AS NATURE PRESERVE.

(a) PRESERVATION AS NATURE PRESERVE REQUIRED.—Section 2854 of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2626) is amended—

(1) by redesignating subsections (a) and (b) as subsections (c) and (d), respectively; and

(2) by inserting before subsection (c), as so redesignated, the following new subsections:

"(a) PURPOSE.—It is the purpose of this section to ensure that the Calverton Pine Barrens

is maintained and preserved, in perpetuity, as a nature preserve in its current undeveloped state.

"(b) PROHIBITION ON INCONSISTENT DEVELOPMENT.—The Secretary of the Navy shall not carry out or permit any development, commercial or residential, at the Calverton Pine Barrens that is inconsistent with the purpose specified in subsection (a)."

(b) CONFORMING AMENDMENTS.—Subsection (c) of such section, as redesignated by subsection (a)(1), is amended—

(1) by striking out "PROHIBITION.—" and inserting in lieu thereof "REVERSIONARY INTEREST.—"; and

(2) by striking out "for commercial purposes" and all that follows through the period and inserting in lieu thereof "in a manner inconsistent with the purpose specified in subsection (a) (as determined by the head of the department or agency making the conveyance)."

SEC. 2824. RELEASE OF REVERSIONARY INTEREST RETAINED AS PART OF CONVEYANCE OF ELECTRICITY DISTRIBUTION SYSTEM, FORT DIX, NEW JERSEY.

Section 2846 of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103-160; 107 Stat. 1904) is amended—

(1) by striking out subsection (f); and

(2) by redesignating subsections (g) and (h) as subsections (f) and (g), respectively.

SEC. 2825. MODIFICATION OF LAND CONVEYANCE, FORT KNOX, KENTUCKY.

Section 2816 of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101-189; 103 Stat. 1655) is amended—

(1) in subsection (c)(1), by striking out "for the construction of up to four units of military family housing at Fort Knox, Kentucky" and inserting in lieu thereof "for improvements to military family housing at Fort Knox, Kentucky, in an amount not to exceed \$255,000";

(2) by striking out subsection (d); and

(3) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

SEC. 2826. REVISIONS TO RELEASE OF REVERSIONARY INTEREST, OLD SPANISH TRAIL ARMORY, HARRIS COUNTY, TEXAS.

(a) CLERICAL AMENDMENTS.—Section 2820 of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103-160; 107 Stat. 1894) is amended—

(1) in subsection (a), by striking out "1936" and inserting in lieu thereof "1956"; and

(2) in subsection (b)(1), by striking out "value" and inserting in lieu thereof "size".

(b) PAYMENT FOR SURVEY.—Subsection (c) of such section is amended by adding at the end the following new sentence: "The cost of the survey shall be borne by the State of Texas."

SEC. 2827. MODIFICATION OF HEIGHT RESTRICTION IN AVIGATION EASEMENT.

(a) MODIFICATION.—Section 6 of the Act of July 2, 1948 (62 Stat. 1229), as added by section 2862 of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510; 104 Stat. 1805), is amended by adding at the end the following new sentence: "In addition, such height restriction shall not apply to the structure proposed to be constructed on a parcel of real property that is within the area conveyed under this Act and is identified as 1110 Santa Rosa Boulevard, Fort Walton Beach, Florida, so long as the proposed structure upon completion does not exceed a height of 155 feet above mean low-water level."

(b) INSTRUMENT OF RELEASE.—The Secretary of the Air Force shall execute and file in the appropriate office any instrument necessary to effect the modification of the avigation easement referred to in the amendment made by subsection (a).

SEC. 2828. TECHNICAL AMENDMENT TO CORRECT REFERENCE IN LAND TRANSACTION.

Section 2842(c) of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103-160; 107 Stat. 1898) is amended by striking out "Washington Gas Company" and inserting in lieu thereof "American Water Company".

Subtitle D—Land Conveyances

SEC. 2831. LAND CONVEYANCE, AIR FORCE PLANT NO. 3, TULSA, OKLAHOMA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the City of Tulsa, Oklahoma (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 any improvements thereon, which consists of approximately 337 acres located in Tulsa, Oklahoma, and is known as Air Force Plant No. 3. The Secretary may also convey facilities, equipment, and fixtures (including special tooling and special test equipment) located on the parcel to be conveyed if the Secretary determines that manufacturing activities requiring the use of such facilities, equipment, and fixtures are likely to continue or be reinstated on the parcel after conveyance of the parcel.

(b) LEASE AUTHORITY.—Until such time as the real property described in subsection (a) is conveyed by deed, the Secretary may lease the property, along with improvements thereon, to the City in exchange for security services, fire protection, and maintenance provided by the City for the property.

(c) CONDITION OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the condition that the City, directly or through an agreement with a public or private entity, use the conveyed property (or offer the conveyed property for use) for economic redevelopment to replace all or a part of the economic activity being lost at the parcel.

(d) REVERSIONARY INTEREST.—During the 5-year period beginning on the date the Secretary makes the conveyance authorized under subsection (a), if the Secretary determines that the conveyed real property is not being used in accordance with subsection (c), all right, title, and interest in and to the property (including any facilities, equipment, or fixtures conveyed) shall revert to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(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 the City.

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

SEC. 2832. LAND CONVEYANCE, AIR FORCE PLANT NO. 59, JOHNSON CITY (WESTOVER), NEW YORK.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the Broome County Industrial Development Authority (in this section referred to as the "Authority"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, containing Air Force Plant No. 59, Johnson City (Westover), New York. The Secretary may also convey facilities, equipment, and fixtures (including special tooling and special test equipment) located on the parcel to be conveyed if the

Secretary determines that manufacturing activities requiring the use of such facilities, equipment, and fixtures are likely to continue or be reinstated on the parcel after conveyance of the parcel.

(b) **LEASE AUTHORITY.**—Until such time as the real property described in subsection (a) is conveyed by deed, the Secretary may lease the property, along with improvements thereon, to the Authority in exchange for security services, fire protection, and maintenance provided by the Authority for the property.

(c) **CONDITION OF CONVEYANCE.**—The conveyance authorized under subsection (a) shall be subject to the condition that the Authority, directly or through an agreement with another public or private entity, use the conveyed property (or offer the conveyed property for use) for economic redevelopment to replace all or a part of the economic activity being lost at Air Force Plant No. 59.

(d) **REVERSIONARY INTEREST.**—During the 5-year period beginning on the date the Secretary makes the conveyance authorized under subsection (a), if the Secretary determines that the conveyed real property is not being used in accordance with subsection (c), all right, title, and interest in and to the property (including any facilities, equipment, or fixtures conveyed) shall revert to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(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 the Authority.

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

SEC. 2833. LAND CONVEYANCE, NAVAL WEAPONS INDUSTRIAL RESERVE PLANT, CALVERTON, NEW YORK.

(a) **IN GENERAL.**—The Secretary of the Navy may convey, without consideration, to the Community Development Agency of the Town of Riverhead, New York (in this section referred to as the "Community Development Agency"), all right, title and interest of the United States in and to a parcel of land, and improvements thereon, consisting of approximately 2,900 acres and comprising a portion of the Naval Weapons Industrial Reserve Plant, Calverton, New York.

(b) **CONDITION OF CONVEYANCE.**—(1) The conveyance authorized under subsection (a) shall be subject to the condition that the Community Development Agency, directly or through an agreement with another public or private entity, use the conveyed property (or offer the conveyed property for use) for economic redevelopment to replace all or a part of the economic activity lost at the Naval Weapons Industrial Reserve Plant.

(2) The Community Development Agency shall carry out economic redevelopment under paragraph (1) in accordance with any redevelopment plan or plans prepared with respect to the Naval Weapons Industrial Reserve Plant by a planning commission that represents entities or organizations having an interest in land use in the region in which the plant is located.

(c) **REVERSIONARY INTEREST.**—During the 5-year period beginning on the date the Secretary makes the conveyance authorized under subsection (a), if the Secretary determines that the conveyed real property is not being used in accordance with subsection (b)(1), all right, title

and interest in and to the property, including improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(d) **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 Community Development Agency.

(e) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance authorized by subsection (a) as the Secretary considers to be necessary to protect the interests of the United States.

SEC. 2834. LAND CONVEYANCE, RADAR BOMB SCORING SITE, DICKINSON, NORTH DAKOTA.

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Air Force may convey, without consideration, to the North Dakota Board of Higher Education (in this section referred to as the "Board") all right, title, and interest of the United States in and to a parcel of real property (including any improvements thereon) consisting of approximately 4 acres located in Dickinson, North Dakota, which has served as the location of a support complex, recreational facilities, and housing facilities for the Radar Bomb Scoring Site, Dickinson, North Dakota.

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

(1) use the property, recreational facilities, and housing facilities conveyed under such subsection for housing, recreation, and other purposes that, as determined by the Secretary, will promote and enhance educational opportunities provided by Dickinson State University; 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) **REVERSIONARY INTEREST.**—During the 5-year period beginning on the date the Secretary makes the conveyance authorized under subsection (a), if the Secretary determines that the conveyed property is not being used in accordance with subsection (b), all right, title, and interest in and to the conveyed property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(d) **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 Board.

(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. 2835. LAND CONVEYANCE, FINLEY, AIR FORCE STATION, FINLEY, NORTH DAKOTA.

(a) **CONVEYANCE AUTHORIZED.**—(1) Subject to subsection (c), the Secretary of the Air Force may convey, without consideration, to the City of Finley, North Dakota (in this section referred to as the "City"), with the consent of the City, all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 12 acres, including improvements thereon, located 1.5 miles west of Finley, North Dakota, which has served as a support complex,

recreational facilities, and housing facilities for the Finley Air Force Station and Radar Site, Finley, North Dakota.

(2) The parcel of property to be conveyed under paragraph (1) shall include real property referred to in that paragraph that is the location of a housing complex, the location of a waste water treatment system, and the former site of a trailer court.

(3) The purpose of the conveyance authorized under paragraph (1) is to encourage and facilitate economic redevelopment of Finley, North Dakota, following the closure of the Air Force Station and Radar Site.

(b) **CONDITION OF CONVEYANCE.**—The conveyance required under subsection (a)(1) shall be subject to the condition that the City—

(1) use 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 or person to sell or lease the property and facilities to that entity or person for such uses.

(c) **EFFECTIVE DATE OF CONVEYANCE.**—The conveyance required under subsection (a)(1) shall occur, if at all, not earlier than January 1, 1995, and not later than June 30, 1995.

(d) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the real property to be conveyed under subsection (a)(1) 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 subsection (a)(1) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2836. LAND CONVEYANCE, CORNHUSKER ARMY AMMUNITION PLANT, HALL COUNTY, NEBRASKA.

(a) **CONVEYANCE AUTHORIZED.**—Subject to subsection (b), the Secretary of the Army may convey to the Hall County, Nebraska, Board of Supervisors (in this section referred to as the "Board"), or the designee of the Board, all right, title and interest of the United States in and to the real property, together with any improvements thereon, located in Hall County, Nebraska, that is the site of the Cornhusker Army Ammunition Plant.

(b) **REQUIREMENT RELATING TO CONVEYANCE.**—The Secretary may not carry out the conveyance authorized under subsection (a) until the Secretary completes any environmental restoration required with respect to the property to be conveyed.

(c) **UTILIZATION OF PROPERTY.**—The Board or its designee, as the case may be, shall utilize the real property conveyed under subsection (a) in a manner consistent with the Cornhusker Army Ammunition Plant Reuse Committee Comprehensive Reuse Plan.

(d) **CONSIDERATION.**—In consideration for the conveyance under subsection (a), the Board or its designee, as the case may be, shall pay to the United States an amount equal to the fair market value of the real property to be conveyed, as determined by the Secretary.

(e) **USE OF PROCEEDS.**—(1) The Secretary shall deposit in the special account established under section 204(h)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)(2)) the amount received from the Board or its designee under subsection (d).

(2) Notwithstanding subparagraph (A) of such section 204(h)(2), the Secretary may use the entire amount deposited in the special account under paragraph (1) for the purposes set forth in subparagraph (B) of such section 204(h)(2).

(f) **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 the survey shall be borne by the Board or its designee, as the case may be.

(g) **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. 2837. LAND CONVEYANCE, HAWTHORNE ARMY AMMUNITION PLANT, MINERAL COUNTY, NEVADA.

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Army may convey, without consideration, to Mineral County, Nevada, all right, title, and interest of the United States in and to a parcel consisting of approximately 440 acres located at the Hawthorne Army Ammunition Plant, Mineral County, Nevada, and commonly referred to as the Babbitt Housing Site.

(b) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by Mineral County, Nevada.

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

SEC. 2838. LAND CONVEYANCE, FORT DIX, NEW JERSEY.

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Army may convey, without consideration, to the City of Edison, New Jersey (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property (including improvements thereon) included on the real property inventory of Fort Dix, New Jersey, which consists of approximately 10 acres and contains recreational fields and an unused garage identified as building 1072 on the real property inventory.

(b) **CONDITION OF CONVEYANCE.**—The conveyance required by subsection (a) shall be subject to the condition that the City—

(1) maintain and use the recreational fields conveyed under such subsection for recreational purposes; and

(2) permit the women's softball team known as the Edison Angels (and any successor to such team) to continue to use such recreational fields on the same terms and conditions as contained in the agreement between the team and the Secretary, in existence on the date of the enactment of this Act.

(c) **REVERSIONARY INTEREST.**—If the Secretary determines that the City is not complying with the conditions specified in subsection (b), all right, title, and interest of the City in and to the property conveyed under subsection (a) (including improvements thereon) shall revert to the United States, and the United States shall have the right of immediate reentry on the property.

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

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

SEC. 2839. LAND CONVEYANCE, DEFENSE FUEL SUPPLY POINT, CASCO BAY, MAINE.

(a) **CONVEYANCE AUTHORIZED.**—Subject to subsection (b), the Secretary of the Navy may convey, without consideration, to the Town of

Harpwell, Maine (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, together with any improvements (other than underground fuel storage facilities and above-ground fuel storage facilities) thereon and the pier associated therewith, consisting of approximately 118 acres and located in Harpswell, Maine, the location of the Defense Fuel Supply Point, Casco Bay, Maine.

(b) **REQUIREMENTS RELATING TO CONVEYANCE.**—The Secretary may not make the conveyance authorized under subsection (a) until the Secretary of Defense—

(1) completes the removal from the parcel of all underground fuel storage facilities and above-ground fuel storage facilities; and

(2) notifies the Secretary of the Navy that the Secretary of Defense has carried out the requirements set forth in section 120(h) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9620(h)) with respect to the parcel.

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

(d) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary of the Navy 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. 2840. LAND CONVEYANCE, ARMY RESERVE FACILITY, RIO VISTA, CALIFORNIA.

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Army may convey to the City of Rio Vista, California (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) containing the Reserve training facility located in Rio Vista, California.

(b) **CONDITION OF CONVEYANCE.**—The conveyance authorized under subsection (a) shall be subject to the condition that the City use the property for recreational purposes.

(c) **CONSIDERATION.**—In recognition of the public use to which the conveyed property will be devoted, the Secretary may require the City to pay to the United States an amount equal to less than the fair market value of the property, as determined by the Secretary, as consideration for the conveyance under subsection (a).

(d) **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. 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 subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2841. LEASE OF PROPERTY, NAVAL SHIPYARD, VALLEJO, CALIFORNIA.

(a) **LEASE AUTHORIZED.**—The Secretary of the Navy may lease, without consideration, to the City of Vallejo, California (in this section referred to as the "City"), the real property (including improvements thereon) described in subsection (b), which is located on Mare Island in Vallejo, California, and is currently under the control of Mare Island Naval Shipyard Command.

(b) **COVERED PROPERTY.**—The parcel of real property to be leased under subsection (a) shall consist of all existing active dredge ponds and nontidal areas on Mare Island under the jurisdiction of the Navy, except that the parcel shall

not include the nontidal areas identified in figure 3 of the Memorandum of Understanding between the United State Fish and Wildlife Service and Mare Island Naval Shipyard, dated July 28, 1988.

(c) **LEASE TERMS.**—The lease authorized under subsection (a)—

(1) may be for a period of not more than 15 years; and

(2) shall provide that the City—

(A) retain environmental responsibility for all actions of the City on the property subject to the lease; and

(B) hold harmless, indemnify, and defend the United States from and against any suit, claim, demand or action, liability, judgment, cost or other fee arising out of any claim for injury or damage that results from, or is in any manner predicated upon activities of the City on the leased property during the term of the lease.

(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.

SEC. 2842. LEASE OF PROPERTY, NAVAL RADIO RECEIVING FACILITY, IMPERIAL BEACH, CORONADO, CALIFORNIA.

(a) **LEASE AUTHORIZED.**—The Secretary of the Navy may lease to the Young Men's Christian Association of San Diego County, a California nonprofit public benefit corporation (in this section referred to as the "YMCA"), such interests in a parcel of real property (including any improvements thereon) consisting of approximately 45 acres at the Naval Radio Receiving Facility, Imperial Beach, Coronado, California, as the Secretary considers appropriate for the YMCA to operate and maintain a summer youth residence camp known as the YMCA San Diego Unified Recreational Facility (Camp SURF). Pursuant to the lease, the Secretary may authorize the YMCA to construct facilities on the parcel.

(b) **LEASE TERMS.**—The lease authorized in subsection (a) shall be for a period of 50 years, or such longer period as the Secretary determines to be in the best interests of the United States.

(c) **CONSIDERATION.**—As consideration for the lease of real property under subsection (a), the YMCA shall—

(1) agree to maintain and enhance the natural resources of the leased premises; and

(2) pay to the United States an amount in cash equal to the difference between the rental price prescribed by the Secretary under subsection (d) and the value of natural resources maintenance and enhancements performed by the YMCA, as determined by the Secretary.

(d) **DETERMINATION OF RENTAL PRICE.**—Acknowledging the benefits the YMCA has provided to the Armed Forces and the specific benefits Camp Surf provides to the children of San Diego, the Secretary may prescribe a rental price for the real property leased under subsection (a) that is less than fair market rental value.

(e) **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 operation of the Naval Radio Receiving Facility, Imperial Beach, and to protect the interests of the United States.

SEC. 2843. AUTHORITY FOR OXNARD HARBOR DISTRICT, PORT HUENEME, CALIFORNIA, TO USE CERTAIN NAVY PROPERTY.

(a) **JOINT USE AGREEMENT AUTHORIZED.**—The Secretary of the Navy may enter into an agreement with the Oxnard Harbor District, Port Huene, California, a special district of the State of California (in this section referred to as

the "District"), under which the District may use United States Navy Wharf Number 3 and associated real property comprising up to 25 acres located at the Naval Construction Battalion Center, Port Hueneme, California (in this section referred to as the "Center").

(b) **TERM OF AGREEMENT.**—The agreement authorized under subsection (a) may be for an initial period of not more than 15 years. Under the agreement, the Secretary shall provide the District with an option to extend the agreement for three additional periods of 5 years each.

(c) **RESTRICTIONS ON USE.**—The agreement authorized under subsection (a) shall require the District—

(1) to suspend operations under the agreement in the event Navy contingency operations are conducted at the Center; and

(2) to use the property covered by the agreement in a manner consistent with Navy operations conducted at the Center.

(d) **CONSIDERATION.**—(1) As consideration for the use of the property covered by the agreement under subsection (a), the District shall pay to the Navy an amount equal to the fair market rental value of the property, as determined by the Secretary taking into consideration the District's use of the property.

(2) The Secretary may include a provision in the agreement requiring the District—

(A) to pay the Navy an amount (as determined by the Secretary) to cover the costs of relocating at the Center any facilities vacated by the Navy on account of the agreement or to construct suitable replacement facilities for the Navy; and

(B) to pay the Navy an amount (as determined by the Secretary) for the costs of relocating Navy operations from the vacated facilities to the replacement facilities.

(e) **CONGRESSIONAL NOTIFICATION.**—The Secretary may not enter into the agreement authorized by subsection (a) until the end of the 21-

day period beginning on the date on which the Secretary submits to Congress a report containing an explanation of the terms of the proposed agreement and a description of the consideration that the Secretary expects to receive under the agreement.

(f) **USE OF PAYMENT.**—(1) In such amounts as is provided in advance in appropriation Acts, the Secretary may use amounts paid under subsection (d)(1) to pay for general supervision, administration, and overhead expenses and for improvement, maintenance, repair, construction, or restoration to the port operations area (or to roads and railways serving the area) at the Center.

(2) In such amounts as is provided in advance in appropriation Acts, the Secretary may use amounts paid under subsection (d)(2) to pay for constructing new facilities, or making modifications to existing facilities, that are necessary to replace facilities vacated by the Navy on account of the agreement under subsection (a) and for relocating operations of the Navy from the vacated facilities to replacement facilities.

(g) **CONSTRUCTION BY DISTRICT.**—The Secretary may authorize the District to demolish existing facilities located on the property covered by the agreement under subsection (a) and, consistent with the restriction specified in subsection (c)(2), construct new facilities on the property for joint use by the District and the Navy.

(h) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the agreement authorized under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2844. TRANSFER OF JURISDICTION, AIR FORCE HOUSING AT RADAR BOMB SCORING SITE, HOLBROOK, ARIZONA.

(a) **TRANSFER AUTHORIZED.**—As part of the closure of an Air Force Radar Bomb Scoring Site located near Holbrook, Arizona, the Secretary of the Air Force may transfer, without reimbursement, the administrative jurisdiction, accountability, and control of the housing units and associated support facilities used in connection with the site to the Secretary of the Interior for use in connection with Petrified Forest National Park.

(b) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the real property to be transferred under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Air Force and the Secretary of the Interior.

(c) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary of the Air Force may require such additional terms and conditions in connection with the transfer of real property under subsection (a) as the Secretary considers appropriate.

SEC. 2845. TRANSFER OF JURISDICTION, HOLLoman AIR FORCE BASE, NEW MEXICO.

(a) **IN GENERAL.**—Subject to subsections (c) through (g), not later than 90 days after the date of enactment of this Act, the Secretary of the Interior shall transfer to the Department of the Air Force, without reimbursement, jurisdiction and control of approximately 1,262 acres of public lands described in subsection (b). Such public lands are located in Otero County, New Mexico, and are contiguous to Holloman Air Force Base.

(b) **DESCRIPTION OF LANDS TRANSFERRED.**—The lands described in this subsection are as follows:

(1) T17S, R8E, Section 21:	S ¹ / ₂ N ¹ / ₂ :	160 acres
	E ¹ / ₂ NW ¹ / ₄ NE ¹ / ₄ :	20 acres
	NE ¹ / ₄ NE ¹ / ₄ :	40 acres
(2) T17S, R8E, Section 22:	W ¹ / ₂ :	320 acres
	W ¹ / ₂ E ¹ / ₂ :	160 acres
(3) T17S, R8E, Section 27:	All that part north of New Mexico Highway 70 except for the E ¹ / ₂ E ¹ / ₂	192 acres more or less
(4) T17S, R8E, Section 28:	NE ¹ / ₄ :	160 acres
	N ¹ / ₂ SE ¹ / ₄ :	80 acres
	SW ¹ / ₄ SE ¹ / ₄ :	40 acres
	W ¹ / ₂ SE ¹ / ₄ SE ¹ / ₄ :	20 acres
	NW ¹ / ₄ NE ¹ / ₄ :	40 acres
(5) T17S, R8E, Section 33:	NW ¹ / ₄ NE ¹ / ₄ NE ¹ / ₄ :	10 acres
	W ¹ / ₂ SW ¹ / ₄ NE ¹ / ₄ :	20 acres

(c) **USE OF TRANSFERRED LAND.**—The lands transferred to the Department of the Air Force under subsection (a) shall be used by the Secretary of the Air Force for the construction of new evaporation ponds to support a wastewater treatment facility that the Secretary shall construct at Holloman Air Force Base.

(d) **CATTLE GRAZING RIGHTS.**—

(1) **IN GENERAL.**—The United States recognizes a grazing preference on the lands transferred to the Department of the Air Force under subsection (a).

(2) **ADJUSTMENT OF GRAZING ALLOTMENT.**—(A) The Secretary of the Air Force shall take such action as is necessary to ensure that—

(i) the boundary of the grazing allotment that contains the lands transferred to the Department of the Air Force is adjusted in such manner as to retain the portion of the allotment located south of United States Highway 70 in New Mexico and remove the portion of the lands that is located north of such highway; and

(ii) the grazing preference referred to in paragraph (1) is retained by means of transferring

the preference for the area removed from the allotment under subparagraph (A) to public lands located south of such highway.

(B) The Secretary of the Air Force shall offer to enter into an agreement with each person who holds a permit for grazing on the lands transferred to the Department of the Air Force at the time of the transfer to provide for the continued grazing by livestock on the portion of the lands located south of such highway.

(e) **ADDITIONAL REQUIREMENTS.**—

(1) **NATIONAL ENVIRONMENTAL POLICY ACT OF 1969.**—The Secretary of the Air Force shall ensure that the transfer made pursuant to subsection (a) and the use specified in subsection (c) meet any applicable requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) **ENVIRONMENTAL LAWS.**—The Secretary of the Air Force shall use and manage the lands transferred under the authority in subsection (a) in such manner as to ensure compliance with applicable environmental laws (including regu-

lations) of the Federal Government and State of New Mexico, and political subdivisions thereof.

(3) **RESPONSIBILITY FOR CLEANUP OF HAZARDOUS SUBSTANCES.**—Upon the transfer of the lands under subsection (a), the Secretary of the Air Force shall assume any existing or subsequent responsibility for the cost of response for release of hazardous substances (as defined in section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(14))) located on or within the lands transferred.

(4) **MINING.**—The transfer of lands under subsection (a) shall be made in such manner as to ensure the continuation of valid, existing rights under the mining laws and the mineral leasing and geothermal leasing laws of the United States. Subject to the preceding sentence, upon the transfer of the lands, mining and mineral management activities shall be carried out in the lands in a manner consistent with the policies of the Department of Defense concerning mineral exploration and extraction on lands under the jurisdiction of the Department.

(f) **RIGHTS-OF-WAY.**—The transfer of lands under subsection (a) shall not affect the following rights-of-way:

(1) The right-of-way granted to the Otero County Electric Cooperative, numbered NMNM 58293.

(2) The right-of-way granted to U.S. West Corporation, numbered NMNM 59261.

(3) The right-of-way granted to the Highway Department of the State of New Mexico, numbered LCO 54403.

(g) **PUBLIC ACCESS.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the Secretary of the Air Force shall permit public access to the lands transferred under subsection (a).

(2) **CONSTRUCTION SITE.**—The Secretary of the Air Force may not permit public access to the immediate area affected by the construction of a wastewater treatment facility in the area with the legal description of T17S, R8E, Section 22, except that the Secretary of the Air Force shall permit public access on an adjoining unfenced parcel of land—

(A) located along the west boundary of such area; and

(B) that is 50 feet in width.

(3) **PUBLIC USES.**—Except as provided in paragraph (2), the Secretary of the Air Force shall permit, on the lands transferred under subsection (a), public uses that are consistent with the public uses on adjacent lands under the jurisdiction of the Secretary of the Interior.

(4) **PERMIT NOT REQUIRED.**—The Secretary of the Air Force may not require a permit for access authorized under this subsection to the lands transferred under subsection (a).

(5) **ENTRY GATE.**—The Secretary of the Air Force shall ensure that the entry gate to the lands transferred under subsection (a) that is located along United States Highway 70 shall be open to the public.

SEC. 2846. TRANSFER OF JURISDICTION, FORT DEVENS, MASSACHUSETTS.

(a) **TRANSFER AUTHORIZED.**—The Secretary of the Army may transfer, without reimbursement, administrative jurisdiction of approximately 800 acres of land at Fort Devens, Massachusetts, to the Secretary of the Interior for inclusion in the Orbow National Wildlife Refuge, Massachusetts. The exact acreage of the land subject to the transfer shall be jointly determined by the Secretary of the Army and the Secretary of the Interior, in consultation with the Joint Boards of Selectmen of the towns of Harvard, Ayer, Shirley, and Lancaster in the State of Massachusetts and the Massachusetts Land Bank.

(b) **ADMINISTRATION OF LAND.**—The Secretary of the Interior shall administer the land transferred under this section in accordance with all laws applicable to areas in the National Wildlife Refuge System.

(c) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the property to be transferred under this section shall be determined by a survey satisfactory to the Secretary of the Army and the Secretary of the Interior.

SEC. 2847. RELEASE OF REQUIREMENTS AND REVERSIONARY INTEREST ON CERTAIN PROPERTY IN BALTIMORE, MARYLAND.

(a) **RELEASE AUTHORIZED.**—The Secretary of Defense may release, without consideration, the requirements and the reversionary interest of the United States that are described in section 2 of the Act entitled "An Act granting a site for a dry-dock in the city of Baltimore upon certain conditions", approved June 19, 1878 (Chapter 310; 20 Stat. 167).

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

(c) **INSTRUMENT OF RELEASE.**—The Secretary may execute and file in the appropriate office a deed of release, amended deed, or other appropriate instrument effectuating the release of the reversionary interest under this section.

SEC. 2848. RELEASE OF REVERSIONARY INTEREST ON CERTAIN PROPERTY IN YORK COUNTY AND JAMES CITY COUNTY, VIRGINIA, AND NEWPORT NEWS, VIRGINIA.

(a) **RELEASE AUTHORIZED.**—The Secretary of the Navy may release, without consideration, the reversionary interest of the United States in the real property conveyed by the deed described in subsection (b).

(b) **DEED DESCRIPTION.**—The deed referred to in subsection (a) is a deed between the United States and the Commonwealth of Virginia dated August 17, 1966, which conveyed to the Commonwealth of Virginia certain parcels of land located in York County and James City County, Virginia, and the city of Newport News, Virginia.

(c) **ADDITIONAL TERMS.**—The Secretary may require such terms or conditions in connection with the release under this section as the Secretary considers appropriate to protect the interests of the United States and to ensure that the real property will continue to be used for public purposes.

(d) **INSTRUMENT OF RELEASE.**—The Secretary may execute and file in the appropriate office or offices a deed of release, amended deed, or other appropriate instrument effectuating the release of the reversionary interest under this section.

Subtitle E—Other Matters

SEC. 2851. JOINT CONSTRUCTION CONTRACTING FOR COMMISSARIES AND NON-APPROPRIATED FUND INSTRUMENTALITY FACILITIES.

(a) **SINGLE CONTRACT CONSTRUCTION.**—Section 2685 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d)(1) The Secretary of a military department may authorize a nonappropriated fund instrumentality of the United States to enter into a contract for construction of a shopping mall or similar facility for a commissary store and one or more nonappropriated fund instrumentality activities. The Secretary may use the proceeds of adjustments or surcharges authorized by subsection (a) to reimburse the nonappropriated fund instrumentality for the portion of the cost of the contract that is attributable to construction of the commissary store or to pay the contractor directly for that portion of such cost.

"(2) In paragraph (1), the term 'construction', with respect to a facility, includes acquisition, conversion, expansion, installation, or other improvement of the facility."

(b) **OBLIGATION OF ANTICIPATED PROCEEDS.**—Subsection (c) of such section is amended by inserting "or (d)" after "subsection (b)" both places it appears.

SEC. 2852. NATIONAL GUARD FACILITY CONTRACTS SUBJECT TO PERFORMANCE SUPERVISION BY ARMY OR NAVY.

(a) **CONTRACTS SUBJECT TO SUPERVISION.**—Subsection (a) of section 2237 of title 10, United States Code, is amended by striking out "under any provision" and all that follows through "and (4)" and inserting in lieu thereof "under section 2233(a)(1)".

(b) **CONFORMING AMENDMENT.**—Subsection (b) of such section is amended by striking out "section 2233(a)(2), (3), or (4)" and inserting in lieu thereof "paragraph (2), (3), (4), (5), or (6) of section 2233(a)".

SEC. 2853. REPEAL OF RESTRICTIONS ON LAND TRANSACTIONS RELATING TO PRESIDIO OF SAN FRANCISCO, CALIFORNIA.

Section 2856 of the Military Construction Authorization Act for Fiscal Year 1994 (division B

of Public Law 103-160; 107 Stat. 1908) is repealed.

SEC. 2854. REPORT ON USE OF FUNDS FOR ENVIRONMENTAL RESTORATION AT CORNHUSKER ARMY AMMUNITION PLANT, HALL COUNTY, NEBRASKA.

(a) **REPORT REQUIRED.**—The Secretary of the Army shall submit to Congress a report describing the manner in which funds available to the Army for operation and maintenance (including funds in the Defense Environmental Restoration Account established under section 2703(a)(1) of title 10, United States Code) will be used by the Secretary for environmental restoration and maintenance of the real property that comprises the Cornhusker Army Ammunition Plant, Hall County, Nebraska.

(b) **CONTENTS.**—The report shall include the following:

(1) The funding plan for environmental restoration at the Cornhusker Army Ammunition Plant.

(2) A legal opinion stating whether any portion of the funds to be used for such environmental restoration may be used for the repair of the roads at the Plant in order to bring such roads into compliance with applicable State and local public works codes.

(3) A survey of the roads at the Plant that identifies which roads, if any, are in need of repair in order to bring the roads at the Plant into compliance with such codes.

(4) An estimate of the cost of the repair of the roads referred to in paragraph (3) in order to bring the roads into compliance.

(5) An explanation of the purpose, cost, and source of funds for any proposed preservation of documents or other materials relating to the cultural, historical, and natural resources associated with the Plant.

(c) **SUBMISSION OF REPORT.**—The Secretary shall submit the report required by this section not later than May 1, 1995.

SEC. 2855. ENGINEERING, DESIGN, CONSTRUCTION, AND RELATED SERVICES FOR WOMEN IN MILITARY SERVICE FOR AMERICA MEMORIAL.

The Secretary of the Army is authorized, upon request by the Women in Military Service for America Memorial Foundation, Inc., to provide engineering, design, construction management, and related services, directly or by contract, to the Women in Military Service for America Memorial Foundation, Inc., on a reimbursable basis, for the purpose of repair, restoration, and preservation of the main gate structures, center plaza, and hemicycle of the Arlington National Cemetery, Arlington, Virginia, and the construction of the Women in Military Service for America Memorial.

SEC. 2856. SENSE OF THE SENATE ON AUTHORIZATION OF FUNDS FOR MILITARY CONSTRUCTION PROJECTS NOT REQUESTED IN THE PRESIDENT'S ANNUAL BUDGET REQUEST.

(a) **SENSE OF THE SENATE.**—It is the sense of the Senate that, to the maximum extent practicable, the Senate should consider the authorization for appropriation of funds for a military construction project not included in the annual budget request of the Department of Defense only if—

(1) the project is consistent with past actions under the base closure laws;

(2) the project is included in the military construction plan of the military department concerned incorporated in the Future Years Defense Program;

(3) the project is necessary for reasons of the national security of the United States; and

(4) a contract for construction of the project can be awarded in that fiscal year.

(b) **VIEWS OF THE SECRETARY OF DEFENSE.**—In considering these criteria, the Senate should obtain the views of the Secretary of Defense.

These views should include whether funds for a military construction project not included in the budget request can be offset by funds for other programs, projects, or activities, including military construction projects, in the budget request and, if so, the specific offsetting reductions recommended by the Secretary of Defense.

(c) **BASE CLOSURE LAWS DEFINED.**—For purposes of this section, the term "base closure laws" 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 title 10, United States Code.
- (4) Any other similar law enacted 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) **RESEARCH AND DEVELOPMENT.**—Subject to subsection (e), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1995 for research and development in carrying out weapons activities necessary for national security programs in the amount of \$1,321,937,000, to be allocated as follows:

(1) For core research and development, \$777,251,000, to be allocated as follows:

(A) For operating expenses, \$649,341,000.

(B) For capital equipment, \$59,420,000.

(C) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), \$68,490,000, to be allocated as follows:

Project GPD-101, general plant projects, various locations, \$4,500,000.

Project 95-D-102, Chemical and Metallurgy Research Building upgrades, Los Alamos National Laboratory, New Mexico, \$3,300,000.

Project 94-D-102, nuclear weapons research, development, and testing facilities revitalization, Phase V, various locations, \$13,000,000.

Project 92-D-102, nuclear weapons research, development, and testing facilities revitalization, Phase IV, various locations, \$21,810,000.

Project 90-D-102, nuclear weapons research, development, and testing facilities revitalization, Phase III, various locations, \$4,900,000.

Project 88-D-106, nuclear weapons research, development, and testing facilities revitalization, Phase II, various locations, \$20,980,000.

(2) For operating expenses for stockpile stewardship, \$152,419,000.

(3) For inertial fusion, \$176,473,000, to be allocated as follows:

(A) For operating expenses, \$166,755,000.

(B) For capital equipment, \$9,718,000.

(4) For technology transfer, \$215,794,000, to be allocated as follows:

(A) For operating expenses, \$209,794,000.

(B) For capital equipment, \$6,000,000.

(b) **TESTING.**—Subject to subsection (e), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1995 for testing in carrying out weapons activities necessary for national security programs in the amount of \$208,000,000, to be allocated as follows:

(1) For weapons programs, \$201,000,000, to be allocated as follows:

(A) For testing capabilities and readiness, \$165,000,000.

(B) For capital equipment, \$15,000,000.

(C) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), \$21,000,000, to be allocated as follows:

Project GPD-101, general plant projects, various locations, \$4,000,000.

Project 93-D-102, Nevada support facility, North Las Vegas, Nevada, \$17,000,000.

(2) For Marshall Islands dose reconstruction, \$7,000,000, to be allocated as follows:

(A) For operating expenses, \$6,530,000.

(B) For capital equipment, \$470,000.

(c) **STOCKPILE SUPPORT.**—Subject to subsection (e), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1995 for stockpile support in carrying out weapons activities necessary for national security programs in the amount of \$1,698,556,000, to be allocated as follows:

(1) For operating expenses for stockpile support, \$1,476,785,000.

(2) For operating expenses for reconfiguration, \$94,271,000.

(3) For capital equipment, \$20,180,000.

(4) 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), \$107,320,000, to be allocated as follows:

Project 88-D-122, facilities capability assurance program, various locations, \$14,820,000.

Project GPD-121, general plant projects, various locations, \$1,000,000.

Project 95-D-123, replacement transportation safeguards division aviation facility, Albuquerque, New Mexico, \$2,000,000.

Project 95-D-122, sanitary sewer upgrade Y-12 Plant, Oak Ridge, Tennessee, \$2,200,000.

Project 94-D-124, hydrogen fluoride supply system, Y-12 Plant, Oak Ridge, Tennessee, \$6,300,000.

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, \$1,000,000.

Project 93-D-122, life safety upgrades, Y-12 Plant, Oak Ridge, Tennessee, \$5,000,000.

Project 88-D-123, security enhancements, Pantex Plant, Amarillo, Texas, \$15,000,000.

Project 93-D-123, complex-21, various locations, \$58,000,000.

(d) **PROGRAM DIRECTION.**—Subject to subsection (e), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1995 for program direction in carrying out weapons activities necessary for national security programs in the amount of \$159,852,000, to be allocated as follows:

(1) For operating expenses for weapons program direction, \$157,498,000.

(2) For capital equipment, \$2,354,000.

(e) **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 (d) reduced by the sum of—

(1) \$143,276,000, for use of prior year balances; and

(2) \$11,000,000, for savings resulting from procurement reform.

SEC. 3102. ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.

(a) **CORRECTIVE ACTIVITIES.**—Subject to subsection (h), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1995 for corrective activities in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of \$512,000, all of which shall be available for the following plant project (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and land acquisition related thereto):

Project 92-D-403, tank upgrades project, Lawrence Livermore National Laboratory, California.

(b) **ENVIRONMENTAL RESTORATION.**—(1) Subject to paragraph (2), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1995 for environmental restoration for operating expenses in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of \$1,518,549,000.

(2) Subject to subsection (h), the amount authorized to be appropriated pursuant to this subsection is the amount authorized to be appropriated in paragraph (1) reduced by \$133,900,000, as a result of the productivity savings initiative.

(c) **WASTE MANAGEMENT.**—(1) Subject to paragraph (2), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1995 for waste management in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of \$2,855,772,000, to be allocated as follows:

(A) For operating expenses, \$2,390,066,000.

(B) For capital equipment, \$90,790,000.

(C) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), \$374,916,000, to be allocated as follows:

Project GPD-171, general plant projects, various locations, \$16,832,000.

Project 95-E-600, hazardous materials training center, Richland, Washington, \$7,000,000.

Project 95-D-401, radiological support facilities, Richland, Washington, \$1,585,000.

Project 95-D-402, install permanent electrical service, Waste Isolation Pilot Plant, New Mexico, \$700,000.

Project 95-D-403, hazardous waste storage facility, Mound Plant, Miamisburg, Ohio, \$597,000.

Project 95-D-405, industrial landfill V and construction demolition landfill VII, Y-12 Plant, Oak Ridge, Tennessee, \$1,000,000.

Project 95-D-406, road 5-01 reconstruction, area 5, Nevada Test Site, Nevada, \$2,338,000.

Project 95-D-407, 219-S secondary containment upgrade, Richland, Washington, \$2,000,000.

Project 95-D-408, Phase II liquid effluent treatment and disposal, Richland, Washington, \$7,100,000.

Project 94-D-400, high explosive wastewater treatment system, Los Alamos National Laboratory, Los Alamos, New Mexico, \$1,000,000.

Project 94-D-402, liquid waste treatment system, Nevada Test Site, Nevada, \$3,292,000.

Project 94-D-404, Melton Valley storage tank capacity increase, Oak Ridge National Laboratory, Oak Ridge, Tennessee, \$21,373,000.

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, \$17,700,000.

Project 94-D-408, office facilities—200 East, Richland, Washington, \$4,000,000.

Project 94-D-411, solid waste operation complex, Richland, Washington, \$42,200,000.

Project 94-D-416, solvent storage tanks installation, Savannah River, South Carolina, \$1,700,000.

Project 94-D-417, intermediate-level and low-activity waste vaults, Savannah River, South Carolina, \$300,000.

Project 93-D-174, plant drain waste water treatment upgrades, Y-12 Plant, Oak Ridge, Tennessee, \$1,400,000.

Project 93-D-178, building 374 liquid waste treatment facility, Rocky Flats, Golden, Colorado, \$3,300,000.

Project 93-D-181, radioactive liquid waste line replacement, Richland, Washington, \$3,300,000.

Project 93-D-182, replacement of cross-site transfer system, Richland, Washington, \$14,810,000.

Project 93-D-183, multi-tank waste storage facility, Richland, Washington, \$88,605,000.

Project 93-D-187, high-level waste removal from filled waste tanks, Savannah River, South Carolina, \$26,525,000.

Project 92-D-177, tank 101-AZ waste retrieval system, Richland, Washington, \$5,000,000.

Project 92-D-188, waste management ES&H, and compliance activities, various locations, \$2,846,000.

Project 91-D-171, waste receiving and processing facility, module 1, Richland, Washington, \$3,995,000.

Project 90-D-172, aging waste transfer line, Richland, Washington, \$3,819,000.

Project 90-D-177, RWMC transuranic (TRU) waste characterization and storage facility, Idaho National Engineering Laboratory, Idaho, \$1,747,000.

Project 90-D-178, TSA retrieval containment building, Idaho National Engineering Laboratory, Idaho, \$7,594,000.

Project 89-D-173, tank farm ventilation upgrade, Richland, Washington, \$300,000.

Project 89-D-174, replacement high-level waste evaporator, Savannah River, South Carolina, \$18,000,000.

Project 86-D-103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, California, \$5,900,000.

Project 83-D-148, nonradioactive hazardous waste management, Savannah River, South Carolina, \$6,000,000.

Project 81-T-105, defense waste processing facility, Savannah River, South Carolina, \$45,058,000.

(2) Subject to subsection (h), the total amount authorized to be appropriated pursuant to this subsection is the sum of the amounts authorized to be appropriated in paragraph (1) reduced by \$160,800,000, as a result of the productivity savings initiative.

(d) TECHNOLOGY DEVELOPMENT.—Subject to subsection (h), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1995 for technology development, in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of \$405,759,000, to be allocated as follows:

(1) For operating expenses, \$380,974,000.

(2) For capital equipment, \$24,785,000.

(e) TRANSPORTATION MANAGEMENT.—Subject to subsection (h), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1995 for transportation management in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of \$20,684,000, to be allocated as follows:

(1) For operating expenses, \$20,240,000.

(2) For capital equipment, \$444,000.

(f) PROGRAM DIRECTION.—Subject to subsection (h), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1995 for program direction in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of \$84,948,000, to be allocated as follows:

(1) For operating expenses, \$83,748,000.

(2) For capital equipment, \$1,200,000.

(g) FACILITY TRANSITION AND MANAGEMENT.—

(1) Subject to paragraph (2), funds are hereby

authorized to be appropriated to the Department of Energy for fiscal year 1995 for facility transition and management in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of \$772,967,000, to be allocated as follows:

(A) For operating expenses, \$676,884,000.

(B) For capital equipment, \$18,947,000.

(C) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), \$77,136,000, to be allocated as follows:

Project GPD-171, general plant projects, various locations, \$15,211,000.

Project 95-D-454, 324 facility compliance/renovation, Richland, Washington, \$1,500,000.

Project 95-D-456, security facilities upgrade, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, \$986,000.

Project 94-D-122, underground storage tanks, Rocky Flats, Golden, Colorado, \$2,500,000.

Project 94-D-401, emergency response facility, Idaho National Engineering Laboratory, Idaho, \$5,219,000.

Project 94-D-412, 300 area process sewer piping system upgrade, Richland, Washington, \$7,800,000.

Project 94-D-415, medical facilities, Idaho National Engineering Laboratory, Idaho, \$4,920,000.

Project 94-D-451, infrastructure replacement, Rocky Flats Plant, Golden, Colorado, \$10,600,000.

Project 93-D-172, electrical upgrade, Idaho National Engineering Laboratory, Idaho, \$7,800,000.

Project 93-D-184, 325 facility compliance/renovation, Richland, Washington, \$1,000,000.

Project 93-D-186, 200 area unsecured core area fabrication shop, Richland, Washington, \$4,000,000.

Project 92-D-125, master safeguards and security agreement/materials surveillance task force security upgrades, Rocky Flats Plant, Golden, Colorado, \$2,100,000.

Project 92-D-181, INEL fire and life safety improvements, Idaho National Engineering Laboratory, Idaho, \$6,000,000.

Project 92-D-182, INEL sewer system upgrade, Idaho National Engineering Laboratory, Idaho, \$1,900,000.

Project 92-D-186, steam system rehabilitation, Phase II, Richland, Washington, \$5,600,000.

(2) Subject to subsection (h), the total amount authorized to be appropriated pursuant to this subsection is the sum of the amounts authorized to be appropriated in paragraph (1) reduced by \$5,000,000, as a result of the productivity savings initiative.

(h) 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), (b)(2), (c)(2), (d), (e), (f), and (g)(2) reduced by the sum of—

(1) \$249,300,000, for use of prior year balances; and

(2) \$17,500,000, for savings resulting from procurement reform.

SEC. 3103. NUCLEAR MATERIALS SUPPORT AND OTHER DEFENSE PROGRAMS.

(a) MATERIALS SUPPORT.—Subject to subsection (d), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1995 for materials support in carrying out nuclear materials support necessary for national security programs in the amount of \$902,255,000, to be allocated as follows:

(1) For reactor operations, \$163,634,000.

(2) For processing of nuclear materials, \$410,468,000.

(3) For support services, \$167,776,000.

(4) For capital equipment, \$39,427,000.

(5) 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), \$64,950,000, to be allocated as follows:

Project GPD-146, general plant projects, various locations, \$15,000,000.

Project 95-D-155, upgrade site road infrastructure, Savannah River, South Carolina, \$750,000.

Project 95-D-156, radio trunking system, Savannah River, South Carolina, \$2,100,000.

Project 95-D-157, D-area powerhouse life extension, Savannah River, South Carolina, \$4,000,000.

Project 95-D-158, disassembly basin upgrades K, L, and P, Savannah River, South Carolina, \$13,000,000.

Project 93-D-147, domestic water system upgrade, Phases I and II, Savannah River, South Carolina, \$11,300,000.

Project 93-D-148, replace high-level drain lines, Savannah River, South Carolina, \$2,700,000.

Project 93-D-152, environmental modification for production facilities, Savannah River, South Carolina, \$2,900,000.

Project 92-D-143, health protection instrument calibration facility, Savannah River, South Carolina, \$3,000,000.

Project 90-D-149, plantwide fire protection, Phases I and II, Savannah River, South Carolina, \$5,000,000.

Project 92-D-150, operations support facilities, Savannah River, South Carolina, \$2,000,000.

Project 92-D-153, engineering support facility, Savannah River, South Carolina, \$3,200,000.

(6) For program direction, \$56,000,000.

(b) OTHER DEFENSE PROGRAMS.—Subject to subsection (d), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1995 for other defense programs in carrying out defense programs necessary for national security programs in the amount of \$669,657,000, to be allocated as follows:

(1) For verification and control technology, \$348,555,000, to be allocated as follows:

(A) For operating expenses, \$332,682,000.

(B) For capital equipment, \$15,873,000.

(2) For nuclear safeguards and security, \$85,816,000, to be allocated as follows:

(A) For operating expenses, \$82,421,000.

(B) For capital equipment, \$3,395,000.

(3) For security investigations, \$33,827,000.

(4) For security evaluations, \$14,780,000.

(5) For the Office of Nuclear Safety, \$21,679,000, to be allocated as follows:

(A) For operating expenses, \$21,629,000.

(B) For capital equipment, \$50,000.

(6) For worker and community transition, \$115,000,000.

(7) For fissile material control and disposition, \$50,000,000.

(c) NAVAL REACTORS.—Subject to subsection (d), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1995 for naval reactors in carrying out nuclear materials support and other defense programs necessary for national security programs in the amount of \$725,651,000, to be allocated as follows:

(1) For naval reactors development, \$693,651,000, to be allocated as follows:

(A) For operating expenses:

(i) For plant development, \$146,700,000.

(ii) For reactor development, \$348,951,000.

(iii) For reactor operation and evaluation, \$131,000,000.

(iv) For program direction, \$18,800,000.

(B) For capital equipment, \$28,200,000.

(C) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years,

and land acquisition related thereto), \$20,000,000, to be allocated as follows:

Project GPN-101, general plant projects, various locations, \$6,200,000.

Project 95-D-200, laboratory systems and hot cell upgrades, various locations, \$2,400,000.

Project 95-D-201, advanced test reactor radioactive waste system upgrades, Idaho National Engineering Laboratory, Idaho, \$700,000.

Project 93-D-200, engineering services facilities, Knolls Atomic Power Laboratory, Niskayuna, New York, \$7,900,000.

Project 92-D-200, laboratories facilities upgrades, various locations, \$2,800,000.

(2) For operating expenses for enrichment materials, \$32,000,000.

(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), (b), and (c) reduced by the sum of—

(1) \$40,000,000, for recovery of overpayment to the Savannah River Pension Fund;

(2) \$6,500,000, for savings resulting from procurement reform; and

(3) \$401,406,000, for use of prior year balances for materials support and other defense programs.

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1995 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 \$129,430,000.

Subtitle B—Recurring General Provisions

SEC. 3121. REPROGRAMMING.

(a) IN GENERAL.—Until the Secretary of Energy submits to the congressional defense committees the report referred to in subsection (b) and 30 days has elapsed after the date on which such committees receive the report, the Secretary may not use amounts appropriated pursuant to this title for any program—

(1) in amounts that exceed, in a fiscal year—

(A) 110 percent of the amount authorized for that program by this title; or

(B) \$1,000,000 more than the amount authorized for that program by this title; or

(2) which has not been presented to, or requested of, Congress.

(b) REPORT.—(1) The report referred to in subsection (a) is a report containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action.

(2) In the computation of the 30-day period under subsection (a), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(c) LIMITATIONS.—(1) In no event may the total amount of funds obligated pursuant to this title exceed the total amount authorized to be appropriated by this title.

(2) Funds appropriated pursuant to this title may not be used for an item for which Congress has specifically denied funds.

SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.

(a) IN GENERAL.—The Secretary of Energy may carry out any construction project under the general plant projects authorized by this title if the total estimated cost of the construction project does not exceed \$2,000,000.

(b) REPORT TO CONGRESS.—If, at any time during the construction of any general plant project authorized by this title, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds \$2,000,000, the Secretary shall immediately furnish a complete report to the congressional defense committees explaining the reasons for the cost variation.

SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.

(a) IN GENERAL.—(1) Except as provided in paragraph (2), construction on a construction project may not be started or additional obligations incurred in connection with the project above the total estimated cost, whenever the current estimated cost of the construction project, which is authorized by section 3101, 3102, or 3103, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of—

(A) the amount authorized for the project; or
(B) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress.

(2) An action described in paragraph (1) may be taken if—

(A) the Secretary of Energy has submitted to the congressional defense committees a report on the 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 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. TRANSFER AUTHORITY.

(a) TRANSFER TO OTHER FEDERAL AGENCIES.—The Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title to other Federal agencies for the performance of work for which the funds were authorized. Funds so transferred may be merged with and be available for the same purposes and for the same time period as the authorizations of the Federal agency to which the amounts are transferred.

(b) TRANSFER WITHIN DEPARTMENT OF ENERGY; LIMITATIONS.—(1) Subject to paragraph (2), the Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title between any such authorizations. Amounts of authorizations so transferred may be merged with and be available for the same purposes and for the same time period as the authorization to which the amounts are transferred.

(2) Not more than five percent of any such authorization may be transferred between authorizations under paragraph (1). No such authorization may be increased or decreased by more than five percent by a transfer under such paragraph.

(3) The authority provided by this section to transfer authorizations—

(A) may only be used to provide funds for items that have a higher priority than the items from which the funds are transferred; and

(B) may not be used to provide authority for an item that has been denied funds by Congress.

(c) NOTICE TO CONGRESS.—The Secretary of Energy shall promptly notify the Committees on Armed Services of the Senate and House of Representatives of any transfer of funds to or from authorizations under this title.

SEC. 3125. CONSTRUCTION DESIGN AND CONCEPTUAL DESIGN FOR CONSTRUCTION PROJECTS.

(a) IN GENERAL.—(1) Within the amounts authorized by this title, 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 \$3,000,000.

(2) In the case of any project in which the total estimated cost for advance planning and

construction design exceeds \$600,000, 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 advance planning and construction design 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 proposed construction project exceeds \$3,000,000, funds for such planning and design must be specifically authorized by law.

(c) REQUIREMENT OF CONCEPTUAL DESIGN.—(1) Subject to paragraph (2) and except as provided in paragraph (3), before submitting to Congress a request for funds for a construction project that is in support of a national security program of the Department of Energy, the Secretary of Energy shall complete a conceptual design for that project.

(2) In any case in which the total estimated cost of completing a conceptual design for a construction project exceeds \$3,000,000, the Secretary shall submit to Congress a request for funds for the conceptual design before the Secretary submits a request for funds for the construction project.

(3) The requirement in paragraph (1) does not apply to a request for funds—

(A) for a construction project the total estimated cost of which is less than \$2,000,000; or

(B) for emergency planning, design, and construction activities under section 3126.

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 under sections 3101, 3102, and 3103, including those funds authorized to be appropriated for advance planning and construction design, to perform planning, design, and construction activities for any Department of Energy national security program construction project that, as determined by the Secretary, must proceed expeditiously in order to protect public health and safety, 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 requirements of subsections (b) and (c) of section 3125 do not apply to emergency planning, design, and construction activities conducted under this section.

SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY.

Subject to the provisions of appropriation Acts and section 3121, amounts appropriated pursuant to this title that are made available 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. STOCKPILE STEWARDSHIP RECRUITMENT AND TRAINING PROGRAM.

(a) CONDUCT OF PROGRAM.—(1) As part of the stockpile stewardship program established pursuant to section 3138 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1946; 42 U.S.C. 2121 note),

the Secretary of Energy shall conduct a stockpile stewardship recruitment and training program at the Sandia National Laboratories, the Lawrence Livermore National Laboratory, and the Los Alamos National Laboratory.

(2) The recruitment and training program shall be conducted in coordination with the Chairman of the Joint Nuclear Weapons Council established by section 179 of title 10, United States Code, and the directors of the laboratories referred to in paragraph (1).

(b) **SUPPORT OF DUAL-USE PROGRAMS.**—(1) As part of the recruitment and training program, the directors of the laboratories referred to in subsection (a)(1) may employ undergraduate students, graduate students, and postdoctoral fellows to carry out research sponsored by such laboratories for military or nonmilitary dual-use programs related to nuclear weapons stockpile stewardship.

(2) Of the amounts authorized to be appropriated to the Secretary of Energy in section 3101(a)(1) for weapons activities for core research and development and allocated by the Secretary for education initiatives, \$5,000,000 shall be available for employing students and fellows to carry out research referred to in paragraph (1). The amount available under this paragraph shall be allocated equally among the laboratories referred to in subsection (a)(1).

(c) **ESTABLISHMENT OF RETIREE CORPS.**—As part of the training and recruitment program, the Secretary, in coordination with the directors of the laboratories referred to in subsection (a)(1), shall establish for the laboratories a retiree corps of retired scientists who have expertise in research and development of nuclear weapons. The directors may employ the retired scientists on a part-time basis to provide appropriate assistance on nuclear weapons issues, to contribute relevant information to be archived, and to help to provide training to other scientists.

(d) **REPORT.**—(1) 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 demographic trends of the personnel of the laboratories referred to in subsection (a)(1) and on actions taken by the Department of Energy to remedy identified deficiencies in various skill areas.

(2) The report shall be prepared in coordination with the Chairman of the Joint Nuclear Weapons Council and the directors of the laboratories. Information included in the report shall be aggregated and compiled into statistical categories.

(3) The report shall include the following:

(A) An inventory of the weapons-related tasks that the laboratories need to perform to support their nuclear weapons responsibilities.

(B) An inventory of the skills necessary to complete the weapons-related tasks referred to in subparagraph (A).

(C) For each laboratory, the number of scientists needed in each skill area to perform such tasks.

(D) The number of the scientists providing services in each skill area at each laboratory, stated by age.

(E) An assessment of which skill areas are understaffed.

(F) The number of scientists entering the weapons program at each laboratory, and their skill areas.

(G) The number of full-time equivalent personnel with weapon skills, their distribution by skill and, for each such skill, their distribution by age.

(H) The number of scientists retiring from the weapons program in the five-year period ending on the date of the report and the skill areas in which they worked in the year preceding their retirement.

(I) Based on the information contained in subparagraphs (A) through (H), a projection of the skills areas that will become understaffed in the five years following the date of the report.

(J) A statement of alternative actions that may be taken to retain and recruit scientists for the weapons programs at the laboratories in order to preserve a sufficient skill base and to fulfill stockpile stewardship responsibilities.

(K) Any plans of the Secretary to take any of the alternative actions referred to in subparagraph (J).

SEC. 3132. DEFENSE INERTIAL CONFINEMENT FUSION PROGRAM.

Of the funds authorized to be appropriated by this title to the Department of Energy for fiscal year 1995, \$176,473,000 shall be available for the defense inertial confinement fusion program.

SEC. 3133. PAYMENT OF PENALTIES.

The Secretary of Energy may pay to the Hazardous Substance Superfund established under section 9507 of the Internal Revenue Code of 1986 (26 U.S.C. 9507), from funds appropriated to the Department of Energy for environmental restoration and waste management activities pursuant to section 3102, stipulated civil penalties assessed under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) in amounts as follows:

(1) \$50,000, assessed against the Fernald Environmental Management Project, Ohio, under such Act.

(2) \$50,000, assessed against the Portsmouth Gaseous Diffusion Plant, Ohio, under such Act.

SEC. 3134. WATER MANAGEMENT PROGRAMS.

From funds authorized to be appropriated pursuant to section 3102 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, \$11,415,000 for the cost of implementing water management programs. Reimbursements for the water management programs shall not be considered a major Federal action for purposes of section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)).

SEC. 3135. PROTECTION OF WORKERS AT NUCLEAR WEAPONS FACILITIES.

Of the funds authorized to be appropriated by section 3102 for environmental restoration and waste management activities, \$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; 105 Stat. 1571; 42 U.S.C. 7274d), relating to worker protection at nuclear weapons facilities.

SEC. 3136. LIMITATION ON USE OF PROGRAM DIRECTION FUNDS.

The Secretary of Energy may not obligate more than 20 percent of the funds appropriated pursuant to this title for fiscal year 1995 for operating expenses for program direction in carrying out environmental restoration and waste management activities necessary for national security programs until the Secretary submits to Congress the reports required to be submitted in 1995 under subsections (a) and (d) of section 3153 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1950; 42 U.S.C. 7274k).

SEC. 3137. NATIONAL SECURITY PROGRAMS.

Notwithstanding any other provision of law, not more than 80 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 1996 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. 3138. PROGRAMS FOR PERSONS WHO MAY HAVE BEEN EXPOSED TO RADIATION RELEASED FROM HANFORD NUCLEAR RESERVATION.

(a) **FUNDING.**—(1) Of the funds authorized to be appropriated to the Department of Energy under section 3101 for fiscal year 1995, \$2,500,000 shall be available for activities relating to the Hanford Health Information Network established pursuant to the authority provided in section 3138 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1834).

(2) The Secretary of Energy may not obligate more than 50 percent of the amount made available under paragraph (1) for activities relating to the Hanford Health Information Network until the States of Washington, Oregon, and Idaho establish the uniform procedures required by section 3138(d)(3)(D) of such Act, as added by subsection (b).

(b) **PROHIBITION ON DISCLOSURE OF EXPOSURE INFORMATION.**—Section 3138 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1834) is amended by adding at the end the following new subsection:

“(d) **PROHIBITION ON DISCLOSURE OF EXPOSURE INFORMATION.**—(1) Except as provided in paragraph (2), a person may not disclose to the public the following:

“(A) Any information obtained through a program that identifies a person who may have been exposed to radiation released from the Hanford Nuclear Reservation.

“(B) Any information obtained through a program that identifies a person participating in any of the programs developed under this section.

“(C) The name, address, and telephone number of a person requesting information referred to in subsection (b)(1).

“(D) The name, address, and telephone number of a person who has been referred to a health care professional under subsection (b)(2).

“(E) The name, address, and telephone number of a person who has been registered and monitored pursuant to subsection (b)(3).

“(F) Information that identifies the person from whom information referred to in this paragraph was obtained under a program or any other third party involved with, or identified by, any such information so obtained.

“(G) Any other personal or medical information that identifies a person or party referred to in subparagraphs (A) through (F).

“(H) Such other information or categories of information as the chief officers of the health departments of the States of Washington, Oregon, and Idaho jointly designate as information covered by this subsection.

“(2) Information referred to in paragraph (1) may be disclosed to the public if the person identified by the information, or the legal representative of that person, has consented in writing to the disclosure.

“(3) The States of Washington, Oregon, and Idaho shall establish uniform procedures for carrying out this subsection, including procedures governing the following:

“(A) The disclosure of information under paragraph (2).

“(B) The use of the Hanford Health Information Network database.

“(C) The future disposition of the database.

“(D) Enforcement of the prohibition provided in paragraph (1) on the disclosure of information described in that paragraph.”

SEC. 3139. LIMITATION ON STUDY OR RELOCATION OF TRITIUM-RELATED ACTIVITIES AND OPERATIONS.

None of the funds appropriated or otherwise made available to the Department of Energy for

fiscal year 1995 pursuant to this title may be used to study or relocate tritium-related activities and operations from the Mound Plant, Ohio, to a facility other than a Department of Energy weapons production facility that has demonstrated tritium production and handling capabilities, as determined by independent consultants pursuant to a review of the June 1993 report of the Department entitled "Nonnuclear Reconfiguration Cost Effectiveness Report".

SEC. 3140. HAZARDOUS MATERIALS MANAGEMENT AND HAZARDOUS MATERIALS EMERGENCY RESPONSE TRAINING PROGRAM.

(a) **USE OF FUNDS.**—Of the funds authorized to be appropriated to the Department of Energy for fiscal year 1995 under section 3102(c), not more than \$6,000,000 shall be available for operating expenses to carry out a hazardous materials management and hazardous materials emergency response training program at Hanford Nuclear Reservation, Richland, Washington.

(b) **REQUIREMENT OF CONCEPTUAL DESIGN.**—None of the funds authorized to be appropriated under section 3102(c) for project 95-E-600 may be obligated or expended until the Secretary of Energy completes a conceptual design for the project.

SEC. 3141. INTERNATIONAL CENTER FOR APPLIED RESEARCH.

(a) **ESTABLISHMENT.**—(1) The Secretary of Energy shall establish an International Center for Applied Research at the Savannah River Site, South Carolina. The purpose of the Center is to promote the following activities:

(A) The application in the United States of hydrogen technology research derived from tritium production.

(B) The development of beneficial uses of nuclear materials.

(C) The research and development of innovative methods for the treatment and disposal of nuclear waste.

(D) The development of specifications for the decommissioning of nuclear facilities and the disposition of nuclear materials.

(E) The research and development of any technologies that the Secretary considers appropriate and that are likely to be commercialized.

(2) The Secretary shall enter into an arrangement to provide for the location of the Center at a suitable facility at, or adjacent to, the Savannah River Site.

(3) The Secretary shall, using competitive procedures, select a nonprofit entity or a group of nonprofit entities to operate the Center. The Center shall promote activities under paragraph (1) in a manner that accomplishes regional development through applied science and technology.

(b) **AVAILABILITY OF FUNDS.**—Of amounts authorized to be appropriated in section 3101(c), \$12,000,000 shall be available to establish the Center referred to in subsection (a).

Subtitle D—Other Matters

SEC. 3151. ACCOUNTING PROCEDURES FOR DEPARTMENT OF ENERGY FUNDS.

(a) **IN GENERAL.**—The Secretary of Energy shall prescribe procedures to account for the use of funds for the performance of the programs and activities of the Department of Energy for which funds are appropriated pursuant to this title for national security programs of the Department of Energy. The procedures shall provide for such accounting for fiscal years beginning after fiscal year 1996.

(b) **COVERED MATTERS.**—The Secretary shall prescribe procedures under subsection (a)—

(1) to account for the funds appropriated to the Department pursuant to this title for national security programs and activities of the Department that are not used for the purpose for which such funds were appropriated; and

(2) to provide an accounting for all encumbered funds, unencumbered funds, unobligated funds, costed funds, and uncosted obligations of the national security programs of the Department in that fiscal year.

SEC. 3152. APPROVAL FOR CERTAIN NUCLEAR WEAPONS ACTIVITIES.

(a) **APPROVAL BY JOINT NUCLEAR WEAPONS COUNCIL.**—Subsection (d) of section 179 of title 10, United States Code, is amended—

(1) by redesignating paragraphs (8) and (9) as paragraphs (9) and (10), respectively; and

(2) by inserting after paragraph (7) the following new paragraph (8):

"(8) Coordinating and approving activities conducted by the Department of Energy for the study, development, production, and retirement of nuclear warheads, including concept definition studies, feasibility studies, engineering development, hardware component fabrication, warhead production, and warhead retirement."

(b) **REPORT.**—Such section is further amended by adding at the end the following new subsection:

"(e) Each fiscal year, at the same time the President submits the budget pursuant to section 1105 of title 31, the Chairman of the Council, through the Secretary of Energy, shall submit to the Committees on Armed Services and Appropriations of the Senate and House of Representatives a report, in classified form, on the following:

"(1) The effectiveness and efficiency of the Council, and of the deliberative and decision-making processes used by the Council, in carrying out the responsibilities described in subsection (d).

"(2) A description of all activities conducted by the Department of Energy during that fiscal year, or planned to be conducted by the Department of Energy during the next fiscal year, for the study, development, production, and retirement of nuclear warheads and that have been approved by the Council, including a description of—

"(A) the concept definition activities and feasibility studies conducted or planned to be conducted by the Department of Energy;

"(B) the schedule for completion of each such activity or study; and

"(C) the degree to which each such activity or study is consistent with United States policy for new nuclear warhead development or warhead modification and with established or projected military requirements."

(c) **TECHNICAL AMENDMENT.**—Subsections (a)(3) and (b) of such section are amended by striking out "appointed" each place it appears and inserting in lieu thereof "designated".

SEC. 3153. STUDY OF FEASIBILITY OF CONDUCTING CERTAIN ACTIVITIES AT THE NEVADA TEST SITE, NEVADA.

Not later than April 1, 1995, the Secretary of Energy shall submit to Congress a report on the feasibility of conducting the following activities at the Nevada Test Site, Nevada:

(1) The demilitarization of large rocket motors, high energetic explosives, and conventional ordnance.

(2) Disarmament and demilitarization of conventional weapons and components.

(3) Experiments that assist in monitoring compliance with international agreements on the nonproliferation of nuclear weapons.

(4) Programs for the Department of Energy and the Department of Defense to develop simulator technologies for nuclear weapons design and effects, including advanced hydrodynamic simulators, fusion test facilities, and nuclear weapons effects simulators.

(5) The stockpile stewardship program established pursuant to section 3138 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1946; 42 U.S.C. 2121 note).

(6) Experiments related to the nonproliferation of nuclear weapons, including experiments with respect to disablement of such weapons, nuclear forensics, sensors, and verification and monitoring.

SEC. 3154. REPORT ON WASTE STREAMS GENERATED BY NUCLEAR WEAPONS PRODUCTION CYCLE.

(a) **REPORT.**—Not later than March 31, 1996, the Secretary of Energy shall submit to Congress a report that contains a description of all waste streams generated before 1992 during each step of the complete cycle of production and disposition of nuclear weapon components by the Department of Energy. The description for each such step shall be based on a unit of analysis that is appropriate for that step. The report shall include an estimate of the volume of waste generated per unit of analysis and an analysis of the characteristics of each waste stream.

(b) **DEFINITIONS.**—In this section:

(1) The term "waste stream" means waste materials the storage, treatment, or disposition of which is regulated under Federal law, except that such term does not include usable source materials, usable byproduct materials, and usable special nuclear materials.

(2) The terms "byproduct material", "source material", and "special nuclear material" have the meaning given such terms in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014).

SEC. 3155. COMMUNICATION OF RESTRICTED DATA AND FORMERLY RESTRICTED DATA.

(a) **COMMUNICATION OF DATA.**—Section 144 of the Atomic Energy Act of 1954 (42 U.S.C. 2164) is amended—

(1) by redesignating subsection d. as subsection e.; and

(2) by inserting after subsection c. the following new subsection d.:

"d. (1) In addition to the cooperation authorized in subsections a., b., and c., the President may, upon making a determination described in paragraph (2), authorize the Department of Energy, with the assistance of the Department of Defense, to cooperate with another nation to communicate to that nation such Restricted Data, and the President may, upon making such determination, authorize the Department of Defense, with the assistance of the Department of Energy, to cooperate with another nation to communicate to that nation such data removed from the Restricted Data category under section 142, as is necessary for—

"(A) the support of a program for the control of and accounting for fissile material and other weapons material;

"(B) the support of the control of and accounting for atomic weapons;

"(C) the verification of a treaty; and

"(D) the establishment of international standards for the classification of data on atomic weapons, data on fissile material, and related data.

"(2) A determination referred to in paragraph (1) is a determination that the proposed cooperation and proposed communication referred to in that paragraph—

"(A) will promote the common defense and security interests of the United States and the nation concerned; and

"(B) will not constitute an unreasonable risk to such common defense and security interests.

"(3) Cooperation under this subsection shall be undertaken pursuant to an agreement for cooperation entered into in accordance with section 123."

(b) **APPLICABILITY OF NOTICE AND WAIT PROVISIONS.**—Section 123 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2153(d)), as amended by subsection (c), shall not apply to a proposed agreement for cooperation under section 144 d. of such Act, as inserted by subsection (a), until December 31, 1995.

(c) CONFORMING AMENDMENTS.—The Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) is amended as follows:

(1) Section 123 is amended—

(A) by striking out "or 144 c." each place it appears and inserting in lieu thereof "144 c., or 144 d."; and

(B) in subsection a., by striking out "or 144 b." and inserting in lieu thereof "144 b., or 144 d."; and

(C) in subsection b., by inserting "(except an agreement arranged pursuant to section 91 c., 144 b., 144 c., or 144 d.)" after "the President has submitted text of the proposed agreement for cooperation".

(2) Section 142 d. is amended by striking out "subsection 144 b." and inserting in lieu thereof "subsection b. or d. of section 144.".

(3) Section 142 f. is repealed.

(4) Section 144 e., as redesignated by subsection (a)(1), is amended by striking out "or c." and inserting in lieu thereof "c., or d.".

SEC. 3156. SCHOLARSHIP AND FELLOWSHIP PROGRAM FOR ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.

(a) USE OF FUNDS.—Of the funds authorized to be appropriated to the Department of Energy in section 3102 for fiscal year 1995 for environmental restoration and waste management, \$1,000,000 shall be available for the scholarship and fellowship program for environmental restoration and waste management carried out under section 3132 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 105 Stat. 1572; 42 U.S.C. 7274e).

(b) DESIGNATION AS MARILYN LLOYD SCHOLARSHIP AND FELLOWSHIP PROGRAM.—(1) Section 3132(a) of such Act (42 U.S.C. 7274e(a)) is amended by adding at the end the following: "The scholarship and fellowship program shall be known as the 'Marilyn Lloyd Scholarship and Fellowship Program'."

(2) The amendment made by paragraph (1) shall take effect on January 3, 1995.

SEC. 3157. REPORT ON ECONOMIC REDEVELOPMENT AND CONVERSION ACTIVITIES RESULTING FROM RECONFIGURATION OF DEPARTMENT OF ENERGY NUCLEAR WEAPONS COMPLEX.

(a) IN GENERAL.—Not later than May 1, 1995, the Secretary of Energy shall submit to Congress information on economic redevelopment and conversion activities that, in the determination of the Secretary, may result from the reconfiguration of the Department of Energy nuclear weapons complex. The Secretary may submit the information in a report or submit the programmatic environmental impact statement referred to in section 3145(c) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1949) and include the information in that statement.

(b) CONTENTS.—The information referred to in subsection (a) shall include the following:

(1) An analysis of the existing condition and capabilities of the facilities of the nuclear weapons complex.

(2) A description of the technologies and processes at such facilities that have the potential to be developed in collaboration with private industry, State, local, or tribal governments, institutions of higher education, or non-profit organizations.

(3) An estimate of the costs associated with economic redevelopment and conversion activities as a result of the reconfiguration of the nuclear weapons complex.

(4) A description of how the Secretary will coordinate with local interests regarding such activities.

SEC. 3158. OFFICE OF FISSILE MATERIALS DISPOSITION.

(a) ESTABLISHMENT.—Title II of the Department of Energy Organization Act (42 U.S.C. 7131

et seq.) is amended by adding at the end the following:

"OFFICE OF FISSILE MATERIALS DISPOSITION

"SEC. 212. (a) There shall be within the Department an Office of Fissile Materials Disposition.

"(b) The Secretary shall designate the head of the Office. The head of the Office shall report to the Under Secretary.

"(c) The head of the Office shall be responsible for all activities of the Department relating to the management, storage, and disposition of fissile materials from weapons and weapons systems that are excess to the national security needs of the United States."

(b) CONFORMING AMENDMENT.—The table of contents in the first section of such Act is amended by inserting after the item relating to section 210 the following new items:

"Sec. 211. Office of Minority Economic Impact.
"Sec. 212. Office of Fissile Materials Disposition."

SEC. 3159. EXTENSION OF AUTHORITY TO LOAN PERSONNEL AND FACILITIES AT IDAHO NATIONAL ENGINEERING LABORATORY.

Section 1434 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 2074), as amended by section 3136 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2641), is further amended—

(1) in the third sentence of subsection (a)(3), by striking out "fiscal years 1993 and 1994" and inserting in lieu thereof "fiscal years 1993, 1994, 1995, 1996, and 1997"; and

(2) in subsection (c), by striking out "September 30, 1994, with respect to the Idaho National Engineering Laboratory" and inserting in lieu thereof "September 30, 1997, with respect to the Idaho National Engineering Laboratory".

SEC. 3160. ELIMINATION OF REQUIREMENT FOR FIVE-YEAR PLAN FOR DEFENSE NUCLEAR FACILITIES.

(a) ELIMINATION OF REQUIREMENT.—Section 3135(a) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 105 Stat. 1575; 42 U.S.C. 7274g(a)) is amended—

(1) in paragraph (1)—

(A) by striking out "(A) defense nuclear facilities and (B) all other facilities owned or operated by the Department of Energy" in the first sentence and inserting in lieu thereof "all facilities owned or operated by the Department of Energy except defense nuclear facilities"; and

(B) by inserting "such" in the third sentence after "restoration at all";

(2) in paragraph (4), by striking out "The plan shall contain the following matters:" and inserting in lieu thereof "The plan shall include, with respect to the Department of Energy facilities required by paragraph (1) to be covered by the plan, the following matters:";

(3) by striking out paragraph (6); and

(4) by redesignating paragraph (7) as paragraph (6).

(b) ANNUAL WASTE MANAGEMENT REPORTS.—Section 3153(b)(1) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1950; 42 U.S.C. 7274k(b)(1)) is amended—

(1) by inserting "including pollution prevention and" after "waste management,"; and

(2) by striking out "and technology research and development related to such activities and projects".

(c) CONTENTS OF ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT REPORTS.—Section 3153(c) of such Act (42 U.S.C. 7274k(c)) is amended—

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

(2) by striking out "and" at the end of paragraph (2)(D);

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

(4) by adding at the end of paragraph (2) the following new subparagraph:

"(F) a description of the personnel and facilities required to complete the activity or project; and"; and

(5) by adding at the end the following new paragraph:

"(3) contain a description of the research and development necessary to develop the technology to conduct the activities and projects covered by the report."

(d) PUBLIC PARTICIPATION IN DEVELOPMENT OF INFORMATION.—Section 3153 of such Act (42 U.S.C. 7274k) is further amended by adding at the end the following new subsection:

"(f) PUBLIC PARTICIPATION IN DEVELOPMENT OF INFORMATION.—(1) The Secretary of Energy shall consult with the Administrator of the Environmental Protection Agency, the Attorney General, Governors and Attorneys General of affected States, appropriate representatives of affected Indian tribes, and interested members of the public in the development of information necessary to complete the reports required by subsections (a), (b), and (d).
"(2) Consultation under paragraph (1) shall not interfere with the timely submission to Congress of the budget for a fiscal year.
"(3) The Secretary may award grants to, and enter into cooperative agreements with, affected States and affected Indian tribes to facilitate the participation of such entities in the development of information under this subsection. The Secretary may also take appropriate action to facilitate the participation of interested members of the public in such development under this subsection."

(e) PUBLIC PARTICIPATION IN PLANNING.—The Secretary of Energy shall consult with the Administrator of the Environmental Protection Agency, the Attorney General, Governors and Attorneys General of affected States, appropriate representatives of affected Indian tribes, and interested members of the public in any planning conducted by the Secretary for environmental restoration and waste management at Department of Energy defense nuclear facilities.

SEC. 3161. AUTHORITY FOR APPOINTMENT OF CERTAIN SCIENTIFIC, ENGINEERING, AND TECHNICAL PERSONNEL.

(a) AUTHORITY.—(1) Notwithstanding any provision of title 5, United States Code, governing appointments in the competitive service and General Schedule classification and pay rates, the Secretary of Energy may—

(A) establish and set the rates of pay for not more than 200 positions in the Department of Energy for scientific, engineering, and technical personnel whose duties will relate to safety at defense nuclear facilities of the Department; and

(B) appoint persons to such positions.

(2) The rate of pay for a position established under paragraph (1) may not exceed the rate of pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(3) To the maximum extent practicable, the Secretary shall appoint persons under paragraph (1)(B) to the positions established under paragraph (1)(A) in accordance with the merit system principles set forth in section 2301 of such title.

(4) The Secretary may not appoint more than 100 persons during fiscal year 1995 under the authority provided in this subsection.

(b) OPM REVIEW.—(1) The Secretary shall enter into an agreement with the Director of the Office of Personnel Management under which agreement the Director shall periodically evaluate the use of the authority set forth in subsection (a)(1). The Secretary shall reimburse the

Director for evaluations conducted by the Director pursuant to the agreement. Any such reimbursement shall be credited to the revolving fund referred to in section 1304(e) of title 5, United States Code.

(2) If the Director determines as a result of such evaluation that the Secretary of Energy is not appointing persons to positions under such authority in a manner consistent with the merit system principles set forth in section 2301 of title 5, United States Code, or is setting rates of pay at levels that are not appropriate for the qualifications and experience of the persons appointed and the duties of the positions involved, the Director shall notify the Secretary and Congress of that determination.

(3) Upon receipt of a notification under paragraph (2), the Secretary shall—

(A) take appropriate actions to appoint persons to positions under such authority in a manner consistent with such principles or to set rates of pay at levels that are appropriate for the qualifications and experience of the persons appointed and the duties of the positions involved; or

(B) cease appointment of persons under such authority.

(c) EPA STUDY.—(1) Upon the 50th appointment made by the Secretary pursuant to subsection (a)(1)(B), the Administrator of the Environmental Protection Agency, in consultation with the Secretary, shall conduct a study of the effects of the implementation of such subsection on the conduct of remedial actions at sites on the National Priorities List.

(2) The study shall assess whether serious problems have resulted at any site on the National Priorities List from appointments made pursuant to subsection (a)(1)(B) of persons whose employment, at the time of the appointment, involved remedial actions or other similar activities at the site.

(3) For purposes of this subsection, a serious problem includes any of the following occurrences:

(A) A significant delay or significant disruption of a schedule for completion of a remedial action at the site.

(B) A significant escalation of the personnel costs for the remedial action.

(C) A significant exacerbation of any shortage in the number of critical personnel at the site.

(4) The Administrator, in consultation with the Secretary, shall submit to Congress a report on the study conducted under paragraph (1). The report shall be submitted not later than 30 days after the date upon which the Secretary has made the 50th appointment pursuant to subsection (a)(1)(B). The Secretary may not make more than 50 such appointments until the submission of the report.

(5) If, as a result of the study conducted under paragraph (1), the Administrator, in consultation with the Secretary, determines that serious problems have resulted at any site on the National Priorities List from appointments made pursuant to subsection (a)(1)(B), the Administrator and the Secretary shall jointly submit to Congress, together with the report referred to in paragraph (4), a plan to ameliorate the effects of those serious problems. Under the plan, the Administrator and the Secretary shall provide for—

(A) a reduction in the rate at which persons are appointed pursuant to such subsection;

(B) the making of appointments pursuant to such subsection of persons other than persons whose employment, at the time of the appointment, involved remedial actions or other similar activities at sites on the National Priorities List; or

(C) any other effective alternative to appointing persons described in subparagraph (B) that the Administrator and the Secretary consider appropriate.

(6) To carry out this section, the Secretary shall regularly provide to the Administrator the following information:

(A) The relevant previous places of employment of each person appointed pursuant to subsection (a)(1)(B).

(B) The site on the National Priorities List, if the employment of such person, at the time of the appointment of that person pursuant to such subsection, involved remedial actions or other similar activities at the site.

(d) TERMINATION.—(1) The authority provided under subsection (a)(1) shall terminate on September 30, 1997.

(2) An employee may not be separated from employment with the Department of Energy or receive a reduction in pay by reason of the termination of authority under paragraph (1).

SEC. 3162. USE OF FUNDS FOR COMPUTER DECLASSIFICATION SYSTEM.

Of the funds authorized to be appropriated to the Department of Energy under section 3103, \$3,000,000 shall be available for a computer system for declassification purposes.

SEC. 3163. SAFETY OVERSIGHT AND ENFORCEMENT AT DEFENSE NUCLEAR FACILITIES.

(a) SAFETY AT DEFENSE NUCLEAR FACILITIES.—The Secretary of Energy shall take appropriate actions to ensure that—

(1) officials of the Department of Energy who are responsible for independent oversight of matters relating to nuclear safety at defense nuclear facilities and enforcement of nuclear safety standards at such facilities maintain independence from officials who are engaged in, or who are advising persons who are engaged in, management of such facilities;

(2) the independent, internal oversight functions carried out by the Department include activities relating to—

(A) the assessment of the safety of defense nuclear facilities;

(B) the assessment of the effectiveness of Department program offices in carrying out programs relating to the environment, safety, health, and security at defense nuclear facilities;

(C) the provision to the Secretary of oversight reports that—

(i) contain validated technical information; and

(ii) provide a clear analysis of the extent to which line programs governing defense nuclear facilities meet applicable goals for the environment, safety, health, and security at such facilities; and

(D) the development of clear performance standards to be used in assessing the adequacy of the programs referred to in subparagraph (C)(ii);

(3) the Department has a system for bringing issues relating to nuclear safety at defense nuclear facilities to the attention of the officials of the Department (including the Secretary of Energy) who have authority to resolve such issues in an adequate and timely manner; and

(4) an adequate number of qualified personnel of the Department are assigned to oversee matters relating to nuclear safety at defense nuclear facilities and enforce nuclear safety standards at such facilities.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report describing the following:

(1) The actions that the Secretary has taken or will take to fulfill the requirements set forth in paragraphs (1), (2), and (3) of subsection (a).

(2) The actions in addition to the actions described under paragraph (1) that the Secretary could take in order to fulfill such requirements.

(3) The respective roles with regard to nuclear safety at defense nuclear facilities of the following officials:

(A) The Associate Deputy Secretary of Energy for Field Management.

(B) The Assistant Secretary of Energy for Defense Programs.

(C) The Assistant Secretary of Energy for Environmental Restoration and Waste Management.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 1995, \$17,933,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

SEC. 3301. AUTHORIZED USES OF STOCKPILE FUNDS.

Subject to such limitations as may be provided in appropriations Acts, during fiscal year 1995, the National Defense Stockpile Manager may obligate up to \$54,200,000 of the funds in the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) for the authorized uses of such funds under subsection (b)(2) of such section.

SEC. 3302. ROTATION OF MATERIALS TO PREVENT TECHNOLOGICAL OBSOLESCEENCE.

Section 6(a)(4) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98e(a)(4)) is amended by inserting "or technological obsolescence" after "deterioration".

SEC. 3303. EXTENSION OF LIMITATION ON AUTHORITY TO DISPOSE OF CHROMIUM FERRO AND MANGANESE FERRO.

Section 3302(f) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2651), as amended by section 3303(b) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1961), is further amended by striking out "October 1, 1994" and inserting in lieu thereof "October 1, 1995".

SEC. 3304. LIMITATION ON AUTHORITY TO DISPOSE OF ZINC.

(a) LIMITATION ON DISPOSAL AUTHORITY.—The disposal of zinc from the National Defense Stockpile pursuant to any disposal authority provided by law may not commence before April 1, 1995.

(b) CONDITION ON DISPOSAL AFTER EXPIRATION OF LIMITATION.—If any quantity of zinc is proposed for disposal from the National Defense Stockpile during fiscal year 1995 upon the expiration of the limitation prescribed under subsection (a), the President shall submit to Congress not later than February 15, 1995, a revised annual materials plan under section 11(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h-2) that specifically describes the proposed disposals. The revised plan shall include the views of the Market Impact Committee regarding the market impact of the disposals, as required under section 10(c) of such Act (50 U.S.C. 98h-1(c)).

(c) EFFECT ON TRANSFERS OF ZINC TO OTHER FEDERAL AGENCIES.—Nothing in this section shall limit the authority of the National Defense Stockpile Manager to transfer zinc in the National Defense Stockpile to the jurisdiction and control of another Federal agency for official Government use.

(d) NATIONAL DEFENSE STOCKPILE DEFINED.—The term "National Defense Stockpile" means the stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c).

SEC. 3305. LIMITATIONS ON DISPOSAL OF CHROMIUM AND MANGANESE ORES.

(a) PREFERENCE FOR DOMESTIC UPGRADING.—In offering to enter into agreements pursuant to

any provision of law for the disposal of chromite and manganese ores of metallurgical grade from the National Defense Stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c), the President shall give a right of first refusal on all such offers to domestic ferroalloy upgraders.

(b) DOMESTIC FERROALLOY UPGRADER DEFINED.—For purposes of this section, the term "domestic ferroalloy upgrader" means a company or other business entity that, as determined by the President—

(1) is engaged in operations to upgrade chromite or manganese ores of metallurgical grade or is capable of engaging in such operations; and

(2) conducts a significant level of its research, development, engineering, and upgrading operations in the United States.

(c) APPLICATION OF SECTION.—The requirements specified in subsection (a) shall apply during fiscal year 1995.

SEC. 3306. REPORT ON DOMESTIC PRODUCTION OF HIGH PURITY ELECTROLYTIC CHROMIUM METAL.

(a) AGREEMENT WITH NATIONAL ACADEMY OF SCIENCES.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall enter into an agreement with the President of the National Academy of Sciences, under which the Academy will prepare a report regarding the production of high purity electrolytic chromium metal in the United States.

(b) ELEMENTS OF REPORT.—In preparing the report under subsection (a), the National Academy of Sciences shall evaluate—

(1) the capability of industrial facilities in the United States to produce high purity electrolytic chromium metal;

(2) the need to maintain a domestic source for the production of high purity electrolytic chromium metal;

(3) the potential adverse effects on the United States economy and defense capabilities if domestic sources for the production of high purity electrolytic chromium metal are lost;

(4) the availability of high purity electrolytic chromium metal from sources outside the United States; and

(5) the capability and reliability of such foreign sources for the production of high purity electrolytic chromium metal.

(c) SUBMISSION OF REPORT.—Not later than 120 days after the date on which the agreement is entered into under subsection (a), the National Academy of Sciences shall submit to the Secretary of Defense and Congress the report required under such agreement.

TITLE XXXIV—CIVIL DEFENSE

Subtitle A—Authorization of Appropriations

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated \$129,658,000 for fiscal year 1995 for the purpose of carrying out title VI of The Robert T. Stafford Disaster Relief and Emergency Assistance Act, as added by section 3411.

Subtitle B—Reenactment of Federal Civil Defense Act of 1950 in the Robert T. Stafford Disaster Relief and Emergency Assistance Act

SEC. 3411. RESTATEMENT OF FEDERAL CIVIL DEFENSE AUTHORITIES IN THE ROBERT T. STAFFORD DISASTER RELIEF AND EMERGENCY ASSISTANCE ACT.

(a) RESTATEMENT AS NEW TITLE.—The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) is amended—

(1) by redesignating title VI as title VII;

(2) by redesignating sections 601, 602, 603, and 604 as sections 701, 702, 703, and 704, respectively; and

(3) by inserting after title V the following new title VI:

"TITLE VI—EMERGENCY PREPAREDNESS

"SEC. 601. DECLARATION OF POLICY.

"The purpose of this title is to provide a system of emergency preparedness for the protection of life and property in the United States from hazards and to vest responsibility for emergency preparedness jointly in the Federal Government and the States and their political subdivisions. The Congress recognizes that the organizational structure established jointly by the Federal Government and the States and their political subdivisions for emergency preparedness 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 title so that a comprehensive emergency preparedness system exists for all hazards.

"SEC. 602. DEFINITIONS.

"(a) DEFINITIONS.—For purposes of this title only:

"(1) HAZARD.—The term 'hazard' means an emergency or disaster resulting from—

"(A) a natural disaster; or

"(B) an accidental or man-caused event.

"(2) NATURAL DISASTER.—The term 'natural disaster' means any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, drought, fire, or other catastrophe in any part of the United States which causes, or which may cause, substantial damage or injury to civilian property or persons.

"(3) EMERGENCY PREPAREDNESS.—The term 'emergency preparedness' means all those activities and measures designed or undertaken to prepare for or 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 includes the following:

"(A) 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 stocking 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 the civilian population).

"(B) 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).

"(C) 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).

"(4) ORGANIZATIONAL EQUIPMENT.—The term 'organizational equipment' means equipment determined by the Director to be necessary to an emergency preparedness organization, as distinguished from personal equipment, and of such a type or nature as to require it to be financed in whole or in part by the Federal Government. Such term does not include those items which the local community normally uses in combating

local disasters, except when required in unusual quantities dictated by the requirements of the emergency preparedness plans.

"(5) MATERIALS.—The term 'materials' includes raw materials, supplies, medicines, equipment, component parts and technical information and processes necessary for emergency preparedness.

"(6) FACILITIES.—The term 'facilities', except as otherwise provided in this title, includes buildings, shelters, utilities, and land.

"(7) DIRECTOR.—The term 'Director' means the Director of the Federal Emergency Management Agency.

"(8) NEIGHBORING COUNTRIES.—The term 'neighboring countries' includes Canada and Mexico.

"(9) UNITED STATES AND STATES.—The terms 'United States' and 'States' includes the several States, the District of Columbia, and territories and possessions of the United States.

"(10) STATE.—The term 'State' includes interstate emergency preparedness authorities established under section 611(h).

"(b) CROSS REFERENCE.—The terms 'national defense' and 'defense,' as used in the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), includes emergency preparedness activities conducted pursuant to this title.

"SEC. 603. ADMINISTRATION OF TITLE.

"This title shall be carried out by the Director of the Federal Emergency Management Agency.

"Subtitle A—Powers and Duties

"SEC. 611. DETAILED FUNCTIONS OF ADMINISTRATION.

"(a) IN GENERAL.—In order to carry out the policy described in section 601, the Director shall have the authorities provided in this section.

"(b) FEDERAL EMERGENCY RESPONSE PLANS AND PROGRAMS.—The Director may prepare Federal response plans and programs for the emergency preparedness of the United States and sponsor and direct such plans and programs. To prepare such plans and programs with State efforts, the Director may request such reports on State plans and operations for emergency preparedness as may be necessary to keep the President, Congress, and the States advised of the status of emergency preparedness in the United States.

"(c) DELEGATION OF EMERGENCY PREPAREDNESS RESPONSIBILITIES.—With the approval of the President, the Director may delegate to other departments and agencies of the Federal Government appropriate emergency preparedness responsibilities and review and coordinate the emergency preparedness activities of the departments and agencies with each other and with the activities of the States and neighboring countries.

"(d) COMMUNICATIONS AND WARNINGS.—The Director may make appropriate provision for necessary emergency preparedness communications and for dissemination of warnings to the civilian population of a hazard.

"(e) EMERGENCY PREPAREDNESS MEASURES.—The Director may study and develop emergency preparedness measures designed to afford adequate protection of life and property, including

"(1) research and studies as to the best methods of treating the effects of hazards;

"(2) developing shelter designs and materials for protective covering or construction; and

"(3) developing equipment or facilities and effecting the standardization thereof to meet emergency preparedness requirements.

"(f) TRAINING PROGRAMS.—(1) The Director may—

"(A) conduct or arrange, by contract or otherwise, for training programs for the instruction of emergency preparedness officials and other persons in the organization, operation, and techniques of emergency preparedness;

"(B) conduct or operate schools or including the payment of travel expenses, in accordance with subchapter 1 of chapter 57 of title 5, United States Code, and the Standardized Government Travel Regulations, and per diem allowances, in lieu of subsistence for trainees in attendance or the furnishing of subsistence and quarters for trainees and instructors on terms prescribed by the Director; and

"(C) provide instructors and training aids as necessary.

"(2) The terms prescribed by the Director for the payment of travel expenses and per diem allowances authorized by this subsection shall include a provision that such payment shall not exceed one-half of the total cost of such expenses.

"(3) The Director may lease real property required for the purpose of carrying out this subsection, but may not acquire fee title to property unless specifically authorized by law.

"(g) PUBLIC DISSEMINATION OF EMERGENCY PREPAREDNESS INFORMATION.—The Director may publicly disseminate appropriate emergency preparedness information by all appropriate means.

"(h) INTERSTATE EMERGENCY PREPAREDNESS COMPACTS.—(1) The Director may—

"(A) assist and encourage the States to negotiate and enter into interstate emergency preparedness compacts;

"(B) review the terms and conditions of such proposed compacts in order to assist, to the extent feasible, in obtaining uniformity between such compacts and consistency with Federal emergency response plans and programs;

"(C) assist and coordinate the activities under such compacts; and

"(D) aid and assist in encouraging reciprocal emergency preparedness legislation by the States which will permit the furnishing of mutual aid for emergency preparedness purposes in the event of a hazard which cannot be adequately met or controlled by a State or political subdivision thereof threatened with or experiencing a hazard.

"(2) A copy of each interstate emergency preparedness compact shall be transmitted promptly to the Senate and the House of Representatives. The consent of Congress is deemed to be granted to each such compact upon the expiration of the 60-day period beginning on the date on which the compact is transmitted to Congress.

"(3) Nothing in this subsection shall be construed as preventing Congress from disapproving, or withdrawing at any time its consent to, any interstate emergency preparedness compact.

"(i) MATERIALS AND FACILITIES.—(1) The Director may procure by condemnation or otherwise, construct, lease, transport, store, maintain, renovate or distribute materials and facilities for emergency preparedness, with the right to take immediate possession thereof.

"(2) Facilities acquired by purchase, donation, or other means of transfer may be occupied, used, and improved for the purposes of this title before the approval of title by the Attorney General as required by section 355 of the Revised Statutes (40 U.S.C. 255).

"(3) The Director shall submit to Congress a report, at least quarterly, describing all property acquisitions made pursuant to this subsection.

"(4) The Director may lease real property required for the purpose of carrying out the provisions of this subsection, but shall not acquire fee title to property unless specifically authorized by law.

"(5) The Director may procure and maintain under this subsection radiological, chemical, bacteriological, and biological agent monitoring and decontamination devices and distribute such devices by loan or grant to the States for emergency preparedness purposes, under such

terms and conditions as the Director shall prescribe.

"(j) FINANCIAL CONTRIBUTIONS.—(1) The Director may make financial contributions, on the basis of programs or projects approved by the Director, to the States for emergency preparedness purposes, including the procurement, construction, leasing, or renovating of materials and facilities. Such contributions shall be made on such terms or conditions as the Director shall prescribe, including the method of purchase, the quantity, quality, or specifications of the materials or facilities, and such other factors or care or treatment to assure the uniformity, availability, and good condition of such materials or facilities.

"(2) No contribution may be made under this subsection for the procurement of land or for the purchase of personal equipment for State or local emergency preparedness workers.

"(3) The amounts authorized to be contributed by the Director to each State for organizational equipment shall be equally matched by such State from any source it determines is consistent with its laws.

"(4) Financial contributions to the States for shelters and other protective facilities shall be determined by taking the amount of funds appropriated or available to the Director for such facilities in each fiscal year and apportioning such funds among the States in the ratio which the urban population of the critical target areas (as determined by the Director) in each State, at the time of the determination, bears to the total urban population of the critical target areas of all of the States.

"(5) The amounts authorized to be contributed by the Director to each State for such shelters and protective facilities shall be equally matched by such State from any source it determines is consistent with its laws and, if not matched within a reasonable time, the Director may reallocate such amounts to other States under the formula described in paragraph (4). The value of any land contributed by any State or political subdivision thereof shall be excluded from the computation of the State share under this subsection.

"(6) The amounts paid to any State under this subsection shall be expended solely in carrying out the purposes set forth herein and in accordance with State emergency preparedness programs or projects approved by the Director. The Director shall make no contribution toward the cost of any program or project for the procurement, construction, or leasing of any facility which (A) is intended for use, in whole or in part, for any purpose other than emergency preparedness, and (B) is of such kind that upon completion it will, in the judgment of the Director, be capable of producing sufficient revenue to provide reasonable assurance of the retirement or repayment of such cost; except that (subject to the preceding provisions of this subsection) the Director may make a contribution to any State toward that portion of the cost of the construction, reconstruction, or enlargement of any facility which the Director determines to be directly attributable to the incorporation in such facility of any feature of construction or design not necessary for the principal intended purpose thereof but which is, in the judgment of the Director necessary for the use of such facility for emergency preparedness purposes.

"(7) The Director shall submit to Congress a report, at least annually, regarding all contributions made pursuant to this subsection.

"(8) All laborers and mechanics employed by contractors or subcontractors in the performance of construction work financed with the assistance of any contribution of Federal funds made by the Director under this subsection shall be paid wages at rates not less than those prevailing on similar construction in the locality as

determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (commonly known as the Davis-Bacon Act (40 U.S.C. 276a–276a–5)), and every such employee shall receive compensation at a rate not less than one and 1/2 times the basic rate of pay of the employee for all hours worked in any workweek in excess of eight hours in any workday or 40 hours in the workweek, as the case may be. The Director shall make no contribution of Federal funds without first obtaining adequate assurance that these labor standards will be maintained upon the construction work. The Secretary of Labor shall have, with respect to the labor standards specified in this subsection, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (5 U.S.C. App.) and section 2 of the Act of June 13, 1934 (40 U.S.C. 276(c)).

"(k) SALE OR DISPOSAL OF CERTAIN MATERIALS AND FACILITIES.—The Director may arrange for the sale or disposal of materials and facilities found by the Director to be unnecessary or unsuitable for emergency preparedness purposes in the same manner as provided for excess property under the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.). Any funds received as proceeds from the sale or other disposition of such materials and facilities shall be deposited into the Treasury as miscellaneous receipts.

"SEC. 612. MUTUAL AID PACTS BETWEEN STATES AND NEIGHBORING COUNTRIES.

"The Director shall give all practicable assistance to States in arranging, through the Department of State, mutual emergency preparedness aid between the States and neighboring countries.

"SEC. 613. CONTRIBUTIONS FOR PERSONNEL AND ADMINISTRATIVE EXPENSES.

"(a) GENERAL AUTHORITY.—To further assist in carrying out the purposes of this title, the Director may make financial contributions to the States (including interstate emergency preparedness authorities established pursuant to section 611(h)) for necessary and essential State and local emergency preparedness personnel and administrative expenses, on the basis of approved plans (which shall be consistent with the Federal emergency response plans for emergency preparedness) for the emergency preparedness of the States. The financial contributions to the States under this section may not exceed one-half of the total cost of such necessary and essential State and local emergency preparedness personnel and administrative expenses.

"(b) PLAN REQUIREMENTS.—A plan submitted under this section shall—

"(1) provide, pursuant to State law, that the plan shall be in effect in all political subdivisions of the State and be mandatory on them and be administered or supervised by a single State agency;

"(2) provide that the State shall share the financial assistance with that provided by the Federal Government under this section from any source determined by it to be consistent with State law;

"(3) provide for the development of State and local emergency preparedness operational plans, pursuant to standards approved by the Director;

"(4) provide for the employment of a full-time emergency preparedness director, or deputy director, by the State;

"(5) provide that the State shall make such reports in such form and content as the Director may require; and

"(6) make available to duly authorized representatives of the Director and the Comptroller General, books, records, and papers necessary to conduct audits for the purposes of this section.

"(c) TERMS AND CONDITIONS.—The Director shall establish such other terms and conditions as the Director considers necessary and proper to carry out this section.

"(d) APPLICATION OF OTHER PROVISIONS.—In carrying out this section, the provisions of section 611(h) and 621(h) shall apply.

"(e) ALLOCATION OF FUNDS.—For each fiscal year concerned, the Director shall allocate to each State, in accordance with regulations and the total sum appropriated under this title, amounts to be made available to the States for the purposes of this section. Regulations governing allocations to the States under this subsection shall give due regard to (1) the criticality of the areas which may be affected by hazards with respect to the development of the total emergency preparedness readiness of the United States, (2) the relative state of development of emergency preparedness readiness of the State, (3) population, and (4) such other factors as the Director shall prescribe. The Director may reallocate the excess of any allocation not used by a State in a plan submitted under this section. Amounts paid to any State or political subdivision under this section shall be expended solely for the purposes set forth in this section.

"(f) SUBMISSION OF PLAN.—If a State fails to submit a plan for approval as required by this section within 60 days after the Director notifies the States of the allocations under this section, the Director may reallocate such funds, or portions thereof, among the other States in such amounts as, in the judgment of the Director, will best assure the adequate development of the emergency preparedness capability of the United States.

"(g) ANNUAL REPORTS.—The Director shall report annually to the Congress all contributions made pursuant to this section.

"SEC. 614. REQUIREMENT FOR STATE MATCHING FUNDS FOR CONSTRUCTION OF EMERGENCY OPERATING CENTERS.

"Notwithstanding any other provision of this title, funds appropriated to carry out this title may not be used for the purpose of constructing emergency operating centers (or similar facilities) in any State unless such State matches in an equal amount the amount made available to such State under this title for such purpose.

"SEC. 615. USE OF FUNDS TO PREPARE FOR AND RESPOND TO HAZARDS.

"Funds made available to the States under this title may be used by the States for the purposes of preparing for hazards and providing emergency assistance in response to hazards. Regulations prescribed to carry out this section shall authorize the use of emergency preparedness personnel, materials, and facilities supported in whole or in part through contributions under this title for emergency preparedness activities and measures related to hazards.

"Subtitle B—General Provisions

"SEC. 621. ADMINISTRATIVE AUTHORITY.

"(a) IN GENERAL.—For the purpose of carrying out the powers and duties assigned to the Director under this title, the Director may exercise the administrative authorities provided under this section.

"(b) ADVISORY PERSONNEL.—(1) The Director may employ not more than 100 part-time or temporary advisory personnel (including not to exceed 25 subjects of the United Kingdom or citizens of Canada) as the Director considers to be necessary in carrying out the provisions of this title.

"(2) Persons holding other offices or positions under the United States for which they receive compensation, while serving as advisory personnel, shall receive no additional compensation for such service. Other part-time or temporary advisory personnel so employed may serve without compensation or may receive compensation at a rate not to exceed \$190 for each day of service, plus authorized subsistence and travel, as determined by the Director.

"(c) SERVICES OF OTHER AGENCY PERSONNEL AND VOLUNTEERS.—The Director may—

"(1) use the services of Federal agencies and, with the consent of any State or local government, accept and use the services of State and local agencies;

"(2) establish and use such regional and other offices as may be necessary; and

"(3) use such voluntary and uncompensated services by individuals or organizations as may from time to time be needed.

"(d) GIFTS.—Notwithstanding any other provision of law, the Director may accept gifts of supplies, equipment, and facilities and may use or distribute such gifts for emergency preparedness purposes in accordance with the provisions of this title.

"(e) REIMBURSEMENT.—The Director may reimburse any Federal agency for any of its expenditures or for compensation of its personnel and use or consumption of its materials and facilities under this title to the extent funds are available.

"(f) PRINTING.—The Director may purchase such printing, binding, and blank-book work from public, commercial, or private printing establishments or binderies as the Director considers necessary upon orders placed by the Public Printer or upon waivers issued in accordance with section 504 of title 44, United States Code.

"(g) RULES AND REGULATIONS.—The Director may prescribe such rules and regulations as may be necessary and proper to carry out any of the provisions of this title and perform any of the powers and duties provided by this title. The Director may perform any of the powers and duties provided by this title through or with the aid of such officials of the Federal Emergency Management Agency as the Director may designate.

"(h) FAILURE TO EXPEND CONTRIBUTIONS CORRECTLY.—(1) When, after reasonable notice and opportunity for hearing to the State or other person involved, the Director finds that there is a failure to expend funds in accordance with the regulations, terms, and conditions established under this title for approved emergency preparedness plans, programs, or projects, the Director may notify such State or person that further payments will not be made to the State or person from appropriations under this title (or from funds otherwise available for the purposes of this title for any approved plan, program, or project with respect to which there is such failure to comply) until the Director is satisfied that there will no longer be any such failure.

"(2) Until so satisfied, the Director shall either withhold the payment of any financial contribution to such State or person or limit payments to those programs or projects with respect to which there is substantial compliance with the regulations, terms, and conditions governing plans, programs, or projects hereunder.

"(3) As used in this subsection, the term 'person' means the political subdivision of any State or combination or group thereof or any person, corporation, association, or other entity of any nature whatsoever, including instrumentalities of States and political subdivisions.

"SEC. 622. SECURITY REGULATIONS.

"(a) ESTABLISHMENT.—The Director shall establish such security requirements and safeguards, including restrictions with respect to access to information and property as the Director considers necessary.

"(b) LIMITATIONS ON EMPLOYEE ACCESS TO INFORMATION.—No employee of the Federal Emergency Management Agency shall be permitted to have access to information or property with respect to which access restrictions have been established under this section, until it shall have been determined that no information is contained in the files of the Federal Bureau of Investigation or any other investigative agency of the Government indicating that such employee

is of questionable loyalty or reliability for security purposes, or if any such information is so disclosed, until the Federal Bureau of Investigation shall have conducted a full field investigation concerning such person and a report thereon shall have been evaluated in writing by the Director.

"(c) NATIONAL SECURITY POSITIONS.—No employee of the Federal Emergency Management Agency shall occupy any position determined by the Director to be of critical importance from the standpoint of national security until a full field investigation concerning such employee shall have been conducted by the Director of the Office of Personnel Management and a report thereon shall have been evaluated in writing by the Director of the Federal Emergency Management Agency. In the event such full field investigation by the Director of the Office of Personnel Management develops any data reflecting that such applicant for a position of critical importance is of questionable loyalty or reliability for security purposes, or if the Director of the Federal Emergency Management Agency for any other reason considers it to be advisable, such investigation shall be discontinued and a report thereon shall be referred to the Director of the Federal Emergency Management Agency for evaluation in writing. Thereafter, the Director of the Federal Emergency Management Agency may refer the matter to the Federal Bureau of Investigation for the conduct of a full field investigation by such Bureau. The result of such latter investigation by such Bureau shall be furnished to the Director of the Federal Emergency Management Agency for action.

"(d) EMPLOYEE OATHS.—Each Federal employee of the Federal Emergency Management Agency acting under the authority of this title, except the subjects of the United Kingdom and citizens of Canada specified in section 621(b), shall execute the loyalty oath or appointment affidavits prescribed by the Director of the Office of Personnel Management. Each person other than a Federal employee who is appointed to serve in a State or local organization for emergency preparedness shall before entering upon duties, take an oath in writing before a person authorized to administer oaths, which oath shall be substantially as follows:

"I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

"And I do further swear (or affirm) that I do not advocate, nor am I a member or an affiliate of any organization, group, or combination of persons that advocates the overthrow of the Government of the United States by force or violence; and that during such time as I am a member of _____ (name of emergency preparedness organization), I will not advocate nor become a member or an affiliate of any organization, group, or combination of persons that advocates the overthrow of the Government of the United States by force or violence."

After appointment and qualification for office, the director of emergency preparedness of any State, and any subordinate emergency preparedness officer within such State designated by the director in writing, shall be qualified to administer any such oath within such State under such regulations as the director shall prescribe. Any person who shall be found guilty of having falsely taken such oath shall be punished as provided in section 1621 of title 18, United States Code.

"SEC. 623. USE OF EXISTING FACILITIES.

"In performing duties under this title, the Director—

"(1) shall cooperate with the various departments and agencies of the Federal Government;

"(2) shall use, to the maximum extent, the existing facilities and resources of the Federal Government and, with their consent, the facilities and resources of the States and political subdivisions thereof, and of other organizations and agencies; and

"(3) shall refrain from engaging in any form of activity which would duplicate or parallel activity of any other Federal department or agency unless the Director, with the written approval of the President, shall determine that such duplication is necessary to accomplish the purposes of this title.

"SEC. 624. ANNUAL REPORT TO CONGRESS.

"The Director shall annually submit a written report to the President and Congress covering expenditures, contributions, work, and accomplishments of the Federal Emergency Management Agency pursuant to this title, accompanied by such recommendations as the Director considers appropriate.

"SEC. 625. APPLICABILITY OF TITLE.

"The provisions of this title shall be applicable to the United States, its States, Territories and possessions, and the District of Columbia, and their political subdivisions.

"SEC. 626. AUTHORIZATION OF APPROPRIATIONS AND TRANSFERS OF FUNDS.

"(a) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

"(b) **TRANSFER AUTHORITY.**—Funds made available for the purposes of this title may be allocated or transferred for any of the purposes of this title, with the approval of the Director of the Office of Management and the Budget, to any agency or government corporation designated to assist in carrying out this title. Each such allocation or transfer shall be reported in full detail to the Congress within 30 days after such allocation or transfer.

"SEC. 627. RELATION TO ATOMIC ENERGY ACT OF 1954.

"Nothing in this title shall be construed to alter or modify the provisions of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.).

"SEC. 628. FEDERAL BUREAU OF INVESTIGATION.

"Nothing in this title shall be construed to authorize investigations of espionage, sabotage, or subversive acts by any persons other than personnel of the Federal Bureau of Investigation."

(b) **CONFORMING AMENDMENT REGARDING DEFINITION OF NATIONAL DEFENSE.**—Section 702(13) of the Defense Production Act of 1950 (50 U.S.C. App. 2152(13)) is amended by added at the end the following new sentence: "Such term includes emergency preparedness activities conducted pursuant to title VI of The Robert T. Stafford Disaster Relief and Emergency Assistance Act."

SEC. 3412. REPEAL OF FEDERAL CIVIL DEFENSE ACT OF 1950.

(a) **REPEAL.**—The Federal Civil Defense Act of 1950 (50 U.S.C. App. 2251 et seq.) is repealed.

(b) **CONFORMING AMENDMENTS.**—(1) Section 202(c) of The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5132(c)) is amended by striking out "section 201(c) of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2281(c))," and inserting in lieu thereof "section 611(c) of this Act".

(2) The paragraph under the heading "CIVIL DEFENSE PROCUREMENT FUND" in chapter XI of The Third Supplemental Appropriation Act, 1951 (50 U.S.C. App. 2264), is repealed.

(3) Section 813(d) of the Agricultural Act of 1970 (7 U.S.C. 1427a(d)) is amended by striking out "the provisions of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251-2297)." and inserting in lieu thereof "title VI of

The Robert T. Stafford Disaster Relief and Emergency Assistance Act."

TITLE XXXV—NAVAL PETROLEUM RESERVES

SEC. 3501. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated to the Secretary of Energy \$199,456,000 for fiscal year 1995 for the purpose of carrying out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves (as defined in section 7420(2) of such title). Funds appropriated pursuant to such authorization shall remain available until expended.

SEC. 3502. PRICE REQUIREMENT ON SALE OF CERTAIN PETROLEUM DURING FISCAL YEAR 1995.

Notwithstanding section 7430(b)(2) of title 10, United States Code, during fiscal year 1995, any sale of any part of the United States share of petroleum produced from Naval Petroleum Reserves Numbered 1, 2, and 3 shall be made at a price not less than 90 percent of the current sales price, as estimated by the Secretary of Energy, of comparable petroleum in the same area.

SEC. 3503. EXTENSION OF OPERATING CONTRACT FOR NAVAL PETROLEUM RESERVE NUMBERED 1.

Notwithstanding section 7432(b) of title 10, United States Code, the Secretary of Energy may extend the operating contract for Naval Petroleum Reserve Numbered 1, in effect on the date of the enactment of this Act, for an additional two years effective on the expiration date of the contract. However, the contract may obligate funds only to the extent that such funds are made available in appropriation Acts.

TITLE XXXVI—PANAMA CANAL COMMISSION

SEC. 3601. SHORT TITLE.

This title may be cited as the "Panama Canal Commission Authorization Act for Fiscal Year 1995".

SEC. 3602. AUTHORIZATION OF EXPENDITURES.

(a) **IN GENERAL.**—Subject to subsection (b), 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 1995.

(b) **LIMITATIONS.**—For fiscal year 1995, the Panama Canal Commission may expend from funds in the Panama Canal Revolving Fund not more than \$50,030,000 for administrative expenses, of which not more than—

(1) \$11,000 may be used for official reception and representation expenses of the Supervisory Board of the Commission;

(2) \$5,000 may be used for official reception and representation expenses of the Secretary of the Commission; and

(3) \$30,000 may be used for official reception and representation expenses of the Administrator of the Commission.

(c) **REPLACEMENT VEHICLES.**—Funds available to the Panama Canal Commission shall be available for the purchase of not to exceed 43 passenger motor vehicles (including large heavy-duty vehicles to be used to transport Commission personnel across the isthmus of Panama). A vehicle may be purchased with such funds only as necessary to replace another passenger motor vehicle of the Commission. The purchase price of each vehicle may not exceed \$19,500.

SEC. 3603. EXPENDITURES IN ACCORDANCE WITH OTHER LAWS.

Expenditures authorized under this title may be made only in accordance with the Pan-

ama Canal Treaties of 1977 and any law of the United States implementing those treaties.

SEC. 3604. COSTS OF EDUCATIONAL SERVICES OBTAINED IN THE UNITED STATES.

Section 1321(e)(2) of the Panama Canal Act of 1979 (22 U.S.C. 3731(e)(2)) is amended by inserting "or the United States" after "schools in the Republic of Panama".

SEC. 3605. SPECIAL IMMIGRANT STATUS OF PANAMANIAN EMPLOYED BY THE UNITED STATES IN THE FORMER CANAL ZONE.

Section 101(a)(27)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(F)) is amended in clause (ii) by inserting "or continues to be employed by the United States Government in an area of the former Canal Zone" after "employment".

And the House agree to the same.

From the Committee on Armed Services, for consideration of the entire Senate bill and the entire House amendment, and modifications committed to conference:

RONALD V. DELLUMS,
G. V. MONTGOMERY,
PAT SCHROEDER,
EARL HUTTO,
IKE SKELTON,
DAVE MCCURDY,
MARILYN LLOYD,
NORMAN SISISKY,
JOHN M. SPRATT,
SOLOMON P. ORTIZ,
H. MARTIN LANCASTER,
LANE EVANS,
JAMES H. BILBRAY,
JOHN S. TANNER,
GLEN BROWDER,
MARTIN T. MEEHAN,
FLOYD SPENCE,
DUNCAN HUNTER,
JOHN R. KASICH,
HERBERT H. BATEMAN,
CURT WELDON,
JON KYL,
RONALD K. MACHTLEY,
JIM SAXTON.

As additional conferees from the Committee on Education and Labor, for consideration of sections 337, 346-47, 643, 924, 1051, and 1082 of the Senate bill and sections 351-54, 1133, 1136, 1138, and 1151 of the House amendment, and modifications committed to conference:

WILLIAM D. FORD,
WILLIAM L. CLAY,
PAT WILLIAMS,
WILLIAM F. GOODLING,
STEVE GUNDERSON.

As additional conferees from the Committee on Energy and Commerce, for consideration of sections 142, 324, 708, 2821(e)(3), 2849, 3151, 3155, 3157-58, 3160, and 3201 of the Senate bill and sections 1055, 3201, and 3502 of the House amendment, and modifications committed to conference:

JOHN D. DINGELL,
PHIL SHARP,
AL SWIFT,
CARLOS T. MOORHEAD,
MIKE BILIRAKIS.

Provided, Mr. Waxman is appointed in lieu of Mr. Swift, and Mr. Bliley is appointed in lieu of Mr. Bilirakis solely for the consideration of section 708 of the Senate bill.

HENRY A. WAXMAN,
TOM BILEY.

As additional conferees from the Committee on Foreign Affairs, for consideration of sections 221-22, 225, 241, 251, 354, 823, 1012, 1013(b), 1014, 1015(a), 1016-18, 1021(a), 1021(b), 1022-23, 1024(c), 1031-32, 1041, 1065, 1070, 1074, 1078-79, 1088, 1092, and 1097 of the Senate bill and sections 1011(a), 1022-25, 1038, 1041, 1043, 1046-49, 1052, 1054, 1058-60, 1201-14, and 1401-04 of the

House amendment, and modifications committed to conference:

LEE H. HAMILTON,
SAM GEJDENSON,
TOM LANTOS,
BILL GOODLING.

As additional conferees from the Committee on Government Operations, for consideration of sections 824, 2812(c), 2827, and 3161 of the Senate bill and modifications committed to conference:

JOHN CONYERS, Jr.,
E. TOWNS,
MIKE SYNAR,
BILL CLINGER.

As additional conferees from the Committee on Merchant Marine and Fisheries, for consideration of sections 357, 601, 654, 2206, 2825, 3134, and 3501-05 of the Senate bill and sections 522-23, 527, 601-02, 1137, and 3134 of the House amendment, and modifications committed to conference:

GERRY E. STUDDS,
WILLIAM J. HUGHES,
BILLY TAUZIN.

As additional conferees from the Committee on Natural Resources, for consideration of section 2853 of the House amendment and modifications committed to conference:

GEORGE MILLER,
BRUCE F. VENTO,
NEIL ABERCROMBIE.

As additional conferees from the Committee on Post Office and Civil Service, for consideration of sections 331-334, 346, 636, 901, 1080, 1087, 1090, and 3158 of the Senate bill and sections 165, 351, 375, 1031, and 2816 of the House amendment, and modifications committed to conference:

WILLIAM CLAY,
FRANK MCCLOSKEY,
ELEANOR H. NORTON,
JOHN MYERS,
CONSTANCE A. MORELLA.

As additional conferees from the Committee on Public Works and Transportation, for consideration of sections 324, 1086, and 2827 of the Senate bill and section 3402 of the House amendment, and modifications committed to conference:

NORMAN Y. MINETA,
DOUGLAS APPLIGATE,
JAMES A. TRAFICANT, Jr.,
BUD SHUSTER,
BILL CLINGER.

Provided that Mr. Duncan is appointed in lieu of Mr. Clinger solely for the consideration of section 2827 of the Senate bill.

JOHN J. DUNCAN, Jr.

As additional conferees from the Committee on Science, Space, and Technology, for consideration of sections 232-249, and 3141 of the Senate bill and sections 211(a), 211(b), 216(a), 216(b), 216(c), 216(e), 217-18, 1112-15, and 3141 of the House amendment, and modifications committed to conference:

GEORGE E. BROWN, Jr.,
TIM VALENTINE,
BOBBY SCOTT,

As additional conferees from the Committee on Veterans' Affairs, for consideration of section 641 of the Senate bill and modifications committed to conference:

G.V. MONTGOMERY,
JIM SLATTERY,
DOUGLAS APPLIGATE,
BOB STUMP,
MIKE BILIRAKIS,

Managers on the Part of the House.

SAM NUNN,
JIM EXON,
CARL LEVIN,
TED KENNEDY,
JEFF BINGAMAN,
JOHN GLENN,
RICHARD SHELBY,
ROBERT C. BYRD,
BOB GRAHAM,
CHUCK ROBB,
JOSEPH I. LIEBERMAN,
RICHARD H. BRYAN,
STROM THURMOND,
JOHN WARNER,
WILLIAM S. COHEN,
TRENT LOTT,
DAN COATS,
BOB SMITH,
LAUCH FAIRCLOTH,
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 House to the bill (S. 2182) to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, for military construction, and for defense programs 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 House amendment struck out all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment which is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House 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 \$263.8 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 1995 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 FY 1995
[IN MILLIONS OF DOLLARS]

	Authorization Request	House Authorization	Senate Authorization	Conference Authorization	BUDGET AUTHORITY IMPLICATION				
					FY1995 Request	House	Senate	Conference vs. Request	Conference
DIVISION A									
TITLE I									
Aircraft Procurement, Army	1,041.581	1,301.452	1,073.781	1,289.452	1,041.581	1,301.452	1,073.781	247.871	1,289.452
Missile Procurement, Army	593.995	685.136	693.909	818.709	593.995	685.136	693.909	224.714	818.709
Weapons & Tracked Combat Vehicles	919.786	942.886	1,132.886	1,159.214	919.786	942.886	1,132.886	239.428	1,159.214
Procurement of Ammunition, Army	844.644	854.883	878.122	902.821	844.644	854.883	878.122	58.177	902.821
Other Procurement, Army	2,690.233	2,651.233	2,677.719	2,624.707	2,690.233	2,651.233	2,677.719	-65.526	2,624.707
Aircraft Procurement, Navy	4,786.265	4,588.007	4,535.601	4,491.845	4,786.265	4,588.007	4,535.601	-294.420	4,491.845
Weapons Procurement, Navy	2,400.039	2,223.246	2,428.539	2,076.625	2,400.039	2,223.246	2,428.539	-323.414	2,076.625
Shipbuilding & Conversion, Navy	5,585.397	6,869.897	5,532.007	5,619.897	5,585.397	6,869.897	5,532.007	34.500	5,619.897
Other Procurement, Navy	3,319.418	3,241.611	3,310.217	3,287.487	3,319.418	3,241.611	3,310.217	-31.931	3,287.487
Procurement, Marine Corps	554.620	528.352	528.857	403.410	554.620	528.352	528.857	-151.210	403.410
Navy/Marine Corps Ammunition				449.815				449.815	449.815
Aircraft Procurement, Air Force	6,747.599	6,101.767	6,587.995	6,489.467	6,747.599	6,101.767	6,587.995	-258.132	6,489.467
Weapons Procurement, Air Force	4,392.173	3,953.232	4,330.473	3,732.845	4,392.173	3,953.232	4,330.473	-659.328	3,732.845
Other Procurement, Air Force	7,078.253	6,855.423	6,961.153	6,929.170	7,078.253	6,855.423	6,961.153	-149.083	6,929.170
Air Force Ammunition				251.546				251.546	251.546
Procurement, Defense-Wide	1,744.916	2,066.694	1,935.616	1,891.371	1,744.916	2,066.694	1,935.616	146.455	1,891.371
National Guard & Reserve Equipment		787.200	600.000	510.000		787.200	600.000	510.000	510.000
Chemical Agents & Munitions Destruction	575.349	670.349	590.149	599.549	575.349	670.349	590.149	24.200	599.549
Inspector General Procurement	1.000	1.000							
Defense Health Program	308.889	308.889							
Total Procurement	43,584.157	44,631.257	43,797.024	43,527.930	43,274.268	44,321.368	43,797.024	253.662	43,527.930
TITLE II									
R,D,T& E Army	5,260.082	5,424.803	5,152.308	5,319.520	5,260.082	5,424.803	5,152.308	59.438	5,319.520
R,D,T& E Navy	8,934.718	8,913.963	8,796.129	8,845.854	8,934.718	8,913.963	8,796.129	-88.864	8,845.854
R,D,T& E Air Force	12,349.362	12,318.766	12,329.796	12,475.681	12,349.362	12,318.766	12,329.796	126.319	12,475.681
R,D,T& E Defense-Wide	9,416.855	9,054.212	9,322.303	9,185.626	9,416.855	9,054.212	9,322.303	-231.229	9,185.626
Developmental Test & Evaluation	251.495	254.995	230.495	230.495	251.495	254.995	230.495	-21.000	230.495
Operational Test & Evaluation	12.501	12.501	12.501	12.501	12.501	12.501	12.501		12.501
FFRDC Reduction			-52.650	-52.650			-52.650	-52.650	-52.650
Total Research & Development	36,225.013	35,979.240	35,790.882	36,017.027	36,225.013	35,979.240	35,790.882	-207.986	36,017.027

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FY 1995
[IN MILLIONS OF DOLLARS]

	Authorization Request	House Authorization	Senate Authorization	Conference Authorization	BUDGET AUTHORITY IMPLICATION				
					FY1995 Request	House	Senate	Conference vs. Request	Conference
TITLE III									
O&M, Army	17,766.814	17,362.741	17,542.914	17,426.804	17,816.814	17,362.741	17,592.914	-390.010	17,426.804
O&M, Navy	21,176.570	20,110.196	21,326.470	21,055.470	21,226.570	20,110.196	21,376.470	-171.100	21,055.470
O&M, Marine Corps	1,918.395	1,997.095	2,096.695	2,066.295	1,918.395	1,997.095	2,096.695	147.900	2,066.295
O&M, Air Force	19,026.623	18,733.458	18,789.023	18,837.623	19,076.623	18,733.458	18,839.023	-239.000	18,837.623
O&M, Defense-Wide	10,208.413	9,513.523	9,994.325	10,031.576	10,208.413	9,513.523	10,094.325	-176.837	10,031.576
Defense Health Program	9,613.170	9,613.331	9,854.459	9,854.459	9,922.059	9,922.220	9,854.459	-67.600	9,854.459
O&M, Army Reserve	1,253.709	1,255.057	1,253.709	1,238.822	1,253.709	1,255.057	1,253.709	-14.887	1,238.822
O&M, Navy Reserve	827.819	827.819	828.319	827.819	827.819	827.819	828.319		827.819
O&M, Marine Corps Reserve	81.462	81.462	81.462	81.462	81.462	81.462	81.462		81.462
O&M, Air Force Reserve	1,478.990	1,481.332	1,478.990	1,464.932	1,478.990	1,481.332	1,478.990	-14.058	1,464.932
O&M, Army National Guard	2,447.148	2,448.615	2,452.148	2,398.415	2,447.148	2,448.615	2,452.148	-48.733	2,398.415
O&M, Air National Guard	2,780.178	2,780.178	2,780.178	2,771.678	2,780.178	2,780.178	2,780.178	-8.500	2,771.678
Rifle Practice, Army	2.544	2.544	2.544	2.544	2.544	2.544	2.544		2.544
Inspector General	127.098	147.172	140.798	140.798	128.098	148.172	140.798	12.700	140.798
Court of Appeals for the Armed Services	6.126	6.152	6.126	6.126	6.126	6.152	6.126		6.126
Environmental Restoration, Defense	2,180.200	2,180.200	2,180.200	2,030.200	2,180.200	2,180.200	2,180.200	-150.000	2,030.200
Drug Interdiction & Counter-Drug Activ.	714.200	714.200	714.200	714.200	714.200	714.200	714.200		714.200
Former Soviet Union Threat Reduction	400.000	400.000	400.000	400.000	400.000	400.000	400.000		400.000
Summer Olympics		4.000	10.000	10.000		4.000	10.000	10.000	10.000
Intntl. Peacekeeping & Peace Enforcement	300.000	300.000	300.000		300.000	300.000	300.000	-300.000	
Project Peace		15.000		15.000		15.000		15.000	15.000
Overseas Humanitarian, Disaster & Civic Aid	71.900	60.000	71.900	86.000	71.900	60.000	71.900	14.100	86.000
Disposal & Lease/ Overseas Milt Facilities					15.131	15.131	15.131		15.131
Rocky Mtn Arsenal/ WWII 50th Anniversary		0.500			7.000	7.500	7.000		7.000
Special Olympics		2.000	3.000	3.000		2.000	3.000	3.000	3.000
Total Operation & Maintenance	92,381.359	90,036.575	92,307.460	91,463.223	92,863.379	90,368.595	92,579.591	-1,378.025	91,485.354
Defense Business Operations Fund	1,169.038	1,212.038	789.400	1,239.438	1,169.038	1,212.038	789.400	70.400	1,239.438
National Defense Sealift Fund	608.600		828.600	828.600	608.600		828.600	220.000	828.600

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FY 1995
[IN MILLIONS OF DOLLARS]

	Authorization			BUDGET AUTHORITY IMPLICATION					
	Request	House Authorization	Senate Authorization	Conference Authorization	FY1995 Request	House	Senate	Conference vs. Request	Conference
TITLE IV-V-VI-VII									
Total Military Personnel (Sec. 431)		71,086.397	70,790.397	70,938.597	70,475.397	71,086.397	70,790.397	463.200	70,938.597
Military Retirement COLA		376.000	376.000	376.000		376.000	376.000	376.000	376.000
DIVISION B									
Military Construction, Army	690.576	853.426	490.076	552.976	690.576	853.426	490.076	-137.600	552.976
Military Construction, Navy	320.470	448.786	340.455	386.760	320.470	448.786	340.455	66.290	386.760
Military Construction, Air Force	353.313	503.213	526.663	529.313	357.313	507.213	530.663	176.000	533.313
Milit. Construction, Defense Agencies	481.729	465.009	546.519	508.069	481.729	465.009	546.519	26.340	508.069
NATO Infrastructure	219.000	119.000	219.000	119.000	219.000	119.000	219.000	-100.000	119.000
Milt. Construction, Army National Guard	9.929	145.067	180.312	188.062	9.929	145.067	180.312	178.133	188.062
Milt. Construction, Air National Guard	122.770	210.212	240.003	249.053	122.770	210.212	240.003	126.283	249.053
Military Construction, Army Reserve	7.910	37.410	37.870	57.370	7.910	37.410	37.870	49.460	57.370
Military Construction, Naval Reserve	2.355	11.905	17.355	22.748	2.355	11.905	17.355	20.393	22.748
Milt. Construction, Air Force Reserve	28.190	55.516	43.840	57.066	28.190	55.516	43.840	28.876	57.066
Base Realignment & Closure Account I	87.600	87.600	87.600	87.600	87.600	87.600	87.600		87.600
Base Realignment & Closure Account II	398.700	398.700	398.700	398.700	398.700	398.700	398.700		398.700
Base Realignment & Closure Account III	2,189.858	2,018.448	2,189.858	2,189.858	2,322.858	2,151.448	2,322.858		2,322.858
Total Military Construction	4,912.400	5,354.292	5,318.251	5,346.575	5,049.400	5,491.292	5,455.251	434.175	5,483.575
Family Housing, Army	1,273.610	1,285.610	1,241.210	1,183.710	1,273.610	1,285.610	1,241.210	-89.900	1,183.710
Family Housing, Navy	1,082.894	1,121.064	1,166.894	1,205.064	1,082.894	1,121.064	1,166.894	122.170	1,205.064
Family Housing, Air Force	1,024.338	1,044.827	1,068.200	1,072.289	1,054.338	1,074.827	1,098.200	47.951	1,102.289
Family Housing, Defense Agencies	29.381	29.381	29.381	29.381	29.381	29.381	29.381		29.381
Homeowners Assistance Fund					-133.000	-133.000	-133.000		-133.000
Total Family Housing	3,410.223	3,480.882	3,505.685	3,490.444	3,307.223	3,377.882	3,402.685	80.221	3,387.444

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FY 1995
[IN MILLIONS OF DOLLARS]

	Authorization Request	House Authorization	Senate Authorization	Conference Authorization	BUDGET AUTHORITY IMPLICATION				
					FY1995 Request	House	Senate	Conference vs. Request	Conference
DIVISION C									
TITLE XXXI- DOE									
Weapons Activities	3,300.368	3,203.369	3,309.668	3,234.069	3,300.368	3,203.369	3,309.668	-65.599	3,234.069
Defense Environmental Restor. & Waste Mgt.	5,194.424	5,168.561	5,212.424	5,092.691	5,194.424	5,168.561	5,212.424	-124.733	5,092.691
Materials Support & Other Defense Programs	1,898.910	1,948.704	1,893.910	1,849.657	1,898.910	1,948.704	1,893.910	-49.253	1,849.657
Defense Nuclear Waste Disposal	129.430	129.430	129.430	129.430	129.430	129.430	129.430		129.430
Use of Prior Year Balances- Undistributed			-220.000				-220.000		
TITLE XXXII									
Defense Nuclear Facilities Safety Board	17.933	18.000	17.933	17.933	17.933	18.000	17.933		17.933
TITLE XXXIII									
National Defense Stockpile Transaction Fund					-150.000	-150.000	-250.000	150.000	
TITLE XXXIV									
FEMA Civil Defense	129.658	129.658	129.658	129.658	204.504	204.504	204.504		204.504
RECAPITULATION									
Department of Defense (Division A)	173,968.167	243,321.507	244,679.763	244,390.815	244,615.695	243,343.638	244,951.894	-202.749	244,412.946
Department of Defense (Division B)	8,322.623	8,835.174	8,823.936	8,837.019	8,356.623	8,869.174	8,857.936	514.396	8,871.019
National Defense Stockpile Transaction Fund					-150.000	-150.000	-250.000	150.000	
NSETF & Other Trust Funds					231.668	231.668	231.668		231.668
Offsetting Receipts					-921.045	-921.045	-921.045		-921.045
Total DoD Military (051)	182,290.790	252,156.681	253,503.699	253,227.834	252,132.941	251,373.435	252,870.453	461.647	252,594.588
Total Atomic Energy Defense Act. (053)	10,541.065	10,468.064	10,343.365	10,323.780	10,541.065	10,468.064	10,343.365	-239.585	10,323.780
Total Other Defense (054)	129.658	129.658	129.658	129.658	914.194	912.910	927.410		914.194
Total National Defense Function (050)	192,961.513	262,754.403	263,976.722	263,681.272	263,588.200	262,754.409	264,141.228	222.062	263,832.562

General limitation

The Senate bill contained a provision (sec. 4) that would limit the total amounts authorized to be appropriated in this act to \$263.1 billion.

The House amendment contained no similar provision.

The Senate recedes.

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.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Overview

The budget request for fiscal year 1995 contained an authorization of \$43,584.2 million for procurement in the Department of Defense. The Senate bill would authorize \$43,797.0 million. The House amendment would authorize \$44,631.3 million. The conferees recommend authorization of \$43,527.9 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Submission of congressionally directed reports

As defense resources have declined, congressional emphasis on carefully prioritizing defense programs has properly increased. As a consequence, relatively smaller programs have required more thorough review. In developing the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160), the conferees identified several Navy procurement and development programs in the statement of the managers (H. Rept. 103-357) that merited stronger review within the Department. A partial list of these programs

includes antisubmarine warfare (ASW) targets, torpedo support equipment, attack submarine (SSN) acoustics, domestic forging and manufacture of ship propellers, ship self-defense, towed array sonars, and the ship main propulsion gas turbine improvement program. The conferees highlighted these issues for a variety of reasons, including:

(1) major changes in force structure that may not have been reflected in acquisition priorities;

(2) uneven protection of the industrial base in critical areas; and

(3) professed warfighting emphasis shifts to littoral operations that did not appear to reflect the post-Cold War defense environment.

The conferees believed that the Department failed to justify adequately many of these programs in the budget justification material and the budget review process. In a general effort to address these concerns prudently, the conferees avoided taking precipitous action and reducing budgeted resources in fiscal year 1994 for such programs.

Instead, the conferees directed the Department to prepare a number of reports. The conferees intended that these reports would provide the Navy an opportunity to specify, in detail, how the Navy was adapting these programs to accommodate a new strategic and budget reality. The conferees intended to review these reports during consideration of the fiscal year 1995 defense authorization request.

The conferees also reminded the Navy informally of a reporting requirement on combat logistic force plans. The report, which was originally required in July 1992 in the Senate report on S. 3114 (S. Rept. 102-352), was due in February 1993.

When the Armed Services Committees of the Senate and House of Representatives began their mark-ups of this act, the Navy had delivered none of the reports listed above. To date, the Navy has now submitted

only three. Of the three, the conferees believe that only one, the report on SSN acoustics, is reasonably comprehensive and begins to address the concerns that triggered congressional interest in the first place. Even this report did not deal with a principal part of the report requirement—distinguishing between future upgrades appropriate for a littoral environment and those associated with traditional open ocean ASW. Nor did it clarify their cost implications, information that was explicitly requested in the bill.

The conferees: (1) lack some required reports; (2) have been unable to verify the resource allocation priorities made in the Navy budget; (3) have dealt with budget justification that did not clarify such anomalies as inordinate cost growth from prior years; and (4) have seen unenlightening Defense Department appeals that rely more on rhetoric and assertions than analysis. The consequences are relatively predictable. The conferees have reallocated resources from some of these programs to others with higher priority. The Navy, and the rest of the Defense Department, should not be surprised when the Department delivers reports that are deficient, late, or both, and Congress takes action that the Department would not prefer.

AIRCRAFT PROCUREMENT, ARMY

Overview

The budget request for fiscal year 1995 contained an authorization of \$1,041.6 million for Aircraft Procurement, Army. The Senate bill would authorize \$1,073.8 million. The House amendment would authorize \$1,301.5 million. The conferees recommend authorization of \$1,289.5 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

29	VINCENNES COMMERCIAL EQUIPMENT	58,000	58,000	58,000	58,000	58,000	58,000	58,000	58,000
30	VINCENNES COMMERCIAL EQUIPMENT	58,000	58,000	58,000	58,000	58,000	58,000	58,000	58,000
31	ZUMWELT WERK HELFEN BILDER WERK	13,545	13,545	13,545	13,545	13,545	13,545	13,545	13,545
32	MODELLSCHIFFE - 25" OH	7,000	7,000	7,000	7,000	7,000	7,000	7,000	7,000
33	VDF 1000	8,151	8,151	8,151	8,151	8,151	8,151	8,151	8,151
34	VINCENNES COMMERCIAL EQUIPMENT	78,000	78,000	78,000	78,000	78,000	78,000	78,000	78,000
35	ER-20 GUNNERS WARE	20,104	20,104	20,104	20,104	20,104	20,104	20,104	20,104
36	KLOWN ZUMWELT	117,103	117,103	117,103	117,103	117,103	117,103	117,103	117,103
37	ER-20 GUNNERS WARE	20,104	20,104	20,104	20,104	20,104	20,104	20,104	20,104
38	ER-20 GUNNERS WARE	20,104	20,104	20,104	20,104	20,104	20,104	20,104	20,104
39	ER-20 GUNNERS WARE	20,104	20,104	20,104	20,104	20,104	20,104	20,104	20,104

P-1 LINE	ITEM	FY1995 Request		--- House FY1995 --- Authorization		--- Senate FY1995 --- Authorization		---Conference--- Change to Request		--- Conference FY95 --- Authorization	
		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
31	AVIONICS SUPPORT EQUIPMENT		30,267		30,267		30,267				30,267
32	TRAINING DEVICES		14,143		14,143		14,143				14,143
33	COMMON GROUND EQUIPMENT		18,640		18,640		18,640				18,640
34	AVIATION LIFE SUPPORT EQUIPMENT (ALS)		8,871		8,871		8,871				8,871
35	AIR TRAFFIC CONTROL		8,769		8,769		8,769				8,769
36	INDUSTRIAL FACILITIES		2,864		2,864		2,864				2,864
37	LAUNCHER, 2.75 ROCKET										
38	AIRBORNE COMMUNICATIONS		5,714		5,714		5,714				5,714
39	CLOSED ACCOUNT ADJUSTMENT										
	TOTAL AIRCRAFT PROCUREMENT ARMY		1,041,581		1,301,452		1,073,781		247,871		1,289,452

P-1 LINE	ITEM	FY1995 Request		--- House FY1995 --- Authorization		--- Senate FY1995 --- Authorization		---Conference--- Change to Request		-- Conference FY95 -- Authorization	
		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
MISSILE PROCUREMENT, ARMY											
1	CHAPARRAL SYSTEM SUMMARY										
2	HAWK SYSTEM SUMMARY		330		330		330				330
3	OTHER MISSILE SUPPORT										
4	PATRIOT SYSTEM SUMMARY (MYP)		8,861		8,861		8,861				8,861
5	STINGER SYSTEM SUMMARY			500	10,000						
6	AVENGER SYSTEM SUMMARY		13,773				13,773		-8,400		5,373
7	AVENGER ADVANCE PROCUREMENT (CY)										
8	HELLFIRE SYS SUMMARY	830	121,641	1,295	133,641	1,230	133,641	415	5,200	1,245	126,841
9	JAVELIN (AAMS-M) SYSTEM SUMMARY	374	131,086	872	214,000	872	214,000	498	82,914	872	214,000
10	JAVELIN ADVANCE PROCUREMENT (CY)										
11	TOW 2 SYSTEM SUMMARY		27,808		27,808		27,808				27,808
12	MLRS ROCKET								10,000		10,000
13	MLRS LAUNCHER		60,123		60,123		60,123		130,000		190,123
14	ARMY TACTICAL MSL SYS (ATACMS)	148	115,858	148	115,858	148	115,858			148	115,858
15	ATACMS ADVANCE PROCUREMENT (CY)										
15a	SADARM										
16	PATRIOT MODS		26,160		26,160		26,160				26,160
17	HAWK MODS										
18	AVENGER MODS		10,877		10,877		10,877				10,877
18a	STINGER MODS						5,000		5,000		5,000
19	TOW MODS										
20	MLRS MODS		29,496		29,496		29,496				29,496
21	MODIFICATIONS LESS THAN \$2.0M										
22	SPARES AND REPAIR PARTS MPA		34,616		34,616		34,616				34,616
23	AIR DEFENSE TARGETS		8,292		8,292		8,292				8,292
24	ITEMS LESS THAN \$2.0M (MISSILES)		1,438		1,438		1,438				1,438
25	PRODUCTION BASE SUPPORT		3,636		3,636		3,636				3,636
	TOTAL MISSILE PROCUREMENT ARMY		593,995		685,136		693,909		224,714		818,709

P-1 LINE	ITEM	FY1995 Request		--- House FY1995 --- Authorization		--- Senate FY1995 --- Authorization		----Conference----		-- Conference FY95 -- Authorization	
		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
PROCUREMENT OF W&TCV, ARMY											
TRACKED COMBAT VEHICLES											
1	ABRAMS TRNG DEV MOD		994		994		994				994
2	BRADLEY FIGHTING VEHICLE FAMILY (MYP)		14,133		14,133		14,133				14,133
3	BRADLEY BASE SUSTAINMENT		145,438		145,438		145,438				145,438
4	BRADLEY FVS TRAINING DEVICES (MOD)		1,937		1,937		1,937				1,937
5	ABRAMS TANK TRAINING DEVICES		17,103		17,103		17,103				17,103
6	ARMORED GUN SYSTEM (AGS)										
7	M1 ABRAMS TANK SERIES (MYP)		22,089		22,089		22,089				22,089
8	CARRIER, MOD		51,090		51,090		51,090				51,090
9	BFVS SERIES (MOD)		72,512		72,512		72,512		7,600		80,112
10	HOWITZER, MED SP FT 155MM M109A6 (MOD)		237,603		159,503		237,603		-20,000		217,603
11	HOWITZER, MED SP FT 155MM M109A5 (MOD)		1,320		1,320		1,320				1,320
12	FAASV PIP TO FLEET		16,125		16,125		16,125		-6,172		9,953
13	IMPROVED RECOVERY VEHICLE (M88 MOD)		17,141	9	37,141		17,141		20,000		37,141
14	ARMORED VEH LAUNCH BRIDGE (AVLB) (MOD)										
15	M1 ABRAMS TANK (MOD)		40,291		40,291		40,291		-4,000		36,291
16	ABRAMS UPGRADE PROGRAM		122,156		122,156		50,556		-71,600		50,556
16a	ABRAMS UPGRADE PROGRAM (MCR)					24	108,000	24	108,000	24	108,000
17	ABRAMS UPGRADE ADV PROCUREMENT (CY)		52,973		52,973		124,573		71,600		124,573
17a	TANK ENGINE INDUSTRIAL BASE						35,000		35,000		35,000
18	MODS LESS THAN \$2.0M (TCV-WTCV)		294		294		294				294
19	SPARES AND REPAIR PARTS WTCV				10,200				5,100		5,100
20	ITEMS LESS THAN \$2.0M (TCV-WTCV)		218		218		218				218
21	PRODUCTION BASE SUPPORT (TCV-WTCV)		14,525		14,525		14,525				14,525
22	REGIONAL MAINTENANCE TRAINING SITES-EQU		1,710		1,710		1,710				1,710
WEAPONS AND OTHER COMBAT VEHICLES											
23	HOWITZER, LIGHT, TOWED, 105MM, M119		195		195		195				195
24	MACHINE GUN, 5.56MM (SAW)		1,816		28,616		24,016		26,800		28,616
25	GRENADE LAUNCHER, AUTO, 40MM, MK19-3	600	12,302	600	21,302	600	38,902	1,800	26,600	2,400	38,902
26	MORTAR, 120MM		6,248		15,948		6,248		9,700		15,948
26a	M-16A2 RIFLE				13,000		13,000		13,000		13,000
27	5.56 CARBINE M4	8,892	4,865	8,892	7,865	8,892	13,165		8,300	8,892	13,165
28	PERSONAL DEFENSE WEAPON, 9MM				9,500				9,500		9,500

P-1 LINE	ITEM	--- House FY1995 ---		--- Senate FY1995 ---		---Conference---		-- Conference FY95 --		
		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	
29	SQUAD AUTOMATIC WEAPON (MOD)		6,838		6,838		6,838		6,838	
30	M16 RIFLE MODS		714		714		714		714	
31	MODS LESS THAN \$2.0M (WOCV-WTCV)		2,714		2,714		2,714		2,714	
32	SPARES AND REPAIR PARTS WTCV		34,366		34,366		34,366		34,366	
33	ITEMS LESS THAN \$2.0M (WOCV-WTCV)		2,257		2,257		2,257		2,257	
34	PRODUCTION BASE SUPPORT (WOCV-WTCV)		10,350		10,350		10,350		10,350	
35	INDUSTRIAL PREPAREDNESS		7,469		7,469		7,469		7,469	
			-----		-----		-----		-----	
9	TOTAL WTCV		919,786		942,886		1,132,886		239,428	1,159,214

Bradley fighting vehicle system series modifications

The budget request included \$72.5 million for Bradley fighting vehicle system (BFVS) series modifications.

The Senate bill and the House amendment would authorize the requested amount.

The Senate bill would authorize \$7.6 million in another program element to procure one mechanized infantry battalion set of reactive armor tiles.

The conferees agree that this initiative should be funded in the Bradley modifications program element.

M109A6 howitzer improvement program

The budget request included \$237.6 million for procurement of improved M109A6 howitzers.

The Senate bill would authorize the requested amount.

The House amendment would reduce the requested amount by \$78.1 million.

The conferees agree to authorize \$217.6 million, a reduction of \$20.0 million to the requested amount.

Joint Army/industry plan for tank engines

The Senate bill included funds to preserve the tank engine industrial base and directed that some tank engine overhaul work be transferred from the Anniston Army Depot (AAD) to the contractor-operated Stratford Army Engine Plant (SAEP).

The House amendment contained no similar funding.

The conferees agree with the Defense Science Board recommendation that a U.S. tank industrial base should be preserved. The conferees believe that the SAEP, which currently manufactures engines for the Abrams M1 tank, and the Anniston Army

Depot, which currently overhauls tank engines, could benefit from the preservation of this industry. Accordingly, the conferees agree to authorize \$35.0 million for fiscal year 1995, of which:

- (1) \$9.0 million is for systems technical and engineering support and engine durability upgrade efforts;
- (2) \$6.0 million is for plant downsizing; and
- (3) \$20.0 million is for an extended service program for Abrams tank engines.

In addition, the conferees authorize the requested amounts for tank spares and repair parts and for depot activities at AAD. Finally, the conferees direct the obligation of the remaining \$17.0 million authorized and appropriated in fiscal year 1994, and direct the Army to develop a depot/industry tank propulsion plan to be conducted jointly between AAD and SAEP that will preserve the tank engine base. The conferees direct the transfer of all outputs of the extended service program an its successor programs from the SAEP to AAD.

Tank gun mounts

The conferees note that the discussion in the Senate report (S. Rept. 103-282) concerning gun mounts is not necessarily the position of the conference.

V-903 diesel engines

The budget request and the Senate bill did not include funds for spares and repair parts for tracked combat vehicles.

The House amendment would authorize an additional \$10.2 million for 294 V-903 diesel engines.

The conferees are aware that the contractor claims it cannot produce V-903 diesel engines when the production rate falls below about 730 engines per year and, therefore, in-

tends to discontinue production on May 19, 1995. The V-903 diesel engine is used in the Bradley fighting vehicle, multiple launch rocket system, M9 armored combat earth-mover, new command and control vehicle, new electronic fighting vehicle, and Marine Corps AAVP7A1. The Army states that it requires a substantial number of additional engines, but has not decided whether to continue to fund engine procurement at the rates the contractor claims are necessary.

The conferees direct the Army to determine the additional number of V-903 engines it requires. The Army is further directed to consider alternatives to the V-903 engine, including the possibility of acquiring the technical data package, and report the results of these analyses to the congressional defense committees not later than March 1, 1995.

The conferees agree to authorize an additional \$5.1 million to continue procuring V-903 engines and direct the Army to reprogram additional funds in fiscal year 1995, and to request adequate funding in fiscal year 1996, if the Army decides to continue production at 730 engines a year.

AMMUNITION ARMY

Overview

The budget request for fiscal year 1995 contained an authorization of \$844.6 million for Ammunition Procurement, Army. The Senate bill would authorize \$878.1 million. The House amendment would authorize \$854.9 million. The conferees recommend authorization of \$902.8 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

(Faint table with illegible text, likely a budget comparison table)

P-1 LINE	ITEM	FY1995 Request		--- House FY1995 --- Authorization		--- Senate FY1995 --- Authorization		---Conference--- Change to Request		--- Conference FY95 --- Authorization	
		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
PROCUREMENT OF AMMUNITION, ARMY											
SMALL/MEDIUM CAL AMMUNITION											
	1 CTG, 5.56MM, ALL TYPES		73,605		73,605		83,105		9,500		83,105
	2 CTG, 7.62MM, ALL TYPES		12,108		12,108		12,108				12,108
	3 CTG, 9MM, ALL TYPES		2,839		2,839		2,839				2,839
	4 CTG, 250 CAL, ALL TYPES										
	5 CTG, 20MM, ALL TYPES		1,171		1,171		1,171				1,171
	6 CTG, 25MM, ALL TYPES		21,935		21,935		35,835		13,900		35,835
	7 CTG, 30MM, ALL TYPES		16,577		16,577		16,577				16,577
	8 CTG, 40MM, ALL TYPES		13,441		13,441		17,741		4,300		17,741
MORTAR AMMUNITION											
	9 CTG MORTAR 60MM 1/10 PRAC M840	1	305	1	3,305	1	3,305		3,000	1	3,305
	10 CTG MORTAR 60MM ILLUM M721	14	6,276	14	6,276	14	6,276			14	6,276
	CTG, MORTAR, 120MM, HE										
	11 CTG MORTAR 120MM SMOKE XM929 W/MO FUZE	17	21,698	17	21,698	17	21,698			17	21,698
	CTG, MORTAR, 81MM, 1/10 TNG										
TANK AMMUNITION											
	12 CTG TANK 35MM SUBCAL PRAC M968										
	13 CTG TANK 105MM TP-T M490A1										
	14 CTG TANK 105MM TPDS-T M724A1										
	15 CTG 120MM APFSDS-T M829A2	24	82,447	24	82,447	24	82,447			24	82,447
	16 CTG 120MM HEAT-MP-T M830A1	10	34,596	10	34,596	10	52,774		18,178	10	52,774
	17 CTG TANK 120MM TP-T M831	43	29,774	43	29,774	43	29,774			43	29,774
	18 CTG TANK 120MM TPCSDS-T M865	129	83,547	129	83,547	129	83,547			129	83,547
ARTILLERY AMMUNITION											
	19 CTG ARTY 105MM HERA M913				10,000		21,400		21,400		21,400
	20 PROJ ARTY 155MM BASEBURNER M864				5,000						
	PROJ ARTY 155MM M795										
	20a SADARM						30,000		30,000		30,000
	21 PROJ ARTY 155MM PRAC M804										
	22 PROP CHG 155MM RED BAG M203A1										
	23 MINE, TRAINING, ALL TYPES		5,478		5,478		5,478				5,478
	24 MINE AT/AP M87 (VOLCANO)	17	44,248	17	44,248	17	52,248			17	44,248
	25 BUNKER DEFEATING MUNITION (BDM)		7,761				7,761		-661		7,100

P-1 LINE	ITEM	FY1995 Request		--- House FY1995 --- Authorization		--- Senate FY1995 --- Authorization		----Conference---- Change to Request		-- Conference FY95 -- Authorization	
		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
26	ROCKET, HYDRA 70, ALL TYPES		107,850		107,850		107,850				107,850
27	PRIMER PERCUSSION M82										
28	DEMOLITION MUNITIONS, ALL TYPES		23,356		23,356		23,356				23,356
29	GRENADES, ALL TYPES		4,167		4,167		4,167				4,167
30	SIGNALS, ALL TYPES		687		687		687				687
31	SIMULATORS, ALL TYPES		9,388		9,388		9,388				9,388
32	AMMO COMPONENTS, ALL TYPES		5,222		5,222		5,222				5,222
33	M483 TO M864 CONVERSION										
34	UPGRADE/IMPROVEMENT OF AJ4										
35	CAD/PAD ALL TYPES		7,084		7,084		7,084				7,084
36	ITEMS LESS THAN \$2 MILLION		776		776		776				776
37	EOD EXPLOSIVE ITEMS										
38	AMMUNITION PECULIAR EQUIPMENT		4,645		4,645		4,645				4,645
39	ITEMS LESS THAN \$2.0M (AMMO)		537		537		537				537
40	FIRST DESTINATION TRANSPORTATION(AMMO)		4,713		4,713		4,713				4,713
41	PROVISION OF INDUSTRIAL FACILITIES		44,429		44,429		44,429				44,429
42	COMPONENTS FOR PROVE-OUT		2,238		2,238		2,238				2,238
43	LAYAWAY OF INDUSTRIAL FACILITIES		26,774		26,774		26,774				26,774
44	PROVING GROUND MODERNIZATION		1,361		1,361		1,361				1,361
45	MAINTENANCE OF INACTIVE FACILITIES		48,142		48,142		48,142				48,142
46	CONVENTIONAL AMMO DEMILITARIZATION		95,469		95,469		100,469		5,000		100,469
47	ARMS INITIATIVE										
48	LAAP FLEXIBLE MANUFACTURING CENTER										
	PRIOR YEAR SAVINGS						-79,800		-46,440		-46,440
	UNDISTRIBUTED						-7,761				
	TOTAL AMMUNITION		844,644		854,883		870,361		58,177		902,821

Prior-year savings for procurement of ammunition-Army

The conferees agree to the following prior-year savings from fiscal year 1994 Army ammunition programs:

[Dollars in millions]

Item:	
35mm M968	-5.55
105mm M490A1 TP-T	-7.4
105mm M490AT TP-T tank	-10.0
105mm M724A1 DS-TP	-5.0
105mm M724A1 DS-TP tank	-10.0
Upgrade/Improvement of AT-4 ..	-5.0
CAD/PAD, all types	-1.36

Ammo components, all types ... -2.13

Total -46.44

120 millimeter tank ammunition

The House report (H. Rept. 103-499) directed the Secretary of the Army to maintain the 120 millimeter tank load operation at the Milan Army Ammunition Plant until the Secretary certifies to the congressional defense committees that it would be cost-effective to perform this function elsewhere.

The Senate report (S. Rept. 103-282) contained similar direction.

The conferees agree that fact-of-life changes have negated the need for the Senate and House direction.

OTHER PROCUREMENT, ARMY

Overview

The budget request for fiscal year 1995 contained an authorization of \$2,690.2 million for Other Procurement, Army. The Senate bill would authorize \$2,677.7 million. The House amendment would authorize \$2,651.2 million. The conferees recommend authorization of \$2,624.7 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Item	House	Senate	Conferees	Change from House	Change from Senate
11 MORTAR 270 CALIBER (M261) (M262)	8,438	8,438	8,438		
20 105MM (M490) DISTRIBUTION (M490A1) (M490A2)	15,042	15,042	15,042		
30 105MM (M490) DISTRIBUTION (M490A1) (M490A2)	7,844	7,844	7,844		
50 240 (M724) (M724A1) (M724A2) (M724A3)	33,402	33,402	33,402		
55 105MM (M724) (M724A1) (M724A2) (M724A3)	2,312	2,312	2,312		
58 M490 (M490A1) (M490A2)	2,040	2,040	2,040		
59 M490 (M490A1) (M490A2)	2,040	2,040	2,040		
54 M724 (M724A1) (M724A2)	75,230	75,230	75,230		
55 M724 (M724A1) (M724A2)	215	215	215		
50 240 (M724) (M724A1) (M724A2) (M724A3)	109,732	109,732	109,732		
55 105MM (M724) (M724A1) (M724A2) (M724A3)	1,652	1,652	1,652		
58 M490 (M490A1) (M490A2)	5,114	5,114	5,114		
59 M490 (M490A1) (M490A2)	5,201	5,201	5,201		
54 M724 (M724A1) (M724A2)	2,413	2,413	2,413		
50 240 (M724) (M724A1) (M724A2) (M724A3)	301	301	301		
55 105MM (M724) (M724A1) (M724A2) (M724A3)	11,915	11,915	11,915		
58 M490 (M490A1) (M490A2)	18,928	18,928	18,928		
59 M490 (M490A1) (M490A2)	7,272	7,272	7,272		
54 M724 (M724A1) (M724A2)	706,130	706,130	706,130		
55 105MM (M724) (M724A1) (M724A2) (M724A3)	1,700	1,700	1,700		
58 M490 (M490A1) (M490A2)	4,811	4,811	4,811		
59 M490 (M490A1) (M490A2)	52,201	52,201	52,201		

Item	House	Senate	Conferees	Change from House	Change from Senate
11 MORTAR 270 CALIBER (M261) (M262)	8,438	8,438	8,438		
20 105MM (M490) DISTRIBUTION (M490A1) (M490A2)	15,042	15,042	15,042		
30 105MM (M490) DISTRIBUTION (M490A1) (M490A2)	7,844	7,844	7,844		
50 240 (M724) (M724A1) (M724A2) (M724A3)	33,402	33,402	33,402		
55 105MM (M724) (M724A1) (M724A2) (M724A3)	2,312	2,312	2,312		
58 M490 (M490A1) (M490A2)	2,040	2,040	2,040		
59 M490 (M490A1) (M490A2)	2,040	2,040	2,040		
54 M724 (M724A1) (M724A2)	75,230	75,230	75,230		
55 M724 (M724A1) (M724A2)	215	215	215		
50 240 (M724) (M724A1) (M724A2) (M724A3)	109,732	109,732	109,732		
55 105MM (M724) (M724A1) (M724A2) (M724A3)	1,652	1,652	1,652		
58 M490 (M490A1) (M490A2)	5,114	5,114	5,114		
59 M490 (M490A1) (M490A2)	5,201	5,201	5,201		
54 M724 (M724A1) (M724A2)	2,413	2,413	2,413		
50 240 (M724) (M724A1) (M724A2) (M724A3)	301	301	301		
55 105MM (M724) (M724A1) (M724A2) (M724A3)	11,915	11,915	11,915		
58 M490 (M490A1) (M490A2)	18,928	18,928	18,928		
59 M490 (M490A1) (M490A2)	7,272	7,272	7,272		
54 M724 (M724A1) (M724A2)	706,130	706,130	706,130		
55 105MM (M724) (M724A1) (M724A2) (M724A3)	1,700	1,700	1,700		
58 M490 (M490A1) (M490A2)	4,811	4,811	4,811		
59 M490 (M490A1) (M490A2)	52,201	52,201	52,201		

P-1 LINE	ITEM	FY1995 Request		--- House FY1995 --- Authorization		--- Senate FY1995 --- Authorization		---Conference--- Change to Request		-- Conference FY95 -- Authorization	
		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
66	TACT ELEC SURV SYS (TESS)(TIARA)		4,669		4,669		4,669				4,669
67	TROJAN (TIARA)		22,319		22,319		22,319				22,319
68	MOD OF IN-SVC EQUIP (INTEL SPT)(TIARA)		15,295		15,295		15,295				15,295
69	ITEMS LESS THAN \$2.0M (TIARA)										
70	CLOSE COMBAT DECOYS										
71	MOD OF IN-SVC EQUIP (EW)										
72	LESS THAN \$2.0M (EW) CMP GEN		1,763		1,763		1,763				1,763
73	LT SPEC DIV INTERIM SENSOR (LSDIS)		1,889		1,889		1,889				1,889
74	FAAD GBS		64,316		64,316		64,316				64,316
75	NIGHT VISION DEVICES		78,362		98,362		80,612		2,250		80,612
76	PHYSICAL SECURITY SYSTEMS		10,222		10,222		10,222				10,222
77	ARTILLERY ACCURACY EQUIP		9,454		9,454		9,454				9,454
78	MOD OF IN-SVC EQUIP (TAC SURV)		4,603		4,603		4,603				4,603
79	INTEGRATED NET SYS SENSORS (INETS)		7,004		7,004		7,004				7,004
80	ADV FIELD ARTIL TACT DATA SYS (AFATDS)	313	32,610	313	32,610		3,610	-313	-24,410		8,200
81	FIRE SUPPORT ADA CONVERSION	142	13,212	142	13,212	142	13,212		-1,600	142	11,612
82	INITIAL FIRE SPT AUTOMATIC SYS (IFSAS)										
83	CMBT SVC SUPT CONTROL SYS (CSSCS)	42	6,020	42	6,020	42	6,020			42	6,020
84	CORPS/THEATER ADP SVC CTR (CTASC)		2,006		2,006		2,006				2,006
85	FAAD C2		14,252		14,252		14,252				14,252
86	FORWARD ENTRY DEVICE (FED)		100		100		100				100
87	COMMON HARDWARE SOFTWARE										
88	LIFE CYCLE SOFTWARE SUPPORT (LCSS)		1,697		1,697		1,697				1,697
89	LOGTECH		4,669		4,669		4,669				4,669
90	ISYSOM EQUIPMENT										
91	MANEUVER CONTROL SYSTEM (MCS)										
92	STAMIS TACTICAL COMPUTERS (STACOMP)		21,850		21,850		21,850				21,850
93	STANDARD INTEGRATED CMD POST SYSTEM		25,085		25,085		25,085				25,085
94	AUTOMATED DATA PROCESSING EQUIP		122,419		122,419		122,419		-12,000		110,419
95	RESERVE COMP AUTOMATION SYS (RCAS)		101,546		101,546		101,546				101,546
96	AFRTS		2,993		2,993		2,993				2,993
97	ITEMS LESS THAN \$2.0M (A/V)		3,850		3,850		3,850				3,850
98	CALIBRATION SETS EQUIPMENT		10,349		10,349		10,349				10,349
99	INTEGRATED FAMILY OF TEST EQUIP (IFTE)		58,216		58,216		58,216				58,216

P-1 LINE	ITEM	--- House FY1995 ---		--- Senate FY1995 ---		----Conference----		-- Conference FY95 --		
		Request Quantity	Amount	Authorization Quantity	Authorization Amount	Change to Request Quantity	Change to Request Amount	Authorization Quantity	Authorization Amount	
100	SIMP TEST EQUIP-INTERNAL COMBUST ENGS									
101	TMDE MODERNIZATION (TMD)		11,188		11,188				11,188	
102	INITIAL SPARES - PEO CCS									
103	INITIAL SPARES - PEO COMM									
104	INITIAL SPARES - PEO IEW									
105	INITIAL SPARES - PEO STAMIS									
106	INITIAL SPARES - NON PEO									
107	ARMY PRINTING AND BINDING EQUIPMENT									
108	INSTALLATION C4 UPGRADE (ICU)		2,274		2,274				2,274	
109	PECIP AND QRIP									
110	PRODUCTION BASE SUPPORT (C-E)		849		849				849	
111	SPECIAL PROGRAMS									
OTHER SUPPORT EQUIPMENT										
112	SIMP COLL PROT EQUIP M20									
113	COLL PROT EQUIP, NBC TEMPER, TENT M2		10,310		10,310				10,310	
114	MASK, PROTECTIVE, NBC M40/M42		24,980		24,980				24,980	
115	REMOTE SENSING CHEM AGENT ALARM XM21	156	18,975	156	18,975	156	18,975	156	18,975	
116	IMPROVED CHEMICAL AGENT MONITOR		2,778		2,778		2,778		2,778	
117	AUTO CHEM AGENT ALARM (ACADA), XM22	388	13,046	388	13,046	388	13,046	388	13,046	
118	DECONTAMINATE APP PWR DR LT WT M17									
119	GEN SMK MECH:MTRZD DUAL PURP XM56	71	12,500	71	12,500	71	12,500	71	12,500	
120	RADIATION MONITORING SYSTEM (OPA-3)									
121	JOINT BIOLOGICAL DEFENSE PROGRAM		20,416		20,416		-20,416			
122	TOMED ASSAULT BRIDGE									
123	DISPENSER, MINE M139	179	16,311	179	16,311	179	16,311	179	16,311	
124	DETECTING SET, MINE, AN/PSS-12									
125	AIR CONDITIONERS VARIOUS SIZE/CAPACITY,		3,017		3,017		3,017		3,017	
126	STANDARD INTEGRATED CMD POST SYSTEM									
127	CHEM/BIO PROTECTIVE SHELTER	51	9,539	51	9,539		-2,500	51	7,039	
128	FIRETRUCKS									
129	SPACE HEATER	564	2,832	564	2,832	564	2,832	564	2,832	
130	SOLDIER ENHANCEMENT									
131	FORCE PROVIDER		10,741		10,741		10,741		10,741	
132	REFRIGERATION EQUIPMENT		4,788		4,788		1,888		1,888	

P-1 LINE	ITEM	FY1995 Request		--- House FY1995 --- Authorization		--- Senate FY1995 --- Authorization		----Conference----		-- Conference FY95 -- Authorization	
		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
133	ITEMS LESS THAN \$2.0M (CSS-EQ)		4,380		4,380		4,380				4,380
134	TANK ASSEMBLY FAB COLLAPSIBLE POL 10000	94	947	94	947	94	947			94	947
135	TANK ASSY, FAB COLLAPS, 20,000 GAL POL										
136	LAB PETROLEUM MODULAR BASE	1	2,360	1	2,360	1	2,360			1	2,360
137	INLAND PETROLEUM DISTRIBUTION SYSTEM		3,678		3,678		3,678				3,678
138	FORWARD AREA REFUELING SYS ADV AVIAT										
139	HENTT AVIATION REFUELING SYSTEM	113	2,986	113	2,986	113	2,986			113	2,986
140	ITEMS LESS THAN \$2.0M (POL)		7,726		7,726		7,726				7,726
141	WATER PURIF UNIT REV OS 3000 GPH										
142	FWD AREA WTR POINT SUP SYSTEM	155	2,731	155	2,731	155	2,731			155	2,731
143	SMALL MOBILE WATER CHILLER (SMWC)	185	1,907	185	1,907	185	1,907			185	1,907
144	ITEMS LESS THAN \$2.0M (WATER EQ)		3,017		3,017		3,017				3,017
145	COMBAT SUPPORT MEDICAL		16,574		16,574		16,574				16,574
146	SHOP EQ CONTACT MAINT TRK MTD (MYP)	118	2,832	118	2,832	118	2,832			118	2,832
147	TOOL OUTFIT HYDRAULIC REPAIR 3/4 TRL MT	23	2,099	23	2,099	23	2,099			23	2,099
148	ITEMS LESS THAN \$2.0M (MAINT EQ)		1,152		1,152		1,152				1,152
149	COMPACTOR HI-SPEED TAMP SELF PROP(CCE)										
150	ROLLER, VIBRATORY, SELF-PROPELLED(CCE)	31	5,876	31	5,876	31	5,876			31	5,876
151	CRUSHING/SCREENING PLANT, 150 TPH										
152	ITEMS LESS THAN \$2.0M (CONST EQUIP)		3,396		3,396		3,396				3,396
153	LOGISTIC SUPPORT VESSEL (LSV)										
154	CAUSEWAY SYSTEMS		14,309		14,309						14,309
155	RAILWAY CAR, FLAT, 100 TON	97	11,617	97	11,617	97	11,617			97	11,617
156	ITEMS LESS THAN \$2.0M (FLOAT/RAIL)		2,246		2,246		2,246				2,246
157	GENERATORS AND ASSOCIATED EQUIP		25,194		25,194		25,194				25,194
158	FRONT/SIDE LOADER FORKLIFT, CBD, PT.										
159	ITEMS LESS THAN \$2.0M (MHE)		4,728		4,728		4,728				4,728
160	COMBAT TRAINING CENTERS SUPPORT		20,138		20,138		20,138				20,138
161	TRAINING DEVICES, NONSYSTEM		99,339		99,339		99,339		-13,400		85,939
162	SIMNET/CLOSE COMBAT TACTICAL TRAINER		32,038		32,038		32,038				32,038
163	SYSTEM FIELDING SUPPORT (OPA-3)		13,965		13,965		13,965				13,965
164	SPARES AND REPAIR PARTS OPA-3										
165	BASE LEVEL COM'L EQUIPMENT		9,322		9,322		9,322				9,322
166	ARMS CONTROL COMPLIANCE		3,521		3,521		3,521				3,521

P-1 LINE	ITEM	FY1995 Request		--- House FY1995 --- Authorization		--- Senate FY1995 --- Authorization		----Conference---- Change to Request		-- Conference FY95 -- Authorization	
		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
167	COMBINED DEFENSE IMPROVEMENT PROJECT		3,143		3,143		3,143				3,143
168	MODIFICATION OF IN-SVC EQUIP (OPA-3)		36,447		36,447		36,447				36,447
169	PRODUCTION BASE SUPPORT (OTH)		1,887		1,887		1,887				1,887
170	INDUSTRIAL MODERNIZATION INCENTIVE										
171	SPECIAL EQUIPMENT FOR USER TESTING		10,517		10,517		10,517				10,517
172	OPA INITIAL SPARES		75,650		75,650		75,650		-4,150		71,500
173	TRACTOR ACE										
174	OPERATIONAL PROJECT STOCKS										
175	NATURAL GAS UTILIZATION										
176	CLOSED ACCOUNT ADJUSTMENTS										
176a	BATTLEFIELD COMBAT IDENTIFICATION			150	11,000						
	TOTAL OTHER PROCUREMENT ARMY		2,690,233		2,651,233		2,677,719		-65,526		2,624,707

P-1 LINE	ITEM	FY1995 Request		--- House FY1995 --- Authorization		--- Senate FY1995 --- Authorization		----Conference---- Change to Request		-- Conference FY95 -- Authorization	
		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
AIRCRAFT PROCUREMENT, NAVY											
1	EA-6B/REMFG (ELECT WARFARE) PROMLER										
2	AV-8B (V/STOL)HARRIER	4	130,216	4	130,216	4	130,216			4	130,216
3	AV-8B ADVANCE PROCUREMENT (CY)		15,528		15,528		15,528				15,528
4	F-14A/D (FIGHTER) TOMCAT										
5	F/A-18C/D (FIGHTER) HORNET (MYP)	24	1,032,368	24	1,032,368	17	782,368	-98,400		24	933,968
6	F-18 ADVANCE PROCUREMENT (CY)		84,792		84,792		44,792				84,792
7	CH/MH-53E (HELICOPTER) SUPER STALLION		41,084		41,084	4	101,084				41,084
8	CH/MH-53 ADVANCE PROCUREMENT (CY)										
9	AH-1W (HELICOPTER) SEA COBRA	12	141,721	12	141,721	12	141,721			12	141,721
10	SH-60B (ASW HELICOPTER) SEAHAWK										
11	SH-60B ADVANCE PROCUREMENT (CY)										
12	SH-60F CV (ASW HELICOPTER)		7,602				7,602				7,602
13	SH-60F ADVANCE PROCUREMENT (CY)										
14	E-2C (EARLY WARNING) HAMKEYE	4	285,759	4	285,759	4	285,759	-29,600		4	256,159
15	E-2C ADVANCE PROCUREMENT (CY)		41,669		41,669		41,669				41,669
16	C-20										
17	T-45TS (TRAINER) GOSHAWK	12	214,220	12	214,220	12	214,220			12	214,220
18	T-45 ADVANCE PROCUREMENT (CY)		31,180		31,180		31,180				31,180
19	HH-60H (HELICOPTER)		39,895		22,795		39,895				39,895
MODIFICATION OF AIRCRAFT											
20	A-6 SERIES										
21	EA-6 SERIES		38,372				38,372	-38,372			
22	AV-8 SERIES		22,915		22,915		22,915				22,915
23	F-14 SERIES		158,326		158,326		158,326				158,326
24	ADVERSARY		211		211		211				211
25	ES-3 SERIES		19,310				19,310	-19,310			
26	F-18 SERIES		86,088		52,088		46,088	-40,000			46,088
27	H-46 SERIES		95,919		95,919		95,919				95,919
28	H-53 SERIES		53,814		53,814		53,814				53,814
29	SH-60 SERIES		59,803		47,929		59,803	-11,874			47,929
30	H-1 SERIES		95,874		95,874		95,874				95,874
31	H-2 SERIES										
32	H-3 SERIES		3,862		3,862		3,862				3,862

P-1 LINE	ITEM	FY1995 Request		--- House FY1995 --- Authorization		--- Senate FY1995 --- Authorization		----Conference---- Change to Request		-- Conference FY95 -- Authorization	
		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
33	DARP MODS		21,714		21,714		21,714				21,714
34	P-3 SERIES		104,253		104,253		136,253				104,253
35	S-3 SERIES		40,891		22,491		40,891		-18,400		22,491
36	E-2 SERIES		187,139		159,539		187,139		-27,600		159,539
37	TRAINER A/C SERIES		276		276		276				276
38	C-130 SERIES		17,390		17,390		17,390				17,390
39	FEWSG		8,931		8,931		8,931				8,931
40	CARGO/TRANSPORT A/C SERIES		22,727		22,727		22,727				22,727
	KC-135 MULTIPOINT MODIFICATIONS								25,800		25,800
41	E-6 SERIES		90,482		81,482		90,482		-9,000		81,482
42	EXECUTIVE HELICOPTERS SERIES		38,093		33,093		38,093		-5,000		33,093
43	VARIOUS										
44	T-45 SERIES		6,316		6,316		6,316				6,316
45	POWER PLANT CHANGES		13,624		13,624		13,624				13,624
46	MISC FLIGHT SAFETY CHANGES		171		171		171				171
47	COMMON ECM EQUIPMENT		12,664		12,664				-12,664		
48	COMMON AVIONICS CHANGES		84,092		74,092		84,092		-10,000		74,092
49	SPARES AND REPAIR PARTS APN		916,436		916,436		916,436				916,436
50	COMMON GROUND EQUIPMENT		391,534		391,534		391,534				391,534
51	AIRCRAFT INDUSTRIAL FACILITIES		38,320		38,320		38,320				38,320
52	WAR CONSUMABLES		18,512		18,512		18,512				18,512
53	OTHER PRODUCTION CHARGES		50,351		50,351		50,351				50,351
54	SPECIAL SUPPORT EQUIPMENT		18,172		18,172		18,172				18,172
55	FIRST DESTINATION TRANSPORTATION		3,649		3,649		3,649				3,649
56	CANCELLED ACCOUNT ADJUSTMENTS										
	TOTAL AIRCRAFT PROCUREMENT NAVY		4,786,265		4,588,007		4,535,601		-294,420		4,491,845

F/A-18 C/D aircraft

The budget request included \$1,032.4 million to buy 24 F/A-18 C/D aircraft in fiscal year 1995 and \$84.8 million for advance procurement of 24 aircraft in fiscal year 1996.

The House amendment would approve the requested amount. The House report (H. Rept. 103-499) noted that the Navy is selecting an identification friend or foe (IFF) device. The report also noted that an IFF interrogator/transponder had already been developed for export versions of F/A-18 C/D aircraft. The report directed the Secretary of the Navy to incorporate a non-developmental IFF into the aircraft, beginning with lot 19.

The Senate bill would authorize 17 aircraft and a total of \$826.7 million for F/A-18 C/D production and advance procurement. The Senate report (S. Rept. 103-282) stated that 17 aircraft for the Department of the Navy, in addition to foreign sales, would be sufficient to maintain production. The report indicated that the Navy should plan to buy the more capable F/A-18 E/F in greater quantities when that version becomes available.

The conferees agree to provide \$934.0 million to buy 24 F/A-18 C/D aircraft in fiscal year 1995 and \$84.8 million for advance procurement of 24 aircraft in fiscal year 1996.

The conferees support the House initiative regarding procurement of a non-developmental IFF interrogator/transponder. However, the conferees note that there is more than one non-developmental interrogator/transponder available. Because savings derived from competition could be substantial, the conferees direct the Secretary of the Navy to ensure that the IFF requirement is satisfied through competitive procedures.

CH/MH-53E helicopters

The budget request included \$41.1 million for the CH-53 helicopter. The Navy had planned to buy four CH-53E helicopters in fiscal year 1995, but now plans to shift some of its MH-53E and CH-53E helicopters from airborne mine countermeasures (AMCM) and vertical on-board delivery (VOD) squadrons to the Marine Corps. These shifts persuaded the Navy that it could truncate procurement of the CH-53Es at the end of the fiscal year 1994 buy.

The Senate bill would provide an additional \$60.0 million for buying four CH-53 helicopters to support Marine Corps and Navy VOD lift requirements and preclude the need to reduce AMCM force structure.

The House amendment would authorize the requested amount.

The conferees agree to provide \$41.1 million. The conferees note that these funds were requested for production line shutdown costs on the CH-53 program. The conferees understand that the Marine Corps may desire to use these funds to purchase two additional helicopters rather than terminate the program. The conferees would not object to the use of these funds for this purpose.

EA-6B modifications

The budget request included \$38.4 million for EA-6B modifications. The Navy intended

to use these funds for various structural and common configuration modifications, including the block 89A, wing center sections, pod hardback, and band 9/10 transmitter modifications.

The Senate bill would authorize the requested amount.

The House bill would not authorize any funds in fiscal year 1995 for EA-6B modifications.

The House and Senate reports (H. Rept. 103-499 and S. Rept. 103-282) directed the Secretary of the Navy to carry out a robust, lower cost alternative to the advanced capability (ADVCAP) upgrade program.

The Senate recedes. The conferees agree to authorize no funds for EA-6B modifications in fiscal year 1995.

The conferees direct the Secretary of the Navy to proceed with a lower cost alternative to the now-terminated advanced capability (DVCAP) upgrade program. Although the conferees are aware that the Navy is awaiting the results of a joint Navy/Air Force airborne electronic warfare (EW) study before commencing any alternative upgrade program for the EA-6B, the conferees are concerned that any delay in initiating these upgrades could foreclose the Navy's ability to capitalize on its prior ADVCAP investment. Furthermore, a failure to capture current technology through delaying the program could result in a requirement for a new aircraft that is unaffordable.

The conferees direct the Secretary of the Navy to immediately commence a modification program to address the structural and supportability problems associated with the EA-6B fleet. The conferees note the availability of the more than \$475.0 million authorized and appropriated in fiscal year 1993 and 1994 for the EA-6B1 ADVCAP program, and direct the Secretary of the Navy to use those funds to initiate the structural upgrade program.

The conferees further direct the Secretary to report the results of the joint EW study, together with his recommendations for a lower cost alternative to the ADVCAP upgrade, to the congressional defense committees by December 31, 1994. The conferees specifically prohibit any reprogramming of the remaining prior-year funds for other purposes until the costs of the structural and tactical jamming system upgrades are further committees.

P-3 series modifications

The budget request included \$104.3 million for P-3 series modifications.

The Senate bill would approve \$136.3 million for P-3 modifications, an increase of \$32.0 million from the requested level. Of this amount, the Senate report (S. Rept. 103-282) indicated that \$25.0 million would provide for component testing, the development of a logistics and training infrastructure, and the procurement of additional anti-surface warfare (ASUW) improvement program (AIP) systems. The remaining \$7.0 million would permit the Navy to complete procurement of new computers for the P-3C update III program, a separate action necessary for P-3 AIP.

The House amendment would approve the requested amount. The House report (H. Rept. 103-499) noted that, between 1991 and the end of fiscal year 1995, the maritime patrol aircraft (MPA) force structure will have been reduced from 37 squadrons to 22 squadrons. The House report expressed concern that the Navy may be reducing its MPA force structure too quickly. The House report directed the Secretary of the Navy to submit a report describing how the loss of operational capability that would result from a reduction in MPA force structure below 22 squadrons could be offset by other Navy or Department of Defense assets.

The conferees agree to approve the requested amount and reiterate the requirement that the Secretary of the Navy provide the report originally required by the House report.

Multipoint refueling modifications

The budget request contained \$25.8 million for making multipoint refueling modifications to KC-135 tanker aircraft.

The Senate bill would delete these funds, based on information that the Air Force had canceled the program.

The House amendment would authorize the requested amount for multipoint modifications.

The conferees are concerned by the slow progress in providing multipoint refueling capability for Air Force KC-135 tanker aircraft. The conferees recently learned of a relatively inexpensive French modification program carried out in the United States to provide multipoint refueling for French KC-135 tankers. Therefore, the conferees encourage the Secretary of Defense to establish an aerial refueling initiative to consider a commercial program for KC-135 multipoint refueling.

To ensure that interoperability and low cost solutions are considered, the initiative should be administered with the oversight of the Under Secretary of Defense for Acquisition and Technology, relying on advice and support from Air Force and Navy representatives.

Because multipoint refueling provides relatively more improvements for Navy aircraft, the conferees agree to provide the fiscal year 1995 funds to the Navy. The conferees recommend \$25.8 million for this initiative in the aircraft procurement, Navy account. The conferees understand that the initiative is included in the Future Years Defense Program and applaud the Secretary's interoperability initiatives.

Overview

The budget request for fiscal year 1995 contained an authorization of \$2,400.0 million for Weapons Procurement, Navy. The Senate bill would authorize \$2,428.5 million. The House amendment would authorize \$2,223.2 million. The conferees recommend authorization of \$2,076.6 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	FY1995 Request		--- House FY1995 --- Authorization		--- Senate FY1995 --- Authorization		---Conference--- Change to Request		-- Conference FY95 -- Authorization	
		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
WEAPONS PROCUREMENT, NAVY											
1	TRIDENT I		13,481		13,481		13,481				13,481
2	TRIDENT II	18	641,318	18	641,318	18	641,318			18	641,318
3	TRIDENT II ADVANCE PROCUREMENT (CY)		54,700		54,700		54,700				54,700
4	MISSILE INDUSTRIAL FACILITIES		212		212		212				212
5	TOMAHAWK	217	301,993	217	261,993	217	301,993	-11,900		217	290,093
6	AMRAAM	106	84,287	106	84,287	106	84,287			106	84,287
7	HARPOON	58	68,738	58	68,738	58	68,738			58	68,738
8	HARM										
9	STANDARD MISSILE	202	258,072	202	258,072	202	258,072			202	258,072
10	RAM	240	63,547	240	63,547	240	63,547			240	63,547
11	HELLFIRE										
12	TOW IIA										
13	AERIAL TARGETS		122,242		122,242		122,242				122,242
14	DRONES AND DECOYS										
15	OTHER MISSILE SUPPORT		8,848		8,848		8,848				8,848
16	TOMAHAWK MODS		17,435		17,435		17,435				17,435
17	SPARROW MODS		26,797		26,797		26,797				26,797
18	SIDEWINDER MODS		3,541		3,541		3,541				3,541
19	PHOENIX MODS										
20	HARPOON MODS		6,478		6,478		6,478				6,478
21	HARM MODS										
22	STANDARD MISSILES MODS		32,610		32,610		32,610				32,610
23	WEAPONS INDUSTRIAL FACILITIES		22,855				51,355	28,500			51,355
24	FLEET SATELLITE COMM (MYP)		125,480		73,180		125,480				125,480
25	ORDNANCE SUPPORT EQUIPMENT		5,994		5,994		5,994				5,994
TORPEDOES AND RELATED EQUIPMENT											
26	MK-48 ADCAP TORPEDO (MYP)										
27	MK-50 ALWT										
28	ASH TARGETS		10,951				10,951				10,951
29	ASROC										
30	VERTICAL LAUNCHED ASROC (VLA)										
31	ADVANCE PROCUREMENT (CY)										
32	MK-46 TORPEDO MODS		2,571		2,571		2,571				2,571

P-1 LINE	ITEM	--- House FY1995 ---		--- Senate FY1995 ---		---Conference---		-- Conference FY95 --		
		Request Quantity	Amount	Authorization Quantity	Amount	Change to Request Quantity	Amount	Authorization Quantity	Amount	
33	MK-48 TORPEDO ADCAP MODS		52,341		52,300		52,341		52,341	
34	QUICKSTRIKE MINE									
35	MK-60 CAPTOR MODS									
36	TORPEDO SUPPORT EQUIPMENT		67,646				67,646		35,000	
37	ASW RANGE SUPPORT		23,713		23,713		23,713		23,713	
38	FIRST DESTINATION TRANSPORTATION		5,721		5,721		5,721		5,721	
39	SMALL ARMS AND WEAPONS		11,751		11,751		11,751		11,751	
40	CIWS MODS		49,047		49,047		49,047		49,047	
41	5/54 GUN MOUNT MODS		6,568		6,568		6,568		6,568	
42	MK-75 76MM GUN MOUNT MODS		2,068		2,068		2,068		2,068	
43	MODS UNDER \$2 MILLION		1,666		1,666		1,666		1,666	
44	CANCELLED ACCOUNT ADJUSTMENTS									
45	GENERAL PURPOSE BOMBS		55,496		55,496		55,496		-55,496	
46	2.75 INCH ROCKETS		14,500		14,500		14,500		-14,500	
47	MACHINE GUN AMMUNITION		14,181		14,181		14,181		-14,181	
48	PRACTICE BOMBS		2,827		12,827		2,827		-2,827	
49	GATOR									
50	CARTRIDGES & CART ACTUATED DEVICES		14,942		14,942		14,942		-14,942	
51	AIRCRAFT ESCAPE ROCKETS		9,963		9,963		9,963		-9,963	
52	AIR EXPENDABLE COUNTERMEASURES		12,088		12,088		12,088		-12,088	
53	MARINE LOCATION MARKERS		781		781		781		-781	
54	DEFENSE NUCLEAR AGENCY MATERIAL		455		455		455		-455	
55	JATOS		1,418		1,418		1,418		-1,418	
56	5 INCH/54 GUN AMMUNITION		52,965		59,965		52,965		-52,965	
57	CIWS AMMUNITION		2,470		2,470		2,470		-2,470	
58	76MM GUN AMMUNITION		13,938		13,938		13,938		-13,938	
59	OTHER SHIP GUN AMMUNITION		15,139		15,139		15,139		-15,139	
60	SMALL ARMS & LANDING PARTY AMMO		14,175		14,175		14,175		-14,175	
61	PYROTECHNIC AND DEMOLITION		15,502		15,502		15,502		-15,502	
62	MINE NEUTRALIZATION DEVICES		3,546		3,546		3,546		-3,546	
63	SHIP EXPENDABLE COUNTERMEASURES		9,173		9,173		9,173		-9,173	
64	SPARES AND REPAIR PARTS WPN		53,809		53,809		53,809		-53,809	
	TOTAL WEAPONS PROCUREMENT NAVY		2,400,039		2,223,246		2,428,539		-323,414	2,076,625

Tomahawk missile procurement

The budget request included \$302.0 million for the procurement of 217 Tomahawk missiles.

The Senate bill would approve the requested amount.

The House amendment would authorize the procurement of 217 missiles, but would reduce the requested amount by \$40.0 million.

The conferees agree to a reduction of \$11.9 million from the requested amount, consisting of:

(1) \$2.6 million for an unsubstantiated pricing adjustment associated with the fiscal year 1994 selection of a single prime contractor; and

(2) \$9.3 million for the capsule launch system (CLS) for submarines.

The conferees encourage the Navy to present its CLS projected inventory objective, and rationale for that inventory objective, with the fiscal year 1996 budget submission. The conferees intend to specifically exempt from this reduction funds budgeted for the Tomahawk precision strike initiative.

SHIPBUILDING AND CONVERSION, NAVY

Overview

The budget request for fiscal year 1995 contained an authorization of \$5,585.4 million for Shipbuilding and Conversion, Navy. The Senate bill would authorize \$5,532.0 million. The House amendment would authorize \$6,869.9 million. The conferees recommend authorization of \$5,619.9 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

LINE	ITEM	HOUSE	SENATE	CONFERENCE	NAVY REQUEST	CHANGES FROM REQUEST
01	ADMINISTRATIVE EXPENSES	1,400,000	1,550,000	1,400,000	1,400,000	-150,000
02	SHIPBUILDING AND CONVERSION	23,000	27,000	23,000	23,000	-4,000
03	CONVERSION	0	0	0	0	0
04	SHIPBUILDING	23,000	27,000	23,000	23,000	-4,000
05	CONVERSION	0	0	0	0	0
06	SHIPBUILDING	23,000	27,000	23,000	23,000	-4,000
07	CONVERSION	0	0	0	0	0
08	SHIPBUILDING	23,000	27,000	23,000	23,000	-4,000
09	CONVERSION	0	0	0	0	0
10	SHIPBUILDING	23,000	27,000	23,000	23,000	-4,000
11	CONVERSION	0	0	0	0	0
12	SHIPBUILDING	23,000	27,000	23,000	23,000	-4,000
13	CONVERSION	0	0	0	0	0
14	SHIPBUILDING	23,000	27,000	23,000	23,000	-4,000
15	CONVERSION	0	0	0	0	0
16	SHIPBUILDING	23,000	27,000	23,000	23,000	-4,000
17	CONVERSION	0	0	0	0	0
18	SHIPBUILDING	23,000	27,000	23,000	23,000	-4,000
19	CONVERSION	0	0	0	0	0
20	SHIPBUILDING	23,000	27,000	23,000	23,000	-4,000
21	CONVERSION	0	0	0	0	0
22	SHIPBUILDING	23,000	27,000	23,000	23,000	-4,000
23	CONVERSION	0	0	0	0	0
24	SHIPBUILDING	23,000	27,000	23,000	23,000	-4,000
25	CONVERSION	0	0	0	0	0
26	SHIPBUILDING	23,000	27,000	23,000	23,000	-4,000
27	CONVERSION	0	0	0	0	0
28	SHIPBUILDING	23,000	27,000	23,000	23,000	-4,000
29	CONVERSION	0	0	0	0	0
30	SHIPBUILDING	23,000	27,000	23,000	23,000	-4,000
31	CONVERSION	0	0	0	0	0
32	SHIPBUILDING	23,000	27,000	23,000	23,000	-4,000
33	CONVERSION	0	0	0	0	0
34	SHIPBUILDING	23,000	27,000	23,000	23,000	-4,000
35	CONVERSION	0	0	0	0	0
36	SHIPBUILDING	23,000	27,000	23,000	23,000	-4,000
37	CONVERSION	0	0	0	0	0
38	SHIPBUILDING	23,000	27,000	23,000	23,000	-4,000
39	CONVERSION	0	0	0	0	0
40	SHIPBUILDING	23,000	27,000	23,000	23,000	-4,000
41	CONVERSION	0	0	0	0	0
42	SHIPBUILDING	23,000	27,000	23,000	23,000	-4,000
43	CONVERSION	0	0	0	0	0
44	SHIPBUILDING	23,000	27,000	23,000	23,000	-4,000
45	CONVERSION	0	0	0	0	0
46	SHIPBUILDING	23,000	27,000	23,000	23,000	-4,000
47	CONVERSION	0	0	0	0	0
48	SHIPBUILDING	23,000	27,000	23,000	23,000	-4,000
49	CONVERSION	0	0	0	0	0
50	SHIPBUILDING	23,000	27,000	23,000	23,000	-4,000
51	CONVERSION	0	0	0	0	0
52	SHIPBUILDING	23,000	27,000	23,000	23,000	-4,000
53	CONVERSION	0	0	0	0	0
54	SHIPBUILDING	23,000	27,000	23,000	23,000	-4,000
55	CONVERSION	0	0	0	0	0
56	SHIPBUILDING	23,000	27,000	23,000	23,000	-4,000
57	CONVERSION	0	0	0	0	0
58	SHIPBUILDING	23,000	27,000	23,000	23,000	-4,000
59	CONVERSION	0	0	0	0	0
60	SHIPBUILDING	23,000	27,000	23,000	23,000	-4,000
61	CONVERSION	0	0	0	0	0
62	SHIPBUILDING	23,000	27,000	23,000	23,000	-4,000
63	CONVERSION	0	0	0	0	0
64	SHIPBUILDING	23,000	27,000	23,000	23,000	-4,000
65	CONVERSION	0	0	0	0	0
66	SHIPBUILDING	23,000	27,000	23,000	23,000	-4,000
67	CONVERSION	0	0	0	0	0
68	SHIPBUILDING	23,000	27,000	23,000	23,000	-4,000
69	CONVERSION	0	0	0	0	0
70	SHIPBUILDING	23,000	27,000	23,000	23,000	-4,000
71	CONVERSION	0	0	0	0	0
72	SHIPBUILDING	23,000	27,000	23,000	23,000	-4,000
73	CONVERSION	0	0	0	0	0
74	SHIPBUILDING	23,000	27,000	23,000	23,000	-4,000
75	CONVERSION	0	0	0	0	0
76	SHIPBUILDING	23,000	27,000	23,000	23,000	-4,000
77	CONVERSION	0	0	0	0	0
78	SHIPBUILDING	23,000	27,000	23,000	23,000	-4,000
79	CONVERSION	0	0	0	0	0
80	SHIPBUILDING	23,000	27,000	23,000	23,000	-4,000
81	CONVERSION	0	0	0	0	0
82	SHIPBUILDING	23,000	27,000	23,000	23,000	-4,000
83	CONVERSION	0	0	0	0	0
84	SHIPBUILDING	23,000	27,000	23,000	23,000	-4,000
85	CONVERSION	0	0	0	0	0
86	SHIPBUILDING	23,000	27,000	23,000	23,000	-4,000
87	CONVERSION	0	0	0	0	0
88	SHIPBUILDING	23,000	27,000	23,000	23,000	-4,000
89	CONVERSION	0	0	0	0	0
90	SHIPBUILDING	23,000	27,000	23,000	23,000	-4,000
91	CONVERSION	0	0	0	0	0
92	SHIPBUILDING	23,000	27,000	23,000	23,000	-4,000
93	CONVERSION	0	0	0	0	0
94	SHIPBUILDING	23,000	27,000	23,000	23,000	-4,000
95	CONVERSION	0	0	0	0	0
96	SHIPBUILDING	23,000	27,000	23,000	23,000	-4,000
97	CONVERSION	0	0	0	0	0
98	SHIPBUILDING	23,000	27,000	23,000	23,000	-4,000
99	CONVERSION	0	0	0	0	0
100	SHIPBUILDING	23,000	27,000	23,000	23,000	-4,000

P-1 LINE	ITEM	FY1995 Request		--- House FY1995 --- Authorization		--- Senate FY1995 --- Authorization		----Conference---- Change to Request		-- Conference FY95 -- Authorization	
		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
SHIPBUILDING & CONVERSION, NAVY											
1	CARRIER REPLACEMENT PROGRAM	1	2,446,958	1	3,646,958	1	2,446,958			1	2,446,958
2	CARRIER ADVANCE PROCUREMENT (CY)										
3	SSN-21										
4	CVN REFUELING OVERHAULS		38,328		38,328		38,328				38,328
5	CGN REFUELING OVERHAULS										
6	CGN ADVANCE PROCUREMENT (CY)										
7	DDG-51	3	2,697,690	3	2,697,690	3	2,697,690			3	2,697,690
8	DDG-51 ADVANCE PROCUREMENT (CY)										
9	LHD-7								50,000		50,000
10	LHD-7 ADVANCE PROCUREMENT				100,000						
11	LSD-41 (CARGO VARIANT)										
12	MHC MINE HUNTER COASTAL										
13	MCS CONV										
14	AE(C)	1	30,553	1	30,553					1	30,553
15	AOE										
16	OCEANOGRAPHIC SHIPS										
17	SERVICE CRAFT										
18	OUTFITTING		178,154		173,154		178,154		-5,000		173,154
19	POST DELIVERY		166,937		156,437		166,937		-10,500		156,437
20	AFS (C)	1	22,837	1	22,837					1	22,837
21	FIRST DESTINATION TRANSPORTATION		3,940		3,940		3,940				3,940
	NUCLEAR SUBMARINE MINE STEAM CONDENSERS										
	PRIOR YEARS' PROGRAMS										
	ESCALATION										
	TOTAL SHIPBUILDING & CONVERSION		5,585,397		6,869,897		5,532,007		34,500		5,619,897

P-1 LINE	ITEM	FY1995 Request		--- House FY1995 --- Authorization		--- Senate FY1995 --- Authorization		---Conference--- Change to Request		-- Conference FY95 -- Authorization	
		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
OTHER PROCUREMENT, NAVY											
SHIPS SUPPORT EQUIPMENT											
	1 LM-2500 GAS TURBINE		7,429		7,429		7,429				7,429
	2 ALLISON 501K GAS TURBINE		8,188		7,000		8,188				8,188
	3 STEAM PROPULSION IMPROVEMENT		303		303		303				303
	4 OTHER PROPULSION EQUIPMENT		4,384		4,384		4,384				4,384
	5 OTHER GENERATORS		9,013		9,013		9,013				9,013
	6 OTHER PUMPS										
	7 SUBMARINE PUMP RETROFIT KITS				1,000				1,000		1,000
	8 HIGH PRESSURE AIR COMPRESSORS		172		172		172				172
	9 SUBMARINE PROPELLERS		2,422		2,422		2,422				2,422
	10 OTHER PROPELLERS AND SHAFTS		2,480		2,480		2,480				2,480
	11 ELEC SUSPENDED GYRO NAVIGATOR		2,561		2,561		2,561				2,561
	12 OTHER NAVIGATION EQUIPMENT		22,852		22,852		22,852				22,852
	13 UNDERWAY REPLENISHMENT EQUIPMENT		22,465		20,000		22,465				22,465
	14 TYPE 18 PERISCOPES										
	15 PERISCOPES AND ACCESSORIES										
	16 SUB PERISCOPES & IMAGING EQUIP		20,868		20,868		20,868				20,868
	17 FIREFIGHTING EQUIPMENT		16,419		16,419		16,419				16,419
	18 COMMAND AND CONTROL SWITCHBOARD		4,400		4,400		4,400				4,400
	19 POLLUTION CONTROL EQUIPMENT		65,867		63,867		65,867		-2,000		63,867
	20 SUBMARINE SILENCING EQUIPMENT		12,711		12,711		12,711				12,711
	21 SURFACE SHIP SILENCING EQUIPMENT		205		205		205				205
	22 SUBMARINE BATTERIES		9,610		9,610		9,610				9,610
	23 STRATEGIC PLATFORM SUPPORT EQUIP		15,281		15,281		15,281				15,281
	24 DSSP EQUIPMENT		3,691		3,691		3,691				3,691
	25 MINESWEEPING EQUIPMENT										
	26 HM&E ITEMS UNDER \$2 MILLION		36,875		36,875		36,875				36,875
	27 SURFACE IMA		4,502		4,502		4,502				4,502
	28 DEGAUSSING EQUIPMENT										
	29 RADIOLOGICAL CONTROLS		240		240		240				240
	30 MINI/MICROMINI ELECTRONIC REPAIR		1,248		1,248		1,248				1,248
	31 CHEMICAL WARFARE DETECTORS										
	32 SUBMARINE LIFE SUPPORT SYSTEM		6,909		6,909		6,909				6,909

P-1 LINE	ITEM	--- House FY1995 ---		--- Senate FY1995 ---		---Conference---		-- Conference FY95 --	
		Request Quantity	Amount	Authorization Quantity	Amount	Change to Request Quantity	Amount	Authorization Quantity	Amount
65	SURTASS		8,781		8,781		8,781		8,781
66	ASW OPERATIONS CENTER		3,346		3,346		3,346		3,346
67	CARRIER ASW MODULE		4,870		4,870		4,870		4,870
68	AN/SLQ-32		50,606		50,606		50,606		50,606
69	AN/MLR-1		6,714		6,714		6,714		6,714
70	AN/MLR-8		1,749		1,749		1,749		1,749
71	ICAD SYSTEMS		1,790		1,790		1,790		1,790
72	EW SUPPORT EQUIPMENT		9,091		9,091		9,091		9,091
73	C-3 COUNTERMEASURES		26,317		26,317		26,317		26,317
74	COMBAT DF		1,792		1,792		1,792		1,792
75	OUTBOARD		12,901		12,901		12,901		12,901
76	NAVAL INTELL PROCESSING SYSTEM								
77	AN/MLQ-4		6,034		6,034		6,034		6,034
78	AN/MLQ-4 DEPOT								
79	AN/MLQ-4 IMPROVEMENTS								
80	SUBMARINE SUPPORT EQUIPMENT PROG		5,763		5,763		5,763		5,763
81	NAVY TACTICAL DATA SYSTEM		33,243		33,243		33,243		33,243
82	TACTICAL FLAG COMMAND CENTER		20,701		20,701		20,701		20,701
83	NAVAL TACTICAL COMMAND SUPPORT SYSTEM		43,156		43,156		43,156		43,156
84	LINK 16 HARDWARE		41,911		41,911		41,911		41,911
85	MINESWEEPING SYSTEM REPLACEMENT		50,758		50,758		50,758		50,758
86	EMSP (MYP)		33,963		33,963		33,963		33,963
87	NAVSTAR GPS RECEIVERS		18,108		18,108		18,108		18,108
88	HF LINK-11 DATA TERMINALS								
89	ARMED FORCES RADIO AND TV		4,431		4,431		4,431		4,431
90	STRATEGIC PLATFORM SUPPORT EQUIP		33,380		33,380		33,380		33,380
91	OTHER SPAWAR TRAINING EQUIPMENT								
92	OTHER TRAINING EQUIPMENT		12,647		12,647		12,647		12,647
93	MATCALS		4,348		4,348		4,348		4,348
94	SHIPBOARD AIR TRAFFIC CONTROL		10,622		10,622		10,622		10,622
95	AUTOMATIC CARRIER LANDING SYSTEM		12,338		12,338		12,338		12,338
96	TACAN		1,002		1,002		1,002		1,002
97	AIR STATION SUPPORT EQUIPMENT		5,907		5,907		5,907		5,907
98	MICROWAVE LANDING SYSTEM		1,467		1,467		1,467		1,467

P-1 LINE	ITEM	FY1995 Request		--- House FY1995 --- Authorization		--- Senate FY1995 --- Authorization		----Conference---- Change to Request		-- Conference FY95 -- Authorization	
		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
99	FACSFAC		8,673		8,673		8,673				8,673
100	ID SYSTEMS		10,571		10,571		10,571				10,571
101	SURFACE IDENTIFICATION SYSTEMS		5,642		5,642		5,642				5,642
102	TADIX-B		14,363		14,363		14,363				14,363
103	NAVAL SPACE SURVEILLANCE SYSTEM										
104	SPACE SYSTEM PROCESSING										
105	NCCS ASHORE		16,102		16,102		16,102				16,102
106	RADIAC		6,235		6,235		6,235				6,235
107	OVER THE HORIZON RADAR										
108	GPETE		19,675		19,675		19,675				19,675
109	INTEG COMBAT SYSTEM TEST FACILITY		2,955		2,955		2,955				2,955
110	CALIBRATION STANDARDS		4,438		4,438		4,438				4,438
111	EMI CONTROL INSTRUMENTATION		2,687		2,687		2,687				2,687
112	SHORE ELEC ITEMS UNDER \$2 MILLION		8,448		8,448		8,448				8,448
113	SHIPBOARD TACTICAL COMMUNICATIONS		34,382		34,382		34,382				34,382
114	FLIGHT DECK COMMUNICATIONS										
115	PORTABLE RADIOS		1,987		1,987		1,987				1,987
116	SINCGARS		13,749		13,749		13,749				13,749
117	SHIP COMMUNICATIONS AUTOMATION		28,534		28,534		28,534				28,534
118	SHIP COMM ITEMS UNDER \$2 MILLION		11,076		11,076		11,076				11,076
119	SHORE LF/VLF COMMUNICATIONS		3,851		3,851		3,851				3,851
120	VERDIN										
121	SUBMARINE COMMUNICATION EQUIPMENT		6,623		6,623		6,623				6,623
122	SATCOM SHIP TERMINALS		126,363		106,363		126,363		-10,000		116,363
123	SATCOM SHORE TERMINALS		9,063		9,063		9,063				9,063
124	JCS COMMUNICATIONS EQUIPMENT		1,553		1,553		1,553				1,553
125	ELECTRICAL POWER SYSTEMS		1,480		1,480		1,480				1,480
126	SHORE HF COMMUNICATIONS										
127	DCS TECH CONTROL IMPROVEMENTS										
128	MMCCS COMMUNICATIONS EQUIPMENT		2,175		2,175		2,175				2,175
129	SHORE COMMUNICATIONS AUTOMATION										
130	SHORE COMM ITEMS UNDER \$2 MILLION										
131	NAVAL SHORE COMMUNICATIONS		25,133		25,133		25,133				25,133
132	SECURE VOICE SYSTEM		12,917		12,917		12,917				12,917

P-1 LINE	ITEM	FY1995 Request		--- House FY1995 --- Authorization		--- Senate FY1995 --- Authorization		---Conference--- Change to Request		-- Conference FY95 -- Authorization	
		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
133	SECURE DATA SYSTEM		13,213		13,213		13,213				13,213
134	KEY MANAGEMENT SYSTEMS		15,292		15,292		15,292				15,292
135	SIGNAL SECURITY										
136	CRYPTOGRAPHIC ITEMS UNDER \$2 MILL		2,850		2,850		2,850				2,850
137	CRYPTOLOGIC COMMUNICATIONS EQUIP		4,934		4,934		4,934				4,934
138	CRYPTOLOGIC ITEMS UNDER \$2 MILLION										
139	CRYPTOLOGIC RESERVES EQUIPMENT										
140	CRYPTOLOGIC FIELD TRAINING EQUIP										
141	SHORE CRYPTOLOGIC SUPPORT SYSTEM										
142	ELECT ENGINEERED MAINTENANCE		2,641		2,641		2,641				2,641
143	OTHER DRUG INTERDICTION SUPPORT										
	AVIATION SUPPORT EQUIPMENT										
144	AN/SSQ-53 (DIFAR)		24,353		24,353				-24,353		
145	AN/SSQ-77 (VLAD)		28,451		28,451				-28,451		
146	AN/SSQ-110 (EER)		11,557		11,557		37,231		25,674		37,231
146a	AN/SSQ-62 (DICASS)						22,460		22,460		22,460
146b	AN/SSQ-36 (BT)						2,300		2,300		2,300
146c	AN/SSQ-86 (DLC)						2,370		2,370		2,370
147	CARTRIDGES & CART ACTUATED DEVELOP										
148	AIRCRAFT ESCAPE ROCKETS										
149	AIR EXPENDABLE COUNTERMEASURES										
150	MARINE LOCATION MARKERS										
151	DEFENSE NUCLEAR AGENCY MATERIAL										
152	JATOS										
153	WEAPONS RANGE SUPPORT EQUIPMENT		41,606		41,606		41,606				41,606
154	EXPEDITIONARY AIRFIELDS		5,561		5,561		5,561				5,561
155	AIRCRAFT REARMING EQUIPMENT		8,801		8,801		8,801				8,801
156	CATAPULTS & ARRESTING GEAR		36,606		36,606		36,606				36,606
157	METEOROLOGICAL EQUIPMENT		21,391		21,391		21,391				21,391
158	OTHER PHOTOGRAPHIC EQUIPMENT		819		819		819				819
159	AVIATION LIFE SUPPORT		7,873		7,873		7,873				7,873
160	AIRBORNE MINE COUNTERMEASURES		295		295		295				295
161	LAMPS MK III SHIPBOARD EQUIPMENT		4,449		4,449		4,449				4,449
162	REWSON PHOTOGRAPHIC EQUIPMENT		1,063		1,063		1,063				1,063

P-1 LINE	ITEM	FY1995 Request		--- House FY1995 --- Authorization		--- Senate FY1995 --- Authorization		---Conference--- Change to Request		--- Conference FY95 --- Authorization	
		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
CIVIL ENGINEERING SUPPORT EQUIPMENT											
194	PASSENGER CARRYING VEHICLES	114	2,303	114	2,303	114	2,303			114	2,303
195	SPECIAL PURPOSE VEHICLES		8,624		8,624		8,624				8,624
196	GENERAL PURPOSE TRUCKS		11,307		11,307		11,307				11,307
197	TRAILERS/TRUCK TRACTORS		2,721		2,721		2,721				2,721
198	EARTH MOVING EQUIPMENT		4,924		4,924		4,924				4,924
199	CONSTRUCTION & MAINTENANCE EQUIP		3,267		3,267		3,267				3,267
200	FIRE FIGHTING EQUIPMENT		2,288		2,288		2,288				2,288
201	WEIGHT HANDLING EQUIPMENT		1,599		1,599		1,599				1,599
202	AMPHIBIOUS EQUIPMENT		2,866		2,866		2,866				2,866
203	COMBAT CONSTRUCTION SUPPORT EQUIP		2,314		2,314		2,314				2,314
204	MOBILE UTILITIES SUPPORT EQUIPMENT		2,175		2,175		2,175				2,175
205	COLLATERAL EQUIPMENT		4,786		4,786		4,786				4,786
206	OCEAN CONSTRUCTION EQUIPMENT		478		478		478				478
207	FLEET MOORINGS										
208	POLLUTION CONTROL EQUIPMENT		29,991		29,991		29,991				29,991
209	OTHER CIVIL ENG SUPPORT EQUIPMENT		453		453		453				453
210	NATURAL GAS UTILIZATION EQUIPMENT										
SUPPLY SUPPORT EQUIPMENT											
211	FORKLIFT TRUCKS		12,879		12,879		12,879				12,879
212	OTHER MATERIALS HANDLING EQUIPMENT		3,892		3,892		3,892				3,892
213	OTHER SUPPLY SUPPORT EQUIPMENT		3,312		3,312		3,312				3,312
214	FIRST DESTINATION TRANSPORTATION		11,699		11,699		11,699				11,699
215	SPECIAL PURPOSE SUPPLY SYSTEMS		71,479		71,479		71,479				71,479
PERSONNEL AND COMMAND SUPPORT EQUIPMENT											
216	SURFACE SONAR TRAINERS										
217	SUBMARINE SONAR TRAINERS		3,148		3,148		3,148				3,148
218	SURFACE COMBAT SYSTEM TRAINERS		3,585		3,585		3,585				3,585
219	SUBMARINE COMBAT SYSTEM TRAINERS										
220	SHIP SYSTEM TRAINERS		9		9		9				9
221	TRAINING SUPPORT EQUIPMENT		1,920		1,920		1,920				1,920
222	TRAINING DEVICE MODIFICATIONS		21,356		21,356		21,356				21,356
223	COMMAND SUPPORT EQUIPMENT		24,417		24,417		24,417				24,417
224	EDUCATION SUPPORT EQUIPMENT		6,183		6,183		6,183				6,183

P-1 LINE	ITEM	FY1995 Request		--- House FY1995 --- Authorization		--- Senate FY1995 --- Authorization		----Conference----		-- Conference FY95 -- Authorization	
		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
225	MEDICAL SUPPORT EQUIPMENT		2,955		2,955		2,955				2,955
226	INTELLIGENCE SUPPORT EQUIPMENT		33,284		33,284		34,484		-2,200		31,084
227	ITEMS UNDER \$2 MILLION		200		200		200				200
228	OPERATING FORCES SUPPORT EQUIPMENT		19,015		19,015		19,015				19,015
229	NAVAL RESERVE SUPPORT EQUIPMENT		1,863		1,863		1,863				1,863
230	ENVIRONMENTAL SUPPORT EQUIPMENT		12,685		12,685		12,685				12,685
231	PHYSICAL SECURITY EQUIPMENT		7,323		7,323		7,323				7,323
232	COMPUTER ACQUISITION PROGRAM		41,807		41,807		41,807				41,807
233	PRODUCTIVITY INVESTMENT (PIF)										
234	PROD ENHANCE INCENTIVE FUND (PEIF)										
	JOINT TRAINING, ANALYSIS & SIMULATION C						10,500		10,500		10,500
	GENERAL REDUCTION						-10,500				
235	SPARES AND REPAIR PARTS OPN		314,571		314,571		313,671		-900		313,671
	INSTALLATION OF MODIFICATIONS										
	TOTAL OTHER PROCUREMENT NAVY		3,319,418		3,241,611		3,310,217		-31,931		3,287,487

P-1 LINE	ITEM	FY1995 Request		--- House FY1995 --- Authorization		--- Senate FY1995 --- Authorization		---Conference--- Change to Request		-- Conference FY95 -- Authorization	
		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
33	HAWK MOD										
34	PEDESTAL MOUNTED STINGER (PMS) (MYP)	28	50,238	28	50,238	28	50,238			28	50,238
35	PMS ADVANCE PROCUREMENT (CY)										
36	MODIFICATION KITS		105		105		105				105
37	ITEMS LESS THAN \$2 MILLION										
38	MANPACK RADIOS AND EQUIP		1,789		1,789		1,789				1,789
39	GPS										
40	VEHICLE MTD RADIOS & EQUIP (MYP)										
41	AN/GRC-171 8(V)4										
42	TSC-96 PIP FLEET SATCOM TERMINAL	1	538	1	538	1	538				538
43	UNIT LEVEL CIRCUIT SWITCH (ULCS)										
44	TACT COMM CENTER EQUIP,										
45	JOINT TACT INFO DIST SYS (CL I)		8,805		8,805		8,805				8,805
46	SIGNAL GENERATOR										
47	AUTO TEST EQUIP SYS		4,725		4,725		4,725				4,725
48	ELECTRONIC TEST EQUIP (TEL)		4,444		4,444		4,444				4,444
49	SINGLE CHAN GRD & AIR RADIO		49,030		49,030		49,030				49,030
50	MODIFICATION KITS (TEL)		1,088		1,088		1,088				1,088
51	ITEMS LESS THAN \$2M (TEL)		1,561		1,561		1,561				1,561
52	POS LOCATING RPTG SYSTEM (PLRS)		3,083		3,083		3,083				3,083
53	TACTICAL AIR OPER MODULE (TAOM)		3,671		3,671		3,671				3,671
54	ADVANCED TACT AIR COMMAND CENTER										
55	MARINE TACTICAL C2		8,599		8,599		8,599				8,599
56	MULTI-SERV ADF FIELD ART TACTICAL DATA	113	5,140	113	5,140	113	5,140			113	5,140
57	DARP	1	28,768					-1	-28,768		
58	METEOROLOGICAL SYSTEMS	14	6,511	14	6,511	14	6,511			14	6,511
59	INTELLIGENCE SUPPORT EQUIPMENT		33,553		33,553		33,553				33,553
60	MOD KITS (INTEL)		121		121		121				121
61	ITEMS LESS THAN \$2M (INTELL)		124		124		124				124
62	ELECTRONIC TMDE REPAIR FACILITY	4	712	4	712	4	712			4	712
63	MECH TEST TMDE		926		926		926				926
64	NIGHT VISION EQUIPMENT		29,647		29,647		39,647		10,000		39,647
65	ADP EQUIPMENT		12,938		12,938		12,938				12,938
66	TEST CALIB & MAINT SPT		1,504		1,504		1,504				1,504

P-1 LINE	ITEM	FY1995 Request		--- House FY1995 ---		--- Senate FY1995 ---		---Conference---		-- Conference FY95 --	
		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
	99 DRUG INTERDICTION										
	100 SPARES AND REPAIR PARTS PHC		44,548		44,548		44,548				44,548
	TOTAL PROCUREMENT MARINE CORPS		554,620		528,352		528,857		-151,210		403,410

P-1 LINE	ITEM	--- House FY1995 ---		--- Senate FY1995 ---		---Conference---		-- Conference FY95 --	
		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
PROCUREMENT OF AMMUNITION, NAVY AND MARINE C									
NAVY AMMUNITION									
	45 GENERAL PURPOSE BOMBS							55,496	55,496
	46 2.75 INCH ROCKETS							14,500	14,500
	47 MACHINE GUN AMMUNITION							14,181	14,181
	48 PRACTICE BOMBS							12,827	12,827
	49 GATOR								
	50 CARTRIDGES & CART ACTUATED DEVICES							14,942	14,942
	51 AIRCRAFT ESCAPE ROCKETS							9,963	9,963
	52 AIR EXPENDABLE COUNTERMEASURES							12,088	12,088
	53 MARINE LOCATION MARKERS							781	781
	54 DEFENSE NUCLEAR AGENCY MATERIAL							455	455
	55 JATOS							1,418	1,418
	56 5 INCH/54 GUN AMMUNITION							59,965	59,965
	57 CIWS AMMUNITION							2,470	2,470
	58 76MM GUN AMMUNITION							13,938	13,938
	59 OTHER SHIP GUN AMMUNITION							15,139	15,139
	60 SMALL ARMS & LANDING PARTY AMMO							14,175	14,175
	61 PYROTECHNIC AND DEMOLITION							15,502	15,502
	62 MINE NEUTRALIZATION DEVICES							3,546	3,546
	63 SHIP EXPENDABLE COUNTERMEASURES							9,173	9,173
	64 SPARES AND REPAIR PARTS WPN							53,809	53,809
MARINE CORPS									
	1 5.56 MM, ALL TYPES							7,101	7,101
	2 7.62 MM, ALL TYPES							36	36
	3 LINEAR CHARGES, ALL TYPES								
	4 .50 CALIBER							6,861	6,861
	5 40 MM, ALL TYPES							12,359	12,359
	6 60 MM HE M888							16,016	16,016
	7 81 MM HE							15,662	15,662
	8 81 MM SMOKE SCREEN							4,301	4,301
	9 81MM ILLUMINATION (M853)							3,227	3,227
	10 120MM TPCSDS-T M865							10,313	10,313
	11 120 MM TP-T M831							4,937	4,937

11 750 MM (M-1) M212
 12 155MM M864 PROJ BASEBURNER
 13 9 MM ALL TYPES
 14 40 MM ATAC 220CLA
 15 87 MM M1
 16 20 MM M1 M99
 17 40 MM M1 M99
 18 40 MM M1 M99
 19 40 MM M1 M99
 20 40 MM M1 M99
 21 40 MM M1 M99
 22 40 MM M1 M99
 23 40 MM M1 M99
 24 40 MM M1 M99

P-1 LINE	ITEM	FY1995 Request		--- House FY1995 --- Authorization		--- Senate FY1995 --- Authorization		----Conference---- Change to Request		-- Conference FY95 -- Authorization	
		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
12	155MM CHG. PROP. RED BAG										
13	155MM M864 PROJ BASEBURNER										
14	FUZE, ET, XM762										
15	FUZE, ET, XM767										
16	83 MM ROCKET HEAA (SMAW)										
17	CTG 25MM, ALL TYPES										
18	25MM, TP-T, M793										
19	9 MM ALL TYPES										
20	MINES, ALL TYPES										
21	GRENADERS, ALL TYPES										
22	ROCKETS, ALL TYPES										
23	AMMO MODERNIZATION										
24	ITEMS LESS THAN \$2 MIL										
TOTAL NAVY/MARINE CORPS AMMUNITION											

25 40 MM M1 M99
 26 40 MM M1 M99
 27 40 MM M1 M99
 28 40 MM M1 M99
 29 40 MM M1 M99
 30 40 MM M1 M99
 31 40 MM M1 M99
 32 40 MM M1 M99
 33 40 MM M1 M99
 34 40 MM M1 M99
 35 40 MM M1 M99
 36 40 MM M1 M99
 37 40 MM M1 M99
 38 40 MM M1 M99
 39 40 MM M1 M99
 40 40 MM M1 M99

41 40 MM M1 M99
 42 40 MM M1 M99
 43 40 MM M1 M99
 44 40 MM M1 M99
 45 40 MM M1 M99
 46 40 MM M1 M99
 47 40 MM M1 M99
 48 40 MM M1 M99
 49 40 MM M1 M99
 50 40 MM M1 M99

AIRCRAFT PROCUREMENT, AIR FORCE
Overview

The budget request for fiscal year 1995 contained an authorization of \$6,747.6 million for

Aircraft Procurement, Air Force. The Senate bill would authorize \$6,588.0 million. The House amendment would authorize \$6,101.8 million. The conferees recommend author-

ization of \$6,489.5 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Item	House	Senate	Conferees	House	Senate	Conferees
	1994	1995	1995	1994	1995	1995
70 AF-19	7,015	9,015	9,015	7,015	9,015	9,015
28 S-111	5,042	5,042	5,042	5,042	5,042	5,042
56 F-16E	155,553	225,553	225,553	155,553	225,553	225,553
13 F-16	501,700	501,700	501,700	501,700	501,700	501,700
19 F-16	1,022	1,022	1,022	1,022	1,022	1,022
57 A-10	41,101	53,101	53,101	41,101	53,101	53,101
53 S-111	11,100	11,100	11,100	11,100	11,100	11,100
159 BOMBER LOUPE (BOMBE BROWIN)	100,000	100,000	100,000	100,000	100,000	100,000
55 B-25	32,000	32,000	32,000	32,000	32,000	32,000
51 B-10	42,000	42,000	42,000	42,000	42,000	42,000
50 B-37	62,100	62,100	62,100	62,100	62,100	62,100
ACTIVATION OF INHERITED VERTICAL						
EMERGED POWER CREDITABLE LOAN						
FB 201 VTC EPY						
78 F-16 VERTICAL (CA)	316,000	140,000	140,000	316,000	140,000	140,000
11 E-109	442,370	442,370	442,370	442,370	442,370	442,370
TRAINING INITIATION						
TR 201 VTC EPY						
13 F-16 VERTICAL (CA)	1,444	1,444	1,444	1,444	1,444	1,444
13 F-16 VERTICAL (CA)	147,103	147,103	147,103	147,103	147,103	147,103
15 F-16	151,500	151,500	151,500	151,500	151,500	151,500
11 EMERGED EFFICIENCY SCREENER						
10 50% DEAFENSES VERTICAL (VTC)	107,105	107,105	107,105	107,105	107,105	107,105
0 F-16	40,000	40,000	40,000	40,000	40,000	40,000
0 F-16						
5 F-16 VERTICAL (CA)	108,000	41,412	41,412	108,000	41,412	41,412
0 F-16 (MA)	5,015,000	4,100,514	4,100,514	5,015,000	4,100,514	4,100,514
2 F-16 VERTICAL (CA)	100,000	100,000	100,000	100,000	100,000	100,000
4 F-16 (MA)	50,000	50,000	50,000	50,000	50,000	50,000
3 F-16	300,000	300,000	300,000	300,000	300,000	300,000
5 B-25 (MA)	100,000	100,000	100,000	100,000	100,000	100,000
2 B-25 (MA)	100,000	100,000	100,000	100,000	100,000	100,000
VERTICAL (VTC) VTC LOUPE						

P-1 LINE	ITEM	FY1995 Request		--- House FY1995 --- Authorization		--- Senate FY1995 --- Authorization		----Conference----		-- Conference FY95 -- Authorization	
		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
31	T/AT-37		1,416		1,416		1,416				1,416
32	C-5		28,715		28,715		28,715				28,715
33	C-9		6,784		6,784		6,784				6,784
34	C-17A		6,108		6,108		6,108				6,108
35	C-21		2,526		2,526		2,526				2,526
36	C-22		5,108		5,108		5,108				5,108
37	C-STOL		699		699		699				699
38	C-137		1,415		1,415		1,415				1,415
39	C-141		14,506		14,506		14,506				14,506
40	T-38		25,627		25,627		25,627				25,627
41	T-41 AIRCRAFT		185		185		185				185
42	T-43		5,212		5,212		5,212				5,212
43	KC-10A (ATCA)		18,073		18,073		18,073				18,073
44	C-12		1,300		1,300		1,300				1,300
45	C-18		2,131		2,131		2,131				2,131
46	C-20 MODS		6,465		6,465		6,465				6,465
47	VC-25A MOD		796		796		796				796
48	C-130		77,041		77,041		77,041				77,041
49	C-135		103,440		107,440		60,940		-42,500		60,940
49a	KC-135 REENGINE							2	48,000	2	48,000
50	E-3		137,570		117,570		137,570				137,570
51	E-4		35,230		25,230		35,230				35,230
52	H-1										
53	H-60		306		306		306				306
54	OTHER AIRCRAFT		40,795		40,795		40,795				40,795
55	DARP MODS		3,665		3,665		3,665		65,000		68,665
56	CLASSIFIED PROJECTS		48,907		48,907		48,907				48,907
57	SPARES AND REPAIR PARTS APAF		488,894		488,894		385,796		-107,798		381,096
58	COMMON AGE		225,845		201,845		225,845		-24,000		201,845
58a	DEPLOYABLE HYDRAULIC TEST AND REPAIR FA				4,000				2,000		2,000
59	INDUSTRIAL PREPAREDNESS		52,511		52,511		52,511				52,511
60	WAR CONSUMABLES		26,587		18,587		26,587		-2,000		24,587
61	OTHER PRODUCTION CHARGES		259,467		259,467		259,467		-55,734		203,733
62	DARP SUPPORT EQUIPMENT		196,886		196,886		196,886				196,886

85	000 200001 EQUIPMENT	100'000	100'000	100'000							
87	000 200010 CHARGES	500'000	500'000	500'000							
90	000 200020	30'000	30'000	30'000							
90	000 200030	25'000	25'000	25'000							
89	000 200040	1'000	1'000	1'000							
89	000 200050	500'000	500'000	500'000							
85	000 200060	400'000	400'000	400'000							
88	000 200070	40'000	40'000	40'000							
88	000 200080	2'000	2'000	2'000							
84	000 200090	40'000	40'000	40'000							
83	000 200100	200	200	200							
83	000 200110	20'000	20'000	20'000							
80	000 200120	100'000	100'000	100'000							
80	000 200130	100'000	100'000	100'000							

P-1 LINE	NO-SPY CODE	ITEM	--- House FY1995 ---		--- Senate FY1995 ---		---Conference---		--- Conference FY95 ---		
			Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	
63		COMMON ECM EQUIPMENT		41,292		41,292				41,292	
64		OTHER PRODUCTION CHARGES - SOF		7,200		7,200				7,200	
		UNDISTRIBUTED		10,800		10,800				10,800	
61		TOTAL AIRCRAFT PROCUREMENT AIR FORCE		6,747,599		6,101,767		6,587,994		-258,132	6,489,467
60				52'053		52'053		52'053			52'053
50				14'200		14'200		14'200			14'200
40				1'412		1'412		1'412			1'412
30				800		800		800			800
20				2'100		2'100		2'100			2'100
10				5'250		5'250		5'250			5'250
00				0'000		0'000		0'000			0'000
00				0'000		0'000		0'000			0'000
00				50'112		50'112		50'112			50'112
00				1'410		1'410		1'410			1'410

HOUSE REQUEST SENATE REQUEST CONFERENCE CONFERENCE
 QUANTITY AMOUNT QUANTITY AMOUNT QUANTITY AMOUNT QUANTITY AMOUNT

E-4 procurement

The budget request contained \$35.2 million for modification of E-4 command post aircraft.

The Senate bill would authorize the requested amount.

The House amendment would reduce the requested amount by \$10.0 million and would require a report on possible additional missions for the E-4 in the post-Cold War era.

The conferees agree to authorize the requested amount, but limit the obligation of \$10.0 million until the Secretary of Defense submits the report called for in the House report (H. Rept. 103-499).

WEAPONS PROCUREMENT, AIR FORCE

Overview

The budget request for fiscal year 1995 contained an authorization of \$4,392.2 million for

Weapons Procurement, Air Force. The Senate bill would authorize \$4,330.5 million. The House amendment would authorize \$3,953.2 million. The conferees recommend authorization of \$3,732.8 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Item	Budget Request		Senate Bill		House Amendment		Conferees	
	Authority	Amount	Authority	Amount	Authority	Amount	Authority	Amount
30 DELIVERABLES (MIL) (M) (M)	50	120	50	120	50	120	50	120
31 AFA WEAPONS PROCUREMENT (CA)	50	204	50	204	50	204	50	204
32 MEDICAL AVIATION VEHICLE	3	130,000	3	130,000	3	130,000	3	130,000
33 SWIFT BOMBING BOX (MODERNIZATION) (CA)	40	600	40	600	40	600	40	600
34 CIVIL ENGINEER	20	113	20	113	20	113	20	113
35 SWAGE QUALITY PROGRAM	10	210	10	210	10	210	10	210
36 US AIR FORCE INDUSTRIAL (CA)	20	305	20	305	20	305	20	305
37 AIRCRAFT MAINTENANCE (M)	2	134,821	2	134,821	2	134,821	2	134,821
38 BOMBING BOX (MODERNIZATION)	5	205	5	205	5	205	5	205
39 SWAGE AND REPAIR VEHICLE	40	715	40	715	40	715	40	715
40 MAINTENANCE CENTER (M)	5	600	5	600	5	600	5	600
41 MAINTENANCE CENTER (M)	40	123	40	123	40	123	40	123
42 MAINTENANCE CENTER (M)	10	584	10	584	10	584	10	584
43 MAINTENANCE CENTER (M)	40	304	40	304	40	304	40	304
44 MAINTENANCE CENTER (M)	40	304	40	304	40	304	40	304
45 MAINTENANCE CENTER (M)	40	304	40	304	40	304	40	304
46 MAINTENANCE CENTER (M)	40	304	40	304	40	304	40	304
47 MAINTENANCE CENTER (M)	40	304	40	304	40	304	40	304
48 MAINTENANCE CENTER (M)	40	304	40	304	40	304	40	304
49 MAINTENANCE CENTER (M)	40	304	40	304	40	304	40	304
50 MAINTENANCE CENTER (M)	40	304	40	304	40	304	40	304
51 MAINTENANCE CENTER (M)	40	304	40	304	40	304	40	304
52 MAINTENANCE CENTER (M)	40	304	40	304	40	304	40	304
53 MAINTENANCE CENTER (M)	40	304	40	304	40	304	40	304
54 MAINTENANCE CENTER (M)	40	304	40	304	40	304	40	304
55 MAINTENANCE CENTER (M)	40	304	40	304	40	304	40	304
56 MAINTENANCE CENTER (M)	40	304	40	304	40	304	40	304
57 MAINTENANCE CENTER (M)	40	304	40	304	40	304	40	304
58 MAINTENANCE CENTER (M)	40	304	40	304	40	304	40	304
59 MAINTENANCE CENTER (M)	40	304	40	304	40	304	40	304
60 MAINTENANCE CENTER (M)	40	304	40	304	40	304	40	304
61 MAINTENANCE CENTER (M)	40	304	40	304	40	304	40	304
62 MAINTENANCE CENTER (M)	40	304	40	304	40	304	40	304
63 MAINTENANCE CENTER (M)	40	304	40	304	40	304	40	304
64 MAINTENANCE CENTER (M)	40	304	40	304	40	304	40	304
65 MAINTENANCE CENTER (M)	40	304	40	304	40	304	40	304
66 MAINTENANCE CENTER (M)	40	304	40	304	40	304	40	304
67 MAINTENANCE CENTER (M)	40	304	40	304	40	304	40	304
68 MAINTENANCE CENTER (M)	40	304	40	304	40	304	40	304
69 MAINTENANCE CENTER (M)	40	304	40	304	40	304	40	304
70 MAINTENANCE CENTER (M)	40	304	40	304	40	304	40	304
71 MAINTENANCE CENTER (M)	40	304	40	304	40	304	40	304
72 MAINTENANCE CENTER (M)	40	304	40	304	40	304	40	304
73 MAINTENANCE CENTER (M)	40	304	40	304	40	304	40	304
74 MAINTENANCE CENTER (M)	40	304	40	304	40	304	40	304
75 MAINTENANCE CENTER (M)	40	304	40	304	40	304	40	304
76 MAINTENANCE CENTER (M)	40	304	40	304	40	304	40	304
77 MAINTENANCE CENTER (M)	40	304	40	304	40	304	40	304
78 MAINTENANCE CENTER (M)	40	304	40	304	40	304	40	304
79 MAINTENANCE CENTER (M)	40	304	40	304	40	304	40	304
80 MAINTENANCE CENTER (M)	40	304	40	304	40	304	40	304
81 MAINTENANCE CENTER (M)	40	304	40	304	40	304	40	304
82 MAINTENANCE CENTER (M)	40	304	40	304	40	304	40	304
83 MAINTENANCE CENTER (M)	40	304	40	304	40	304	40	304
84 MAINTENANCE CENTER (M)	40	304	40	304	40	304	40	304
85 MAINTENANCE CENTER (M)	40	304	40	304	40	304	40	304
86 MAINTENANCE CENTER (M)	40	304	40	304	40	304	40	304
87 MAINTENANCE CENTER (M)	40	304	40	304	40	304	40	304
88 MAINTENANCE CENTER (M)	40	304	40	304	40	304	40	304
89 MAINTENANCE CENTER (M)	40	304	40	304	40	304	40	304
90 MAINTENANCE CENTER (M)	40	304	40	304	40	304	40	304
91 MAINTENANCE CENTER (M)	40	304	40	304	40	304	40	304
92 MAINTENANCE CENTER (M)	40	304	40	304	40	304	40	304
93 MAINTENANCE CENTER (M)	40	304	40	304	40	304	40	304
94 MAINTENANCE CENTER (M)	40	304	40	304	40	304	40	304
95 MAINTENANCE CENTER (M)	40	304	40	304	40	304	40	304
96 MAINTENANCE CENTER (M)	40	304	40	304	40	304	40	304
97 MAINTENANCE CENTER (M)	40	304	40	304	40	304	40	304
98 MAINTENANCE CENTER (M)	40	304	40	304	40	304	40	304
99 MAINTENANCE CENTER (M)	40	304	40	304	40	304	40	304
100 MAINTENANCE CENTER (M)	40	304	40	304	40	304	40	304

TABLE 1-1

P-1 LINE	ITEM	FY1995 Request		--- House FY1995 --- Authorization		--- Senate FY1995 --- Authorization		---Conference--- Change to Request		-- Conference FY95 -- Authorization	
		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
WEAPONS PROCUREMENT, AIR FORCE											
1	PEACEKEEPER (M-X)										
2	MISSILE REPLACEMENT EQ-BALLISTIC		16,180		16,180		16,180				16,180
3	HAVE NAP			36	26,000			36	26,000	36	26,000
4	TRI-SERVICE ATTACK MISSILE	48	373,875	48		48	308,075	-48	-373,875		
5	ADVANCED CRUISE MISSILE										
6	AMRAAM	413	309,462	413	309,462	413	309,462		-10,000	413	299,462
7	AGM-130 POWERED GBU-15	102	71,756	102	71,756	102	71,756			102	71,756
8	AGM-88A HARM										
9	TARGET DRONES	48	29,043	48	29,043	48	29,043			48	29,043
10	INDUSTRIAL FACILITIES		5,731				5,731				5,731
11	MISSILE REPLACEMENT EQ-OTHER GAMS		14,883		14,883		14,883				14,883
	BAT/TMD DEMO					128	25,000				
	GAMS/BAT/TMD DEMO						25,000				
12	HAVE NAP								40,000		40,000
13	AIR LAUNCH CRUISE MISSILE						40,000		29,500		29,500
14	PEACEKEEPER (M-X)										
15	AIM-9 SIDEWINDER		8,304		8,304		8,304				8,304
16	MM III MODIFICATIONS		18,284		7,784		6,284		-9,000		9,284
17	AGM-65D MAVERICK										
18	AGM-88A HARM		64,157		64,157		64,157				64,157
19	MODIFICATIONS UNDER \$2.0M		2,909		2,909		2,909				2,909
20	ADVANCED CRUISE MISSILE										
21	SPARES AND REPAIR PARTS WPAF		68,332		68,332		68,332				68,332
22	SPACEBORNE EQUIP (COMSEC)		2,092		2,092		2,092				2,092
23	GLOBAL POSITIONING (MYP)	5	134,831	5	134,831	5	134,831			5	134,831
24	GPS ADVANCE PROCUREMENT (CY)		55,352		55,352		55,352				55,352
25	SPACE SHUTTLE OPERATIONS		103,518		103,518		103,518				103,518
26	SPACE BOOSTERS		381,817		381,817		381,817				381,817
27	SPACE BOOSTERS ADV PROCUREMENT (CY)		40,900		40,900				-40,900		
28	MEDIUM LAUNCH VEHICLE	3	120,480	3	120,480	3	120,480			3	120,480
29	MLV ADVANCE PROCUREMENT (CY)		28,564		28,564		28,564				28,564
30	DEF METEOROLOGICAL SAT PROG		29,159		29,159		29,159				29,159

P-1 LINE	ITEM	FY1995 Request		--- House FY1995 --- Authorization		--- Senate FY1995 --- Authorization		---Conference--- Change to Request		-- Conference FY95 -- Authorization	
		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
31	DEFENSE SUPPORT PROGRAM (MYP)		363,959		363,959		363,959				363,959
32	DSP ADVANCE PROCUREMENT (CY)										
33	DEFENSE SATELLITE COMM SYSTEM		20,185		20,185		20,185				20,185
34	IONDS (MYP)	5	35,649	5	30,649	5	35,649			5	35,649
35	IONDS ADVANCE PROCUREMENT (CY)		9,954		9,954		9,954				9,954
36	SPECIAL UPDATE PROGRAMS		184,212		184,212		184,212				184,212
37	SPECIAL PROGRAMS		1,619,032		1,569,032		1,586,032		-41,500		1,577,532
38	2.75 INCH ROCKET MOTOR	40,468	13,851	40,468	13,851	40,468	13,851	-40,468	-13,851		
39	ITEMS LESS THAN \$2,000,000		1,990		1,990		1,990		-1,990		
40	5.56 MM	28,385	11,618	28,385	11,618	28,385	11,618	-28,385	-11,618		
41	20MM TRAINING	3,307	18,295	3,307	18,295	3,307	18,295	-3,307	-18,295		
42	30 MM TRAINING	2,523	23,672	2,523	23,672	2,523	23,672	-2,523	-23,672		
43	CARTRIDGE CHAFF RR-180	523	5,339	523	2,403	523	5,339	-523	-5,339		
44	CARTRIDGE CHAFF RR-188	1,513	2,351	1,513	2,351	1,513	2,351	-1,513	-2,351		
45	SIGNAL MK-4 MOD 3	710	1,466	710	1,466	710	1,466	-710	-1,466		
46	ITEMS LESS THAN \$2,000,000		4,523		4,523		4,523		-4,523		
47	TIMER ACTUATOR FIN FUZE	18,000	8,742	18,000	8,742	18,000	8,742	-18,000	-8,742		
48	GBU-15		5,613		5,613		5,613		-5,613		
49	BOMB PRACTICE 25 POUND	668,720	9,406	668,720	6,922	668,720	9,406	-668,720	-9,406		
50	SENSOR FUZED WEAPON	260	113,513	260	113,513	260	113,513	-260	-113,513		
51	ITEMS LESS THAN \$2,000,000		2,514		2,514		2,514		-2,514		
52	ITEMS LESS THAN \$2,000,000		822		822		822		-822		
53	FLARE, IR MJU-7B	766,563	16,260	766,563	6,540	766,563	16,260	-766,563	-16,260		
54	PARACHUTE FLARE LUU-2 B/B	7,572	4,025	7,572	4,025	7,572	4,025	-7,572	-4,025		
55	M-206 CARTRIDGE FLARE	311,800	9,114	311,800	9,114	311,800	9,114	-311,800	-9,114		
56	INITIAL SPARES WPAF		161		161		161		-161		
57	REPLENISHMENT SPARES WPAF		2,865		2,865		2,865		-2,865		
58	MODIFICATIONS		507		507		507		-507		
59	ITEMS LESS THAN \$2,000,000		10,271		7,068		10,271		-10,271		
60	FMU-139 FUZE		11,742		10,250		11,742		-11,742		
61	ITEMS LESS THAN \$2,000,000		60		60		60		-60		
62	M-16 A2 RIFLE	1,450	833	1,450	833	1,450	833	-1,450	-833		
TOTAL WEAPONS PROCUREMENT AIR FORCE			4,392,173		3,953,232		4,330,473		-659,328		3,732,845

P-1 LINE	ITEM	FY1995 Request		--- House FY1995 ---		--- Senate FY1995 ---		---Conference---		-- Conference FY95 --	
		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
PROCUREMENT OF AMMUNITION AIR FORCE											
38	2.75 INCH ROCKET MOTOR							40,468	13,851	40,468	13,851
39	ITEMS LESS THAN \$2,000,000								1,990		1,990
40	5.56 MM							28,385	11,618	28,385	11,618
41	20MM TRAINING							3,307	18,295	3,307	18,295
42	30 MM TRAINING							2,523	15,500	2,523	15,500
43	CARTRIDGE CHAFF RR-180							523	2,403	523	2,403
44	CARTRIDGE CHAFF RR-188							1,513	2,351	1,513	2,351
45	SIGNAL MK-4 MOD 3							710	1,466	710	1,466
46	ITEMS LESS THAN \$2,000,000								4,523		4,523
47	TIMER ACTUATOR FIN FUZE							18,000	8,742	18,000	8,742
48	GBU-15								5,613		5,613
49	BOMB PRACTICE 25 POUND							387,000	6,922	387,000	6,922
50	SENSOR FUZED WEAPON							260	113,513	260	113,513
51	ITEMS LESS THAN \$2,000,000								2,514		2,514
52	ITEMS LESS THAN \$2,000,000								822		822
53	FLARE, IR MJU-7B							766,563	6,540	766,563	6,540
54	PARACHUTE FLARE LUU-2 B/B							7,572	4,025	7,572	4,025
55	M-206 CARTRIDGE FLARE							311,800	9,114	311,800	9,114
56	INITIAL SPARES WPAF								161		161
57	REPLENISHMENT SPARES WPAF								2,865		2,865
58	MODIFICATIONS								507		507
59	ITEMS LESS THAN \$2,000,000								7,068		7,068
60	FMU-139 FUZE								10,250		10,250
61	ITEMS LESS THAN \$2,000,000								60		60
62	M-16 A2 RIFLE							1,450	833	1,450	833
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TOTAL AIR FORCE AMMUNITION											251,546

P-1 LINE	ITEM	FY1995 Request		--- House FY1995 --- Authorization		--- Senate FY1995 --- Authorization		----Conference----		-- Conference FY95 -- Authorization	
		Quantity	Amount	Quantity	Amount	Quantity	Amount	Change to Request Quantity	Amount	Quantity	Amount
33	12GA EOD SHOTGUN										
VEHICULAR EQUIPMENT											
34	SEDAN, 4 DR 4X2	296	2,621	296	2,621	296	2,621			296	2,621
35	STATION WAGON, 4X2	133	1,773	133	1,773	133	1,773			133	1,773
36	BUS, 28 PASSENGER	33	1,616	33	1,616	33	1,616			33	1,616
37	BUS - 32-44 PASSENGER	26	1,763	26	1,763	26	1,763			26	1,763
38	AMBULANCE, BUS	1	78	1	78	1	78			1	78
39	MODULAR AMBULANCE	158	8,095	158	8,095	158	8,095			158	8,095
40	14-23 PASSENGER BUS	5	196	5	196	5	196			5	196
41	LAW ENFORCEMENT VEHICLE	24	311	24	311	24	311			24	311
42	ARMORED SEDAN	2	469	2	469	2	469			2	469
43	TRUCK, STAKE/PLATFORM										
44	TRUCK, CARGO-UTILITY, 3/4T, 4X4										
45	TRUCK, CARGO-UTILITY, 1/2T, 4X2										
46	TRUCK, PICKUP, 1/2T, 4X2	192	2,139	192	2,139	192	2,139			192	2,139
47	TRUCK, PICKUP, COMPACT	471	4,399	471	4,399	471	4,399			471	4,399
48	TRUCK MULTI-STOP 1 TON 4X2	477	9,391	477	9,391	477	9,391			477	9,391
49	TRUCK, PANEL, 4X2										
50	TRUCK CARRYALL										
51	MEDIUM TACTICAL VEHICLE										
52	TRUCK, CARGO, 2 1/2T										
53	TRUCK TRACTOR, OVER 5T										
54	TRUCK, DUMP 5 TON										
55	TRUCK, UTILITY										
56	CAP VEHICLES		787		787		787				787
57	ITEMS LESS THAN \$2,000,000 2.5 TON SLEP		12,546		12,546		12,546				12,546
58	TRUCK PHONE LINE CONSTRUCTION										
59	TRUCK TANK FUEL R-11	154	22,782	154	19,000	154	22,782	-3,782		154	19,000
60	ITEMS LESS THAN \$2,000,000		6,576		6,576		6,576				6,576
61	TRUCK CRASH P-23										
62	TRUCK WATER P-26 (P-18)										
63	HEAVY RESCUE VEHICLE	14	2,389	14	2,389	14	2,389			14	2,389
64	TRUCK PUMPER P-24	14	2,479	14	2,479	14	2,479			14	2,479

P-1 LINE	ITEM	--- House FY1995 ---		--- Senate FY1995 ---		----Conference----		-- Conference FY95 --	
		Request Quantity	Amount	Authorization Quantity	Amount	Change to Request Quantity	Amount	Authorization Quantity	Amount
96	TAC SIGINT SUPPORT								
97	DRUG INTERDICTION PROGRAM								
98	IMAGERY TRANS								
99	TACTICAL WARNING SYSTEMS SUPPORT								
100	NORTH ATLANTIC DEFENSE C3								
101	DARP	22,392	22,392		9,792		-12,600		9,792
102	AUTOMATIC DATA PROCESSING EQUIP	39,121	39,121		39,121		-3,800		39,121
103	ADP OPERATIONS CONSOLIDATION								
104	WMCCS/GLOBAL COMMAND & CONTROL SYSTEM	12,623	12,623		12,623		-4,189		8,434
105	MOBILITY COMMAND AND CONTROL	16,276	16,276		16,276				16,276
106	AIR FORCE PHYSICAL SECURITY SYSTEM	25,522	25,522		25,522				25,522
107	COMBAT TRAINING RANGES	16,989	16,989		16,989				16,989
107a	ACHI TRAINING RANGES						25,000		25,000
108	C3 COUNTERMEASURES	5,426	5,426		5,426				5,426
109	BASE LEVEL DATA AUTO PROGRAM	34,093	34,093		34,093				34,093
110	AIR FORCE SATELLITE CONTROL NETWORK	25,810	25,810		25,810				25,810
111	AFMC CALS								
112	THEATER BATTLE MGT C2 SYS	45,547	45,547		45,547				45,547
113	EASTERN/WESTERN RANGE I&M	116,625	116,625		116,625				116,625
114	INFORMATION TRANSMISSION SYSTEMS	499	499		499				499
115	TELEPHONE EXCHANGE	44,872	44,872		44,872				44,872
116	JOINT TACTICAL COMM PROGRAM								
117	USTRANSCOM								
118	USCENTCOM	2,810	2,810		2,810				2,810
119	AUTOMATED TELECOMMUNICATIONS PRG	29,558	12,000		29,558		-17,558		12,000
120	MILSATCOM	3,770	3,770		3,770				3,770
121	SATELLITE TERMINALS	5,386	5,386		5,386				5,386
122	WIDEBAND SYSTEMS UPGRADE	1,433	1,433		1,433				1,433
123	MINIMUM ESSENTIAL EMER COMM NET								
124	TACTICAL C-E EQUIPMENT	41,718	41,718		41,718				41,718
125	RADIO EQUIPMENT	19,618	1,000		19,618		-18,618		1,000
126	TV EQUIPMENT (AFRTV)	2,622	2,622		2,622				2,622
127	CCTV/AUDIOVISUAL EQUIPMENT	2,286	2,286		2,286				2,286
128	ANTI JAM VOICE	390	390		390				390

P-1 LINE	ITEM	FY1995 Request		--- House FY1995 --- Authorization		--- Senate FY1995 --- Authorization		---Conference--- Change to Request		-- Conference FY95 -- Authorization	
		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
129	BASE COMM INFRASTRUCTURE		869		869		869				869
130	SPARES AND REPAIR PARTS OPAF-3										
131	CAP COM & ELECT		293		293		293				293
132	ITEMS LESS THAN \$2,000,000		9,535		9,535		9,535				9,535
133	COMM ELECT MODS		18,850		18,850		18,850				18,850
134	ANTI-JAM VOICE										
135	SPACE MODS		29,655		29,655		29,655				29,655
OTHER BASE MAINTENANCE AND SUPPORT EQUIP											
136	BASE/ALC CALIBRATION PACKAGE		10,004		10,004		10,004				10,004
137	NEWARK AFB CALIBRATION PACKAGE		1,601		1,601		1,601				1,601
138	ITEMS LESS THAN \$2,000,000		11,667		11,667		11,667				11,667
139	NIGHT VISION GOGGLES										
140	BREATHING APPARATUS TWO HOUR		4,242		4,242		4,242				4,242
141	CHEMICAL/BIOLOGICAL DEF PROG		7,736		7,736		7,736				7,736
142	ITEMS LESS THAN \$2,000,000		3,800		3,800		3,800				3,800
143	BASE MECHANIZATION EQUIPMENT		11,241		11,241		11,241				11,241
144	AIR TERMINAL MECHANIZATION EQUIP		6,863		6,863		6,863				6,863
145	ITEMS LESS THAN \$2,000,000		4,304		4,304		4,304				4,304
146	GENERATORS-MOBILE ELECTRIC		4,358		4,358		4,358				4,358
147	FLOODLIGHTS SET TYPE NF2D										
148	ITEMS LESS THAN \$2,000,000		3,539		3,539		3,539				3,539
149	BASE PROCURED EQUIPMENT		17,048		17,048		17,048				17,048
150	NATURAL GAS UTILIZATION EQUIPMENT										
151	MEDICAL/DENTAL EQUIPMENT		13,872		13,872		13,872				13,872
152	ENVIRONMENT PROJECTS		23,553		23,553		23,553				23,553
153	AIR BASE OPERABILITY		4,812		4,812		4,812				4,812
154	PALLET AIR CARGO	4,000	3,618	4,000	3,618	4,000	3,618			4,000	3,618
155	NET ASSEMBLY, 108" X 88"										
156	PHOTOGRAPHIC EQUIPMENT		6,629		6,629		6,629				6,629
157	TACTICAL SHELTER										
158	PRODUCTIVITY ENHANCEMENT		9,268		9,268		9,268				9,268
159	PRODUCTIVITY INVESTMENTS		5,092		5,092		5,092				5,092
160	MOBILITY EQUIPMENT		12,807		12,807		12,807				12,807
161	WARTIME HOST NATION SUPPORT		1,447		1,447		1,447				1,447

P-1 LINE	ITEM	FY1995 Request		--- House FY1995 --- Authorization		--- Senate FY1995 --- Authorization		----Conference----		-- Conference FY95 -- Authorization	
		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
162	SPARES AND REPAIR PARTS OPAF-4		61,026	1,000	61,026						61,026
163	ITEMS LESS THAN \$2,000,000		18,244	18,244	18,244			-2,336			15,908
164	INTELLIGENCE PRODUCTION ACTIVITY		58,050	55,704	57,050			-2,200			55,850
165	TECH SURV COUNTERMEASURES EQ		2,280	2,280	2,280						2,280
166	SR YR GROUND STATIONS										
167	DARP		65,306	65,306	65,306						65,306
168	SELECTED ACTIVITIES		5,620,346	5,494,846	5,516,846			-110,200			5,510,146
169	SPECIAL UPDATE PROGRAM		166,064	166,064	166,064						166,064
170	INDUSTRIAL PREPAREDNESS		1,020	1,020	1,020						1,020
171	MODIFICATIONS		1,020	1,020	1,020						1,020
172	FIRST DESTINATION TRANSPORTATION		13,492	13,492	13,492						13,492
	TOTAL OTHER PROCUREMENT AIR FORCE		7,078,253	6,855,423	6,961,153			-149,083			6,929,170

P-1 LINE	ITEM	FY1995 Request		--- House FY1995 --- Authorization		--- Senate FY1995 --- Authorization		----Conference---- Change to Request		-- Conference FY95 -- Authorization	
		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
PROCUREMENT, DEFENSE-WIDE											
1	MOTOR VEHICLES										
1a	ELECTRIC VEHICLES						15,000		15,000		15,000
2	MAJOR EQUIPMENT, OSD/WHS		77,780		77,780		77,780				77,780
3	DARP		250,660		301,899		292,360		62,339		312,999
4	CORPORATE INFORMATION MANAGEMENT SUPERCOMPUTERS		11,007		11,007		11,007				11,007
5	CLASSIFIED EQUIPMENT, NSA	[]	[]		[]		[]		[-9,200]		[]
6	DEFENSE AIRBORNE RECONNAISSANCE PROG		16,397		16,397		16,397				16,397
7	VEHICLES, DMA	33	1,544	33	1,544	33	1,544			33	1,544
8	OTHER CAPITAL EQUIPMENT, DMA	6	1,958	6	1,958	6	1,958			6	1,958
9	MMCCS ADP SYSTEMS		7,273		7,273		7,273				7,273
10	INFORMATION SERVICES, TRANSFER										
11	PLANS & PROGRAM ANALYSIS SUPPORT CTR		2,000		2,000		2,000				2,000
12	ITEMS LESS THAN \$2 MILLION, DISA		74,010		74,010		74,010				74,010
13	DRUG INTERDICTION SUPPORT										
14	INTELLIGENCE AND COMMUNICATIONS, DIA	[]	[]		[]		[]				[]
15	DIA INTELLIGENCE PROGRAM SUPPORT GROUP	[]	[]		[]		[]				[]
16	DEFENSE SUPPORT ACTIVITIES, DLA		9,859		9,859		9,859				9,859
17	COMMUNICATION EQUIPMENT, DMA										
18	AUTOMATED INFORMATION SYSTEM EQUIPMENT		15,402		10,402		15,402				15,402
19	VECTOR PRODUCT EQUIPMENT										
20	DEVELOPMENT TEST FACILITY										
21	MC & G MAINFRAME UPGRADE										
22	VEHICLES, DMA		116		116		116				116
23	OTHER CAPITAL EQUIPMENT, DMA		28,531		23,531		28,531				28,531
24	GEODESY AND GEOPHYSICAL EQUIPMENT										
25	VEHICLES, DIS		2,903		2,903		2,903				2,903
26	OTHER CAPITAL EQUIPMENT, DIS		1,256		1,256		1,256				1,256
27	ITEMS LESS THAN \$2 MILLION, DCAA		4,000		4,000		4,000				4,000
28	MAJOR EQUIPMENT, DSPO		11,700		11,700		11,700				11,700
29	MAJOR EQUIPMENT, DSPO										
30	MAJOR EQUIPMENT, DSPO										
31	MAJOR EQUIPMENT, OJCS		47,682		47,682		47,682				47,682

P-1 LINE	ITEM	FY1995 Request		--- House FY1995 --- Authorization		--- Senate FY1995 --- Authorization		----Conference--- Change to Request		-- Conference FY95 -- Authorization	
		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
32	OTHER CAPITAL EQUIPMENT, OSIA JOINT BIOLOGICAL DEFENSE PROGRAM								3,000	20,416	20,416
	BALLISTIC MISSILE DEFENSE ORGANIZATION										
33	PATRIOT		255,063		255,063		255,063				255,063
34	HAWK BN/C3 MODS		3,831		3,831		3,831				3,831
35	NAVY TMD		14,496				14,496				14,496
36	MAJOR EQUIPMENT, CIO	[]	[]		[]		[]				[]
37	CPMS		9,000		9,000		9,000				9,000
999	CLASSIFIED PROGRAMS		379,561		374,596		460,561		-9,200		370,361
	MENTOR-PROTEGE PROGRAM						50,000		50,000		50,000
	NATURAL GAS VEHICLES										
	NATURAL GAS CONVERSION										
	EARLY WARNING ASSURANCE				300,000						
	SPECIAL OPERATIONS COMMAND										
38	RADIO FREQUENCY MOBILE ELECTRONIC TEST		23,872		23,872		23,872				23,872
39	MC-130H COMBAT TALON II		29,688		29,688		29,688				29,688
40	AC-130U GUNSHIP ACQUISITION		71,102		71,102		71,102				71,102
41	C-130 MODIFICATIONS		65,661		65,661		65,661				65,661
42	HH-53 MODIFICATIONS		6,838		6,838		6,838				6,838
43	MH-47/MH-60 MODIFICATIONS		10,666		10,666		10,666				10,666
44	MH-60 MODIFICATIONS										
45	OTHER AIRCRAFT MODIFICATIONS										
46	OH-6 PROCUREMENT & MODIFICATIONS	7	7,381	7	7,381	7	7,381			7	7,381
47	AIRCRAFT SUPPORT		40,016		40,016		40,016				40,016
48	PC, CYCLONE CLASS		12,380		12,380		12,380		7,900		20,280
49	MK VIII MOD 1 - SEAL DELIVERY VEHICLE		11,906		11,906		11,906				11,906
50	SUBMARINE CONVERSION		12,288		12,288		12,288				12,288
51	MK V SPECIAL OPER CRAFT (MK V SOC)	2	9,595	2	9,595	2	9,595			2	9,595
52	SOF PYRO/DEMO		14,029		14,029		14,029				14,029
53	SOF PLATFORM GUN AMMUNITION		38,496		38,496		38,496				38,496
54	SOF INDIV WEAPONS AMMUNITION		10,188		10,188		10,188				10,188
55	COMM EQUIPMENT & ELECTRONICS		15,895		15,895		15,895				15,895
56	SOF INTELLIGENCE SYSTEMS		13,619		13,619		13,619				13,619
57	SOF SMALL ARMS & WEAPONS		8,530		8,530		8,530				8,530

P-1 LINE	ITEM	FY1995 Request		--- House FY1995 --- Authorization		--- Senate FY1995 --- Authorization		----Conference---- Change to Request		-- Conference FY95 -- Authorization	
		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
NATIONAL GUARD & RESERVE EQUIPMENT											
RESERVE EQUIPMENT											
ARMY RESERVE											
1	NIGHT VISION										
2	MISCELLANEOUS EQUIPMENT				10,000				50,000		50,000
	COMMUNICATIONS ELECTRONICS						15,000				
	CONSTRUCTION/TRANSPORTATION EQUIP						25,000				
	MEDICAL EQUIPMENT						25,000				
	SIMULATION EQUIPMENT						10,000				
	ENGINEERING EQUIPMENT				15,000						
	TACTICAL VEHICLES				15,000						
	SINCGARS				10,000						
3	EXTERNAL FUEL TANKS										
4	HEMTT TRUCKS										
	AUTOMATIC BUILDING MACHINES										
	M915/M916/HEAVY DUMP TRUCKS										
	5 TON FLATBED TRAILERS										
5	DRUG INTERDICTION										
NAVY RESERVE											
6	MISCELLANEOUS EQUIPMENT				25,000				50,000		50,000
	COMMUNICATIONS ELECTRONICS						15,000				
	CONSTRUCTION/TRANSPORTATION EQUIP						15,000				
	MEDICAL EQUIPMENT						25,000				
	SIMULATION EQUIPMENT						10,000				
7	C-130T AIRCRAFT				35,000						
	TACTICAL AIRLIFT AIRCRAFT							1	30,000	1	30,000
	HH-60 HELICOPTER UPGRADE KITS				39,500						
	C-9 MODS				25,000						
8	MH-53 HELICOPTERS										
9	LAMPS MK-1 ASW UPGRADE										
10	P-3 UPGRADES				42,000						
11	M1UW VAN UPGRADES				10,000						
12	FFG-7 DISPLAY SYS										
	CESE FOR EOD/M1UW				6,500						

P-1 LINE	ITEM	--- House FY1995 ---		--- Senate FY1995 ---		---Conference---		-- Conference FY95 --	
		Request Quantity	Amount	Authorization Quantity	Amount	Change to Request Quantity	Amount	Authorization Quantity	Amount
13	DRUG INTERDICTION								
	MARINE CORPS RESERVE								
14	MISCELLANEOUS EQUIPMENT		5,000				50,000		50,000
	COMMUNICATIONS ELECTRONICS				15,000				
	CONSTRUCTION/TRANSPORTATION EQUIP				10,000				
	MEDICAL EQUIPMENT				10,000				
	SIMULATION EQUIPMENT				10,000				
	SIMULATORS		15,000						
	AH-1W COBRA AIRCRAFT MODS		19,800						
	MEDIUM SUPPORT TRUCKS		7,500						
15	KC-130T AIRCRAFT								
16	AH-1W COBRA AIRCRAFT								
17	NIGHT VISION DEVICES								
	AIR FORCE RESERVE								
18	MISCELLANEOUS EQUIPMENT		1,000				20,000		20,000
	COMMUNICATIONS ELECTRONICS				25,000				
	MEDICAL EQUIPMENT				25,000				
	SIMULATION EQUIPMENT				10,000				
	SMALL ARMS SIMULATION								
19	C-130 AIRCRAFT		35,000						
	TACTICAL AIRLIFT AIRCRAFT					1	30,000	1	30,000
	KC-135 REENGINEING		24,000						
	C-130 UPGRADES		8,900						
20	MH-60G HELO								
21	DRUG INTERDICTION								
	RESERVE AIRCRAFT								
22	MISCELLANEOUS EQUIPMENT								
	NATIONAL GUARD EQUIPMENT								
	ARMY NATIONAL GUARD								
23	MISCELLANEOUS EQUIPMENT		5,000				20,000		20,000
	COMMUNICATIONS ELECTRONICS				20,000				
	CONSTRUCTION/TRANSPORTATION EQUIP				30,000				
	MEDICAL EQUIPMENT				25,000				
	SIMULATION EQUIPMENT				10,000				

P-1 LINE	ITEM	FY1995 Request		--- House FY1995 ---		--- Senate FY1995 ---		---Conference---		--- Conference FY95 ---	
		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
	AIRLIFT REPLACEMENT RADAR				10,000						
41	F-15 HSIP										
42	F-15/F-16 ENGINE UPGRADES										
43	F-15 ALE-40										
44	MCE/TASCI										
45	DRUG INTERDICTION										
NATIONAL GUARD AIRCRAFT											
46	NATIONAL GUARD AND RESERVE AIRCRAFT										
	TOTAL GUARD AND RESERVE EQUIPMENT				787,200		600,000		510,000		510,000

National Guard and reserve equipment [90[H12AU4-B1071]National G

The budget request included no funds in the National Guard and reserve equipment procurement account.

The Senate bill would provide \$600.0 million. The Senate report (S. Rept. 103-282) provided these funds in broad categories, such as medical equipment, aviation and aeromedical equipment, construction and transportation equipment, and electronic and communications equipment. The report also indicated that the funds should be focused toward those activities that meet important military needs, and also enhance the capability of the reserve components to assist civilian authorities.

The House amendment would provide \$787.2 million. The House report (H. Rept. 103-499) allocated these funds to some specific programs and some generic categories.

The conferees agree to provide \$510.0 million, as indicated in the following table. The conferees note that they have provided \$130.0 million in the Army missile procurement account to buy a battalion of multiple launch rocket system (MLRS) launchers for the Army National Guard.

NATIONAL GUARD AND RESERVE PROCUREMENT
(In millions of dollars)

	Quantity	Amount
Army Reserve:		
Miscellaneous equipment		50.0
Navy Reserve:		
Miscellaneous equipment		50.0
Tactical airlift aircraft	1	30.0
Marine Corps Reserve:		
Miscellaneous equipment		50.0
Air Force Reserve:		
Miscellaneous equipment		20.0
Tactical airlift aircraft	1	30.0
Army National Guard:		
Miscellaneous equipment		20.0
Air National Guard:		
Miscellaneous equipment		20.0
Tactical airlift aircraft	8	240.0
Total	10	510.0

The conferees agree that the funds in this account should be made available in a generic category that will:

- (1) give the reserve components maximum flexibility to identify their highest priority requirements and apply resources to filling those requirements; and
- (2) allow the purchases to enhance activities that meet important military needs, and

also enhance the capability of the reserve components to assist civilian authorities.

The conferees also agree that none of the funds in these areas be obligated until the Chief of the National Guard Bureau and the head of each reserve component have reported on the proposed use of such funds, in accordance with established reprogramming procedures.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

Overview

The budget request for fiscal year 1995 contained an authorization of \$575.3 million for Chemical Agents and Munitions Destruction, Defense. The Senate bill would authorize \$590.1 million. The House amendment would authorize \$670.3 million. The conferees recommend authorization of \$599.5 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	FY1995 Request		--- House FY1995 --- Authorization		--- Senate FY1995 --- Authorization		---Conference--- Change to Request		-- Conference FY95 -- Authorization	
		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
CHEM AGENTS & MUNITIONS DESTRUCTION, DEF											
	1 CHEM DEMILITARIZATION - ROTE		11,300		20,800		11,300		9,400		20,700
	2 CHEM DEMILITARIZATION - PROC		208,465		284,465		215,265		6,800		215,265
	3 CHEM DEMILITARIZATION - O&M		355,584		365,084		363,584		8,000		363,584
	TOTAL CHEMICAL DESTRUCTION		575,349		670,349		590,149		24,200		599,549

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Chemical agents and munitions destruction program (secs. 107, 142, and 143)

The budget request included \$575.3 million for the chemical agents and munitions destruction program.

The Senate bill contained a provision (sec. 106) that would authorize \$590.1 million for the program; authorize obligation of fiscal year 1994 appropriations for research, development, test, and evaluation for chemical agents and munitions destruction in title VI of Public Law 103-139; and amend Section 1412(f) of the Department of Defense Authorization Act of Fiscal Year 1986 to require military construction funds for the chemical agents and munitions destruction program to be included in separate defense accounts.

The House amendment contained a provision (sec. 107) that would authorize \$670.3 million for the program. The House amendment also contained a provision (sec. 1040) that would prohibit transportation of the unitary stockpile from one state to another state, and would allow chemical munitions that are not part of the unitary stockpile, which are discovered or come under the control of the Department of Defense, to be transported to the nearest chemical munitions storage facility that has the necessary permits to receive and store such items.

The conferees agree to authorize \$599.5 million for the chemical agents and munitions destruction program, an increase of \$24.2 million to the requested amount. The conferees recommend that, of the funds provided for procurement, \$22.5 million be available for the procurement of carbon filtration systems and ancillary equipment for the pollution abatement system at Tooele Army Depot and equipment modification design for all sites. Of the funds authorized for operation and maintenance, the conferees recommend that \$8.0 million be available to support Army implementation of the National Research Council (NRC) recommendations to update risk assessments for storage, handling, and disposal activities at each site; enhance the stockpile surveillance program; and implement a public outreach program. Of the funds authorized for research and development, the conferees recommend \$11.3 million for the nonstockpile program and \$9.4 million for alternative technologies to the baseline program.

The conferees agree to authorize \$25.0 million appropriated for development of alternative technologies in the Department of Defense Appropriations Act for Fiscal Year 1994. Of this amount, \$4.3 million shall be available for completion of the cryofracture design and \$20.7 million shall be available for development of alternative technologies to the baseline program.

The Senate report (S. Rept. 103-282) recommended making \$2.0 million available from funds authorized for development of alternative technologies for programs to detect low-level exposure to chemical agents. The conferees endorse the Senate position and direct the Army to work with the national weapons laboratories on these programs.

In its report to Congress on alternative technologies to the baseline program, the NRC recommended that the Army continue to monitor developments in this area. The Army has notified the conferees of its plans to implement this recommendation by awarding a contract to monitor and evaluate various research activities in alternative technologies that have continued in development since the NRC report was published.

The conferees direct the Army to report to the congressional defense committees on any emerging findings resulting from this contract and to pursue demonstration of promising alternatives to either the baseline process or to neutralization.

The conferees agree to the House provision that would prohibit transportation of a chemical munition that is part of the unitary stockpile in one state to another, and that would allow the transportation of non-stockpile chemical munitions that are discovered, or which come under the control of the Department of Defense, in one state to the nearest chemical munitions stockpile storage facility.

The conferees agree to amend section 1412(f) of Public Law 99-145 to require funds for military construction projects for the chemical agents and munitions destruction program to be included in the budget in separate defense accounts. Therefore, the conferees transfer the funds contained in the fiscal year 1995 Army budget request for the military construction of chemical agents and munitions destruction facilities to a separate defense-wide account.

Multiyear procurement authority for M1A2 tank upgrades (sec. 111)

The Senate bill contained a provision (sec. 111) that would authorize the multiyear procurement of M1A2 tank upgrades.

The House amendment contained no similar provision.

The House recedes.

The conferees agree that a multiyear procurement of M1A2 tank upgrades would benefit the Army. The conferees are concerned, however, about the Army's current proposal to reduce funding for the upgrade program substantially over the next several years, and the effect this reduction would have on the Army's ability to execute an appropriate multiyear procurement and maintain a viable industrial base. The conferees direct the Secretary of Defense to carefully review the Army's budget proposal for M1A2 tank upgrades.

Avenger (sec. 111)

The budget request included \$13.8 million for the Avenger program.

The Senate bill would authorize the requested amount for Avenger procurement.

The House amendment would deny the requested amount on the grounds that it is excess to program requirements.

The Department of Defense has recently requested authority to reprogram \$10.4 million in fiscal year 1994 Avenger funding. The conferees agree to reduce the fiscal year 1995 Avenger procurement request by \$8.4 million and to deny the reprogramming request.

The conferees learned that the Avenger multiyear procurement contract will expire in fiscal year 1995, before the Marine Corps and other services can take advantage of the Army's contract and favorable pricing terms. The conferees, therefore, agree to a provision that would grant a one-year extension of the Avenger multiyear procurement authority. The Army, as the contracting agency, may incorporate this extension into contract number DAAH01-92-C-0023.

The conferees agree to this request with the understanding that there will be no additional costs for extending the delivery schedule. The conferees note that DOD must request funds for 113 fire units in fiscal year 1996 to meet the terms of the multiyear procurement contract. The conferees point out that the fiscal year 1996 budget request must request funds either for these fire units or for contract termination costs.

Transfer of replacement Army tanks to Marine Corps Reserve (sec. 112)

The Senate bill would provide \$108.0 million more than the requested amount to fund an additional 24 M1A2 tank upgrades for the Army. The Senate bill also contained a provision (sec. 112) that would direct the Secretary of the Army to transfer, either simultaneously or in advance, one M1A2 common tank to the Marine Corps Reserve as each one of these additional M1A2 tanks is made available to the Army. The Senate intended this to be the first year of a two-year program to eliminate a shortfall of 48 tanks in the Marine Corps Reserve tank battalions.

The House amendment contained no similar provision and funding.

The House recedes.

Transfer of M1A1 tanks to the Marine Corps (sec. 113)

The Senate bill included a provision (sec. 1066) that would require the Army to transfer 84 M1A1 tanks to the Marine Corps. The provision would require that, as two M1A1 tanks become excess to the active Army's inventory requirements, one tank would be transferred to the National Guard, and one tank would be transferred to the Marine Corps, up to a total of 84 tanks for each. Thereafter, the Army would transfer all excess M1A1 tanks to the National Guard.

The House amendment included no similar provision. The House report (H. Rept. 103-499) directed the Chairman of the Joint Chiefs of Staff to review the M1A1 tank allocation and report to Congress on the results of that review.

The House recedes.

The conferees agree that this transfer should not be construed as a precedent for directing additional transfers of equipment between military services in the future. The conferees take this action to fill critical tank deficiencies in the active Marine Corps.

The conferees expect the Commission on Roles and Missions to review the allocation of armor among the services. The conferees believe that the Commission should consider the advice of the combatant commanders in this area as in the others on which they will provide advice. The conferees request the Commission to include any recommendations that it may have in its final report.

Exception to mandatory retirement of OV-1 aircraft for aircraft deployed in Korea (sec. 114)

The Senate bill contained a provision (sec. 113) that would permit the Army to use funds saved by the early retirement of OV-1 surveillance aircraft in Korea to lease a replacement surveillance capability, provided that the lease meets certain conditions. The provision also would amend existing law to permit the Army to maintain and operate OV-1 aircraft beyond fiscal year 1995.

The House amendment contained no similar provision.

The House recedes with an amendment that would permit the Army to continue to operate and maintain the OV-1s currently deployed in Korea beyond fiscal year 1995.

The conferees emphasize that the joint surveillance and target attack radar system (JSTARS) is the only wide-area moving target indicator radar program in the Department of Defense. The conferees are prepared to support an interim indications and warning capability for Korea until the Republic of Korea assumes responsibility for the mission, if the Secretary of Defense determines that the OV-1 is not sufficient and that it is impractical to use JSTARS in this role. The conferees do not support acquisition by the

Army of a new aircraft for this mission. The conferees direct the Secretary of Defense to inform the congressional defense committees promptly of his decisions on surveillance support in Korea.

Joint service small arms program (sec. 115)

The Senate bill contained a provision (sec. 114) that would authorize the multiyear procurement of small arms to meet the inventory objectives of the army and to sustain a reduced industrial base over an extended period until follow-on weapons are ready for production. The provision also would authorize additional funds for small arms development and require development of a small arms master plan.

The House amendment contained no similar provision.

The House recedes.
The conferees direct the Army to procure as many weapons as possible within the funding levels provided.

The conferees note that, in response to previous congressional direction, the Under Secretary of Defense (Acquisition and Technology) has completed an assessment of management initiatives to improve the transition of small arms technologies from the technology base to development and to ensure full coordination of the joint service small arms program and individual service-unique small arms programs. The conferees support these actions and direct that they be reflected in the revised joint service small arms master plan required by the Senate provision.

Bunker defeat munition (sec. 116)

The budget request included \$2.6 million in RDT&E in PE 64802 and \$7.8 million for procurement of the bunker defeat munition (BDM).

The Senate bill included a provision (sec. 115) that would authorize \$7.8 million to permit the Army to procure up to 6,000 type-classified standard BDM rounds and \$2.6 million in RDT&E accounts for type-classification of the weapon.

The House amendment would deny funding for BDM.

The House recedes with an amendment. The conferees agree to deny RDT&E funds and to provide \$7.1 million to procure no more than 6,000 BDM weapons. The conferees agree that a limited procurement of BDM munitions is reasonable to provide an interim capability for one light division until the SRAW/MPIM is ready for fielding. No RDT&E funds are authorized because the BDM can be type-classified for limited procurement for contingency operations without additional funds.

The army is joining the Marine Corps to develop a weapon which combines the capabilities of the Marine Corps short-range antiarmor weapon (SRAW) with the warhead technology developed in the Army's multipurpose individual munition (MPIM) program. This effort should result in a light-weight, shoulder-fired, low-signature/backblast general purpose weapon system that should be ready for fielding around fiscal year 2000.

Procurement of helicopters (sec. 117)

The budget request included no funds to buy additional AH-64 attack helicopters or to modify additional OH-58D scout helicopters.

The House amendment contained a provision (sec. 111) that would repeal sections 132 and 133 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189). Section 132 precludes further purchases of AH-64 helicopters. Section

133 includes a similar prohibition for the OH-58D scout helicopter program. The House amendment would also authorize an additional \$72.0 million to buy six AH-64 helicopters and an additional \$225.0 million to modify 36 OH-58D helicopters.

The Senate bill contained no similar provision and funding.

The Senate recedes with an amendment that would relax the prohibitions on continuing the AH-64 and OH-58D programs for fiscal year 1995. In addition, the conferees agree to provide an additional \$72.0 million for six AH-64 helicopters and an additional \$150.0 million for 24 OH-58D modifications.

Nuclear aircraft carrier program (sec. 121)

The Senate bill contained a provision (sec. 121) that would authorize transfer of \$1.2 billion from the National Defense Sealift Fund to the shipbuilding and conversion, Navy account. The provision specified that the transferred funds would be available for the CVN-76 nuclear aircraft carrier program.

The House amendment contained a provision (sec. 161) that would prohibit the transfer of funds to fund the CVN-76 construction. The House recedes.

Limitation on cost of Seawolf submarine program (sec. 122)

The Senate bill included a provision (sec. 122) that would impose a cost cap on the first two *Seawolf* submarines. The provision would permit automatic adjustments to the cost cap for (1) the amount of outfitting and post-delivery costs for these two vessels, (2) changes attributable to inflation, and (3) increased costs attributable to compliance with changes in federal, state, and local laws.

The House amendment included a provision (sec. 125) that would impose an absolute cost cap on the first two *Seawolf* submarines.

Limitation on acquisition of guidance systems for Trident II missiles (sec. 123)

The Senate bill contained a provision (sec. 1098) that would limit the acquisition of guidance units for Trident II missiles to 14 units unless the Secretary of Defense certifies to the congressional defense committees that failure to procure additional units would pose an unacceptable risk to the long-term readiness and reliability of the Trident II missile program.

The House amendment contained a similar provision (sec. 122).

Prohibition on Trident II backfit (sec. 124)

The House amendment contained a provision (sec. 123) that would prohibit the backfit of Trident II missiles into Trident missile submarines now equipped to carry Trident I missiles, unless the Secretary of Defense determines that adherence to the prohibition would result in a significant national security risk to the United States.

The Senate bill contained no similar provision.

Inclusion of conversion of vessels in fast sealift program (sec. 125)

The House amendment contained a provision (sec. 124) that would amend section 1424(b) of the National Defense Authorization Act for Fiscal Year 1991. This provision would clarify that the legislative requirements for sealift ships apply identically to newly constructed and converted ships.

The Senate bill contained no similar provision.

The House recedes.

Limitation on procurement of TAGS vessels (sec. 126)

The House amendment contained a provision (sec. 126) that would prohibit the Secretary of the Navy from obligating funds for any of the vessels designated TAGS-63, TAGS-64, or TAGS-65, unless the Secretary certifies to the congressional defense committees that the multibeam sonars to be used on those vessels (whether new or re-manufactured) have been obtained through competitive acquisition procedures.

The Senate bill contained no similar provision.

Naval amphibious ready groups (sec. 127)

The Senate bill contained a provision (sec. 123) that would make findings on the importance of amphibious ready groups, express the sense of Congress that the Navy should budget to attain a twelfth amphibious ready group and its associated LHD-7 amphibious assault ship as soon as possible, direct the Secretary of the Navy to begin negotiations to extend the existing contract option for the LHD-7 ship, and require him to report on the Department of the Navy's intentions with respect to executing the existing contract option for the LHD-7.

The Senate bill included no funding for the LHD-7 amphibious assault ship.

The House amendment contained no similar provision, but would provide \$100.0 million for LHD-7 advance procurement.

The House recedes. The conferees agree to authorize \$50.0 million that may be used to extend the contract option for the LHD-7.

Intertheater airlift programs (sec. 131)

The House amendment contained a provision (sec. 131) that would authorize funds for procurement of non-developmental alternative aircraft (NDAA) and the C-17 airlift aircraft. The provision would require the Secretary of Defense to use competitive procedures to select the source for the NDAA program. The provision would also require the Secretary to structure NDAA acquisition so that the Air Force's aggregate intertheater airlift capacity is preserved.

The Senate bill contained no similar provision.

The Senate recedes with an amendment. The conferees agree that maintaining aggregate airlift capacity is important. However, the conferees recommend that this concern be expressed as a sense of Congress provision, rather than as a legislative requirement.

Settlement of claims under the C-17 aircraft program (sec. 132)

The Senate bill contained a provision (sec. 131) that would authorize the settlement of certain claims under the C-17 aircraft program.

The House amendment contained no similar provision.

Enhanced bomber capability fund (sec. 133)

The Senate bill contained a provision (sec. 141) that would provide \$150.0 million for a bomber industrial base fund and exempt those funds from the existing B-2 bomber cost cap.

The House amendment contained a provision (sec. 132) that would provide that any expenditures by the Department of Defense to preserve the B-2 bomber industrial facilities would be charged against the B-2 bomber cost cap.

The House recedes with an amendment.

The conferees agree to recommend \$125.0 million for an enhanced bomber capability fund. The conferees further agree to require

the Secretary of Defense to conduct new analyses of both bomber requirements in the near term and long term, and, should the Secretary conclude that the planned bomber program does not meet those requirements, examine alternative strategies to enhance bomber capabilities to meet those requirements and report his results to the congressional defense committees no later than April 15, 1995. Requirements would be defined, and bomber capabilities measured, for three time periods: 1998, 2006, and 2014.

In the event the Secretary determines that additional bomber capabilities are required, he shall examine alternative strategies for acquiring them, including, but not limited to:

(1) acceleration of planned upgrades to existing bombers and additional munitions and support for them;

(2) initiation of a program to develop a new, lower-cost "next generation" bomber oriented toward conventional warfare; and

(3) a resumption of low-rate production of additional B-2 bombers, or variants thereof, oriented toward conventional warfare.

As part of these analyses, the Secretary shall determine those core capabilities, which would take extended periods of time or substantial expense to regenerate and which are in imminent danger of being lost, that are needed to maintain the ability to design, develop, and produce bombers in the near term or long term.

While the analyses are ongoing, the Secretary may obligate up to \$100.0 million both to conduct these analyses and to preserve those parts of the core capabilities described above. The conferees believe that the Secretary should report to Congress where and why such funds are to be spent before obligating them. The conferees understand that, because these assessments of the bomber industrial base will proceed over time, the Secretary may determine at various times throughout the study periods the need to fund appropriate core capabilities of the base.

Following completion of these analyses and an interim report on bomber issues from the Commission on Roles and Missions, but not later than July 1, 1995, the Secretary shall report the results, and his recommendations thereon, to the congressional defense committees. Thereafter, he may obligate all remaining unobligated balances to implement his recommendations, including funds for further preservation of core capabilities, if he so recommends.

Should the Secretary conclude from his analyses that a new "next-generation" bomber is required, he may obligate up to \$25.0 million for requirements formulation and conceptual studies for a conventional-conflict-oriented, lower-cost next-generation bomber.

The conferees agree that none of the enhanced bomber capability funds may be used for advance procurement of new B-2 bomber aircraft, including long-lead items, and that subsections (c) and (d) of section 131 of the National Defense Authorization Act for Fiscal Year 1994, which established cost and numerical caps on the B-2 program, are unaffected by any provision in this act.

Retirement of bomber aircraft (sec. 134)

The Senate bill contained a provision (sec. 132) that would prohibit retirement of any B-52, B-1B, or F-111 aircraft during fiscal year 1995, and contained \$18.0 million in operation and maintenance funds to retain additional B-52H aircraft in attrition reserve status.

The House amendment contained no similar provision.

The House recedes and agrees to the inclusion of \$18.0 million in operation and maintenance funds to retain B-52 bombers.

Evaluation of restart of C-5B aircraft procurement (sec. 135)

The House amendment contained a provision (sec. 134) that would require the Secretary of the Air Force to evaluate the costs of restarting production of C-5B aircraft for the strategic airlift mission, and to submit a report to the congressional defense committees on the evaluation.

The Senate bill contained no similar provision.

The Senate recedes.

Sales authority of working-capital funded Army industrial facilities (sec. 141)

The Senate bill contained a provision (sec. 143) that would authorize Army industrial facilities, including Army arsenals, to sell commercial articles or services to persons outside DOD if the Secretary of the Army determines that the articles or services are not readily available from a commercial source.

The House amendment contained no similar provision.

The House recedes.

LEGISLATIVE PROVISIONS NOT ADOPTED

Joint training, analysis, and simulation center

The Senate bill contained a provision (sec. 107) that would authorize \$10.5 million for procurement of command, control, communications, and computer equipment for a joint training, analysis, and simulation center for the United States Atlantic Command.

The House amendment contained no similar provision.

The Senate recedes. The conferees agree to authorize \$10.5 million for this program within the Other Procurement, Navy account.

Termination of the F-14A/B upgrade program

The budget request included \$158.3 million in procurement funds for the F-14A/B upgrade program, and \$142.3 million in research and development funds for the F-14 Block I upgrade program.

The House amendment included a provision (sec. 121) that would terminate the F-14 A/B aircraft upgrade program. The House report (H. Rept. 103-499) directed the Navy to use the requested funds to convert existing F-14 aircraft into FA-14 variants with capabilities equivalent to the Air Force F-15E "Strike Eagle."

The Senate bill contained no similar provision. The Senate report (S. Rept. 103-282) directed the Navy to cancel the Block I upgrade program because the Senate was persuaded that the Navy budget will not be able to afford the ultimate \$1.6 billion cost of this program.

The House recedes. The conferees agree to provide the requested amount in F-14 procurement and \$29.4 million in research and development for programs unrelated to the Block I upgrade program.

Advanced capability (ADCAP) modification program for the MK-48 torpedo

The House amendment contained a provision (sec. 127) that would shift \$52.3 million from the fleet satellite communications program to the advanced capability (ADCAP) modification program for the MK-48 torpedo.

The Senate bill contained no similar provision.

The House recedes.

Bomber force upgrade program

The House amendment contained a provision (sec. 133) that would provide \$100.0 million for a bomber upgrade fund.

The Senate bill contained no similar provision.

The House recedes. Funding for bomber improvements is described elsewhere in this statement of the managers.

Fiscal year 1995 national defense sealift fund program

The House amendment contained a provision (sec. 162) that would authorize \$608.6 million from the fiscal year 1994 unappropriated National Defense Sealift Fund appropriation to be available for fiscal year 1995 National Defense Sealift Fund programs.

The Senate bill contained no similar provision.

The House recedes.

Transfer of excess amount to BRAC III account

The House amendment contained a provision (sec. 163) that would transfer \$591.4 million from the fiscal year 1994 unappropriated appropriation for the National Defense Sealift Fund to the base realignment and closure account, part III account.

The Senate bill contained no similar provision.

The House recedes.

Fiscal Year 1994 unappropriated sealift appropriation defined

The House amendment contained a provision (sec. 164) that would define, for purposes of the subtitle, the term "fiscal year 1994" unappropriated sealift appropriation." The term would be defined to mean \$1,200.0 million of the amount appropriated for fiscal year 1994 to the National Defense Sealift Fund (in title V of the Department of Defense Appropriations Act for Fiscal Year 1994 (Public Law 103-139; 107 Stat. 1435)).

The Senate bill contained no similar provision.

The House recedes.

Operation of sealift vessels for which assistance is provided through National Defense Sealift Fund

The House amendment contained a provision (sec. 165) that would preclude the Department of Defense and Transportation from directly operating or maintaining any vessels constructed, altered, converted, purchased, operated, maintained, leased, or chartered with funds from the National Defense Sealift Fund. The provision would also preclude civilian employees of the United States from crewing these vessels.

The Senate bill contained no similar provision.

The House recedes.

The conferees agree that the Department of Defense and Transportation must thoroughly evaluate the costs and benefits of employing a private contractor before making a final decision to operate, maintain, or man any national defense sealift vessel with U.S. civilian employees.

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

Overview

The budget request for fiscal year 1995 contained an authorization of \$36,225.0 million for research, development, test and evaluation in the Department of Defense. The Senate bill would authorize \$35,790.9 million. The House amendment would authorize \$35,979.2 million. The conferees recommend authorization of \$36,017.0 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 1995 contained an authorization of \$5,260.1 million for

Army research, development, test and evaluation. The Senate bill would authorize \$4,152.3 million. The House amendment

would authorize \$5,424.8 million. The conferees recommend authorization of \$5,319.5 million, as delineated in the following table.

Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Item	House	Senate												
31 05100V	5,308	5,308	5,308	5,308	5,308	5,308	5,308	5,308	5,308	5,308	5,308	5,308	5,308	5,308
30 05100V	418	418	418	418	418	418	418	418	418	418	418	418	418	418
50 05100V	83,250	83,250	83,250	83,250	83,250	83,250	83,250	83,250	83,250	83,250	83,250	83,250	83,250	83,250
50 05100V	31,852	31,852	31,852	31,852	31,852	31,852	31,852	31,852	31,852	31,852	31,852	31,852	31,852	31,852
51 05100V	10,484	10,484	10,484	10,484	10,484	10,484	10,484	10,484	10,484	10,484	10,484	10,484	10,484	10,484
50 05100V	41,501	41,501	41,501	41,501	41,501	41,501	41,501	41,501	41,501	41,501	41,501	41,501	41,501	41,501
52 05100V	4,232	4,232	4,232	4,232	4,232	4,232	4,232	4,232	4,232	4,232	4,232	4,232	4,232	4,232
54	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
50 05100V	0	0	0	0	0	0	0	0	0	0	0	0	0	0
53 05100V	52,000	52,000	52,000	52,000	52,000	52,000	52,000	52,000	52,000	52,000	52,000	52,000	52,000	52,000
55 05100V	14,300	14,300	14,300	14,300	14,300	14,300	14,300	14,300	14,300	14,300	14,300	14,300	14,300	14,300
57 05100V	18,400	18,400	18,400	18,400	18,400	18,400	18,400	18,400	18,400	18,400	18,400	18,400	18,400	18,400
50 05100V	51,855	51,855	51,855	51,855	51,855	51,855	51,855	51,855	51,855	51,855	51,855	51,855	51,855	51,855
70 05100V	50,100	50,100	50,100	50,100	50,100	50,100	50,100	50,100	50,100	50,100	50,100	50,100	50,100	50,100
71 05100V	2,352	2,352	2,352	2,352	2,352	2,352	2,352	2,352	2,352	2,352	2,352	2,352	2,352	2,352
72 05100V	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000
73 05100V	45,125	45,125	45,125	45,125	45,125	45,125	45,125	45,125	45,125	45,125	45,125	45,125	45,125	45,125
72 05100V	52,000	52,000	52,000	52,000	52,000	52,000	52,000	52,000	52,000	52,000	52,000	52,000	52,000	52,000
74 05100V	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000
75 05100V	21,215	21,215	21,215	21,215	21,215	21,215	21,215	21,215	21,215	21,215	21,215	21,215	21,215	21,215
76 05100V	0	0	0	0	0	0	0	0	0	0	0	0	0	0
77 05100V	53,000	53,000	53,000	53,000	53,000	53,000	53,000	53,000	53,000	53,000	53,000	53,000	53,000	53,000
78 05100V	10,500	10,500	10,500	10,500	10,500	10,500	10,500	10,500	10,500	10,500	10,500	10,500	10,500	10,500
79 05100V	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
80 05100V	0	0	0	0	0	0	0	0	0	0	0	0	0	0
81 05100V	11,000	11,000	11,000	11,000	11,000	11,000	11,000	11,000	11,000	11,000	11,000	11,000	11,000	11,000
82 05100V	30,000	30,000	30,000	30,000	30,000	30,000	30,000	30,000	30,000	30,000	30,000	30,000	30,000	30,000
83 05100V	11,000	11,000	11,000	11,000	11,000	11,000	11,000	11,000	11,000	11,000	11,000	11,000	11,000	11,000
84 05100V	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000
85 05100V	0	0	0	0	0	0	0	0	0	0	0	0	0	0
86 05100V	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
87 05100V	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
88 05100V	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
89 05100V	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
90 05100V	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
91 05100V	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
92 05100V	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
93 05100V	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
94 05100V	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
95 05100V	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
96 05100V	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
97 05100V	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
98 05100V	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
99 05100V	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
100 05100V	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000

VNSA INTELLIGENCE INTERFERENCE TECHNOLOGY
 MEDICAL TECHNOLOGY
 MEDICAL TECHNOLOGY
 FUTURE TECHNOLOGY
 MICROBIOLOGICAL TECHNOLOGY
 MATERIALS TECHNOLOGY
 COMPUTERS AND SOFTWARE TECHNOLOGY
 SPACE TECHNOLOGY
 COMMAND, CONTROL, COMMUNICATIONS TECH
 NON-LEthal WEAPONRY TECHNOLOGY
 ENVIRONMENTAL TECHNOLOGY
 HUMAN VEHICLE ENGINEERING TECHNOLOGY
 HIGH ALTITUDE TECHNOLOGY
 ELECTRONICS AND ELECTRONIC DEVICES
 REMOTE AND AUTOMATIC TECHNOLOGY
 TROOP SERVICE SUPPORT WEAPONRY
 CHEMISTRY, DRUGS AND EXPLOSIVE DEVELOPING TECH
 BATTERIES TECHNOLOGY
 COMBAT VEHICLES AND AUXILIARY TECHNOLOGY
 WEAPONRY AND SIMULATION
 SYSTEMS RESEARCH TECHNOLOGY
 MISSILE TECHNOLOGY
 SEA TECHNOLOGY
 NAVIGATION TECHNOLOGY
 AIRCRAFT
 ECONOMIC SUBSISTENCE AND LOGGING TECH
 INTELLIGENCE TECHNOLOGY
 AIRCRAFT
 ELECTRONIC WARFARE AND HABITAT CHARACTERIS
 DEFENSE RESEARCH CENTER
 INTELLIGENCE TECHNOLOGY, INFORMATION TECHNOLOGY
 RESEARCH DEVELOPMENT TEST & EVALUATION

R-1 Line	PE	Program	FY 1995 Request	House Authorized	Senate Authorized	Conference Change to Request	FY 1995 Conference Authorized
1	61101A	RESEARCH DEVELOPMENT TEST & EVAL ARMY IN-HOUSE LABORATORY INDEPENDENT RESEARCH	13,717	13,717	13,717		13,717
2	61102A	DEFENSE RESEARCH SCIENCES	195,346	209,346	225,346	10,650	205,996
3	61104A	ELECTROMECHANICS AND HYPERVELOC PHYSICS	5,050	8,700	8,650	3,600	8,650
4	62104A	TRACTOR ROSE	7,591	7,591	7,591		7,591
5	62105A	MATERIALS TECHNOLOGY	11,083	11,083	15,083	4,000	15,083
6	62120A	ELECTRONIC SURVIVABILITY AND FUZING TECH	26,036	32,036	26,036	3,000	29,036
7	62122A	TRACTOR HIP	11,502	11,502	11,502		11,502
8	62123A	TRACTOR FIELD	0	0	0		0
9	62211A	AVIATION TECHNOLOGY	19,993	19,993	19,993		19,993
10	62270A	EW TECHNOLOGY	18,256	18,256	18,256		18,256
11	62303A	MISSILE TECHNOLOGY	23,301	23,301	23,301		23,301
12	62307A	LASER WEAPONS TECHNOLOGY	0	4,000	0	4,000	4,000
13	62308A	MODELING AND SIMULATION	51,517	41,517	54,517	3,000	54,517
14	62601A	COMBAT VEHICLE AND AUTOMOTIVE TECHNOLOGY	28,330	28,330	28,330		28,330
15	62618A	BALLISTICS TECHNOLOGY	25,692	25,692	25,692		25,692
16	62622A	CHEMICAL, SMOKE AND EQUIP DEFEATING TECH	29,657	42,157	18,957	4,000	33,657
17	62623A	JOINT SERVICE SMALL ARMS PROGRAM	5,326	5,326	5,826	500	5,826
18	62624A	WEAPONS AND MUNITIONS TECHNOLOGY	28,163	36,163	28,163	8,000	36,163
19	62705A	ELECTRONICS AND ELECTRONIC DEVICES	21,222	24,222	24,222	2,000	23,222
20	62709A	NIGHT VISION TECHNOLOGY	19,406	19,406	19,406		19,406
21	62716A	HUMAN FACTORS ENGINEERING TECHNOLOGY	14,393	14,393	14,393		14,393
22	62720A	ENVIRONMENTAL QUALITY TECHNOLOGY	25,887	39,387	30,887	13,500	39,387
23	62727A	NON-SYSTEM TRAINING DEVICE TECHNOLOGY	0	0	0		0
24	62782A	COMMAND, CONTROL, COMMUNICATIONS TECH	16,900	16,900	16,900		16,900
24a		PROJECT PLOWSHARES			5,000	5,000	5,000
25	62783A	COMPUTER AND SOFTWARE TECHNOLOGY	4,635	4,635	4,635		4,635
26	62784A	MILITARY ENGINEERING TECHNOLOGY	41,201	41,201	41,201		41,201
27	62785A	MANPOWER/PERSONNEL/TRAINING TECHNOLOGY	10,484	10,484	10,484		10,484
28	62786A	LOGISTICS TECHNOLOGY	31,825	31,825	31,825		31,825
29	62787A	MEDICAL TECHNOLOGY	87,529	93,029	87,529	5,000	92,529
30	62788A	TRACTOR FLOP	418	418	418		418
31	62789A	ARMY ARTIFICIAL INTELLIGENCE TECHNOLOGY	2,388	2,388	2,388		2,388

R-1 Line	PE	Program	FY 1995 Request	House Authorized	Senate Authorized	Conference Change to Request	FY 1995 Conference Authorized
32	62813A	TRACTOR DUMP	0	0	0		0
33	63001A	LOGISTICS ADVANCED TECHNOLOGY	14,386	14,386	14,386		14,386
34	63002A	MEDICAL ADVANCED TECHNOLOGY	41,028	86,028	53,028	12,000	53,028
35	63003A	AVIATION ADVANCED TECHNOLOGY	51,350	63,850	51,350	3,000	54,350
36	63004A	WEAPONS & MUNITIONS ADVANCED TECHNOLOGY	25,562	32,562	25,562	7,000	32,562
37	63005A	COMBAT VEHICLE AND AUTOMOTIVE ADV TECH	59,414	62,414	59,414	3,000	62,414
38	63006A	COMMAND, CONTROL, COMMUNIC ADV TECH	17,179	17,179	17,179		17,179
39	63007A	MANPOWER, PERSONNEL & TRAINING ADV TECH	5,698	5,698	5,698		5,698
40	63009A	TRACTOR HIKE	5,399	5,399	5,399		5,399
41	63012A	TRACTOR HOLE	7,813	7,813	7,813		7,813
42	63013A	TRACTOR DIRT	1,665	1,665	1,665		1,665
43	63017A	TRACTOR RED	10,167	10,167	10,167		10,167
44	63020A	TRACTOR ROSE	3,240	3,240	3,240		3,240
45	63102A	MATERIALS AND STRUCTURES ADVANCED TECH	0	0	0		0
46	63105A	AIDS RESEARCH	3,185	3,185	3,185		3,185
47	63122A	TRACTOR HIP	4,600	4,600	4,600		4,600
48	63238A	GLOBAL SURV/AIR DEFENSE/PRECISION STRIKE	41,834	41,834	41,834		41,834
49	63270A	EW TECHNOLOGY	6,967	6,967	6,967		6,967
50	63313A	MISSILE AND ROCKET ADVANCED TECHNOLOGY	94,602	88,502	98,502	-6,100	88,502
51	63322A	TRACTOR CAGE	17,497	17,497	17,497		17,497
52	63606A	LANDMINE WARFARE AND BARRIER ADV TECH	11,950	21,950	21,950	10,000	21,950
53	63607A	JOINT SERVICE SMALL ARMS PROGRAM	5,746	5,746	7,246	1,500	7,246
54	63654A	LINE-OF-SIGHT, ANTITANK (LOSAT)	4,937	4,937	4,937		4,937
55	63710A	NIGHT VISION ADVANCED TECHNOLOGY	33,612	33,612	33,612		33,612
56	63734A	MILITARY ENGINEERING ADVANCED TECHNOLOGY	12,829	12,829	12,829		12,829
57	63742A	ADVANCED ELECTRONIC DEVICES DEVELOPMENT	0	0	0		0
58	63759A	CHEMICAL BIOLOGICAL DEFENSE & SMOKE ADV	198	198	198		198
59	63772A	ADV TACTICAL COMPUTER SCIENCE & TECH	34,995	39,995	39,995		34,995
60	63018A	TRACTOR TREAD	20,752	5,752	20,752	0	20,752
61	63019A	TRACTOR DUMP	15,786	15,786	15,786		15,786
62	63053A	ADVANCED COMMAND AND CONTROL VEHICLE	0	0	0		0
63	63303A	SURFACE-TO-SURFACE MISSILE ROCKET SYSTEM	0	0	0		0
64	63392A	ANTI-SATELLITE WEAPON (ASAT)	0	0	0		0
65	63604A	NUCLEAR MUNITIONS - ADV DEV	0	0	0		0

R-1 Line	PE	Program	FY 1995 Request	House Authorized	Senate Authorized	Conference Change to Request	FY 1995 Conference Authorized
66	63617A	NON-LINE OF SIGHT (N-LOS)	0	0	0		0
67	63619A	LANDMINE WARFARE AND BARRIER - ADV DEV	23,944	23,944	23,944		23,944
68	63627A	SMOKE, OBSCURANT & TARGET DEFEATING SYS	2,821	2,821	2,821		2,821
69	63639A	ARMAMENT ENHANCEMENT INITIATIVE	[]	0	0	[8,500]	0
70	63640A	ARTILLERY PROPELLANT DEVELOPMENT	8,137	18,137	8,137	17,800	25,937
71	63645A	ARMORED SYSTEM MODERNIZATION - ADV DEV	175,476	175,476	175,476		175,476
72	63647A	TRACTOR DIRT	416	416	416		416
73	63649A	ENGINEER MOBILITY EQUIPMENT ADV DEVELOP	11,339	11,339	15,939	4,600	15,939
74	63653A	ADVANCED TANK ARMAMENT SYSTEM (ATAS)	10,075	10,075	2,575	-7,500	2,575
75	63713A	ARMY DATA DISTRIBUTION SYSTEM	5,587	5,587	5,587		5,587
76	63730A	TACTICAL SURVEILLANCE SYSTEM - ADV DEV	11,870	11,870	11,870		11,870
77	63745A	TACTICAL ELECTRONIC SUPPORT SYS- ADV DEV	1,718	1,718	1,718		1,718
78	63746A	SINCGARS ADV DEV	0	0	0		0
79	63747A	SOLDIER SUPPORT AND SURVIVABILITY	11,795	11,795	11,795		11,795
80	63760A	DISTRIBUTIVE INTERACTIVE SIMULATION	11,787	11,787	11,787		11,787
81	63766A	TACTICAL ELECTRONIC SURVEILLANCE SYSTEM	15,008	10,008	15,008	0	15,008
82	63774A	NIGHT VISION SYSTEMS ADVANCED DEVELOP	2,715	2,715	2,715		2,715
83	63801A	AVIATION - ADV DEV	9,367	14,867	9,367	7,500	16,867
84	63802A	WEAPONS AND MUNITIONS - ADV DEV	663	5,263	663	600	1,263
85	63804A	LOGISTICS AND ENGINEER EQUIP - ADV DEV	5,581	6,881	7,581	3,300	8,881
86	63805A	COMBAT SERVICE SUPPORT COMPUTER SYS EVAL	18,876	18,876	18,876		18,876
87	63806A	NBC DEFENSE SYSTEM-ADV DEV	13,778	22,078	13,778	1,900	15,678
88	63807A	MEDICAL SYSTEMS - ADV DEV	17,495	17,495	17,495		17,495
89	63811A	METEOROLOGICAL DATA SYSTEMS	0	0	0		0
90	63831A	CLASSIFIED PROGRAM	[]	0	0		0
91	63830A	CLASSIFIED PROGRAM	[]	0	0		0
998		DEM/VAL CLASSIFIED	13,992	30,992	13,992	8,500	22,492
92	64201A	AIRCRAFT AVIONICS	14,433	14,433	14,433		14,433
93	64220A	ARMED, DEPLOYABLE OH-58D	0	0	0		0
94	64223A	COMANCHE	525,182	525,182	525,182		525,182
95	64270A	EW DEVELOPMENT	89,122	93,122	89,122	0	89,122
96	64315A	TRI-SERVICE STANDOFF ATTACK MISSILE	82,458	0	32,458	-62,458	20,000
97	64321A	ALL SOURCE ANALYSIS SYSTEM	42,891	32,891	42,891	0	42,891
98	64603A	NUCLEAR MUNITIONS - ENG DEV	0	0	0		0

R-1 Line	PE	Program	FY 1995 Request	House Authorized	Senate Authorized	Conference Change to Request	FY 1995 Conference Authorized
99	64604A	MEDIUM TACTICAL VEHICLES	6,541	6,541	6,541		6,541
100	64609A	SMOKE, OBSCURANT & TARGET DEFEATING SYS	3,754	3,754	3,754		3,754
101	64611A	JAVELIN	31,337	31,337	34,737	3,400	34,737
102	64619A	LANDMINE WARFARE	33,843	33,843	33,843		33,843
103	64622A	HEAVY TACTICAL VEHICLES	0	0	0		0
104	64630A	ADVANCED TANK CANON	0	0	0		0
105	64633A	AIR TRAFFIC CONTROL	7,873	7,873	7,873		7,873
106	64640A	ADVANCED COMMAND/CONTROL VEHICLE (AC2V)	32,159	32,159	32,159		32,159
107	64642A	LIGHT TACTICAL WHEELED VEHICLES	3,479	3,479	0	-3,479	0
108	64645A	ARMORED SYSTEMS MODERNIZATION (ASM)	51,097	51,097	51,097	12,000	63,097
109	64649A	ENGINEER MOBILITY EQUIPMENT DEVELOPMENT	16,865	16,865	12,265	-4,600	12,265
110	64710A	NIGHT VISION SYSTEMS - ENG DEV	43,379	43,379	43,379		43,379
111	64713A	COMBAT FEEDING, CLOTHING, AND EQUIPMENT	25,058	25,058	25,058		25,058
112	64715A	NON-SYSTEM TRAINING DEVICES - ENG DEV	48,329	48,329	48,329		48,329
113	64716A	TERRAIN INFORMATION - ENG DEV	10,547	10,547	10,547		10,547
114	64726A	INTEGRATED METEOROLOGICAL SUPPORT SYSTEM	0	0	0		0
115	64740A	TACTICAL SURVEILLANCE SYSTEM - ENG DEV	2,121	2,121	2,121		2,121
116	64741A	AIR DEFENSE COMMAND, CONTROL AND INTELL	26,494	26,494	26,494		26,494
117	64746A	AUTOMATIC TEST EQUIPMENT DEVELOPMENT	7,201	17,201	7,201	8,500	15,701
118	64760A	DISTRIBUTIVE INTERACTIVE SIMULATION	8,041	8,041	8,041		8,041
119	64766A	TACTICAL ELECTRONIC SURVEILLANCE SYSTEM	28,475	28,475	28,475		28,475
120	64767A	TRACTOR JEWEL	0	0	0		0
121	64768A	TRACTOR BAT	109,011	119,011	119,111	10,100	119,111
122	64770A	JOINT SURVEILL/TARGET ATTACK RADAR SYS	40,186	40,186	40,186		40,186
123	64778A	POSITIONING SYSTEMS DEVELOPMENT	3,846	3,846	3,846		3,846
124	64780A	COMBINED ARMS TACTICAL TRAINER (CATT)	52,160	52,160	52,160		52,160
125	64801A	AVIATION - ENG DEV	4,672	4,672	4,672		4,672
126	64802A	WEAPONS AND MUNITIONS - ENG DEV	9,130	25,130	9,130	5,400	14,530
127	64804A	LOGISTICS AND ENGINEER EQUIPMENT-ENG DEV	21,171	22,271	21,171	1,100	22,271
128	64805A	COMMAND, CONTROL, COMMUNICATIONS SYSTEMS	11,386	11,386	11,386		11,386
129	64806A	NBC DEFENSE SYSTEM-ENG DEV	13,474	48,274	13,474	10,700	24,174
130	64807A	MEDICAL MATERIEL/MEDICAL BIOLOGICAL DEF	12,799	12,799	12,799		12,799
131	64808A	LANDMINE WARFARE/BARRIER - ENG DEV	7,794	7,794	7,794		7,794
132	64814A	SENSE AND DESTROY ARMAMENT MISSILE	72,071	10,000	42,071	-30,000	42,071

R-1 Line	PE	Program	FY 1995 Request	House Authorized	Senate Authorized	Conference Change to Request	FY 1995 Conference Authorized
133	64816A	Longbow - Eng Dev	191,303	191,303	191,303		191,303
134	64817A	Non-cooperative Target Recognition	13,666	13,666	13,666	5,500	19,166
135	64818A	Army Tactical Command & Control Systems	19,296	19,296	19,296		19,296
136	64820A	Radar Development	10,999	10,999	10,999		10,999
137	64256A	Threat Simulator Development	20,270	20,270	20,270		20,270
138	64258A	Target Systems Development	14,092	14,092	14,092		14,092
139	64759A	Major T&E Investment	55,536	55,536	30,536	-11,000	44,536
140	65103A	Rand Arroyo Center	15,838	15,838	15,838		15,838
141	65104A	Los Alamos Meson Physics Facility	0	0	0	20,000	20,000
142	65301A	Army Kwajalein Atoll	167,697	167,697	167,697		167,697
143	65502A	Small Business Innovative Research	0	0	0		0
144	65601A	Army Test Ranges and Facilities	154,420	154,420	144,420	-10,000	144,420
145	65602A	Army Technical Test Instrument/Targets	41,895	41,895	31,895	-10,000	31,895
146	65604A	Survivability/Lethality Analysis	37,757	37,757	37,757		37,757
147	65605A	DOD High Energy Laser Test Facility	0	0	20,000	20,000	20,000
148	65702A	Meteorological Support to RDT&E Activ	12,434	12,434	12,434		12,434
149	65706A	Materiel Systems Analysis	19,011	19,011	19,011		19,011
150	65709A	Exploitation of Foreign Items	12,027	12,027	12,027		12,027
151	65710A	JTCB POC, Test/Assess, Smoke Assess, NBC	4,779	4,779	4,779		4,779
152	65712A	Support of Operational Testing	31,917	31,917	31,917		31,917
153	65801A	Programwide Activities	103,262	103,262	93,262	-10,000	93,262
154	65802A	International Cooperative Research & Dev	1,638	1,638	1,638		1,638
155	65803A	Technical Information Activities	13,304	13,304	13,304		13,304
156	65805A	Munitions Standardization, Effectiveness	7,038	7,038	7,038		7,038
157	65810A	RDT&E Support for Nondevelopmental Items	3,524	3,524	3,524		3,524
158	65856A	Environmental Compliance	49,907	49,907	44,907	-1,600	48,307
159	65872A	Productivity Investments	0	0	0		0
160	65876A	Minor Construction (RPM) - RDT&E	5,745	5,745	5,745		5,745
161	65878A	Maintenance and Repair (RPM) - RDT&E	91,970	91,970	91,970		91,970
162	65889A	RDTE Support to CINC Counternarcotics	0	0	0		0
163	65896A	Base Operations - RDT&E	297,083	297,083	267,083	-15,000	282,083
164	65898A	Management Headquarters (R & D)	11,679	11,679	11,679		11,679
165	99999A	Financing for Cancelled Account Adjust	0	0	0		0
166	63778A	MLRS Product Improvement Program	55,699	71,799	55,699	16,100	71,799

R-1 Line	PE	Program	FY 1995 Request	House Authorized	Senate Authorized	Conference Change to Request	FY 1995 Conference Authorized
167	23726A	ADV FIELD ARTILLERY TACTICAL DATA SYS	48,725	48,725	48,725		48,725
168	23735A	COMBAT VEHICLE IMPROVEMENT PROGRAMS	111,279	111,279	144,079	17,900	129,179
169	23740A	MANEUVER CONTROL SYSTEM	37,936	37,936	37,936		37,936
170	23744A	AIRCRAFT MODIFICATIONS/PRODUCT IMPROVE	9,564	9,564	9,564		9,564
171	23752A	AIRCRAFT ENGINE COMPONENT IMPROVE PROG	3,035	3,035	3,035		3,035
172	23758A	DIGITIZATION	75,857	125,857	78,857	20,000	95,857
173	23801A	MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT	24,610	34,610	29,610	13,000	37,610
174	23802A	OTHER MISSILE PRODUCT IMPROVEMENT PROG	74,380	78,380	64,280	-8,100	66,280
175	23806A	TRACTOR RIG	2,686	2,686	2,686		2,686
176	23808A	TRACTOR CARD	14,554	14,554	14,554		14,554
177	28010A	JOINT TACTICAL COMMUNIC PROG (TRI-TAC)	19,542	19,542	19,542		19,542
178	28051A	JOINT BIOLOGICAL DEFENSE PROGRAM	52,895	52,895	0	-52,895	0
179	31359A	SPECIAL ARMY PROGRAM	[]	0	0		0
180	33140A	INFORMATION SYSTEMS SECURITY PROGRAM	7,689	7,689	7,689		7,689
181	33142A	SATCOM GROUND ENVIRONMENT	95,191	95,191	95,191		95,191
182	33152A	WORLD-WIDE MILITARY COMMAND AND CONTROL	0	0	0		0
183	35127A	FOREIGN COUNTERINTELLIGENCE ACTIVITIES	[]	0	0		0
184	35150A	AIRBORNE RECONNAISSANCE LOW	11,429	11,429	11,429		11,429
185	35889A	COUNTERDRUG INTELLIGENCE SUPPORT	0	0	0		0
186	78045A	MANUFACTURING SCIENCE AND TECHNOLOGY	0	0	30,000	29,420	29,420
999		OPERATIONAL SYSTEMS CLASSIFIED	6,866	6,866	6,866		6,866
		CIVILIAN UNDERSTRENGTH			-48,400	-50,400	-50,400
		FEDERAL WORKFORCE RESTRUCTURING ACT			2,500	2,500	2,500
		GENERAL REDUCTION UNIVERSITY RESEARCH					0
		CIVILIAN PERSONNEL PAY/LOCALITY PAY RAISES					0
		TOTAL RDT&E ARMY	5,260,082	5,424,803	5,152,308	59,438	5,319,520

University-related environmental technology

The conferees recommend an additional \$10.0 million in PE 601102A to fund a competitively-awarded grant for computing, data, and communications networks and associated facilities in support of engineering biotechnology facilities.

Domestic source for PAN fiber

The budget request contained no funds for PAN fibers.

The Senate bill would provide \$4.0 million to develop a domestic source for PAN fiber production.

The House amendment contained no similar funding.

The Senate report (S. Rept. 103-282) expressed concern that there are no domestic suppliers for high-modulus polyacrylonitrile (PAN) fiber. Composite materials using this fiber have a unique combination of specific strength and stiffness. A number of future systems (e.g., the THAAD missile) are examining the use of advanced composites using PAN fiber. Although two U.S. companies have developed high modulus PAN fibers, neither has been qualified to go into production. The conferees have been advised that the Army is concerned that it cannot guarantee future availability in the amounts required unless the material is ordered far ahead of time as a long-lead item.

The conferees agree to authorize an additional \$4.0 million in PE 62105A in order to qualify at least two domestic sources for high modulus PAN fiber. The conferees agree that these funds may not be obligated unless the Army has firm contractual commitments from two domestic sources to qualify for future DOD production requirements.

Passive microwave camera

The budget request contained no funding for passive microwave camera research.

The Senate bill contained no funding for this research.

The House amendment would authorize \$6.0 million to continue development of the passive microwave camera to detect targets in adverse weather and other obscuring conditions.

Solid state dye laser

The budget request contained no funding for solid state dye lasers.

The Senate bill contained no funding for this research.

The House amendment would authorize \$4.0 million in PE 62307A for solid state dye laser applications in the medical field.

Battery technology

The Senate bill would authorize no additional funding for battery technology development in the Army.

The House amendment would authorize \$3.0 million for low-cost reusable alkaline manganese batteries.

The conferees agree to authorize an additional \$2.0 million in PE 62705A for the development of battery technologies to meet the wide range of Army needs on the modern battlefield.

Environmental quality

The budget request contained \$62.731 million for environmental quality exploratory development in PE 62720A.

The Senate bill would authorize an additional \$5.0 million for unexploded ordnance remediation at Jefferson Proving Ground.

The House amendment would authorize an additional \$13.5 million for several programs, including \$5.0 million for Jefferson Proving Ground; \$4.0 million for the bioremediation education, science, and technology (BEST)

program; and \$4.5 million for continuing the joint Departments of Defense and Agriculture program in biotechnology.

The conferees agree to authorize an additional \$13.5 million to fund the programs recommended in the Senate bill and the House amendment.

Helicopter air-to-air missile evaluation

The budget request contained no funding for helicopter air-to-air missile evaluations.

The Senate bill contained no funding for this research.

The House amendment would authorize an additional \$12.5 million in PE 63003A to initiate a proof-of-principle examination and full-scale integration of an air-to-air Starstreak missile on an appropriate platform.

The conferees agree to authorize an additional \$3.0 million in PE 63003A for an evaluation of the Starstreak missile on the AH-64 Apache helicopter.

Diesel engine evaluation

The budget request contained no funding for an evaluation of Haeco II diesel combined-cycle engines in the 400-to-600 horsepower range.

The House amendment would authorize \$3.0 million for the Haeco II evaluation by the U.S. Army tank command.

The Senate contained no similar funding.

*The Senate recedes.**Enhanced fiber optic guided missile/rapid force projection advanced concept technology demonstration*

The budget request included \$107.6 million in various program elements for the enhanced fiber optic guided missile system (EFOG-M) as a project within the advanced concept technology demonstration (ACTD) program.

The Senate bill would authorize the requested amount for the EFOG-M but expressed concern over the potential cost, performance, and force structure plans and requirements, as well as the possibility that the Army may be forced into EFOG-M development by the Office of the Secretary of Defense.

The House amendment would reduce the requested amount by \$10.0 million and direct the Army to resolve congressional concerns regarding performance in realistic operational battlefield conditions and limited planned simulations and gaming.

The conferees agreed to reduce the requested amount for EFOG-M project by \$10.0 million and direct the Army to address the concerns expressed in the House and Senate reports (H. Rept. 103-499 and S. Rept. 103-282).

The conferees are also concerned that the rapid force projection ACTD focuses almost exclusively in its early phases on the development and demonstration of the EFOG-M. The conferees are aware of proposals for demonstrating capabilities of precision guided mortars in later phases of the ACTD program. The conferees believe that these alternatives should be accelerated so that the Army and the Department of Defense will have field experience with these systems and a basis for conducting an adequate cost and operational effectiveness analysis. The conferees strongly encourage the Secretary of the Army and the Under Secretary of Defense (Acquisition and Technology) to address these issues prior to submission of the fiscal year 1996 budget request.

Countermining warfare program

The Senate bill recommended an increased authorization of \$10.0 million in PE 63606A for Army efforts to improve mine detection

and neutralization, with an emphasis on technologies that can be shared in an international environment.

The House amendment also recommended a \$10.0 million increase in this program element to initiate an Army-led, integrated mine countermeasure research and development program. The House report (H. Rept. 103-499) indicated that this effort should concentrate on mine clearance in operations other than war (OOTW), and should be coordinated with the other military services and the Advanced Research Projects Agency (ARPA). The House report also required the Secretary of the Army to prepare and deliver a plan for this initiative to the congressional defense committees by February 15, 1995.

The conferees agree that the Defense Department should develop a fully coordinated program for countermining warfare. As a part of this program, the conferees encourage the Secretary of Defense to identify an executive agent to:

(1) coordinate all aspects of the landmine warfare program, from procurement to removal;

(2) develop an overarching strategic, operational, and tactical concept for the use of mines and countermining operations, including materiel development and inventory objectives; and

(3) exploit mine countermeasure doctrine, training capabilities, technical data, and equipment for application to peacetime demining efforts of other governmental and nongovernmental agencies.

The conferees believe that these activities should be coordinated with the other military services, the Humanitarian and Refugee Affairs Office within the Office of the Assistant Secretary of Defense (Special Operations and Low Intensity Conflict), and ARPA. The conferees reiterate the requirement for the Secretary of the Army to provide the plan for this countermining/demining initiative to the congressional defense committees by February 15, 1995.

Kinetic energy tank round

The budget request contained no funding for development of the X-rod, a 120mm rocket-boosted kinetic energy tank round.

The House amendment would authorize an additional \$17.0 million to bridge the X-rod kinetic energy tank round program activities through fiscal year 1995.

The Senate bill contained no similar funding.

The conferees agree to authorize \$8.5 million for X-rod development.

Advanced field artillery system/artillery propellant development

Both the Senate report (S. Rept. 103-282) and the House report (H. Rept. 103-499) expressed concerns about the Army's program to develop the advanced field artillery system (AFAS), the maturity of the liquid propellant (LP) gun technology being developed for the AFAS, and the need to maintain an advanced solid propellant armament system in parallel development as a potential backup for the AFAS liquid propellant armament system.

The House amendment recommended a \$10.0 million increase in PE 63640A to continue the type-classification of the XM-230 unicharge advanced solid propellant in existing 39-caliber, 155mm cannons and to assess the feasibility of adapting a 52-caliber, unicharge cannon for integration into the M109 series howitzer.

The Senate bill did not contain a similar funding increase.

The conferees strongly support the modernization of Army artillery through the

AFAS program. The conferees understand that the XM46 liquid propellant is preferred over others. The conferees believe, however, that the Army must maintain a robust unicharge program as a back-up to the development of LP for the AFAS and for potential application to other cannon artillery weapon systems.

The conferees, therefore, recommend an authorization of \$25.937 million in PE 63640A, an increase of \$17.8 million above the requested amount, to continue engineering development of the XM297 cannon, to continue development of the XM-194 bolt-in/bolt-out gun mount for potential use in the M109A6 Paladin, and to type-classify the XM230 unicharge propellant for the standard 39-caliber artillery cannon.

The conferees expect the Army to demonstrate conclusively the ability to weaponize the liquid propellant armament system prior to the elimination of unicharge as a cannon propulsion alternative for the AFAS. The conferees also direct the Army to ensure the development of a domestic supply of basic hydroxyl amine nitrate chemistry for the production of liquid propellant, should it be selected as the propellant for the AFAS.

Advanced boresight equipment

The budget request included \$1.4 million (PE 63801A), \$1.3 million (PE 25633N), and \$0.9 million (PE 79026F) in the Army, Navy, and Air Force research and development accounts for advanced boresight equipment. The Army is currently coordinating the advanced boresight program.

The Senate bill would authorize the requested amounts.

The House amendment would authorize an additional \$1.0 million each for the Navy and the Air Force.

The conferees agree to authorize an additional \$2.0 million for the Army.

Tactical bridging

The Senate bill would authorize the application of \$2.0 million in prior-year funds and an additional \$2.0 million of fiscal year 1995 funds in PE 63804A for an evaluation of medium assault bridge techniques and technologies to support the armored gun system (AGS).

The House amendment would authorize \$1.3 million in PE 63804A and \$1.1 million in PE 64804A for completing technical data packages and type-classification of the heavy tactical bridge and common bridge transporter.

The conferees agree to authorize funding for both medium and heavy tactical bridging programs, as recommended by the Senate bill and the House amendment.

Armored gun system

The budget request included \$44.77 million for continued testing and engineering development of the armored gun system (AGS).

Both the Senate bill and the House amendment would authorize the requested amount.

Since the budget request was submitted, the Army determined that additional funding was needed to provide suitable vehicles for operational testing. The conferees agree to authorize an additional \$12.0 million in PE 64645A to decrease concurrency risks by refurbishing six test vehicles for use in early operational test and evaluation. These funds may also be used for manufacturing enhancements on AGS components in order to reduce unit production costs and keep the supplier base active.

Automatic test equipment

The budget request contained \$7.2 million for development of automatic test equipment for the Army.

The Senate bill would authorize the requested amount.

The House amendment would authorize an additional \$10.0 million for the integrated family of test equipment (IFTE).

The conferees agree to authorize \$8.5 million above the requested amount for IFTE. The conferees continue to support a single family of test equipment for the Army's electronic maintenance needs. However, the conferees believe that the Army should continue to use existing multipurpose direct support electrical systems test sets to support the Abrams main battle tank and the Bradley fighting vehicle throughout the life of these systems and to include such equipment in the IFTE family when such equipment is more cost-effective.

Weapons and munitions engineering development

The budget request included \$9.13 million in PE 64802A for weapons and munitions engineering development.

The Senate bill would authorize the requested amount.

The House amendment recommended an increase of \$16.0 million for development of the XM930 illumination cartridge and continued development of the XM931 full-range training cartridge for the 120mm mortar system.

The conferees recommend a total authorization of \$14.5 million, including \$6.0 million for development of the XM930 illumination cartridge and \$2.0 million for continued development of the XM931 full-range training cartridge. The conferees also recommend a reduction of \$2.6 million for engineering and manufacturing development of the bunker defeating munitions with the understanding that these funds are no longer required for the program.

Battlefield combat identification system

The budget request contained \$13.7 million in PE 6481A for development of the battlefield combat identification system (BCIS).

The Senate bill would authorize the requested amount.

The House amendment would authorize an additional \$5.0 million in RDT&E and \$11.0 million in procurement to accelerate the BCIS program.

The conferees recognize the importance of fielding capabilities as soon as possible to reduce battlefield fratricide and agree to authorize an additional \$5.5 million in PE 64817A for further development of BCIS. The conferees share the Army's concern with the cost of BCIS and recognize the potential of the battlefield digitization program to provide much-improved identification friend or foe capabilities. The conferees also agree, however, that BCIS is promising technology and should be developed and evaluated.

Mobile automated instrumentation system

The budget request contained \$55.3 million for major test and evaluation investment in PE 64759A.

The Senate bill would reduce the requested amount by \$25.0 million.

The House amendment would authorize the requested amount.

The conferees agree to a reduction of \$11.0 million from the requested amount. The conferees further agree that \$14.0 million of the funds authorized for PE 64759A is specifically for the mobile automated instrumentation system.

High energy laser systems test facility

The budget request included no funds for the DOD high energy laser systems test facility (HELSTF).

The Senate bill would authorize \$20.0 million for HELSTF, of which \$2.5 million is available to carry out the U.S. share of the Nautilus tactical laser effort with Israel.

The House amendment included no funds for HELSTF.

The House recedes. As pointed out in the High Power Laser Guidance Report submitted by the Department of Defense to Congress in June 1994, HELSTF is the only integrated, megawatt-class laser facility with the only fully instrumented high-power laser range and environmentally-approved test area available to DOD. It will be used not only for the Army Nautilus program, but for the Navy point defense demonstration and the Air Force airborne laser lethality demonstration as well. The conferees agree that the Joint Directors of Laboratories (JDL) Technology Panel for Directed Energy Weapons should seek to ensure the role of HELSTF as an affordable and cost-effective DOD research and test facility to support both high-power laser and optical tracking programs. The panel should do this by determining how best to reduce overhead costs through automation and other restructuring measures. The conferees expect to see this important facility, including any facility improvements recommended by the JDL, included in the fiscal year 1996 budget request.

Multiple launch rockets

The budget request contained \$55.7 million for development of the extended-range version of the multiple launch rocket system (ER-MLRS). The Army requested no funds for MLRS rocket production. The Army request presumed using \$15.0 million of prior-year funds to maintain a production capability (a so-called "warm-line" fund).

The Senate bill would authorize the requested amount.

The House amendment would authorize an additional \$16.1 million for a fuze facility. The Army planned to fund this facility in fiscal year 1996.

The conferees agree that it would be preferable to avoid a production break in the MLRS program. However, the Army does not require additional tactical rockets of the existing type, and the inventory of practice rockets will last until the next decade. The conferees believe that the production date of the ER rocket itself might be accelerated, but there is risk in the development of the wind-sensing device required to achieve prescribed accuracies at long ranges. Foreign sales are possible, but unlikely due to high unit costs.

The conferees agree to authorize \$16.1 million for the fuze facility. This action could make it possible to accelerate the production schedule of the ER rocket. This measure would make sense only if additional rockets are procured in fiscal year 1995. The conferees, therefore, agree to authorize an additional \$10.0 million for rocket production and direct the Army to apply the \$15.0 million in prior-year funds to rocket production to maintain the minimum sustaining production rate of 6,000 rounds. The conferees direct the Army to use the fiscal year 1996 funds programmed for the fuze facility for the MLRS program in fiscal year 1996. The conferees would support ER rocket production in fiscal year 1996 if the Army determines that wind-sensor development is mature enough or that the level of concurrency is acceptable in this program. Otherwise, the conferees believe that the funds should be applied to warm-line expenses.

The conferees also authorize the Army to initiate in fiscal year 1995 the improved launcher mechanical system (ILMS) for

MLRS and to synchronize that program with the improved fire control system within available funds. The conferees also encourage DOD and the contractor to renew attempts to avoid production breaks by making foreign military sales of MLRS, especially to the Republic of Korea. MLRS is as superb counter-batter weapon, and South Korea is faced with a formidable artillery and rocket threat.

M1A2 improvements

The Senate bill would authorize \$25.0 million to accelerate development of an eye-safe laser and second-generation forward-looking infrared sensor for the M1A2 tank and other combat vehicles.

The House amendment contained no similar funding.

The House recedes.

The conferees understand that the cost in fiscal year 1995 to accelerate these programs is \$17.9 million, instead of \$25.0 million, and agree to authorize that amount.

Air defense missiles

The budget request contained \$24.6 million for Army air defense missile product improvements.

The Senate bill would authorize an additional \$5.0 million to accelerate development of the Block II fire-and-forget seeker for the Stinger retrofit program.

The House amendment would authorize an additional \$10.0 million, with half the amount for Stinger and half the amount to platoon-level tests of the Starstreak missile.

The conferees agree to authorize \$5.0 million for acceleration of the Stinger Block II, and \$8.0 million for the evaluation of Starstreak.

The conferees direct the Secretary of the Army to undertake an operational assessment, to be conducted by the Army Operational Test and Evaluation Command, of the Starstreak and Stinger missile programs and report to the congressional defense committees by March 1, 1995. The report should address: (1) total inventory requirements for air defense missiles of the Stinger/Starstreak type; (2) the life-cycle costs of

adding Starstreak to the inventory, including costs to modify launch platforms, compared to the costs of upgrading Stinger; (3) the operational effectiveness of the Block II Stinger compared to Starstreak; (4) the results of Starstreak evaluations conducted to date; and (5) the Secretary's recommendations concerning the acquisition of Starstreak.

Chemical-biological defense program

The budget request included \$505.6 million for chemical-biological defense programs in the military services and defense agencies accounts.

The House amendment would authorize an increase of \$55.6 million for the following three Army research and development programs: \$12.5 million for PE 0602622A; \$34.8 million for PE 0604806A; and \$8.3 million for PE 0603806A.

The Senate bill would reduce the following programs in the Army research and development and procurement accounts by \$93.5 million: \$9.5 million reduction for procurement of chemical-biological shelters; \$20.4 reduction for joint biological defense procurement; \$10.7 million reduction to PE 602622A; and \$53.0 million reduction for PE 0208051A.

The conferees agree to authorize an increase of \$16.6 million to the following Army research and defense accounts: \$4.0 million in PE 0602622A; \$10.7 million in PE 0604806A; and \$1.9 million in PE 0603806A. Further, the conferees agree to transfer research and development and procurement funds requested for joint biological defense in PE 028051A and line 121, other procurement, Army, to separate defense agency program elements pursuant to congressional direction in title XVII of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160). The conferees also recommend that the Department utilize resources and technologies, existing and under development at the national weapons laboratories, the military service laboratories, and industry, in the chemical-biological defense program. The conferees remain concerned that the Department has not submitted three reports on the chemical-bio-

logical defense program. The three reports address: (1) the feasibility of the National Institutes of Health conducting all federal research relating to medical countermeasures against biowarfare agents (required by the national Institutes of Health Revitalization Act of 1993 and due by December 1993); (2) the necessity for a dedicated Department of Defense vaccine production facility (required by the National Defense Authorization Act for Fiscal Year 1994); and (3) measures taken to improve management, joint coordination, and oversight of the chemical-biological defense program (required by title XVII of the National Defense Authorization Act for Fiscal Year 1994). Title XVII also requires the consolidation of funds requested for all chemical-defense programs into separate defense accounts, which has also not been done.

The conferees are aware that the Department has taken a number of steps to consolidate management of the overall chemical-biological defense program. To ensure effective overall management, oversight, coordination, and consolidated control of the chemical-biological defense program, the conferees direct the Secretary of Defense to ensure that the responsibilities of both the Office of the Assistant to the Secretary of Defense (Atomic Energy) and the Secretary of the Army include the review of all chemical and biological defense technology base, advanced development, engineering development, and procurement activities.

RESEARCH AND DEVELOPMENT, NAVY

Overview

The budget request for fiscal year 1995 contained an authorization of \$8,934.7 million for Navy research, development, test and evaluation. The Senate bill would authorize \$8,796.1 million. The House amendment would authorize \$8,914.0 million. The conferees recommend authorization of \$8,845.9 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	FY 1995 Request	House Authorized	Senate Authorized	Conference Change to Request	FY 1995 Conference Authorized
1	61152N	RESEARCH DEVELOPMENT TEST & EVAL NAVY					
2	61153N	IN-HOUSE INDEPENDENT LABORATORY RESEARCH	17,112	17,112	17,112		17,112
3	61572N	DEFENSE RESEARCH SCIENCES	407,971	420,971	392,971	-10,000	397,971
4	62111N	NAVY REINVESTMENT PROGRAM	10,000	0	10,000		10,000
5	62121N	SURFACE/AEROSPACE SURVEILL AND WEAPONS	75,088	75,088	75,088		75,088
6	62122N	SURFACE SHIP TECHNOLOGY	19,884	22,684	19,884	2,800	22,684
7	62122N	AIRCRAFT TECHNOLOGY	24,691	24,691	24,691		24,691
8	62131M	MARINE CORPS LANDING FORCE TECHNOLOGY	17,783	17,783	17,783		17,783
9	62232N	COMMAND, CONTROL, & COMMUNICATIONS TECH	21,099	21,099	21,099		21,099
9	62233N	READINESS, TRAINING, & ENVIRON QUAL TECH	42,753	50,453	42,753	5,000	47,753
10	62234N	MATERIALS, ELECTRONICS AND COMPUTER TECH	80,867	100,867	80,867	5,500	86,367
11	62270N	ELECTRONIC WARFARE TECHNOLOGY	18,095	18,095	18,095		18,095
12	62314N	UNDERSEA SURVEILLANCE WEAPON TECHNOLOGY	92,765	93,765	92,765		92,765
13	62315N	MINE COUNTERMEASURES, MINING & SPECIAL	34,710	34,710	37,710	3,000	37,710
14	62323N	SUBMARINE TECHNOLOGY	19,557	19,557	19,557		19,557
15	62435N	OCEANOGRAPHIC AND ATMOSPHERIC TECHNOLOGY	44,965	44,965	44,965		44,965
16	62572N	NAVY REINVESTMENT PROGRAM	25,000	0	25,000		25,000
17	63217N	AIR SYSTEMS AND WEAPONS ADVANCED TECH	30,293	16,072	30,293	-4,221	26,072
18	63238N	PRECISION STRIKE AND AIR DEFENSE	32,961	41,161	32,961	7,100	40,061
19	63270N	ADVANCED ELECTRONIC WARFARE TECHNOLOGY	14,799	14,799	14,799		14,799
20	63508N	SHIP PROPULSION SYSTEM	3,152	3,152	20,265	0	3,152
21	63555N	SEA CONTROL & LITTORAL WARFARE TECH DEM	82,134	45,021	0	-7,600	74,534
22	63572N	NAVY REINVESTMENT PROGRAM	15,000	0	15,000		15,000
23	63640M	MARINE CORPS ADVANCED TECHNOLOGY DEMON	25,961	25,961	25,961		25,961
24	63706N	MEDICAL DEVELOPMENT	17,820	17,820	22,820	5,000	22,820
25	63707N	MANPOWER, PERSONNEL & TRAINING ADV TECH	19,120	22,920	19,120		19,120
26	63712N	ENVIRONMENTAL QUALITY AND LOGISTICS ADV	21,024	21,024	21,024		21,024
27	63747N	UNDERSEA WARFARE ADVANCED TECHNOLOGY	47,330	47,330	72,405	0	47,330
28	63782N	SHALLOW WATER MCM DEMOS	4,525	4,525	44,471	0	4,525
29	63792N	ADVANCED TECHNOLOGY TRANSITION	79,863	84,863	79,863	0	79,863
30	63794N	C3 ADVANCED TECHNOLOGY	26,556	21,456	26,556	-5,100	21,456
31	63207N	AIR/OCEAN TACTICAL APPLICATIONS	16,936	16,936	16,936		16,936
32	63208N	TRAINING SYSTEM AIRCRAFT	4,117	4,117	4,117		4,117

R-1 Line	PE	Program	FY 1995 Request	House Authorized	Senate Authorized	Conference Change to Request	FY 1995 Conference Authorized
33	63216N	AVIATION SURVIVABILITY	9,992	15,492	9,992	5,500	15,492
34	63254N	ASW SYSTEMS DEVELOPMENT	31,513	40,513	31,513	0	31,513
35	63261N	TACTICAL AIRBORNE RECONNAISSANCE	59,372	36,872	59,372	-10,372	49,000
36	63382N	ADVANCED COMBAT SYSTEMS TECHNOLOGY	3,587	3,587	3,587		3,587
37	63451N	TACTICAL SPACE OPERATIONS	2,220	2,220	2,220		2,220
38	63502N	SURFACE AND SHALLOW WATER MINE COUNTER	51,879	51,879	51,879		51,879
39	63504N	ADVANCED SUBMARINE COMBAT SYSTEMS DEVEL	20,564	24,564	20,564	4,000	24,564
40	63506N	SURFACE SHIP TORPEDO DEFENSE	30,247	30,247	30,247		30,247
41	63512N	CARRIER SYSTEMS DEVELOPMENT	15,878	15,878	17,378	1,500	17,378
42	63513N	SHIPBOARD SYSTEM COMPONENT DEVELOPMENT	26,248	26,248	26,248		26,248
43	63514N	SHIP COMBAT SURVIVABILITY	14,588	14,588	14,588		14,588
44	63525N	PILOT FISH	35,262	35,262	35,262		35,262
45	63528N	NON-ACOUSTIC ANTI-SUBMARINE WARFARE	4,756	4,756	4,756	-4,756	0
46	63536N	RETRACT JUNIPER	20,645	20,645	20,645		20,645
47	63542N	RADIOLOGICAL CONTROL	3,492	3,492	3,492		3,492
48	63553N	SURFACE ASW	6,659	6,659	6,659		6,659
49	63561N	ADVANCED SUBMARINE SYSTEM DEVELOPMENT	86,005	98,118	86,005	0	86,005
50	63562N	SUBMARINE TACTICAL WARFARE SYSTEMS	8,023	8,023	8,023		8,023
51	63563N	SHIP CONCEPT ADVANCED DESIGN	29,302	29,302	29,302		29,302
52	63564N	SHIP PRELIMINARY DESIGN & FEASIBILITY	12,626	12,626	12,626		12,626
53	63570N	ADVANCED NUCLEAR POWER SYSTEMS	141,586	141,586	141,586		141,586
54	63573N	ADVANCED SURFACE MACHINERY SYSTEMS	72,355	84,755	72,355	7,400	79,755
55	63576N	CHALK EAGLE	59,840	59,840	59,840		59,840
56	63582N	COMBAT SYSTEM INTEGRATION	7,911	7,911	7,911		7,911
57	63591N	JOINT ADVANCED SYSTEMS	0	0	0		0
58	63601N	MINE DEVELOPMENT	0	0	0		0
59	63609N	CONVENTIONAL MUNITIONS	41,358	29,593	41,358	0	41,358
60	63610N	ADVANCED WARHEAD DEVELOPMENT (MK-50)	0	0	0		0
61	63611M	MARINE CORPS ASSAULT VEHICLES	26,399	30,499	26,399	4,100	30,499
62	63612M	MARINE CORPS MINE/COUNTERMEASURES SYSTEM	6,600	6,600	6,600		6,600
63	63634N	ELECTROMAGNETIC EFFECTS PROTECTION DEVEL	0	0	0		0
64	63635M	MARINE CORPS GROUND COMBAT/SUPPORT SYS	11,416	18,416	26,416	15,000	26,416
65	63654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOP	8,923	8,923	8,923		8,923
66	63708N	ASW SIGNAL PROCESSING	0	0	0		0

R-1 Line	PE	Program	FY 1995 Request	House Authorized	Senate Authorized	Conference Change to Request	FY 1995 Conference Authorized
67	63709N	ADVANCED MARINE BIOLOGICAL SYSTEM	3,539	3,539	3,539		3,539
68	63711N	FLEET TACTICAL DEVELOPMENT	4,678	4,678	4,678		4,678
69	63713N	OCEAN ENGINEERING TECHNOLOGY DEVELOPMENT	14,198	14,198	14,198		14,198
70	63721N	ENVIRONMENTAL PROTECTION	51,101	52,901	52,901	1,800	52,901
71	63724N	NAVY ENERGY PROGRAM	4,468	4,468	4,468		4,468
72	63725N	FACILITIES IMPROVEMENT	2,500	2,500	2,500		2,500
73	63734N	CHALK CORAL	68,782	68,782	73,782	5,000	73,782
74	63735N	WWMCCS ARCHITECTURE SUPPORT	0	0	0		0
75	63737N	LINK HAZEL	0	0	0		0
76	63741N	SATELLITE LASER COMMUNICATIONS (H)	0	0	0		0
77	63746N	RETRACT MAPLE	102,674	102,674	102,674		102,674
78	63748N	LINK PLUMERIA	29,812	29,812	29,812		29,812
79	63750N	CHALK WEED	0	0	0		0
80	63751N	RETRACT ELM	39,472	39,472	39,472		39,472
81	63752N	CHALK POINSETTIA	0	0	0		0
82	63755N	SHIP SELF DEFENSE	192,269	200,769	203,469	16,200	208,469
83	63763N	WARFARE SYSTEMS ARCHITECTURE & ENGINEER	7,204	3,795	7,204	-3,409	3,795
84	63785N	COMBAT SYSTEMS OCEANOGRAPHIC PERFORMANCE	20,317	20,317	20,317		20,317
85	63787N	SPECIAL PROCESSES	33,053	33,053	33,053		33,053
86	63795N	GUN WEAPON SYSTEM TECHNOLOGY	24,849	61,449	24,849	6,000	30,849
87	63800N	JOINT ADVANCED STRIKE TECHNOLOGY PROGRAM	100,037	100,037	100,037	28,735	128,772
88	64212N	ASW AND OTHER HELO DEVELOPMENT	86,547	86,547	86,547		86,547
89	64214N	AV-8B AIRCRAFT - ENG DEV	10,203	10,203	10,203		10,203
90	64215N	STANDARDS DEVELOPMENT	15,987	15,987	15,987		15,987
91	64217N	S-3 WEAPON SYSTEM IMPROVEMENT	14,115	14,115	14,115		14,115
92	64218N	AIR/OCEAN EQUIPMENT ENGINEERING	5,797	5,797	5,797		5,797
93	64221N	P-3 MODERNIZATION PROGRAM	5,392	5,392	5,392		5,392
94	64231N	TACTICAL COMMAND SYSTEM	35,796	32,796	35,796	0	35,796
95	64233N	AFX	0	0	0		0
96	64261N	ACOUSTIC SEARCH SENSORS	19,016	19,016	19,016		19,016
97	64262N	V-22A	496,930	496,930	496,930		496,930
98	64264N	AIR CREW SYSTEMS DEVELOPMENT	12,157	15,157	12,157	0	12,157
99	64270N	EW DEVELOPMENT	79,980	79,980	79,980		79,980
100	64301N	MK 92 FIRE CONTROL SYSTEM UPGRADE	1,976	1,976	1,976		1,976

R-1 Line	PE	Program	FY 1995 Request	House Authorized	Senate Authorized	Conference Change to Request	FY 1995 Conference Authorized
101	64307N	AEGIS COMBAT SYSTEM ENGINEERING	94,207	94,207	94,207		94,207
102	64312N	TRI-SERVICE STANDOFF ATTACK MISSILE	66,662	0	66,662		66,662
103	64366N	STANDARD MISSILE IMPROVEMENTS	11,811	11,811	11,811		11,811
104	64372N	NEW THREAT UPGRADE	1,701	1,701	1,701		1,701
105	64373N	AIRBORNE MCM	20,421	20,421	20,421		20,421
106	64503N	SSN-688 AND TRIDENT MODERNIZATION	41,936	41,936	41,936		41,936
107	64504N	AIR CONTROL	8,133	8,133	8,133		8,133
108	64507N	ENHANCED MODULAR SIGNAL PROCESSOR	11,970	11,970	11,970		11,970
109	64512N	SHIPBOARD AVIATION SYSTEMS	1,543	1,543	1,543		1,543
110	64516N	SHIP SURVIVABILITY	8,536	8,536	8,536		8,536
111	64518N	COMBAT INFORMATION CENTER CONVERSION	13,658	13,658	13,658		13,658
112	64524N	SUBMARINE COMBAT SYSTEM	89,726	89,726	89,726		89,726
113	64558N	NEW DESIGN SSN	266,155	266,155	266,155		266,155
114	64561N	SSN-21 DEVELOPMENTS	68,530	68,530	68,530		68,530
115	64562N	SUBMARINE TACTICAL WARFARE SYSTEM	25,261	25,261	25,261		25,261
116	64567N	SHIP CONTRACT DESIGN/ LIVE FIRE T&E	160,092	160,092	160,092		160,092
117	64574N	NAVY TACTICAL COMPUTER RESOURCES	15,774	15,774	15,774		15,774
118	64601N	MINE DEVELOPMENT	3,223	3,223	3,223		3,223
119	64602N	NAVAL GUNNERY IMPROVEMENTS	0	0	0		0
120	64603N	UNGUIDED CONVENTIONAL AIR-LAUNCHED WPNS	77,102	65,337	77,102	-11,765	65,337
121	64610N	LIGHTWEIGHT TORPEDO DEVELOPMENT	10,284	10,284	10,284		10,284
122	64612M	MARINE CORPS MINE COUNTERMEASURES SYSTEM	440	440	440		440
123	64618N	JOINT DIRECT ATTACK MUNITION	25,173	25,173	25,173		25,173
124	64654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOP	6,273	6,273	6,273		6,273
125	64656M	MARINE CORPS ASSAULT VEHICLES - ENG DEV	0	0	0		0
126	64703N	PERSONNEL, TRAINING, SIMULATION, AND HUM	1,136	1,136	1,136		1,136
127	64707N	SPACE AND ELECTRONIC WARFARE (SEW) ARCH	6,157	6,157	6,157		6,157
128	64710N	NAVY ENERGY PROGRAM	3,165	3,165	3,165		3,165
129	64715N	SURFACE WARFARE TRAINING DEVICES	0	0	0		0
130	64719M	MARINE CORPS COMMAND/CONTROL/COMMUNIC	11,371	11,371	11,371		11,371
131	64721N	BATTLE GROUP PASSIVE HORIZON EXTENSION	19,258	19,258	19,258		19,258
132	64727N	JOINT STANDOFF WEAPON SYSTEMS	111,127	111,127	111,127		111,127
133	64755N	SHIP SELF DEFENSE	181,501	181,501	199,401	8,000	189,501
134	64761N	INTELLIGENCE ENGINEERING	4,033	4,033	4,033		4,033

R-1 Line	PE	Program	FY 1995 Request	House Authorized	Senate Authorized	Conference Change to Request	FY 1995 Conference Authorized
135	64771N	MEDICAL DEVELOPMENT	1,686	1,686	1,686		1,686
136	64777N	NAVIGATION/ID SYSTEM	69,213	69,213	69,213		69,213
137	64784N	DISTRIBUTED SURVEILLANCE SYSTEM	114,306	114,306	114,306		114,306
138	64256N	THREAT SIMULATOR DEVELOPMENT	28,003	28,003	28,003		28,003
139	64258N	TARGET SYSTEMS DEVELOPMENT	28,042	28,042	28,042		28,042
140	64759N	MAJOR T&E INVESTMENT	51,966	51,966	41,966	-5,000	46,966
141	65152N	STUDIES AND ANALYSIS SUPPORT - NAVY	6,058	6,058	4,058	-2,000	4,058
142	65154N	CENTER FOR NAVAL ANALYSES	45,394	43,394	45,394		45,394
143	65155N	FLEET TACTICAL DEVELOPMENT	4,570	4,570	4,570		4,570
144	65502N	SMALL BUSINESS INNOVATIVE RESEARCH	0	0	0		0
145	65804N	TECHNICAL INFORMATION SERVICES	1,776	1,776	1,776		1,776
146	65853N	MANAGEMENT, TECHNICAL & INTERNATIONAL	10,266	10,266	10,266		10,266
147	65856N	STRATEGIC TECHNICAL SUPPORT	2,545	2,545	2,545		2,545
148	65861N	RDT&E SCIENCE AND TECHNOLOGY MANAGEMENT	62,646	62,646	62,646		62,646
149	65862N	RDT&E INSTRUMENTATION MODERNIZATION	8,757	8,757	8,757		8,757
150	65863N	RDT&E SHIP AND AIRCRAFT SUPPORT	81,362	81,362	81,362		81,362
151	65864N	TEST AND EVALUATION SUPPORT	293,609	293,609	278,609	-10,000	283,609
152	65865N	OPERATIONAL TEST AND EVALUATION CAPABIL	8,637	8,637	8,637		8,637
153	65866N	NAVY SPACE AND ELECTRONIC WARFARE (SEW)	3,519	3,519	3,519		3,519
154	65867N	SEW SURVEILLANCE/RECONAISSANCE SUPPORT	14,565	12,065	14,565	-2,500	12,065
155	65871M	MARINE CORPS TACTICAL EXPLOIT NATL CAP	1,019	1,019	1,019		1,019
156	65872N	MANUFACTURING SCIENCE AND TECHNOLOGY	0	0	35,000	20,000	20,000
157	65873M	MARINE CORPS PROGRAM WIDE SUPPORT	6,316	6,316	6,316		6,316
158	65896N	BASE OPERATIONS - RDT&E	32,100	32,100	32,100	-32,100	0
159	11221N	STRATEGIC SUB & WEAPONS SYSTEM SUPPORT	52,361	52,361	52,361	-15,000	37,361
160	11224N	SSBN SECURITY TECHNOLOGY PROGRAM	29,315	41,665	29,315	0	29,315
161	11226N	SUBMARINE ACOUSTIC WARFARE DEVELOPMENT	537	9,399	537	0	537
162	11402N	NAVY STRATEGIC COMMUNICATIONS	75,992	75,992	75,992		75,992
163	12427N	NAVAL SPACE SURVEILLANCE	858	858	858		858
164	24134N	A-6 SQUADRONS	0	0	0		0
165	24136N	F/A-18 SQUADRONS	1,411,875	1,411,875	1,411,875		1,411,875
166	24152N	E-2 SQUADRONS	58,760	58,760	58,760		58,760
167	24163N	FLEET TELECOMMUNICATIONS (TACTICAL)	37,942	37,942	42,942	5,000	42,942
168	24229N	TOMAHAWK AND TOMAHAWK MISSION PLANNING	85,773	85,773	85,773		85,773

R-1 Line	PE	Program	FY 1995 Request	House Authorized	Senate Authorized	Conference Change to Request	FY 1995 Conference Authorized
169	24311N	INTEGRATED SURVEILLANCE SYSTEM	28,805	36,605	28,805	7,800	36,605
170	24413N	AMPHIBIOUS TACTICAL SUPPORT UNITS	4,574	4,574	4,574		4,574
171	24571N	CONSOLIDATED TRAINING SYSTEMS DEVELOP	46,779	46,779	46,779		46,779
172	25604N	TACTICAL DATA LINKS	32,499	32,499	32,499		32,499
173	25620N	SURFACE ASW COMBAT SYSTEM INTEGRATION	16,649	16,649	16,649		16,649
174	25632N	MK-48 ADCAP	27,278	27,278	27,278		27,278
175	25633N	AVIATION IMPROVEMENTS	64,520	65,520	64,520	0	64,520
176	25658N	NAVY SCIENCE ASSISTANCE PROGRAM	7,097	7,097	7,097		7,097
177	25667N	F-14 UPGRADE	171,689	171,689	0	-142,300	29,389
178	25675N	OPERATIONAL NUCLEAR POWER SYSTEMS	58,851	58,851	58,851		58,851
179	26313M	MARINE CORPS COMMUNICATIONS SYSTEMS	7,408	7,408	7,408		7,408
180	26623M	MAR CORPS GROUND COMBAT/SUPPORTING ARMS	13,051	13,051	23,051	10,000	23,051
181	26624M	MARINE CORPS COMBAT SERVICES SUPPORT	6,173	4,628	6,173	0	6,173
182	26625M	MARINE CORPS INTELLIGENCE/ELEC WAR SYS	8,488	8,488	8,488		8,488
183	26626M	MARINE CORPS COMMAND/CONTROL/COMMUNIC	19,441	19,441	19,441		19,441
184	27161N	TACTICAL AIM MISSILES	22,376	22,376	22,376	-22,376	0
185	27163N	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE	27,913	27,913	27,913		27,913
186	31327N	TECHNICAL RECONNAISSANCE AND SURVEILL	[]	0	0		0
187	33109N	SATELLITE COMMUNICATIONS	47,115	47,115	47,115		47,115
188	33140N	INFORMATION SYSTEMS SECURITY PROGRAM	[]	0	0		0
189	33152N	WORLD-WIDE MILITARY COMMAND AND CONTROL	0	0	0		0
190	34111N	SPECIAL ACTIVITIES	[]	0	0		0
191	35160N	DEFENSE METEOROLOGICAL SATELLITE PROGRAM	14,639	14,639	14,639		14,639
192	35889N	COUNTERDRUG INTELLIGENCE SUPPORT	0	0	0		0
193	78011N	INDUSTRIAL PREPAREDNESS	20,164	40,464	20,164	25,000	45,164
194	99999N	FINANCING FOR CANCELLED ACCOUNT ADJUST	0	0	0		0
999		OPERATIONAL SYSTEMS CLASSIFIED	567,056	562,056	531,556		567,056
		FEDERAL WORKFORCE RESTRUCTURING ACT			200	200	200
		GENERAL REDUCTION, UNIVERSITY RESEARCH					0
		CIVILIAN PERSONNEL PAY/LOCALITY PAY RAISES					0
		STRATEGIC SEALIFT TECH DEV PROGRAMS					0
TOTAL RDT&E NAVY			8,934,718	8,913,963	8,796,129	-88,864	8,845,854

Magnetohydrodynamics

The budget request contained \$6.0 million for magnetohydrodynamics (MHD) research.

The Senate bill would authorize the requested amount.

The House amendment would authorize an additional \$3.0 million for MHD.

The conferees agree that of the amounts authorized to be appropriated in PE 61153N for the Navy, \$9.0 million would be authorized for continuation of the MHD program.

Materials, electronics, and computer technology

The budget request contained \$80.867 million in PE 62234N for materials, electronics, and computer technology.

The House amendment would authorize an additional \$5.0 million for collaborative research efforts between the Navy and the academic community on materials research in welding and welding consumables for high strength steel structures; advanced methods to manage hydrogen in welding structures; and development of "part-on-call" manufacturing of metallic components. The House amendment also contained a provision (sec. 203) that would authorize an additional \$500,000 for the Navy to initiate and carry out a manufacturing technology program for taconite processing technology.

The Senate bill contained no similar funding or provision.

The House recedes on its provision.

The conferees agree to authorize an additional \$5.5 million in PE 62234N as provided by the House amendment and direct that of the \$86.367 million authorized, \$8.0 million be used for the continued development of high thermal conductivity fibers for use in removing heat from advanced electronic systems used in military and space applications, as described in the Senate report (S. Rept. 103-282) and the House report (H. Rept. 103-499).

Air systems and advanced technology

The budget request included \$30.293 million for air systems and advanced technology in PE 63217N.

The Senate bill would provide the requested amount.

The House amendment would reduce the program element by \$8.721 million for the advanced short takeoff and vertical landing (ASTOVL) technology demonstrator program and \$5.0 million for the integrated high performance turbine engine technology (IHPTET) program, transferring the management and funding of these activities to the joint advanced strike technology (JAST) program (PE 63800N). The House amendment would also provide an additional \$4.5 million for the advanced anti-radiation guided missile (AARGM) program in PE 63217N, as well as \$3.0 million in PE 63203F.

The conferees agree to transfer \$8.721 million to JAST, restore \$5.0 million for IHPTET, and provide an additional \$7.5 million for AARGM for the purposes described in the House report (H. Rept. 103-499).

Long-range guided projectile technology

The House amendment recommended the transfer of \$5.0 million from air systems and weapons technology, PE 63217N, to gun weapons system technology, PE 63795N, in support of long-range guided projectile technology development.

The Senate bill did not contain a similar transfer.

The House recedes.

The conferees endorse the views expressed in the House report (H. Rept. 103-499) on the importance of advanced, long-range precision guided munitions in meeting Navy surface fire support requirements. For the Army, too, there is no point in developing

new, long-range artillery capabilities unless projectiles are developed that can achieve the needed range, accuracy, and payload. The conferees believe that the Army and the Navy should jointly capitalize on technologies, such as the global positioning system, inertial navigation, composite materials, and aerodynamic shapes, to achieve these objectives.

The conferees reserve judgment on the possibility of completely common ammunition, given the differences between Army and Navy artillery designs, but believe that technology and component commonality should be aggressively pursued. The conferees urge the two services to establish a joint program and seek adequate funding in future years.

Operational airship demonstration

The budget request contained \$33.0 million for the precision strike and air defense program in PE 63238N. The budget request contained no funds for continuing an airship demonstration project.

The House amendment would provide an additional \$8.2 million to conduct an airship ultra high frequency radar demonstration as a part of the mountaintop phase I demonstration project.

The Senate bill would authorize the requested amount.

The Department of Defense has provided more extensive briefings on the mountaintop phase I demonstration project. The conferees conclude that there is no practical role for the airship in this phase.

Instead, the conferees recommend an additional \$7.1 million to continue the Navy's effort to assess the potential contribution that airships could make to the airborne component of the ship self-defense/cooperative engagement capability, over-the-horizon targeting and surveillance, and other relevant mission areas. The conferees understand that the Navy will be able to gather significant data during fleet exercises and missile tracking tests. These data will permit the Department to use modeling and simulation to evaluate the airship's potential contribution to joint cruise missile defense.

The conferees also direct the Secretary of the Navy to provide the results of this extended assessment to the congressional defense committees in the 1995 annual report on the ship self-defense/cooperative engagement program.

Interactive multi-dimensional acoustic trainer (IMAT)

The House amendment would provide an increase of \$3.8 million in PE 63707N to accelerate exploitation of the interactive multi-dimensional acoustic trainer (IMAT) technology.

The Senate bill would provide no increased funding.

The House recedes.

The conferees understand that the Navy, as part of its core technology program, is continuing the IMAT program and investigating its potential application to a wide range of training requirements. The conferees endorse the direction to the Secretary of the Navy contained in the House report (H. Rept. 103-499), relative to the assessment of training requirements and plans for development of advanced training technologies.

Battlefield surgical tissue replacement

The budget request contained no funding for battlefield surgical tissue replacement.

The Senate bill contained no funding for this research.

The House amendment would authorize an additional \$5.0 million PE 62787A to conduct

tissue substitutes and tissue repair using low-powered diode lasers.

The Senate recedes.

Aviation survivability

The budget request included \$10.0 million in the Navy's aviation survivability research and development program (PE 63216N).

The House amendment recommended an increase of \$5.5 million.

The Senate bill contained no similar recommendation.

The conferees agree to support the House recommendation.

The conferees note that the Defense Department has repeatedly excluded projects from its budget request in the expectation that Congress would provide additional funding for them. The conferees believe that, from time to time, individual projects merit additional funding. Additional congressional support may be justified for these projects when they have been excluded from the President's budget request, or require additional funding to capitalize on a particular technology or to meet a critical requirement.

The conferees believe strongly, however, that this should not be a routine practice for several projects at a single research and engineering center. Such projects and programs must compete with other projects and programs on the basis of their technical merit and ability to meet required operational capabilities in the budget development process. The conferees expect that the Armed Services Committees of the Senate and House of Representatives will monitor these practices closely when they consider future defense budget requests.

Antisubmarine warfare systems development

The budget request included \$31.5 million for antisubmarine warfare (ASW) systems development (PE 63254N).

The House amendment would provide an additional \$9.0 million: \$4.0 million for extended echo ranging technology exploitation; and \$5.0 million to continue hardware and software development and the installation of system upgrades in the BEARTRAP aircraft.

The Senate bill would authorize the requested amount.

The House recedes.

The conferees note the very important role that the BEARTRAP aircraft program has played in the rapid development and prototyping of advanced antisubmarine warfare technology. The conferees also note that the budget request for fiscal year 1995 is sharply reduced from the fiscal year 1994 level. Given the long term benefits that have accrued from the BEARTRAP aircraft, the conferees are concerned that this reduction in funding may be short-sighted. The conferees do not believe that it is justified by any rationale contained in the budget submission, which is silent on the subject.

The conferees strongly encourage the Navy to reevaluate its budget priorities with respect to BEARTRAP, and to maintain funding levels required to continue ongoing hardware and software upgrades to the system.

Ship main propulsion gas turbine improvements

The budget request included \$72.4 million for advanced surface machinery systems.

The Senate bill would approve the requested amount.

The House amendment would add \$12.4 million to the requested amount. Of this amount, \$7.4 million would accelerate development of the inter-cooled recuperated (ICR) gas turbine engine. The remaining \$5.0 million would initiate a concurrent program to

retrofit existing Navy ship propulsion LM-2500 engines with a recuperator (called "LM-2500R"). The intent of the LM-2500R program would be to develop efficiencies similar to the ICR program for the Navy's existing main propulsion gas turbine.

The conferees agree to provide an additional \$7.4 million to accelerate development of the ICR gas turbine engine. Although the Navy has not yet published the report, the conferees understand that a Navy life cycle cost analysis requested in the statement of the managers accompanying the conference report on the National Defense Authorization Act for Fiscal Year 1994 (H. Rept. 103-357) concludes that the alternative of completing development of the LM-2500R would not be cost-effective. The conferees direct the Secretary of the Navy to provide the requested analysis to the congressional defense committees by December 1, 1994.

Short-range antiarmor weapon/multi-purpose individual munition

The budget request included \$8.4 million in Navy research and development funds for development of the short-range antiarmor weapon (SRAW) for the Marine Corps. The conferees note that the requested amount is substantially below that needed to comply with the clear direction expressed by the conferees in the statement of the managers accompanying the National Defense Authorization Act for Fiscal Year 1994 (H. Rept. 103-357). In compliance with that direction, the Army has adopted the SRAW missile as the delivery system for the Army-developed multi-purpose individual munition (MIPM) warhead, and requested \$3.9 million for research and development.

The Senate bill provided an additional \$15.0 million for the Marine Corps SRAW program and directed the Marine Corps to reprogram an additional \$6.6 million to meet the schedule established by the National Defense Authorization Act for Fiscal Year 1994. The Senate bill would authorize \$3.9 million for the Army's SRAW/MIPM development program.

The House amendment would authorize the requested amount for the Marine Corps SRAW program, and authorize \$3.9 million for the Army's SRAW/MIPM development program.

The conferees agree to authorize an additional \$10.9 million in PE 63635M and urge the Marine Corps to reprogram at least \$6.6 million to accelerate the engineering and manufacturing development program for the SRAW. The conferees understand that the resulting program schedule will not cause unacceptable concurrency and encourage the Marine Corps to monitor the development closely to ensure the success of the SRAW/EMD program. The conferees also state that they do not intend to subsidize this program if the services persist in underfunding it.

Army/Marine Corps 155mm lightweight howitzer program

The House amendment recommended a \$7.0 million increase in PE 63635M and a \$7.0 million increase in PE 63004A for the Marine Corps and the Army to complete evaluation of existing 155mm lightweight howitzer prototypes, evaluate advanced fire control and other promising technologies for improvements in the tactical mobility and operational effectiveness of towed artillery systems, confirm operational requirements, and provide the basis for a decision to proceed with further development and acquisition of a lightweight 155mm howitzer system.

The Senate bill contained no similar recommendation.

The conferees recommend an increased authorization of \$5.0 million in PE 63635M for the Marine Corps and an increased authorization of \$7.0 million in PE 63004A for the Army, as recommended in the House amendment. The conferees do not intend to support this program unless the Army and Marine Corps establish joint operational requirements, agree on a joint development program, and fund the program adequately.

To the extent possible within available funds in PE 63004A, the Army is authorized to develop advanced guidance and control for artillery munitions in conjunction with the Navy, as discussed elsewhere in this statement of the managers. The conferees urge the Secretary of the Army to seek funding to continue this initiative in fiscal year 1996.

Plasma arc technology

The budget request contained no funds for plasma arc technology.

The Senate bill would provide an additional \$1.8 million in PE 60721N to allow the Navy to explore the use of plasma arc technology for solid waste treatment aboard naval vessels.

The House amendment would also provide \$1.8 million for plasma arc technology.

The conferees agree to provide \$1.8 million to assess the use of plasma arc technology on board naval vessels.

Ship self-defense

The budget request included a total of \$373.8 million for ship self-defense research and development, \$192.3 million in PE 63755N and \$181.5 million in PE 64755N.

The Senate bill would add a total of \$29.1 million to the requested amount to:

- (1) accelerate the ship self-defense engineering and manufacturing development effort;
- (2) continue preparations at the land-based test site and on the self-defense test ship; and
- (3) procure NULKA decoys for additional at-sea testing.

The House amendment would provide an increase of \$8.5 million to the program to begin an evaluation of an insensitive munition, dual thrust motor upgrade to the rolling air-frame missile (RAM) and for other initiatives.

The conferees agree to provide an increase of \$24.2 million above the requested amount for self-defense programs. The conferees intend the Navy to apply this increased funding to:

- (1) accelerating improvements to the self-defense test ship (\$11.2 million);
- (2) evaluating an insensitive munition, dual thrust motor upgrade to the RAM (\$5.0 million); and
- (3) procuring NULKA decoys (\$8.0 million).

The conferees are concerned about persistent rumors that the Navy intends to divert prior-year funding from key self-defense thrusts, such as infrared sensors, to other programs. The conferees continue to believe, based on at-sea testing in 1993 and associated Navy briefings, that an integrated infrared search and track capability will be an important aspect of the emerging ship self-defense architecture. Consequently, the conferees encourage the Navy to keep the infrared sensor program on track and urge the Navy to provide an analytical rationale before taking any steps that would hinder this ongoing program.

Naval surface fire support

The Senate bill would authorize the requested amount of \$24.8 million in PE 63795N, gun weapon system technology, for the naval surface fire support program.

The House amendment would authorize a \$36.6 million increase to the requested amount to accelerate the fielding of fire support improvements for Marine amphibious operations.

The conferees agree to an increase of \$6.0 million for this program. During the past three years, the conferees have repeatedly expressed concern over the need to correct deficiencies in the Navy's surface fire support for Marine amphibious operations.

The Department of the Navy's blueprint for future operations devotes major attention to operations in the littoral regions and emphasizes the importance of power projection through amphibious operations. Current amphibious doctrine emphasizes the need to project this power from beyond the horizon to minimize the threat from enemy missiles. At these greater standoff ranges, the Navy and the Marine Corps must (1) extend the range of Navy fire support systems; and (2) provide rapid ship-to-shore movement through such programs as the V-22 aircraft and the advanced amphibious assault vehicle (AAAV). Improvements in all these areas must take place simultaneously to achieve a true "over-the-horizon" assault capability. The conferees believe that emphasizing one or two of the parts of a capability at the expense of an essential element of that capability is hardly balanced.

The conferees have learned that, in preparing its fiscal year 1996 Future Years Defense Program proposal, the Department of the Navy reallocated resources from various Navy programs to fund the V-22 and AAAV. One of the programs cut was the ship fire support improvement program. The conferees were disturbed to learn that the Marine Corps participated in this reallocation. Although competition for declining resources is clearly intense, the conferees are concerned that Navy funding will not keep naval shore fire-support improvements on the same pace as that of other programs designed to improve amphibious capabilities. Program trade-offs are a fact of life, but, in this case, it is not clear that an essential balance has been maintained.

Therefore, the conferees direct the Secretary of the Navy to submit a report to the congressional defense committees by March 1, 1995, that presents an integrated plan, including funding and milestones, for fielding fire support improvements on a timeline that coincides with associated amphibious and air assault systems. The conferees assume that the cost and operational effectiveness analysis (COEA) directed in the National Defense Authorization Act for Fiscal Year 1993 will be completed in sufficient time to provide a solid analytical underpinning to this report.

Joint advanced strike technology program

The budget request included \$100.037 million in PE 63800N and \$101.354 million in PE 63800F for the Navy and Air Force joint advanced strike technology (JAST) program. The budget request also included \$8.721 million in PE 63271N and \$20.014 million in PE 63226E for the Navy and ARPA, respectively, to support the advanced short takeoff and vertical landing (ASTOVL)/conventional takeoff and landing (CTOL) demonstrator aircraft.

The Senate bill would authorize the requested amounts, and provide an additional \$10.2 million for the ASTOVL direct lift propulsion concept.

The House amendment would:

- (1) delete the funding for the Navy and ARPA ASTOVL;
- (2) transfer the management of the ASTOVL program to the JAST program office;

(3) direct that the ASTOVL phase II program be funded from the funds provided to JAST; and

(4) direct the JAST program to continue to manage the ASTOVL phase II program through ARPA.

The House amendment would also reduce several propulsion programs (PE 63217N, PE 63202F, and PE 63216F would be reduced by \$5.0 million, \$8.0 million, and \$10.0 million, respectively), because of perceived redundancies in propulsion research and development between these programs and the JAST program.

The conferees agree that:

(1) JAST and ASTOVL program management should be consolidated, with execution of the ASTOVL phase II program continuing to be performed by ARPA;

(2) Navy and ARPA ASTOVL funding should be shifted to the Navy JAST Program (PE 63800N); and

(3) the separate propulsion programs should be approved as requested.

The conferees would not object if the JAST program office were to determine that additional ASTOVL competitive propulsion concepts, such as direct lift and lift plus lift, should be funded.

Finally, the conferees understand that the Navy Department may be evaluating the potential of existing Air Force and Navy aircraft to meet its immediate long-range, stealthy, strike aircraft requirement. The conferees expect to be kept informed in a timely manner by all the services of such studies and analyses, and how such analyses may affect JAST requirements. This information should be provided to the congressional defense committees no later than the submission of the fiscal year 1996 budget request.

Advanced rocket system

The budget request included \$14.8 million in PE 64603N for engineering and manufacturing development of the advanced rocket system (ARS).

The Senate bill would approve the requested amount.

The House amendment would provide \$3.0 million to terminate the ARS program.

The conferees understand that the Marine Corps has decided that it cannot afford the ARS program at this time and will not request any additional funding for this program in future budget requests. Nevertheless, the Marine Corps still requires a 2.75 inch rocket with insensitive munitions (IM)

and electromagnetic resistance (called "hazards of electromagnetic radiation to ordnance," or HERO). The conferees also understand that the Marine Corps plans to restructure the fiscal years 1994 and 1995 program. With this restructuring, the Marine Corps hopes to obtain sufficient information to enable the Marine Corps to pursue a more affordable program with the Army to address IM and HERO requirements.

The conferees agree to provide \$3.0 million for these purposes. The conferees will consider a reprogramming request during the next year if the Army and Marine Corps have agreed to a plan to achieve their mutual IM, HERO, and environmental objectives for the upgrade of the 2.75 inch rocket system.

The conferees note that the Army is interested in hypervelocity rockets and more lethal warheads, and has funded successful technology developments in the past. The conferees understand that the current Hydra-70 rocket is not compatible with shipboard operations. The conferees also understand that non-developmental systems may help solve existing deficiencies in the current Hydra-70 rocket weapons system. The conferees specifically expect the Army and Marine Corps to consider the option of producing, and qualifying for operational use, an improved rocket based on the Hydra-70 system as a successor to the ARS program. The conferees believe that this option might be available through executing an engineering change proposal to the current Hydra-70 rocket using non-developmental items. For any option chosen, however, the conferees expect the Department to use competitive procedures in meeting the improved rocket requirement.

SSBN security technology assessment program

The budget request included \$29.3 million for the SSBN security program.

The House amendment would authorize an additional \$12.35 million for priority activities under the SSBN security technology assessment program.

The Senate bill would authorize the requested amount.

The House recedes.

Additional information on this program is contained in the classified annex to this statement of the managers.

Acoustic sensor technology

The budget request included \$20.6 million for advanced submarine combat systems development (PE 63504N) and \$28.8 million for integrated surveillance system development (PE 24311N).

The Senate bill would approve the requested amounts. The Senate report (S. Rept. 103-282) emphasized that the Navy could lower the cost of towed and hull-mounted arrays used in antisubmarine warfare by applying a number of new techniques, including, but not limited to, fiber optic technology.

The House amendment would add \$4.0 million and \$7.8 million to these programs, respectively, to lend additional support to the development of low cost, lightweight military applications of fiber optic technology. These applications include such systems as common optical towed arrays and flank arrays for submarines.

The conferees agree to provide the additional funds recommended in the House amendment. The conferees agree that further development of fiber optic systems could yield dramatic cost and effectiveness improvements for acoustic sensors. The conferees believe, however, that a number of other technologies, such as ceramics and composites, may also lead to significant cost and weight savings. The conferees agree that the Navy should continue to explore technology developments across a broad front with the objective of improved performance at lower cost.

Mine clearing technology

The conferees are aware that the Marine Corps has conducted preliminary tests with a power-blade, earth-moving technology which could improve mine clearing capabilities. The conferees recommend \$600,000 of the funds authorized in PE 26623M for further tests and validation of the power-blade technology. The conferees expect the Army to also participate in these tests and evaluate the results for the improvement of Army mine clearing capabilities.

RESEARCH AND DEVELOPMENT, AIR FORCE

Overview

The budget request for fiscal year 1995 contained an authorization of \$12,349.4 million for Air Force research, development, test and evaluation. The Senate bill would authorize \$12,329.8 million. The House amendment would authorize \$12,318.8 million. The conferees recommend authorization of \$12,475.7 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Table with 10 columns: 36 03411E, 37 03305C, 38 03254D, 39 03184E, 40 03134F, 41 03084G, 42 03034H, 43 02984I, 44 02934J, 45 02884K, 46 02834L, 47 02784M, 48 02734N, 49 02684O, 50 02634P, 51 02584Q, 52 02534R, 53 02484S, 54 02434T, 55 02384U, 56 02334V, 57 02284W, 58 02234X, 59 02184Y, 60 02134Z, 61 02084AA, 62 02034AB, 63 01984AC, 64 01934AD, 65 01884AE, 66 01834AF, 67 01784AG, 68 01734AH, 69 01684AI, 70 01634AJ, 71 01584AK, 72 01534AL, 73 01484AM, 74 01434AN, 75 01384AO, 76 01334AP, 77 01284AQ, 78 01234AR, 79 01184AS, 80 01134AT, 81 01084AU, 82 01034AV, 83 00984AW, 84 00934AX, 85 00884AY, 86 00834AZ, 87 00784BA, 88 00734BB, 89 00684BC, 90 00634BD, 91 00584BE, 92 00534BF, 93 00484BG, 94 00434BH, 95 00384BI, 96 00334BJ, 97 00284BK, 98 00234BL, 99 00184BM, 100 00134BN.

R-1 Line	PE	Program	FY 1995 Request	House Authorized	Senate Authorized	Conference Change to Request	FY 1995 Conference Authorized
1	61101F	RESEARCH DEVELOPMENT TEST & EVAL AF IN-HOUSE LABORATORY INDEPENDENT RESEARCH	0	0	0		0
2	61102F	DEFENSE RESEARCH SCIENCES	235,805	235,805	230,805	-10,000	225,805
3	62101F	GEOPHYSICS	0	0	0		0
4	62102F	MATERIALS	70,049	70,049	70,049		70,049
5	62201F	AEROSPACE FLIGHT DYNAMICS	64,046	65,046	59,046	-5,000	59,046
6	62202F	HUMAN SYSTEMS TECHNOLOGY	52,518	52,518	47,518	-5,000	47,518
7	62203F	AEROSPACE PROPULSION	77,506	77,506	72,506	-5,000	72,506
8	62204F	AEROSPACE AVIONICS	74,673	74,673	69,673	-7,673	67,000
9	62205F	PERSONNEL, TRAINING AND SIMULATION	29,848	29,848	29,848		29,848
10	62206F	CIVIL ENGINEERING AND ENVIRONMENTAL QUAL	7,045	7,045	7,045		7,045
11	62269F	HYPERSONIC FLIGHT TECHNOLOGY	45,000	45,000	45,000		45,000
12	62302F	ROCKET PROPULSION AND ASTRONAUTICS TECH	0	0	0		0
13	62601F	ADVANCED WEAPONS	125,202	140,202	142,202	20,000	145,202
14	62602F	CONVENTIONAL MUNITIONS	44,685	44,685	44,685		44,685
15	62702F	COMMAND CONTROL AND COMMUNICATIONS	95,444	85,444	95,444		95,444
16	63106F	LOGISTICS SYSTEMS TECHNOLOGY	18,200	18,200	18,200		18,200
17	63112F	ADVANCED MATERIALS FOR WEAPON SYSTEMS	19,900	19,900	19,900		19,900
18	63202F	AEROSPACE PROPULSION SUBSYSTEMS INTEGRAT	29,941	21,941	29,941		29,941
19	63203F	ADVANCED AVIONICS FOR AEROSPACE VEHICLES	34,500	37,500	34,500	3,000	37,500
20	63205F	AEROSPACE VEHICLE TECHNOLOGY	14,339	14,339	14,339	-839	13,500
21	63211F	AEROSPACE STRUCTURES	12,300	12,300	12,300		12,300
22	63216F	AEROSPACE PROPULSION AND POWER TECH	40,662	36,662	40,662	-8,241	32,421
23	63227F	PERSONNEL, TRAINING AND SIMULATION TECH	9,241	9,241	9,241		9,241
24	63231F	CREW SYSTEMS & PERSONNEL PROTECTION TECH	16,600	18,900	21,600	6,100	22,700
25	63238F	GLOBAL SURVEILLANCE	14,500	14,500	14,500		14,500
26	63245F	ADVANCED FIGHTER TECHNOLOGY INTEGRATION	18,100	18,100	18,100		18,100
27	63250F	LINCOLN LABORATORY	15,000	15,000	15,000		15,000
28	63253F	ADVANCED AVIONICS INTEGRATION	24,500	24,500	24,500		24,500
29	63269F	NATIONAL AERO SPACE PLANE TECH PROGRAM	0	0	0		0
30	63270F	EW TECHNOLOGY	27,700	27,700	27,700	-3,700	24,000
31	63302F	SPACE AND MISSILE ROCKET PROPULSION	11,800	14,300	11,800	2,500	14,300
32	63311F	BALLISTIC MISSILE TECHNOLOGY	10,000	10,000	10,000	-5,000	5,000

R-1 Line	PE	Program	FY 1995 Request	House Authorized	Senate Authorized	Conference Change to Request	FY 1995 Conference Authorized
33	63319F	AIRBORNE LASER TECHNOLOGY	0	0	0		0
34	63401F	ADVANCED SPACECRAFT TECHNOLOGY	24,200	124,200	24,200	30,000	54,200
35	63410F	SPACE SYSTEMS ENVIRONMENTAL INTERACTIONS	4,200	4,200	4,200		4,200
36	63428F	SPACE SUBSYSTEMS TECHNOLOGY	0	0	0		0
37	63601F	CONVENTIONAL WEAPONS TECHNOLOGY	35,100	35,100	35,100		35,100
38	63605F	ADVANCED RADIATION TECHNOLOGY	59,500	59,500	59,500	10,000	69,500
39	63707F	WEATHER SYSTEMS TECHNOLOGY	5,100	5,100	5,100		5,100
40	63723F	CIVIL AND ENVIRONMENTAL ENGINEERING TECH	9,798	9,798	9,798		9,798
41	63726F	C3I SUBSYSTEM INTEGRATION	11,050	11,050	11,050		11,050
42	63728F	ADVANCED COMPUTING TECHNOLOGY	9,125	9,125	9,125		9,125
43	63789F	C3 ADVANCED DEVELOPMENT	9,925	16,925	9,925	1,000	10,925
44	63107F	TECHNICAL EVALUTION SYSTEM	[]	0	0		0
45	63110F	SPECIAL EVALUATION PROGRAM	[]	0	0		0
46	63111F	MERIDIAN	[]	0	0		0
47	63260F	INTELLIGENCE ADVANCED DEVELOPMENT	5,134	5,134	5,134		5,134
48	63307F	AIR BASE OPERABILITY ADVANCED DEVELOP	2,312	2,312	2,312		2,312
49	63308F	STRATEGIC MISSILE MODERNIZATION	36,018	36,018	36,018		36,018
50	63319F	AIRBORNE LASER TECHNOLOGY	20,000	20,000	20,000		20,000
51	63402F	SPACE TEST PROGRAM	62,084	62,084	62,084		62,084
52	63430F	ADVANCED MILSATCOM	22,095	35,000	22,095	0	22,095
53	63434F	DEFENSE METEOROLOGICAL SATELLITE PROGRAM	7,601	7,601	3,601	0	7,601
54	63438F	SATELLITE SYSTEMS SURVIVABILITY	8,531	8,531	8,531		8,531
55	63440F	BRILLIANT EYES	0	0	120,000	0	0
56	63441F	ADVANCED SPACE BASED TW/AA (DEM VAL)	150,000	150,000	119,000	19,000	169,000
57	63617F	COMMAND, CONTROL, AND COMMUNICATION APPL	5,402	5,402	5,402		5,402
58	63714F	DOD PHYSICAL SECURITY EQUIP - EXTERIOR	0	0	0		0
59	63742F	COMBAT IDENTIFICATION TECHNOLOGY	13,453	13,453	13,453		13,453
60	63800F	JOINT ADVANCED STRIKE TECHNOLOGY PROGRAM	101,354	101,354	101,354		101,354
		ICBM DEM/VAL					0
61	63801F	SPECIAL PROGRAMS	[]	0	0		0
998		DEM/VAL CLASSIFIED	0	0	0		0
62	64201F	AIRCRAFT AVIONICS EQUIPMENT DEVELOPMENT	4,824	4,824	4,824		4,824
63	64211F	ADVANCED AERIAL TARGET DEVELOPMENT	0	0	0		0
64	64212F	AIRCRAFT EQUIPMENT DEVELOPMENT	0	0	0		0

R-1 Line	PE	Program	FY 1995 Request	House Authorized	Senate Authorized	Conference Change to Request	FY 1995 Conference Authorized
65	64218F	ENGINE MODEL DERIVATIVE PROGRAM (EMDP)	761	761	761		761
66	64222F	NUCLEAR WEAPONS SUPPORT	5,637	3,637	5,637	0	5,637
67	64226F	B-1B (H)	74,119	74,119	74,119		74,119
68	64227F	TRAINING SYSTEMS DEVELOPMENT	14,261	14,261	14,261		14,261
69	64231F	C-17 PROGRAM	221,454	105,154	221,454	0	221,454
70	64233F	SPECIALIZED UNDERGRADUATE PILOT TRAINING	41,633	41,633	41,633	-4,200	37,433
71	64237F	VARIABLE STABILITY IN-FLIGHT SIMULATOR	2,027	2,027	2,027		2,027
72	64239F	F-22 EMD	2,461,149	2,461,149	2,461,149		2,461,149
73	64240F	B-2 ADVANCED TECHNOLOGY BOMBER	408,543	408,543	408,543		408,543
74	64242F	ADVANCED INTERDICTION AFT (AX)	0	0	0		0
75	64243F	MANPOWER, PERSONNEL AND TRAINING DEVELOP	4,636	4,636	4,636		4,636
76	64249F	NIGHT/PRECISION ATTACK	21,672	21,672	21,672		21,672
77	64268F	AIRCRAFT ENGINE COMPONENT IMPROVE PROG	97,399	97,399	97,399		97,399
77a		COMPOSITE PROPELLOR DEVELOPMENT			8,000	4,000	4,000
78	64270F	EW DEVELOPMENT	88,774	88,774	88,774		88,774
79	64312F	ICBM MODERNIZATION	0	0	0		0
80	64321F	JOINT TACTICAL FUSION PROGRAM	8,666	4,666	8,666	0	8,666
81	64327F	HARDENED TARGET MUNITIONS	0	0	0		0
82	64408F	NATIONAL LAUNCH SYSTEM LAUNCH VEHICLE TECHNOLOGY	10,176	3,976	10,176	-10,176	0
					10,000	10,000	10,000
83	64479F	MILSTAR LDR/MDR SAT COMM	607,248	607,248	607,248		607,248
84	64601F	CHEMICAL/BIOLOGICAL DEFENSE EQUIPMENT	7,587	7,587	7,587		7,587
85	64602F	ARMAMENT/ORDNANCE DEVELOPMENT	10,853	10,853	10,853		10,853
85a		CALCM				8,000	8,000
85b		B-1/JDAM INTEGRATION				16,900	16,900
86	64604F	SUBMUNITIONS	26,680	12,680	26,680	0	26,680
87	64609F	R&M MATURATION/TECHNOLOGY INSERTION	8,804	8,804	8,804		8,804
88	64617F	AIR BASE OPERABILITY	9,580	9,580	9,580		9,580
89	64618F	JOINT DIRECT ATTACK MUNITION	84,995	84,995	84,995		84,995
90	64703F	AEROMEDICAL/CHEMICAL DEFENSE SYSTEMS	8,178	8,178	8,178		8,178
91	64704F	COMMON SUPPORT EQUIPMENT DEVELOPMENT	1,605	1,605	1,605		1,605
92	64706F	LIFE SUPPORT SYSTEMS	5,058	5,058	5,058		5,058
93	64707F	WEATHER SYSTEMS - ENG DEV	0	0	0		0
94	64708F	CIVIL, FIRE, ENVIRONMENTAL, SHELTER ENG	3,214	3,214	3,214		3,214

R-1 Line	PE	Program	FY 1995 Request	House Authorized	Senate Authorized	Conference Change to Request	FY 1995 Conference Authorized
95	64711F	SYSTEMS SURVIVABILITY (NUCLEAR EFFECTS)	2,786	0	2,786	-2,786	0
96	64727F	JOINT STANDOFF WEAPONS SYSTEMS	48,966	48,966	48,966		48,966
97	64733F	SURFACE DEFENSE SUPPRESSION	951	951	951		951
98	64735F	RANGE IMPROVEMENT	18,301	18,301	18,301		18,301
99	64740F	COMPUTER RESOURCE TECHNOLOGY TRANSITION	6,621	6,621	6,621		6,621
100	64747F	ELECTROMAGNETIC RADIATION TEST FACIL	0	0	0		0
101	64750F	INTELLIGENCE EQUIPMENT	2,633	2,633	2,633		2,633
102	64754F	JOINT TACTICAL INFORMATION DISTRIBUTION	11,634	11,634	11,634		11,634
103	64755F	IMPROVED CAPABILITY FOR DEVELOPMENT TEST	0	0	0		0
104	64756F	SIDE LOOKING AIRBORNE RADAR	0	0	0		0
105	64770F	JOINT SURVEILL/TARGET ATTACK RADAR SYS	190,408	160,408	190,408	0	190,408
106	64779F	JOINT INTEROP TACT C2 SYSTEMS (JINTACCS)	2,063	2,063	2,063		2,063
107	33606F	UHF SATELLITE COMMUNICATIONS C-130J ICBM - EMD	20,879	20,879	20,879		20,879
108	64256F	THREAT SIMULATOR DEVELOPMENT	40,075	49,075	40,075	5,000	45,075
109	64258F	TARGET SYSTEMS DEVELOPMENT	7,576	7,576	7,576		7,576
110	64759F	MAJOR T&E INVESTMENT	53,544	53,544	48,544	-2,500	51,044
111	65101F	RAND PROJECT AIR FORCE	28,039	28,039	28,039	-5,000	23,039
112	65306F	RANCH HAND II EPIDEMIOLOGY STUDY	3,160	3,160	3,160		3,160
113	65502F	SMALL BUSINESS INNOVATIVE RESEARCH (H)	0	0	0		0
114	65708F	NAVIGATION/RADAR/SLED TRACK TEST SUPPORT	26,023	26,023	30,023	4,000	30,023
115	65712F	INITIAL OPERATIONAL TEST & EVALUATION	33,504	33,504	28,504	-2,500	31,004
116	65807F	TEST AND EVALUATION SUPPORT	373,376	373,376	373,376		373,376
117	65808F	DEVELOPMENT PLANNING	9,959	9,959	9,959	-2,459	7,500
118	65856F	ENVIRONMENTAL COMPLIANCE	42,876	42,876	42,876		42,876
119	65863F	RDT&E AIRCRAFT SUPPORT	34,476	34,476	34,476		34,476
120	65876F	MINOR CONSTRUCTION (RPM) - RDT&E	3,281	3,281	3,281		3,281
121	65878F	MAINTENANCE AND REPAIR (RPM) - RDT&E	51,904	51,904	41,904	-5,000	46,904
122	65896F	BASE OPERATIONS - RDT&E	106,914	106,914	96,914	-5,000	101,914
123	63107F	TECHNICAL EVALUATION SYSTEM	[]	0	0		0
124	63110F	SPECIAL EVALUATION PROGRAM	[]	0	0		0
125	11113F	B-52 SQUADRONS	0	0	0		0
126	11120F	ADVANCED CRUISE MISSILE	0	0	0		0

R-1 Line	PE	Program	FY 1995 Request	House Authorized	Senate Authorized	Conference Change to Request	FY 1995 Conference Authorized
127	11142F	KC-135 SQUADRONS	0	0	0		0
128	11213F	MINUTEMAN SQUADRONS	151,675	151,675	151,675		151,675
129	11312F	PACCS AND WWABNCP SYSTEM EC-135 CLASS V	0	0	0		0
130	11313F	STRAT WAR PLANNING SYSTEM - USSTRATCOM	0	0	0		0
131	11815F	ADVANCED STRATEGIC PROGRAMS	[]	0	0		0
132	12325F	JOINT SURVEILLANCE SYSTEM	2,770	2,770	2,770		2,770
133	12411F	SURVEILLANCE RADAR STATIONS/SITES	4,191	4,191	4,191		4,191
134	12412F	DISTANT EARLY WARNING (DEW) RADAR STATN	2,068	2,068	2,068		2,068
135	27129F	F-111 SQUADRONS	11,019	1,504	11,019	-8,200	2,819
136	27130F	F-15A/B/C/D SQUADRONS	0	0	0		0
137	27131F	A-10 SQUADRONS	0	0	0		0
138	27133F	F-16 SQUADRONS	93,157	93,157	93,157		93,157
139	27134F	F-15E SQUADRONS	116,562	116,562	116,562		116,562
140	27136F	MANNED DESTRUCTIVE SUPPRESSION	38,422	38,422	38,422		38,422
141	27137F	CONSTANT HELP	[]	0	0		0
142	27141F	F-117A SQUADRONS	0	0	0		0
143	27160F	TRI-SERVICE STANDOFF ATTACK MISSILE	81,063	81,063	81,063	137,537	218,600
144	27161F	TACTICAL AIM MISSILES	26,944	26,944	26,944	-26,944	0
145	27163F	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE	70,715	70,715	70,715		70,715
146	27217F	FOLLOW-ON TACTICAL RECONNAISSANCE SYS	0	0	0		0
147	27247F	AF TENCAP	21,183	21,183	21,183		21,183
148	27248F	SPECIAL EVALUATION PROGRAM	118,260	118,260	118,260		118,260
149	27411F	OVERSEAS AIR WEAPON CONTROL SYSTEM	0	0	0		0
150	27412F	TACTICAL AIR CONTROL SYSTEMS	7,383	7,383	7,383		7,383
151	27417F	AIRBORNE WARNING AND CONTROL SYS (AWACS)	85,643	85,643	85,643		85,643
152	27419F	TACTICAL AIRBORNE COMMAND & CONTROL SYS	2,779	2,779	2,779		2,779
153	27422F	DEPLOYABLE C3 SYSTEMS	2,610	2,610	2,610		2,610
154	27423F	ADVANCED COMMUNICATIONS SYSTEMS	459	459	459		459
155	27424F	EVALUATION AND ANALYSIS PROGRAM	73,957	73,957	73,957		73,957
156	27431F	COMBAT AIR INTELLIGENCE SYS ACTIVITIES	[]	0	0		0
157	27433F	ADVANCED PROGRAM TECHNOLOGY	165,351	165,351	165,351		165,351
158	27438F	THEATER BATTLE MANAGEMENT (TBM) C4I	33,957	33,957	33,957		33,957
159	27579F	ADVANCED SYSTEMS IMPROVEMENTS	119,866	119,866	119,866		119,866
160	27590F	SEEK EAGLE	15,982	15,982	15,982		15,982

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161	27591F	ADVANCED PROGRAM EVALUATION	105,077	105,077	105,077		105,077
162	27601F	USAF WARGAMING AND SIMULATION	19,110	19,110	19,110		19,110
163	28006F	MISSION PLANNING SYSTEMS	14,483	14,483	14,483		14,483
164	28010F	JOINT TACT COMMUNIC PROGRAM (TRI-TAC)	0	0	0		0
165	28021F	ELECTRONIC COMBAT SUPPORT	[]	0	0		0
166	28042F	HAVE FLAG	[]	0	0		0
167	28060F	THEATER MISSILE DEFENSES	79,302	79,302	79,302	-52,000	27,302
168	31310F	FOREIGN TECHNOLOGY DIVISION	[]	0	0		0
169	31313F	DEFENSE DISSEMINATION PROGRAM	[]	0	0		0
170	31314F	IR/EO/DEW PROCESS AND EXPLOITATION	[]	0	0		0
171	31315F	MISSILE AND SPACE TECHNICAL COLLECTION	[]	0	0		0
172	31317F	SENIOR YEAR OPERATIONS	[]	0	0		0
173	31324F	FOREST GREEN	[]	0	0		0
174	31357F	NUDET DETECTION SYSTEM	0	0	0		0
175	33110F	DEFENSE SATELLITE COMMUNICATIONS SYSTEM	30,876	30,876	21,476	-9,400	21,476
176	33126F	LONG-HAUL COMMUNICATIONS (DCS)	0	0	0		0
177	33131F	MIN ESSENTIAL EMERG COMM NETWORK (MEECN)	40,795	35,795	40,795	-5,000	35,795
178	33140F	INFORMATION SYSTEMS SECURITY PROGRAM	10,293	11,793	10,293	1,500	11,793
179	33144F	ELECTROMAGNETIC COMPATIBILITY ANAL CTR	9,287	9,287	9,287		9,287
180	33401F	COMMUNICATIONS SECURITY (COMSEC)	[]	0	0		0
181	33601F	MILSTAR SATELLITE COMMUNICATIONS SYSTEM	18,249	18,249	18,249		18,249
182	33605F	SATELLITE COMMUNICATIONS TERMINALS	1,905	1,905	1,905		1,905
183	34111F	SPECIAL ACTIVITIES	[]	0	0	[-61,500]	0
184	35110F	SATELLITE CONTROL NETWORK	101,146	101,146	101,146		101,146
185	35111F	WEATHER SERVICE	20,990	20,990	20,990		20,990
186	35114F	AIR TRAFFIC CONTROL, APPROACH, AND LAND	7,566	7,566	0	0	7,566
187	35119F	MEDIUM LAUNCH VEHICLES	21,042	121,042	21,042		21,042
		SPACE LAUNCH INITIATIVE				50,000	50,000
188	35124F	SPECIAL APPLICATIONS PROGRAM	[]	0	0		0
189	35137F	NATIONAL AIRSPACE SYSTEM (NAS) PLAN	30,980	30,980	30,980		30,980
190	35138F	UPPER STAGE SPACE VEHICLES	3,663	3,663	3,663		3,663
191	35142F	APPLIED TECHNOLOGY AND INTEGRATION	[]	0	0		0
192	35144F	TITAN SPACE LAUNCH VEHICLES	161,096	161,096	161,096		161,096
193	35145F	ARMS CONTROL IMPLEMENTATION	6,456	6,456	6,456		6,456

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194	35158F	CONSTANT SOURCE	3,259	3,259	3,259		3,259
195	35160F	DEFENSE METEOROLOGICAL SATELLITE PROGRAM	21,135	21,135	21,135		21,135
196	35164F	NAVSTAR GLOBAL POS SYSTEM (USER EQUIP)	9,781	9,781	9,781		9,781
197	35165F	NAVSTAR GLOBAL POS SYS (SPACE/CONTROL)	51,125	51,125	51,125		51,125
198	35172F	COMBINED ADVANCED APPLICATIONS	[]	0	0		0
199	35181F	WESTERN SPACE LAUNCH FACILITY (WSLF)	0	0	0		0
200	35182F	EASTERN SPACE LAUNCH FACILITY (ESLF)	42,710	42,710	42,710		42,710
201	35887F	ELECTRONIC COMBAT INTELLIGENCE SUPPORT	1,892	1,892	1,892		1,892
202	35892F	SPECIAL ANALYSIS ACTIVITIES	[]	0	0		0
203	35905F	IMPROVED SPACE BASED TW/AA	0	0	0		0
204	35906F	NCMC - TW/AA SYSTEM	100,520	100,520	100,520		100,520
205	35909F	BALLISTIC MISSILE EARLY WARNING SYSTEM	0	0	0		0
206	35910F	SPACETRACK	34,396	34,396	34,396		34,396
207	35911F	DEFENSE SUPPORT PROGRAM	76,351	56,351	76,351		76,351
208	35912F	SUB-LAUNCH BALLISTIC MISSILE RADAR WARN	0	0	0		0
209	35913F	NUDET DETECTION SYSTEM	10,140	10,140	10,140		10,140
210	41218F	KC-135S	5,160	5,160	5,160		5,160
211	41840F	MAC COMMAND AND CONTROL SYSTEM	0	0	0		0
212	71111F	SUPPLY DEPOT OPERATIONS (NON-IF)	0	0	0		0
213	71112F	INVENTORY CONTROL POINT OPERATIONS	0	0	0		0
214	72207F	DEPOT MAINTENANCE (NON-IF)	2,099	2,099	2,099		2,099
215	78011F	MANUFACTURING SCIENCE AND TECHNOLOGY	0	0	50,000	50,000	50,000
216	78012F	LOGISTICS SUPPORT ACTIVITIES	5,804	5,804	5,804		5,804
217	78026F	PRODUCTIVITY, RELIABILITY, AVAILABILITY,	6,785	7,785	6,785	0	6,785
218	78054F	POLLUTION PREVENTION	16,216	16,216	16,216		16,216
219	84734F	CRYPTOLOGIC/SIGINT-RELATED SKILL TRAIN	1,526	1,526	1,526		1,526
220	88789F	COUNTERDRUG DEMAND REDUCTION ACTIVITIES	0	0	0		0
221	91218F	CIVILIAN COMPENSATION PROGRAM	5,655	5,655	5,655		5,655
222	101004F	INTERNATIONAL ACTIVITIES	3,436	3,436	3,436		3,436
		ALARM DEM/VAL PROTOTYPE					0
999		OPERATIONAL SYSTEMS CLASSIFIED	2,822,472	2,768,472	2,715,972	-61,500	2,760,972
		EXCIMER LASER IMAGING			10,000		0
		GENERAL REDUCTION			-10,000		0
		CIVILIAN UNDERSTRENGTH			-21,000	0	0

R-1 Line	PE	Program	FY 1995 Request	House Authorized	Senate Authorized	Conference Change to Request	FY 1995 Conference Authorized
		FEDERAL WORKFORCE RESTRUCTURING ACT GENERAL REDUCTION, UNIVERSITY RESEARCH CIVILIAN PERSONNEL PAY/LOCALITY PAY RAISES			900	900	900 0 0
		TOTAL RDT&E AIR FORCE	12,349,362	12,318,766	12,329,796	126,319	12,475,681

Sled tracks

The budget request contained funding for operation of Air Force and Navy sled tracks.

The Senate bill would add \$4.0 million to the Air Force sled track program. The Senate report (S. Rept. 103-282) directed the Department of Defense to consolidate all sled track testing at Holloman Air Force Base, and to accelerate modernization of the Holloman sled track.

The House amendment contained no additional funding for sled track operation.

The conferees agree to authorize an additional \$4.0 million to accelerate the modernization of the Holloman sled track. However, the conferees agree that it is premature to direct consolidation of all sled track testing pending the outcome of the 1995 base closure process. The conferees agree that the reporting requirement in the Senate report is unnecessary.

Thermionic power systems

The budget request contained \$26.897 million in PE 62601F (project 8809, satellite technology). No funds were requested in this project to continue research on thermionic space power technology.

The Senate bill and the House amendment would both add \$10.0 million to continue development of this technology.

The conferees agree that the thermionics program offers the potential for revolutionary improvements in power generation technology with substantial defense and commercial implications, and urge the Air Force to continue development of this technology.

Rocket propulsion technology

The budget request included \$31.5 million in PE 62601F for project 1011 and \$11.8 million in PE 63302F for rocket propulsion technology.

The Senate bill would provide no additional funds for this research.

The House amendment would authorize an additional \$5.0 million in PE 62601F for project 1011 and an additional \$2.5 million in PE 63302F for rocket propulsion technology.

The Senate recedes. The conferees support the additional funding for rocket propulsion programs as described in the House report (H. Rept. 103-499).

High frequency active auroral research program

The budget request contained no funding for the High frequency active auroral research program.

The Senate bill would authorize \$5.0 million for this purpose in PE 62601F, provided that the Secretary of Defense notifies the congressional defense committees that funding to complete the project will be included in future budget requests.

The House amendment would provide no funding for the program.

The House recedes.

The conferees agree that the project has promise for detection of underground structures such as tunnels and shelters, and note that the absence of such a capability has been identified in a May 1994 report the Deputy Secretary of Defense as a serious weakness in the DOD plans for precision attacks on hardened targets and counterproliferation. This report recommends increased funding of \$75.0 million annually for the detection of underground structures. The conferees further note that such a project would provide a world-class ionospheric research facility that could also detect mineral and oil deposits, aquifers, and geological structures.

The conferees share the Senate's concern that the Department of Defense will not include funds to finish this facility in future

budget requests. The Air Force has spent \$20.0 million, but the complete facility would require another \$150.0 million. The conferees see no reason why funds would not be requested to finish this project if the Department of Defense is truly serious about locating underground structures. Therefore, the conferees direct that none of these funds be obligated until the Secretary of Defense notifies the congressional defense committees that the Department will, as part of the non-proliferation and counterproliferation program recommended in the May 1994 report, include funding for this project in future budget requests.

Decision support technology

The budget request included \$9.925 million in PE 63789F for command, control, and communications advanced development.

The Senate bill would provide the requested amount.

The House amendment would provide an additional \$7.0 million to conduct a technology demonstration of decision support technology.

The conferees agree to provide an additional \$1.0 million for this purpose.

Composite propellers

The Senate bill provided an additional \$8.0 million for the Air Force to begin the fabrication and component-level testing that would lead to qualification of an all-composite propeller.

The House amendment contained no similar funding.

Significant life cycle cost savings could be achieved through the use of composite propeller technology. The conferees, therefore, recommend \$4.0 million to initiate a composite propeller technology program.

The conferees express their dismay over the apparent frivolous manner in which the Secretary of the Air Force responded to the direction contained in the Senate report on the National Defense Authorization Act for Fiscal Year 1994 (S. Rept. 103-112). The report asked for an analysis of the costs and benefits of composite propellers. The report was late, and it was unresponsive. The two-page report provided very little useful analysis of the issue. Further, when Air Force personnel were requested to provide the quantitative data to support the qualitative statements made in the report, they were unable to provide any data whatsoever.

F-111 squadrons

The budget request contained \$11.019 million for F-111 squadrons research and development (PE 27129F).

The Senate bill would authorize the requested amount.

The House amendment would approve only \$1.504 million because of unanticipated savings in the termination of the stores management system project.

The conferees agree to authorize \$2.819 million, including \$2.5 million to correct deficiencies found during initial flight testing of the digital flight control system modification.

Tri-service standoff attack missile

The budget request contained \$66.7 million for the Navy, and \$81.1 million for the Air Force, to continue development of the tri-service standoff attack missile (TSSAM). The budget request also contained \$373.9 million in procurement to begin low-rate initial production of the Air Force's combined effects bomblet (CEB) version of the missile. Finally, the budget request included \$82.5 million to pay for termination charges to cancel the Army portion of the program.

The House amendment would cancel the TSSAM program. The House amendment would eliminate the Air Force production funds, and all research and development funds except those requested for the Air Force. The House report (H. Rept. 103-499) directed the Department to use prior-year funds and the requested Air Force research and development funds for any termination costs. The House report based this decision on continuing cost and developmental problems in the TSSAM program, and the availability of less costly alternatives.

The Senate bill would approve the amounts requested for Air Force and Navy research and development, but would reduce Air Force procurement by \$65.8 million. The Senate report (S. Rept. 103-282) directed that none of the fiscal year 1995 production funds be obligated until the testing program has: (1) achieved all contractual exit criteria for proceeding to the next phase of the program, and (2) passed the standards set forth in the classified annex to the statement of the managers accompanying the conference report on the Department of Defense Appropriations Act for Fiscal Year 1994 (H. Rept. 103-339). The Senate report noted that \$50.0 million of the funds requested for the Army would be excess to termination requirements, and recommended a similar reduction.

The conferees believe that the capability promised by TSSAM is important for use in future conflicts. However, the conferees, adhering to a "fly-before-buy" philosophy, believe that the Air Force budget should reflect the current testing delays. The conferees recommend no missile procurement funds in fiscal year 1995, which will delay production until testing can demonstrate the expected performance and reliability.

The conferees agree to provide \$20.0 million to fund the latest estimate of Army program termination costs, \$66.7 million in Navy research and development funds to continue Navy participation in the program, and \$218.6 million in Air Force research and development funds to support a restructured TSSAM development program.

The conferees are well aware of the technical problems that continue to plague the TSSAM program. Moreover, the conferees are disappointed with the overall management of the program.

Therefore, the conferees recommend a budget for TSSAM that would implement a plan proposed by the Air Force to restructure the development program in several ways:

- (1) cancel production of the CEB variant missile;
- (2) complete the engineering and manufacturing development of the CEB and unitary warhead variants of the missile;
- (3) convert existing operational test assets to conduct additional developmental testing; and
- (4) purchase 15 additional unitary warhead missiles to conduct operational testing with more "production representative" missiles.

Although this restructuring will delay production, additional testing will also provide more confidence in the Air Force's assessment that the improvements in various program management indicators are yielding results in improved flight reliability. The conferees believe that any restructuring should:

- (1) protect the government's rights to hold the contractor team accountable for performance;
- (2) provide additional work to hold the contractor team together until procurement of

R-1 Line	PE	Program	FY 1995 Request	House Authorized	Senate Authorized	Conference Change to Request	FY 1995 Conference Authorized
		RESEARCH DEVELOPMENT TEST & EVAL DEFWIDE					
1	61101D	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	0	0	0		0
2	61101E	DEFENSE RESEARCH SCIENCES	87,706	87,706	87,706		87,706
3	61101W	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	0	0	0		0
4	61103D	UNIVERSITY RESEARCH INITIATIVES	232,492	237,492	232,492	2,500	234,992
5	61109D	US-JAPAN MANAGEMENT TRAINING	0	0	0		0
6	61110D	FOCUSED RESEARCH INITIATIVES	20,000	20,000	20,000	-8,000	12,000
7	62109H	SUPERCONDUCTIVE MAGNETIC ENERGY STORAGE	0	0	0		0
8	62217C	BALLISTIC MISSILE DEFENSE TECHNOLOGY	106,460	73,460	0	-106,460	0
9	62227D	MEDICAL FREE ELECTRON LASER	25,938	25,938	25,938		25,938
10	62228D	HISTOR BLACK COLLEGES AND UNIVERSITIES	15,000	25,000	35,000	10,000	25,000
11	62301E	COMPUTING SYSTEMS AND COMMUNIC TECH	419,608	394,608	419,608	-25,000	394,608
11a		LOCATE WEAPONS OF MASS DESTRUCTION			[5,000]	[5,000]	[5,000]
11b		JOINT DOD-FBI TRAINING PROGRAM			[10,000]	[10,000]	[10,000]
12	62702E	TACTICAL TECHNOLOGY	111,343	126,343	111,343	10,000	121,343
13	62708E	INTEGRATED COMMAND AND CONTROL TECH	67,950	92,950	92,950	25,000	92,950
14	62712E	MATERIALS AND ELECTRONICS TECHNOLOGY	224,828	243,953	241,828	18,000	242,828
15	62715H	DEFENSE NUCLEAR AGENCY	231,978	227,978	254,478	-1,000	230,978
16	62787D	MEDICAL TECHNOLOGY	8,477	8,477	8,477		8,477
17	62790D	SBIR/SMALL BUS TECH TRANSFER PILOT PROG	1,500	1,500	1,500		1,500
18	62790H	SBIR/SMALL BUS TECH TRANSFER PILOT PROG	0	0	0		0
19	63217C	BALLISTIC MISSILE DEFENSE TECHNOLOGY	0	0	0		0
20	63734J	ISLAND SUN SUPPORT	2,784	2,784	2,784		2,784
21	65502D	SMALL BUSINESS INNOVATIVE RESEARCH	0	0	0		0
22	35108K	COMMAND AND CONTROL RESEARCH	1,843	1,843	1,843		1,843
23	62222D	COUNTERTERROR TECHNICAL SUPPORT	6,321	6,321	9,321	3,000	9,321
24	63002D	MEDICAL ADVANCED TECHNOLOGY	4,542	4,542	44,542	40,000	44,542
25	63214C	SPACE BASED INTERCEPTORS	0	0	0	0	0
26	63215C	LIMITED DEFENSE SYSTEM	0	0	0		0
27	63216C	THEATER MISSILE DEFENSES	479,131	480,281	0	-479,131	0
28	63217C	BALLISTIC MISSILE DEFENSE TECHNOLOGY	769,993	584,393	0	-769,993	0

R-1 Line	PE	Program	FY 1995 Request	House Authorized	Senate Authorized	Conference Change to Request	FY 1995 Conference Authorized
		BALLISTIC MISSILE DEFENSE:				2,526,635	2,526,635
		NATIONAL MISSILE DEFENSE			400,000	400,000	400,000
		THAAD				495,690	495,690
		GROUND BASED RADAR - T				173,200	173,200
		HAWK BM/C3				26,800	26,800
		BM/C3I				34,055	34,055
		PATRIOT (PAC-3)				284,705	284,705
		PAC-3 RISK REDUCTION				58,460	58,460
		NAVY LOWER TIER				140,000	140,000
		NAVY UPPER TIER				50,000	50,000
		CORPS SAM				17,725	17,725
		BOOST PHASE INTERCEPT				40,000	40,000
		OTHER TMD ACTIVITIES				373,050	373,050
		SUPPORT TECHNOLOGIES				262,950	262,950
		PROGRAM MANAGEMENT				170,000	170,000
		FOLLOW ON TECHNOLOGY			270,000		0
		FOLLOW ON TMD SYSTEMS			96,550		0
29	63218C	RESEARCH AND SUPPORT ACTIVITIES	0	0	463,117		0
30	63225D	JOINT DOD-DOE MUNITIONS TECHNOLOGY DEVEL	14,415	26,415	14,415	8,500	22,915
31	63226E	EXPERIMENTAL EVAL MAJOR INNOVATIVE TECH	609,331	613,017	597,331	26,800	636,131
31a		VIRTUAL BRIGADE			16,800	[16,800]	[16,800]
31b		ASTOVL			10,200	0	0
31c		ENDURANCE UAV OFFSET			-32,000	0	0
32	63569E	ADVANCED SUBMARINE TECHNOLOGY	25,261	42,261	25,261	9,000	34,261
33	63570D	DEFENSE REINVESTMENT	106,600	0	56,600	-30,600	76,000
34	63570E	DEFENSE REINVESTMENT	625,000	771,600	625,000	0	625,000
35	63704D	SPECIAL TECHNICAL SUPPORT	11,298	11,298	9,298	-2,000	9,298
36	63705D	MANUFACTURING TECHNOLOGY	97,057	117,057	10,000	-87,057	10,000
37	63711H	VERIFICATION TECHNOLOGY DEMONSTRATION	41,063	41,063	41,063		41,063
38	63716D	STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM	111,907	111,907	170,000	0	111,907
39	63724D	BIOLOGICAL DEFENSE - ADVANCED DEVELOP	0	0	9,650	52,895	52,895
40	63725D	COMPUTERS & COMMUNIC TO REDUCE MED COSTS	0	0	0		0
41	63736D	COMPUTER AIDED LOGISTICS SUPPORT	13,090	13,090	13,090		13,090

R-1 Line	PE	Program	FY 1995 Request	House Authorized	Senate Authorized	Conference Change to Request	FY 1995 Conference Authorized
42	63737D	BALANCED TECHNOLOGY INITIATIVE	0	0	0		0
43	63738D	COOPERATIVE DOD/VA MEDICAL RESEARCH	0	30,000	20,000	40,000	40,000
44	63739E	MANUFACTURING TECHNOLOGY	346,129	418,329	371,129	56,200	402,329
44a		UAV ADJUSTMENT			-5,000	-5,000	-5,000
45	63741D	AIR DEFENSE INITIATIVE	0	0	0		0
		HIGH ENERGY LASER			50,000	0	0
46	63744E	ADVANCED SIMULATION	20,937	20,937	30,937	0	20,937
47	63745E	SEMICONDUCTOR MANUFACTURING TECHNOLOGY	90,000	90,000	90,000		90,000
48	63746E	MARITIME TECHNOLOGY OFFICE	0	0	0		0
49	63747E	ELECTRIC VEHICLES	0	10,000	15,000	10,000	10,000
50	63748E	NATURAL GAS VEHICLES	0	0	0		0
51	63749E	EARTH CONSERVANCY	0	0	0		0
52	63750D	ADVANCED CONCEPTS TECHNOLOGY DEMONSTR	50,000	25,000	50,000	-30,900	19,100
53	63755D	HIGH PERFORMANCE COMPUTING MODERNIZATION	183,048	133,048	183,048	-25,000	158,048
54	63756D	CONSOLIDATED DOD SOFTWARE INITIATIVE	0	0	0		0
55	63832D	JOINT WARGAMING SIMULATION MANAGE OFFICE	68,117	68,117	68,117	-13,114	55,003
56	64704D	ROCKET MOTOR DEMILITARIZATION PROGRAM	0	4,500	4,500	4,500	4,500
57	33132G	GLOBAL GRID COMMUNICATIONS	[]	0	0		0
58	63216C	THEATER MISSILE DEFENSES	0	0	0		0
59	63228D	PHYSICAL SECURITY EQUIPMENT	21,409	28,909	21,409	3,479	24,888
60	63708D	INTEGRATED DIAGNOSTICS	11,634	11,634	11,634		11,634
61	63709D	JOINT ROBOTICS PROGRAM	23,418	23,418	23,418		23,418
62	63710D	CLASSIFIED PROGRAM - C3I	8,092	8,092	8,092		8,092
63	63714D	ADVANCED SENSOR APPLICATIONS PROGRAM	27,359	27,359	27,359	4,756	32,115
64	63715D	AIM-9 CONSOLIDATED PROGRAM	0	0	0	49,320	49,320
64a		F-22N			10,000	10,000	10,000
65	63790D	NATO RESEARCH AND DEVELOPMENT	60,240	60,240	60,240	-24,950	35,290
		DISASTER PLANNING AND PREPAREDNESS					0
66	64216C	THEATER MISSILE DEFENSE (DEM/VAL)	[1,071,283]	0	0		0
66A		GROUND BASED RADAR	173,200	173,200	173,200	-173,200	0
66B		PATRIOT	69,240	0	69,240	-69,240	0
66C		ERINT	58,460	0	58,460	-58,460	0
66D		THAAD	495,690	495,690	495,690	-495,690	0
66E		SEA BASED TMD INT	179,543	0	179,543	-179,543	0

R-1 Line	PE	Program	FY 1995 Request	House Authorized	Senate Authorized	Conference Change to Request	FY 1995 Conference Authorized
66F		RISK REDUCTION	0	210,000	75,000		0
66G		HAWK SYSTEM BM/C3	26,800	26,800	26,800	-26,800	0
66H		C4I & CONCEPTS OPS	33,500	33,500	34,055	-33,500	0
66I		TEST AND EVALUATION SUPPORT	34,850	34,850	0	-34,850	0
67	64217C	BALLISTIC MISSILE DEFENSE TECH (DEM/VAL)	120,000	0	0	-120,000	0
68	64225C	THEATER MISSILE DEFENSES	0	0	0		0
69	64708D	INNOVATIVE ENVIRONMENTAL SECURITY TECH	15,000	25,000	15,000	10,000	25,000
70	64225C	THEATER MISSILE DEFENSES	217,755	180,755	217,200	-217,755	0
71	64705D	MOBILE OFFSHORE BASE ANALYSIS	0	0	0		0
72	64771D	JOINT TACTICAL INFORMATION DISTRIBUTION	84,409	84,409	84,409		84,409
73	35889D	COUNTERDRUG INTELLIGENCE SUPPORT	0	0	0		0
74	63218C	RESEARCH AND SUPPORT ACTIVITIES	215,233	198,833	0	-215,233	0
75	65104D	TECHNICAL STUDIES, SUPPORT AND ANALYSIS	40,501	40,501	40,501	-10,000	30,501
76	65110D	TECH SUPPORT TO USD(A)--CRITICAL TECH	2,660	2,660	2,660		2,660
77	65114E	BLACK LIGHT	4,875	4,875	4,875		4,875
78	65117D	FOREIGN MATERIAL ACQUISITION AND EXPLOIT	49,900	49,900	49,900		49,900
79	65120S	TECHNICAL INFORMATION SERVICE	0	0	0		0
80	65502E	SMALL BUSINESS INNOVATIVE RESEARCH	0	0	0		0
81	65798S	DEFENSE SUPPORT ACTIVITIES	15,234	15,234	15,234		15,234
82	65801S	DEFENSE TECHNICAL INFORMATION CENTER	42,949	42,949	42,949		42,949
83	65898E	MANAGEMENT HEADQUARTERS (R & D) COMMERCIAL COMMUNICATIONS	28,718	28,718	23,718		28,718
84	35889E	COUNTERDRUG INTELLIGENCE SUPPORT	0	0	0		0
85	78011S	INDUSTRIAL PREPAREDNESS	0	0	0		0
86	21135J	CINC C2 INITIATIVES	1,389	1,389	1,389		1,389
87	28045K	C3 INTEROPERABILITY (JOINT TACT C3 AG)	36,040	36,040	36,040		36,040
88	31011G	CRYPTOLOGIC ACTIVITIES	[]	0	0	[-21,000]	0
89	31301L	GENERAL DEFENSE INTELLIGENCE PROGRAM	[]	0	0	[7,000]	0
90	31308L	MISSILE INTELLIGENCE AGENCY	[]	0	0		0
91	32016K	NATIONAL MILT COMMAND SYS-WIDE SUPPORT	3,788	3,788	3,788		3,788
92	32019K	JOINT/DEFENSE INFORMATION SYSTEMS ENGINE	9,768	9,768	9,768		9,768
93	33126K	LONG-HAUL COMMUNICATIONS (DCS)	19,657	19,657	19,657		19,657
94	33127K	SUPPORT OF THE NATIONAL COMMUNIC SYS	4,769	4,769	4,769		4,769
95	33131K	MIN ESSENTIAL EMERG COMM NETWORK (MEECN)	4,000	4,000	4,000		4,000

R-1 Line	PE	Program	FY 1995 Request	House Authorized	Senate Authorized	Conference Change to Request	FY 1995 Conference Authorized
96	33140G	INFORMATION SYSTEMS SECURITY PROGRAM	[]	0	0		0
97	33150J	WWMCCS/GLOBAL COMMAND AND CONTROL SYSTEM	6,766	6,766	6,766		6,766
98	33154J	WWMCCS ADP MODERNIZATION	0	0	0		0
99	33154K	WWMCCS ADP MODERNIZATION	0	0	0		0
100	33401G	COMMUNICATIONS SECURITY (COMSEC)	[]	0	0		0
101	34311D	SELECTED ACTIVITIES	[]	0	0		0
102	35098L	DEFENSE SUPPORT ACTIVITY - IPST	[]	0	0		0
103	35106LC	CONSOLIDATED IMAGERY ACTIVITIES	[]	0	0		0
104	35107LC	TACTICAL IMAGERY ACTIVITIES	[]	0	0		0
105	35127V	FOREIGN COUNTERINTELLIGENCE ACTIVITIES	[]	0	0		0
106	35139B	DMA MAPPING, CHARTING, & GEODESY (MC&G)	67,008	57,008	67,008	-8,400	58,608
107	35141D	JOINT REMOTELY PILOTTED VEHICLES PROGRAM	0	0	0		0
108	35154D	DEFENSE AIRBORNE RECONNAISSANCE PROGRAM	528,290	501,590	671,290	900	529,190
109	35154G	DEFENSE AIRBORNE RECONNAISSANCE PROGRAM	[]	0	0		0
110	35154I	DEFENSE AIRBORNE RECONNAISSANCE PROGRAM	0	0	0		0
111	35157I	LAND REMOTE SENSING SATELLITE SYSTEM	0	0	0		0
112	35159B	DEFENSE RECONNAISSANCE SUPPORT ACTIV	19,548	19,548	19,548		19,548
113	35159G	DEFENSE RECONNAISSANCE SUPPORT ACTIV	[]	0	0		0
114	35159I	DEFENSE RECONNAISSANCE SUPPORT ACTIV	46,865	46,865	46,865		46,865
115	35167G	COMPUTER SECURITY	[]	0	0		0
116	35190D	C3I INTELLIGENCE PROGRAMS	22,515	22,515	6,515	-16,000	6,515
117	35830K	CENTER FOR INFORMATION MANAGEMENT	0	0	0		0
118	35884L	INTEL PLANNING AND REVIEW ACTIVITIES	[]	0	0		0
119	35885G	TACTICAL CRYPTOLOGIC ACTIVITIES	[]	0	0		0
120	35889G	COUNTERDRUG INTELLIGENCE SUPPORT	[]	0	0		0
121	35889K	COUNTERDRUG INTELLIGENCE SUPPORT	0	0	0		0
122	35889L	COUNTERDRUG INTELLIGENCE SUPPORT	[]	0	0		0
123	35898L	MANAGEMENT HQ (AUXILIARY FORCES)	[]	0	0		0
124	116279BB	SBIR/SMALL BUS TECH TRANSFER PILOT PROG	0	0	0		0
125	116401BB	SPECIAL OPERATIONS TECHNOLOGY DEVELOP	7,560	7,560	7,560		7,560
126	116402BB	SPECIAL OPERATIONS ADVANCED TECH DEVELOP	15,549	16,049	15,549	500	16,049
127	116404BB	SPECIAL OPERATIONS TACTICAL SYSTEMS DEV	167,356	167,356	167,356	-9,600	157,756
128	116405BB	SPECIAL OPERATIONS INTELLIGENCE SYSTEMS	2,958	2,958	2,958		2,958
129	116407BB	SOF MEDICAL TECHNOLOGY DEVELOPMENT	1,798	1,798	1,798		1,798

R-1 Line	PE	Program	FY 1995 Request	House Authorized	Senate Authorized	Conference Change to Request	FY 1995 Conference Authorized
130	116408BB	SOF OPERATIONAL ENHANCEMENTS	20,316	20,316	20,316		20,316
999		DEFENSE WIDE CLASSIFIED PROGRAMS	1,139,099	1,103,738	1,159,799	-14,000	1,125,099
		DOD COUNTERPROLIFERATION INITIATIVE			12,500	16,500	16,500
		GULF WAR SYNDROME STUDY			10,000		0
		SMALL BUSINESS CONVERSION LOAN GUARANTEES			27,400		0
		GENERAL REDUCTION			-37,400		0
		BRILLIANT EYES				120,000	120,000
		CIVILIAN UNDERSTRENGTH			-900	-2,700	-2,700
		FEDERAL WORKFORCE RESTRUCTURING ACT			3,462	3,462	3,462
		GENERAL REDUCTION, UNIVERSITY RESEARCH					0
		CIVILIAN PERSONNEL PAY/LOCALITY PAY RAISES					0
		TOTAL RDT&E DEFENSE WIDE	9,416,855	9,054,212	9,322,303	-231,229	9,185,626

R-1 Line	PE	Program	FY 1995 Request	House Authorized	Senate Authorized	Conference Change to Request	FY 1995 Conference Authorized
		DIRECTOR OF TEST & EVAL DEFENSE					
1	64940D	CENTRAL TEST & EVAL INVESTMENT (CTEIP)	115,318	118,818	100,318	-15,000	100,318
2	65130D	FOREIGN COMPARATIVE TESTING	33,716	33,716	33,716		33,716
3	65131D	LIVE FIRE TESTING	10,461	10,461	6,461	-4,000	6,461
4	65804D	DEVELOPMENT TEST AND EVALUATION	92,000	92,000	90,000	-2,000	90,000
		TOTAL DIRECTOR TEST & EVALUATION	251,495	254,995	230,495	-21,000	230,495
		DIRECTOR OPERATIONAL TEST & EVALUATION					
1	65118D	OPERATIONAL TEST AND EVALUATION	12,501	12,501	12,501		12,501
		TOTAL OPERATIONAL TEST	12,501	12,501	12,501	0	12,501

DODDS 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 Senate bill would provide \$20.0 million for this program from the funds authorized for PE 61103D.

The House amendment contained no funds for this program.

The House recedes.

Computer-assisted education

The budget request contained no funds for computer-assisted education.

The Senate bill would provide \$20.0 million for computer-assisted education from the funds authorized for PE 61103D, and \$2.0 million from each of the following program elements: PE 61102A, PE 61553N, and PE 61102F.

The House amendment contained no funds for this program.

The House recedes. The conferees direct the Department of Defense to conduct the competition called for in the Senate report (S. Rept. 103-282).

Center for Adaptive Optics

The budget request included \$232.492 million in PE 61103D for university research initiatives (URI).

The Senate bill would authorize the requested amount.

The House amendment would provide an additional \$5.0 million to complete the university research initiative for the technology transfer of adaptive optics that was initiated in fiscal year 1993.

The conferees recommend \$234.992 million for URI, of which \$5.0 million shall be for the Center for Adaptive Optics.

Telemedicine

The budget request contained no funding for telemedicine.

The Senate bill would authorize \$20.0 million for telemedicine in the following amounts: \$10.0 million in the Army in PE 63002A; \$5.0 million in the Air Force in PE 63231F; and \$5.0 million in the Navy in PE 63706N.

The House amendment would provide \$5.0 million in PE 62301E for telemedicine.

The House recedes. The conferees agree that the Director of Defense Research and Engineering should report to the Committees on Armed Services of the House of Representatives and the Senate in accordance with the direction on telemedicine reporting contained in the House report (H. Rept. 103-499). The conferees agree that any funds needed to accomplish the ARPA coordination called for in the House report shall come from PE 62301E.

Software reuse and technology transfer

The budget request contained \$93.7 million for research on intelligence systems and software, including software reuse, in PE 62301E.

The Senate bill would authorize \$7.5 million in this program element for software reuse.

The House amendment did not contain a similar authorization for software reuse.

The House recedes.

The conferees recommend that \$7.5 million be authorized for the software reuse project as described in the Senate report (S. Rept. 103-282).

Simulation-based design

The budget request contained \$111.3 million for PE 62702E, tactical technology.

The Senate bill would authorize the requested amount.

The House amendment would authorize an additional \$15.0 million for acceleration of simulation-based design technology.

The conferees agree to authorize an additional \$5.0 million to the Advanced Research Projects Agency (ARPA) tactical technology program for simulation-based design.

Material and electronics technology

The budget request contained \$224.828 million for materials and electronics in PE 62712E.

The Senate bill would authorize an additional \$17.0 million in PE 62712E for continuous fiber metal matrix composites.

The House amendment would authorize an additional \$19.125 million in PE 62712E for synthetic diamond, cryoelectronics, and microballoon technology.

The conferees agree to authorize an increase of \$18.0 million in PE 62712E. Of the amount authorized, \$17.0 million is for continuous fiber metal matrix composites; \$8.0 million is for chemical vapor deposition (CVD) and chemical vapor composite (CVC) synthetic diamond; \$1.0 million is for mercury cadmium telluride (MCT); \$4.0 million is for microballoon technology; and \$2.0 million is for aluminum beryllium alloys to meet military and commercial applications as recommended by the House amendment.

Defense Nuclear Agency

The budget request contained \$231.978 million for research and development at the Defense Nuclear Agency (DNA).

The Senate bill would authorize \$254.5 million for the Defense Nuclear Agency, an increase of \$22.5 million over the requested amount.

The House amendment would authorize \$228.0 million, a reduction of \$4.0 million from the requested amount.

The conferees recommend \$230.978 million for DNA.

The House report (H. Rept. 103-499) and the Senate report (S. Rept. 103-282) both discussed the electrothermal gun program. The conferees direct that this program be carried forward with a goal of an end-to-end demonstration of long range gunfire in accordance with the memorandum of agreement between DNA and the Navy, and that the program be carried out on a sound technical basis.

The conferees also recommend a \$3.0 million increase to the requested amount for DNA operation and maintenance for the nuclear test personnel review (NTPR) program, which will fund the increased workload resulting from the Administration's inter-agency effort studying the conduct of radiation research on humans.

Joint DOD/DOE munitions technology development

The budget request contained \$14.4 million for the joint DOD/DOE munitions technology development program.

The House amendment recommended an increase of \$12.0 million to the requested amount.

The Senate bill recommended the requested amount.

The conferees recommend a total authorization of \$22.915 for the program. The additional funds will permit an expansion of ongoing DOD/DOE efforts in the development of innovative warhead, explosive, and fuze technologies that improve the capability and safety of conventional munitions, and develop and demonstrate environmentally-compliant processes for the demilitarization and disposal of unserviceable, obsolete, or non-treaty-compliant weapons. The conferees believe that the increased program will significantly benefit efforts to address the growing backlog of munitions awaiting demilitarization and disposal.

Fuel cells

The budget request contained funds for fuel cell research but no funding for further development of the molten carbonate direct fuel cell power plant demonstration.

The Senate bill would provide an additional \$8.0 million for fuel cell research.

The House amendment would provide \$5.0 million for the molten carbonate direct fuel cell power plant demonstration.

The Senate recedes.

Experimental evaluation of major innovative technologies

The budget request contained \$609.3 million for the experimental evaluation of major innovative technologies (EEMIT).

The Senate bill would reduce the requested amount by \$12.0 million.

The House amendment would increase the requested amount by \$3.7 million.

The conferees agree to an authorization of \$636.1 million, which includes \$5.0 million for fuel cells, \$5.0 million for deep ocean relocation, \$8.0 million for multi-function, self-aligned gate antenna development, \$16.8 million for the virtual brigade, and a reduction of \$20.0 million for the transfer of ASTOVL to the joint advanced strike technologies (JAST) program.

The conferees note that this is the second year that the conferees have authorized additional funding for the virtual brigade initiative. The conferees agree that this is the last year that the Armed Services Committees of the Senate and House of Representatives will add funds for this program. If the Department of Defense and the Army want this program to continue, they will have to include funding for it in future budget requests.

Thermophotovoltaic technology development

The House amendment would authorize an additional \$2.0 million in PE 63226E for development and test of a prototype of a thermophotovoltaic (TPV) electric generator as a power source for use in unmanned underwater vehicles.

The Senate bill contained no similar funding.

The Senate recedes.

The conferees are aware of ongoing efforts in the Advanced Research Projects Agency to develop TPV technology and demonstrate an efficient TPV system. The conferees encourage the agency to continue its efforts with the National Aeronautics and Space Agency to develop and demonstrate competing TPV technologies and to program additional funds for this purpose.

Advanced submarine technology

The budget request included \$25.3 million for the advanced submarine technology program.

The Senate bill would approve the requested amount.

The House amendment would approve an additional \$17.0 million for the following programs:

- (1) \$5.0 million for an advanced structural control program for developing technologies to control active vibration and noise;
- (2) \$2.0 million to evaluate the program-mable automated welding system (PAWS) and the welding expert manufacturing cell (WELDEXCELL) systems;
- (3) \$2.0 million for the advanced thermophotovoltaics program; and
- (4) \$8.0 million for an airborne multi-sensor integration demonstration.

The conferees agree to provide \$7.0 million for the advanced structural control (ASC) program and \$2.0 million for the automated welding program. The conferees recommend additional guidance on the advanced thermo-

photovoltaics program in the section of the statement of the managers dealing with the experimental evaluation of major innovative technologies (EEMIT) program.

The conferees intend that the additional \$7.0 million for ASC be applied to (1) accelerate the demonstration of applying ASC chatter and vibration control for high speed, high precision machining and milling operations, and (2) begin the technology transfer process for bringing technology for actively controlling machinery platforms that has been demonstrated in the ARPA project M to the United States.

The conferees intend that the \$2.0 million for automated welding technology be used to accelerate efforts for a coordinated, cooperative test of the capabilities that may be provided with the PAWS and WELDEXCELL technologies. The conferees agree that the Department should seek early transfer of advanced automated welding technologies to industry to take advantage of the cost benefit for naval ships and to enhance commercial welding competitiveness. The conferees agree that using appropriate technologies from the PAWS and WELDEXCELL programs is essential to establishing a performance baseline, generating technical information for possible future funding, and promoting rapid insertion into the user community through technology demonstrations and dissemination of technical information.

Fire protection technology

The conferees endorse the section of the Senate report (S. Rept. 103-282) that would urge the Department of Defense to provide strong central leadership to promote fire protection and fire fighting technology. The conferees share the Senate's concern that the Department of Defense has put little emphasis on R&D for fire protection. For instance, \$250,000 appropriated for fiscal year 1994 to explore the possibility of a permanent fire protection center of excellence has not been released for obligation.

The committee is convinced that there is a pressing need for new technology for fire protection. Modern weapons have tremendous armor piercing and incendiary capability, but military personnel are still clothed in polyester uniforms and synthetic shoe materials that melt and burn. Most fire victims die from inhalation of smoke and toxic gases, yet the Navy oxygen breathing apparatus, designed in 1936, is still in service and is still difficult to use.

The development, testing, validation, and qualification of new fire resistant materials is unbearably slow and unwieldy. Technical information, data, specifications, standards, codes, and regulations appear to be in conflict and are not kept up to date.

The committee endorses the approach on fire protection technology contained in the House report (H. Rept. 103-200) on the House bill, H.R. 2401, the National Defense Authorization Act for Fiscal Year 1994. The conferees urge the Department to make available the funds appropriated for this project in PE 63226E in fiscal year 1994.

MARITECH

The conferees agree that of the amounts authorized to be appropriated for the MARITECH project in the Advanced Research Projects Agency (ARPA), \$10.0 million shall be available for curved plate technology.

ARPA manufacturing technology

The budget request contained \$346.1 million for ARPA manufacturing technology.

The Senate bill would authorize an additional \$25.0 million for advanced lithography

and for the Institute for Advanced Flexible Manufacturing Systems.

The House amendment would authorize an additional \$72.2 million for advanced lithography and for coronary angiography.

The conferees agree to authorize an additional \$56.2 million for ARPA manufacturing technology: \$50.0 million for advanced lithography for a total for lithography of \$60.0 million, \$2.2 million for coronary angiography, and \$4.0 million for the Institute for Advanced Flexibility Manufacturing Systems.

Advanced concept and technology demonstration (ACTD) program

The budget request contained \$50.0 million for the advanced concept and technology demonstration (ACTD) program.

The Senate bill would provide \$50.0 million in PE 63750D for the ACTD program.

The House amendment recommended a reduction of \$25.0 million in the requested amount, because of a need to gain an understanding of the program plans for the individual technologies and advanced development projects selected for the ACTD program.

The conferees strongly endorse the views expressed in the House report (H. Rept. 103-499) on the value of the ACTD initiative. By involving the material developer and the military operational user in the development and demonstration of emerging advanced technologies and, when appropriate, fielding the newly demonstrated capability in limited numbers, ACTD can improve understanding of the military utility of the technology, validate operational concepts for the technology's use in the field, and break the lock-step of the traditional acquisition process. In this way, the development and fielding of new advanced technologies of proven military operational utility would be accelerated.

Because of the limited funding for the ACTD initiative recommended by the Appropriations Committees of the Senate and House of Representatives, the conferees agree to an authorization of only \$19.1 million for the ACTD initiative. The conferees believe, however, that a higher funding level is both justified and required to capitalize on the ACTD initiative and would consider authorizing a higher amount, should the Appropriations Committees so recommend in their conference on the fiscal year 1995 defense appropriations bill.

Physical security equipment

The budget request contained \$21.409 million for physical security equipment.

The Senate bill would authorize the requested amount.

The House amendment would authorize an additional \$7.5 million for robotic-related equipment.

The House recedes.

The conferees agree to authorize \$3.479 million for a physical security vehicle in the physical security equipment line (PE 63228D) instead of in the Army's light tactical wheeled vehicles line (PE 64642). If a new physical security vehicle is approved by the Secretary of Defense and Congress, it should satisfy the needs of all the services.

The conferees are concerned, however, about a new armored vehicle intended only for physical security forces, including the military police. The conferees do not agree with the levels of protection that have been proposed to be required for the Army's proposed armored security vehicle (ASV) and are not convinced that security forces, including military police, need a new vehicle

with armor protection levels which exceed those available to scout platoons of tank and mechanized infantry battalions.

The conferees direct that not more than \$1.0 million of the \$3.479 million provided for the physical security vehicle may be obligated until 30 days after the Secretary of Defense submits to the congressional defense committees a cost and operational effectiveness analysis (COEA) justifying a new start for a separate, dedicated armored security vehicle. The COEA shall consider the need for security forces to have such a vehicle; the requirements of all the services; the potential threats that such security forces would most likely face; and all alternative vehicles currently in the Department of Defense inventory which could possibly fill the role of such a security vehicle, including the Bradley fighting vehicle, the M113 armored personnel carrier, the light armored vehicle, and current and upgraded versions of the armored high mobility multipurpose wheeled vehicle. The COEA shall thoroughly scrutinize ASV requirements for ballistic protection, specifically those against .50 caliber rounds and artillery fragments at close ranges.

Environmental technologies

The budget request included \$15.0 million for innovative environmental security technology.

The Senate bill would authorize the requested amount.

The House amendment would authorize an additional \$10.0 million.

The Senate recedes.

Acquisition and exploitation of foreign technology and material

The budget request contained \$49.9 million for the foreign material acquisition and exploitation (FMA&E) program.

The Senate bill and House amendment approved the requested amount.

The House report (H. Rept. 103-499) requested a report by July 1, 1994, on the foreign materiel and technology activities of the Department of Defense. In addition, the classified annex accompanying the Senate report (S. Rept. 103-282) requested answers from the Secretary of Defense and the Director of Central Intelligence to questions concerning foreign technology and acquisition prior to the conference on this act. The Administration's response reflects progress towards meeting essential national requirements.

The conferees are persuaded that elements of the FMA&E and related programs are underfunded and that there are significant management and coordination problems within these programs. The conferees are prepared to support additional funding, subject to normal reprogramming procedures, provided that progress is evident in solving these problems. The conferees also agree that particular attention should be given to funding the advanced technology acquisition program in order to sustain it at least at the fiscal year 1994 level. Additional guidance is contained in the classified annex to this statement of the managers.

Tactical unmanned aerial vehicles

The budget request included \$121.0 million for research and development and \$225.3 million in procurement for short-range and maneuver-variant unmanned aerial vehicles (UAVs).

The Senate bill would authorize the requested amount.

The House amendment would authorize \$85.7 million for R&D, delete the funds requested for the maneuver-variant UAV, authorize the development of a down-sized

ground station, authorize an additional \$7.0 million for the integration of the common automatic recovery system (CARS) with Pioneer UAVs, and authorize the requested amount in procurement.

The short-range UAV program was recently restructured. The low-rate initial procurement was reduced from seven systems to four, and the Defense Airborne Reconnaissance Office (DARO) has requested authority to apply the savings to a system maturation program and to adapting the UAV to Navy ships.

The conferees approve \$23.3 million for short-range UAV system maturation and \$14.5 million for system testing and evaluation, but deny \$30.6 million in procurement for the shipboard-variant. The conferees authorize up to \$5.0 million in RDT&E to begin development of a shipboard-variant. The conferees fully support this development but believe that the program office should prove that the basic system is mature before developing variants.

The conferees also deny \$21.1 million of the requested amount for the maneuver or close-range UAV system. The conferees recognize that the Marine Corps and Army have agreed on their requirements. However, the cost and operational effectiveness analysis (COEA) has not been completed and sent to Congress, and the conferees are not convinced that a separate UAV system is required to meet the Army-Marine Corps requirements. The conferees direct the DARO to review the COEA and undertake other analysis, as appropriate, to determine whether (1) the maneuver UAV would overburden brigade- and regiment-level logistics; (2) rapidly advancing brigades would "outrun" the maneuver UAV in terms of range, endurance, and ground support; (3) additional short-range systems at the division level to support brigades and regiments would make more operational sense; and (4) a short-range UAV solution would really be more expensive than the proposed maneuver system. This analysis should be completed and transmitted to the congressional defense committees as soon as possible, but no longer later than the submission of the fiscal year 1996 defense budget request. The conferees would be willing to consider a reprogramming request after the fiscal year 1996 budget is submitted to Congress.

The conferees agree to authorize an additional \$7.0 million in RDT&E for the procurement of at least three unit sets of CARS equipment for integration and testing on the Pioneer UAV, but only if the equipment can be applied later to the short-range UAV system when Pioneer is retired.

Stabilized weapons platform system

The budget request included \$9.6 million for development of a stabilized weapons platform system (SWPS) for the special operations patrol coastal ship.

The Senate bill and the House amendment approved the requested amount.

After the Senate and House of Representatives each approved the defense authorization bills for fiscal year 1995 (S. 2182 and H.R. 4301), the U.S. Special Operations Command informed the Armed Services Committees that it had decided not to develop the SWPS system any further. Instead, the Command intends to procure a less costly, stabilized, non-developmental gun system and to develop a surface-to-surface missile system. In response to this new plan, the conferees agree to reallocate \$7.9 million of the requested amount of \$9.6 million for the procurement of a gun system. Because the Department of Defense Appropriations Act for

Fiscal Year 1995, as passed by the Senate and House of Representatives, does not contain funds to develop the missile system, the conferees do not recommend funds for that purpose.

The Command's decision to discontinue development of the SWPS system is a realistic recognition of the limited funds that are available for this capability. The conferees are concerned that the Command's plans for developing a surface-to-surface missile may still be too ambitious and costly. The conferees urge the U.S. Special Operations Command to carefully consider the technology and money that are available for a weapons system for a ship of the size and capabilities of the patrol coastal ship.

Ocean research

The budget request contained no funds for ocean research.

The Senate bill would provide \$5.0 million for ocean research in the experimental evaluation of major innovative technology account (PE 0603226E).

The House amendment would provide no funds for ocean research.

The conferees agree to provide \$5.0 million for ocean research from the funds authorized in PE 0603226E. These funds would be provided to establish a data base to understand the environmental ramifications of potentially harmful materials that have been deposited, dumped, or lost in the world's oceans in significant quantities. Part of this effort should include development of a process to monitor the uncertain or unknown effects of hazardous and non-hazardous contaminants on the marine environment.

Rocket motor demilitarization

The budget request contained no funds for rocket motor demilitarization.

The Senate bill would provide \$4.5 million for PE 604704D to evaluate and test the environmentally-sound demilitarization of large rocket motors and other high energetic explosives at the Nevada Test Site (NTS).

The House amendment would provide \$4.5 million.

The conferees provide \$4.5 million for PE 604704D to evaluate and demonstrate methodologies and technologies for the environmentally-sound demilitarization of high energetic explosives at the Nevada Test Site. These efforts should include an evaluation of the possibility of using the inactive tunnels at the NTS.

Joint service imagery processing system

The budget request included \$22.4 million in RDT&E and \$47.6 million in procurement for the joint service imagery processing system (JSIPS).

The Senate bill would consolidate service funding for the restructured JSIPS initiative by authorizing \$28.3 million in RDT&E and \$41.7 million in procurement in the Defense Airborne Reconnaissance Office (DARO).

The House amendment would withhold \$28.7 million from Marine Corps JSIPS procurement and \$8.3 million from Army JSIPS development until a plan is submitted that better defines the capabilities of JSIPS alternative systems.

The House recedes.

The conferees, however, remain concerned about the Marine Corps proposal that maintains existing acquisition procedures through the Air Force joint program office. The conferees direct DARO and the Marine Corps to take maximum advantage of Navy JSIPS development, commercial off-the-shelf (COTS) technology, and DARO-approved streamlined acquisition practices.

The conferees direct DARO to report to the congressional defense and intelligence com-

mittees on the restructured JSIPS program elements prior to obligation of funds for each element. DARO also should report on the overall architecture and operational concept by March 1, 1995.

Multispectral imagery

The budget request included no funds for developing multispectral imaging sensor systems for airborne reconnaissance.

Both the Senate report (S. Rept. 103-282) and the House report (H. Rept. 103-499) directed the Defense Airborne Reconnaissance Office (DARO) to continue development of new multispectral imaging capabilities. Both reports also recommended use of unobligated Landsat funds for this purpose.

The conferees strongly support continued modernization of the U-2 aircraft, including its imaging capabilities. The Department of Defense recently terminated a development program for a high-performance and very expensive new multi-spectral imaging sensor for the U-2. The conferees recently learned that the existing U-2 electro-optical sensor could have been upgraded to achieve most of the capabilities of the terminated sensor at a very small fraction of the cost. The conferees cannot comprehend the reasons for not presenting this option to Congress years ago before hundreds of millions of dollars were wasted on the terminated program.

The conferees authorize \$10.0 million to begin developing an upgraded, multispectral sensor for the U-2 (SYERS). The conferees direct the DARO to develop a prototype sensor that can be adapted for operational use, and then to upgrade the existing four sensors and associated ground station functions. The conferees expect the total program cost to be about \$60.0 million. The conferees direct the Department to include funds for continuation of this effort in the fiscal year 1996 budget submission.

Cobra Ball upgrade

The budget request contained no research and development funding for the RC-135 Cobra Ball program.

The Senate bill contained no funding for the program.

The House amendment contained \$13.646 million in PE 35154D for the infrared acquisition array.

The conferees recommend \$13.6 million to upgrade the active ranging system, infrared acquisition sensor, and data processing capabilities. Enhancement of these capabilities is essential in order to provide adequate stand-off range for collection of information on short-range ballistic missile systems and to provide data fusion for onboard sensors. The conferees request the Department to provide a report to the congressional defense committees on its plans and future funding for the Cobra Ball program.

C31 intelligence program

The budget request included \$16.0 million for a classified counterproliferation computer database system in PE 0305190D.

The Senate bill would deny authorization of the requested amount.

The House amendment would authorize \$16.0 million for the program.

The conferees concur with the Senate position as described in the Senate report (S. Rept. 103-282). The conferees support cooperative counterproliferation efforts between the Defense Department and the intelligence community. However, the conferees are seriously concerned about the proposed counterproliferation database system. From a technical perspective, it is an interesting and promising proposal; however, there are major coordination and funding problems.

This program is described as a joint national foreign intelligence program (NFIP)/tactical intelligence and related activities (TIARA) endeavor. However, with the exception of \$4.0 million for general database development, funds for this program were not included in the fiscal year 1995 NFIP budget submission. The conferees also understand that NFIP agencies are reluctant to commit funds without a formal cost-sharing agreement on future funding because of the project's large operation and maintenance costs. This raises questions about the ability of the community to fully fund this program in its current configuration and the advisability of undertaking such an ambitious project as a pilot program.

The conferees also are concerned that a program of this magnitude has not competed with other intelligence community and defense intelligence systems in the intelligence systems board (ISB) system migration process. As a result, at this time, the conferees believe that a financial commitment is not appropriate and deny authorization of the amount requested for this system. The conferees note that this recommendation is made without prejudice and encourage DOD to submit a reprogramming request once specific conditions are met.

The conferees direct the intelligence and communications architectures (INCA) project office, in cooperation with the ISB, to compare current major databases and software capabilities of intelligence community members, military service laboratories, and Department of Energy national weapons laboratories, with the capabilities of the proposed project. The report shall include the following: an assessment of the technical feasibility of the proposed project; an assessment of the feasibility of implementing the proposed project; a proposed plan that would include program plan strategy, milestones, and future funding requirements; an evaluation of the practical aspects of database linkage between existing capabilities of the intelligence community and appropriate nonproliferation and counterproliferation offices within the U.S. government; and an evaluation of the effect of the new program on systems included in ongoing intelligence migration strategies and activities.

As a show of good faith, the conferees make available in section 1504 of this act \$4.0 million in the research and development, defense agencies account for counterproliferation agencies. The conferees would limit the obligation and expenditure of these funds until the following conditions are met: the report described above is submitted to the congressional defense and intelligence committees; the ISB has determined that this system is consistent with its developing architecture and that it conforms with community standards for compatibility and interoperability; and a formal cost-sharing agreement between the NFIP and TIARA is reached, which includes sources and future funding. Lastly, the conferees would require that any reprogramming request for this program be matched dollar for dollar by a reprogramming request within the NFIP, or DOD may release the funds for other counterproliferation activities. A parallel provision for NFIP funding will be included in the Intelligence Authorization Act for Fiscal Year 1995, along with an amount of funds to be limited.

Central test and evaluation investment program
The budget request included \$115.318 million for the central test and evaluation program in PE 64940D.

The Senate bill would reduce the requested amount by \$15.0 million and recommend that

the REDCAP-ACETEF real-time data link program continue to be funded within the authorized funds.

The House amendment would provide an additional \$3.5 million for the REDCAP-ACETEF real-time data link.

The House recesses.

Animal research

The House report (H. Rept. 103-499) noted that the Department of Defense Inspector General found two DOD facilities, the U.S. Army Medical Department Center and School in San Antonio, Texas and the U.S. Naval Medical Research Institute Detachment in Lima, Peru, to be "not substantially in compliance" with DOD regulations and the Animal Welfare Act. Based on that finding, the House report directed the termination of animal research at the non-complaint facilities until they are accredited by the Animal Association for Accreditation of Laboratory Animal Care (AAALAC).

The conferees note that since the House report was issued, DOD has applied for AAALAC accreditation for the two non-compliant facilities. The conferees applaud the Department's expeditious efforts to gain accreditation for these facilities, and direct the termination of animal use at these facilities one year from the enactment of this act only if they have failed to achieve AAALAC accreditation by that date. The conferees urge DOD to seek AAALAC accreditation for all DOD animal facilities as expeditiously as possible. The conferees note that the other sections relating to animal research in the House report are not affected by this paragraph.

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Strategic environmental research and development program (sec. 203)

The Senate bill contained a provision (sec. 203) that would authorize \$170.0 million for the strategic environmental research and development program (SERDP).

The House amendment would authorize \$111.9 million for the SERDP.

The Senate recesses to the House funding level.

The conferees are pleased that the new executive director of the SERDP is now in place. The conferees urge the director and the chair of the SERDP Council to bring into the SERDP program, using the hiring authority provided to the SERDP Council in the National Defense Authorization Act for Fiscal Year 1994, those persons necessary to run the program, either from within the Defense Department or from outside. The conferees urge the Council to coordinate the SERDP program to demonstrate and test environmental technologies closely with the environmental technology program funded in the office of the Deputy Under Secretary of Defense for Environmental Security.

Molecular design material science (sec. 204)

The budget request contained no funds for molecular design material science (MDMS).

The Senate bill contained no funds for MDMS.

The House amendment would provide \$10.0 million in PE 61153N to continue the MDMS program.

The conferees agree to authorize \$10.0 million for MDMS in PE 61153N and recommend a provision that would continue the program.

Space launch programs (sec. 211)

The Senate bill contained a provision (sec. 213) that would transfer prior-year funds appropriated for single-stage-to-orbit (SSTO)

rocket technology from the Department of Defense to the National Aeronautics and Space Administration (NASA), since the Secretary of Defense submitted a report recommending that NASA be assigned lead responsibility for developing reusable rocket technology. The Senate bill would authorize no funds for reusable rocket technology for fiscal year 1995 and would authorize a total of \$20.2 million for expendable rocket technology development.

The House amendment contained a provision (sec. 211) that would (1) establish DOD space launch policy; (2) require the Secretary of Defense to replace current launch systems, conduct flight tests by 1998 of reusable launch vehicles, and conduct flight tests of expendable launch vehicles; and (3) authorize \$200.0 million, equally divided, for reusable and expendable rocket technology demonstrations.

The Senate recesses with an amendment. The conferees agree to (1) authorize no funds for the national launch system program; (2) authorize \$10.0 million in PE 62601F to continue concept development of simple, inexpensive expendable rocket systems that do not require complex turbo machinery; (3) transfer prior-year SSTO funds from the Advanced Research Projects Agency to the Air Force PE 63401F and note that these funds would not be for further development of the "Delta Clipper" vehicle built by BMDO; (4) authorize \$30.0 million for the Air Force in PE 63401F to initiate reusable rocket technology development efforts, with the stipulation that DOD obligations shall not exceed amounts made available by NASA for such efforts for fiscal year 1995; (5) authorize \$50.0 million for the Air Force in PE 35119F to initiate a competitive program to replace existing launch capabilities; and (6) limit the obligation of funds for both reusable and expendable rocket programs until coordinated DOD/NASA program plans are submitted to Congress.

The National Defense Authorization Act for Fiscal Year 1994 required the Administration to conduct another study of space launch capabilities, because Congress was unsatisfied by the space launch Bottom-Up Review, which concluded that acknowledged problems with current systems are not serious enough to warrant displacing other defense programs. The new study has resulted in the development of new national policy in this area. This policy assigns lead responsibility for reusable and expendable space launch vehicles to NASA and DOD, respectively. NASA has been instructed to determine by 1996 whether a reusable vehicle flight demonstration program is feasible and affordable, and by the end of the decade, whether a development program should be pursued. The Deputy Secretary of Defense is examining again whether a new launch initiative is warranted and affordable within the Department of Defense.

Accordingly, the conferees direct that the Department of Defense will not lead any government-financed reusable space vehicle flight demonstration or acquisition programs, at least until the Administration changes its policy. However, if the Department of Defense decides to conduct a competition to replace current DOD launch capabilities, and if DOD concludes that an industry proposal to build a reusable system to meet requirements is realistic, affordable and cost-effective, the conferees will consider a well-justified acquisition plan.

The conferees doubt that DOD can afford to finance any expensive space launch acquisition program. The conferees are aware of

claims that the private sector is willing to finance all or most of a new capability. The conferees encourage DOD to explore such claims. However, the conferees expect that such proposals would require commitments from the government, which may entail substantial risk, and therefore require careful consideration by Congress and the Administration.

Standoff air-to-surface munitions technology demonstration (sec. 212)

The House amendment included a provision (sec. 212) that would require the Navy and the Air Force to spend up to \$2.0 million each to demonstrate non-developmental technology for adapter kits that would give munitions in the 1,000 pound class and smaller a standoff and near-precision guided capability. The provision would also require the Secretary of Defense to submit a report on the results of that demonstration.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would authorize up to \$2.0 million for the Air Force to conduct a demonstration as outlined in the House provision. This provision would require the Secretary of the Air Force to report on the demonstration's results.

Mid-infrared advanced chemical laser (sec. 213)

The House amendment contained a provision (sec. 213) 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 bill contained no similar provision.

The Senate recedes with an amendment that would allow the sealite beam director to be utilized with a laser other than the MIRACL for satellite sensor calibration and imaging of space objects at a power level not to exceed that which has been utilized for these purposes as of January 1, 1994 at other Department of Defense laser facilities (including Kirtland Air Force Base, Maui Optical Facility, and the Firepond facility of the Lincoln Laboratory). The conferees reiterate their opposition to utilization of the MIRACL for damaging objects in space. This provision would continue to prevent MIRACL from illuminating any object in space.

Electronic combat testing (sec. 214)

The House amendment contained a provision (sec. 214) that would amend section 220 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160) by limiting the applicability of the section to electronic combat systems that have been designated as Acquisition Category I (ACAT 1) systems (major defense acquisition programs) because of their cost of development and acquisition.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would limit the applicability of the House provision to those systems that have not entered engineering and manufacturing development by September 1, 1994. The amendment would also authorize the Secretary of Defense to waive the provision when in the national security interest.

Advanced self protection jammer (ASPJ) program (sec. 215)

The House amendment contained a provision (sec. 215) that would direct the Secretary of the Navy to carry out logistics sup-

port, maintenance, and integration of existing advanced self protection jammer (ASPJ) systems in the F-14D aircraft for testing and evaluation.

The Senate bill contained no similar provision.

The Senate recedes. The conferees note that, without ASPJ or another currently unavailable system, F-14D aircraft will have to operate without self protection jamming. The conferees understand that the Director, Operational Test and Evaluation, intends to assess whether the Navy's plans for operational test and evaluation for the F-14D aircraft adequately test the ASPJ system's effectiveness and suitability for combat. The conferees agree that this assessment should be complete before the Navy conducts the operational testing. The conferees urge the Director to take the steps necessary to expedite his assessment of the Navy's plans.

Advanced lithography (sec. 216)

The budget request contained \$10.0 million in PE 63739E for advanced lithography.

The House amendment contained a provision (sec. 216) that would provide a statutory mandate for the ARPA advanced lithography program and authorize \$100.0 million for the program.

The Senate bill contained no similar provision, but would provide \$35.0 million for advanced lithography.

The Senate recedes with an amendment. Total funding for the ARPA lithography program would be authorized at \$60.0 million, and the SEMATECH Board of Directors would be strongly encouraged to spend at least \$10.0 million more to support lithography efforts consistent with the Semiconductor Industry Association 1994 development plan for lithography. The conferees urge the earliest possible appointment of the Semiconductor Technology Council and agree that an advanced lithography plan should be the principal focus of the Council's initial efforts.

Federally funded research and development centers (sec. 217)

The Senate bill contained a provision (sec. 217) that would require certain changes in DOD management of federally funded research and development centers (FFRDCs).

The House amendment contained a provision (sec. 217) that would allow FFRDCs to participate more fully in the defense conversion program.

The conferees note that federally funded research and development centers are privately-operated organizations sponsored by federal government agencies to work in all areas of basic or applied research. For several years, the conferees have expressed concern about the Defense Department's lack of control over management and funding of the FFRDCs. The conferees support the unique role that FFRDCs play in providing support to the Department of Defense that would be difficult to obtain through other means. The conferees are concerned, however, that as recipients of sole source funding from the Department of Defense, these centers may provide executive, technical, and professional compensation that may exceed the salaries and benefits of comparable government employees, or officers and employees of similar for-profit or non-profit organizations that must compete for defense work.

These concerns have been heightened recently by revelations of executive compensation that varies widely from FFRDC to FFRDC, housing and moving allowances not appropriate to federal institutions, and payments to trustees that do not appear to be

justified. Further, the Congress has learned that some centers have contributed to charities, local governments, universities, and individuals. Such contributions are not usually reimbursed under federal contracts, and the conferees believe, not appropriate for sole source institutions to pay from fees.

Consequently the conferees agree to a provision that would limit executive salaries and trustee compensation, prohibit certain contributions to charities, and require the Secretary of Defense to study the need for FFRDCs and the compensation levels of FFRDC executives.

The conferees agree to limit the funding for FFRDCs for fiscal year 1995 to \$1.3 billion, a reduction of \$52.650 million from the requested amount. The conferees also agree to the House provision that would authorize certain FFRDCs to respond and participate in solicitations and announcements under programs authorized by the federal government for the purpose of promoting the development and transfer of dual-use technology to the U.S. industrial sector.

Digitization (sec. 218)

The budget request contained \$75.857 million for the Army's digitization of the battlefield program.

The Senate bill would authorize an additional \$3.0 million.

The House amendment included a provision (sec. 219) that would authorize an additional \$50.0 million to begin a coordinated, integrated, planned program to provide digital enhancements for the M1/M1A2 tank and other land and air systems by 1996.

The Senate recedes with an amendment.

The conferees strongly support the Army's battlefield digitization concept and the Army's attempt to field a capability rapidly. The conferees seek to ensure, however, that the Army establishes strong management and a coherent integration plan in concert with the Marine Corps for an overall battlefield digitization architecture to guide the efforts of the various platform program offices.

Accordingly, the conferees agree to limit the obligation of funds for the digitization program until the Army defines an overall system architecture, standards and protocols, and integration and interoperability requirements.

The conferees also agree to authorize an additional \$20.0 million primarily for the integration of aviation systems into the program.

Electric and hybrid vehicle technology (sec. 219)

The budget request contained no funds for electric and hybrid vehicle technology.

The Senate bill would provide \$30.0 million for this program: \$15.0 million in RDT&E funding and \$15.0 million in procurement funding. The Senate bill also contained a provision (sec. 142) that would require the Department of Defense and the Department of Energy to enter into a memorandum of agreement regarding the execution of the program.

The House amendment would provide \$10.0 million in RDT&E funding for electric and hybrid vehicle technology. The House amendment did not contain a provision similar to the Senate provision.

The conferees agree to provide \$10.0 million in RDT&E and \$15.0 million in Procurement funding for electric and hybrid vehicle technology. The House recedes on the Senate provision. The conferees also direct the Department of Defense to execute the program in accordance with the Senate and House reports (S. Rept. 103-282 and H. Rept. 103-499).

Kinetic energy antisatellite program (sec. 220)

The Senate bill contained a provision (sec. 211) that would make \$10.0 million available for engineering development of the critical antisatellite technologies from funds authorized in fiscal year 1995. The provision would also direct the Secretary to utilize unobligated fiscal year 1993 and 1994 funds for this program.

The House amendment contained no similar provision.

The House recedes with an amendment that would make \$5.0 million available from funds authorized in fiscal year 1995, in addition to unobligated fiscal year 1993 and 1994 funds, to continue critical development work.

Limitation on dismantlement of ICBMs (sec. 221)

The Senate bill contained a provision (sec. 214) that would prohibit the dismantlement of any ICBM that would reduce the total number of deployed Minuteman III ICBMs to less than 500 missiles. The prohibition would expire 180 days after the Secretary of Defense delivers to the congressional defense committees the results of the Secretary's ongoing Nuclear Posture Review.

The House amendment contained no similar provision.

The House recedes.

Seismic monitoring research (sec. 222)

The Senate bill contained a provision (sec. 215) that would limit the obligation of funds for seismic monitoring research projects unless the projects are authorized in a plan which has been approved by the Secretary of Defense and the Secretary of Energy.

The House amendment did not contain a similar provision.

The House recedes with an amendment that would limit the obligation of funds for seismic monitoring projects which are not contained in the annual plan approved by the Presidential review group established by Presidential Decision Directive 18.

The conferees are concerned that the Defense Department's future seismic monitoring plan calls for the expenditure of hundreds of millions of dollars through the end of the century without sufficient consideration for the affordability of such an undertaking without coordinated cost-sharing agreements between U.S. government agencies and departments and without agreements on international burdensharing. The Department has not provided detailed cost estimates of the U.S. share, or that of other countries, in support of a Comprehensive Test Ban Treaty (CTBT) verification. Further, it appears that the Department has been directed to fund the majority of seismic monitoring activities of the National Science Foundation (NSF) and the U.S. Geological Survey (USGS) under the Department of Interior, in addition to providing full funding for these activities for the Air Force Technical Applications Center (AFTAC).

The conferees direct the Secretary of Defense, in coordination with the Presidential review group, to provide a report to the congressional defense committees by May 1, 1995 on the total funding required and programmed for verification of a CTBT; the amount of total funding which will be cost-shared among departments and by other nations; and the funding and technical role that private seismic arrays and stations are intended to play in verification of a CTBT.

Superconducting magnetic energy storage (sec. 223)

Section 218 of the National Defense Authorization Act for Fiscal Year 1994 allowed the Navy to utilize certain RDT&E funds

from fiscal year 1993 to continue the superconducting magnetic energy storage (SMES) program.

The conferees agree to a provision that would extend the authorization of these funds until they were expended.

Military satellite communications (sec. 224)

The Senate bill contained a provision (sec. 212) that would direct the Secretary of Defense to transfer responsibility for program management and funding for the Milstar communications satellite program from the Air Force to the Navy during fiscal year 1995.

The House amendment contained no similar provision.

The Senate recedes.

The Deputy Secretary of Defense is currently reviewing the management of DOD space programs and has assured the conferees that he intends to fundamentally reorganize it. Therefore, the conferees agree to withhold judgment on management of the Milstar program. The conferees stress the importance of improving policy oversight, avoiding the creation of a new large bureaucracy, maintaining a joint requirements process, and maintaining space program expertise within each of the services. The conferees direct the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, to submit a report to the congressional defense committees immediately upon completion of the review. The report should fully explain all the options considered, the rationale for the option selected, and the relationship between the Secretary's proposal and the deliberations of the Commission on Roles and Missions.

The House amendment contained a provision (sec. 234) that would direct the Secretary of Defense to develop a military communications master plan that addresses the projected military communications requirements of the Department of Defense; alternate and innovative ways of meeting those requirements (including greater reliance on the commercial sector); and ways to ensure that those elements of the Department that create the demand for such communications services have an important role in paying for the provision of such services. The provision would also prohibit obligation of \$50.0 million in Milstar funding until this report is transmitted to Congress.

The Senate bill contained no similar provision.

The Senate recedes with an amendment. The conferees agree to a provision that would authorize the Secretary of Defense to use \$20.0 million of Milstar funds either for advance procurement of Milstar satellites 5 and 6 or to accelerate the advanced EHF satellite program, as determined by the Secretary of Defense.

The provision also would require the Secretary of Defense to develop a satellite communications master plan that addresses requirements and innovative ways to meet them. The provision also would require the Secretary to explore options for establishing financial incentives to ensure that communications users do not inflate requirements for which they do not have to pay.

The conferees also direct the Secretary to include in the report an assessment of a number of issues raised by the General Accounting Office (GAO) and the Senate report (S. Rept. 103-282).

A recent GAO report, "Military Satellite Communications," noted that, since Congress directed greater use of commercial satellite communications for general-purpose, unprotected communications, DOD components have drastically redefined their re-

quirements. According to GAO, requirements for total satellite communications have almost doubled, while the proportion defined as "protected" has grown by a factor of 10. GAO notes that this shift could have occurred because protected communications, provided by dedicated military satellites, are "free" to users, whereas unprotected communications, which can be met through commercial purchases, are charged to users' operation and maintenance budgets. GAO also points out that DOD elements procure most commercial satellite communications on an ad hoc basis; the Defense Commercial Communications Office has no knowledge or control over the process. GAO believes that more central control would save substantial money.

With regard to dedicated military satellite systems, as noted in the Senate report, each has been managed separately in the past, which drives up costs and limits interoperability. All of the current systems will have to be replaced within about 10 years. The Secretary should examine options to consolidate the follow-on programs.

The conferees believe that a sustainable solution to these problems requires a fundamental change in the Department's management of satellite communications services.

The conferees believe that the Department should plan to transition to Milstar III as soon as it is practical. To this end, the conferees believe that the advanced EHF program should be structured as a technology demonstration program that relies as much as possible on the private sector. The technologies demonstrated should be directly related to the areas of greatest technical risk, particularly the antenna suite and the digital electronics processing and packaging. The conferees do not believe that any funding at this stage should be allocated to lower-risk areas such as propulsion, solar panels, or the bus structure for the payload.

Ballistic missile defense programs (secs. 231, 233, and 235)

The Senate bill contained four provisions (secs. 221-224) that would deal with ballistic missile defense issues.

The House amendment also contained four provisions (secs. 221 and 231-233) that would cover similar or related issues.

The Senate report (S. Rept. 103-282) and House report (H. Rept. 103-449) also provided extensive guidance on ballistic missile defense (BMD) issues to the Ballistic Missile Defense Organization (BMDO).

The conferees explain in the following subsections their: broad policy guidance for ballistic missile defense research, development, testing, and deployment; concerns regarding the BMDO funding proposal for fiscal year 1995 and underlying long-term plans; resolution of those concerns; decisions and recommendations on programmatic and funding issues; and additional guidance on specific matters. Specific legislative provisions contained in this conference report will be discussed in the context of this guidance.

BROAD POLICY GUIDANCE

The conferees reiterate the broad policy guidance contained in the statements of the managers (H. Rept. 103-357 and H. Rept. 102-311) accompanying the National Defense Authorization Act for Fiscal Year 1994 and the Missile Defense Act of 1991 (10 U.S.C. 2431 note).

The conferees reaffirm that their highest priority for BMDO is the rapid development and early deployment of more effective theater missile defenses (TMD) designed to meet

both existing and realistic near-term threats. In general, the conferees believe that an effective TMD capability will require a layered defense approach, using multiple systems.

In this regard, the conferees are troubled by the BMDO approach to the three follow-on TMD systems—Navy upper tier, CORPS SAM, and boost phase intercept (BPI). BMDO has structured these programs so that overall BMD funding in future years would be insufficient to support engineering and manufacturing development (EMD) for more than one of these TMD systems. Therefore, in its budget request, BMDO arbitrarily limited funding for the first two candidates, while it expanded funding for a variety of less mature BPI concepts. This funding strategy is designed to position all three candidate systems for a selection "contest" during fiscal year 1998, from which only one candidate would be selected for further development. In this area, the conferees find the BMDO strategy and funding assumptions to be flawed. In the judgment of the conferees, this approach has contributed to significantly expanded technical risk within BPI programs.

The conferees believe valid military requirements exist for each of the three follow-on TMD systems, and do not believe the natural pace of development should be either artificially delayed or unduly accelerated. The conferees further believe that a larger share of the overall BMD funding called for in the Bottom-Up Review (BUR) than BMDO apparently plans to allocate to TMD systems can be squeezed from lower priority BMDO activities in order to accelerate the development for deployment of the next generation of TMD systems.

In the statement of the managers accompanying the National Defense Authorization Act for Fiscal Year 1994, the conferees endorsed as second in priority the development of a "hedging" strategy for national missile defenses (NMD), to ensure the availability of proven, flight-tested hardware should a missile threat to the United States arise more rapidly than is currently forecast. The conferees emphasized the importance of reduced lead-times for deployment of a very limited, prototypical, defense capability on very short notice against a quantitatively limited, long-range "rogue" missile threat. In the budget request for fiscal year 1995, BMDO has proposed a series of development "epochs" for NMD hardware. Each "epoch" would emphasize further development, refinement, and cost-reduction of component technologies for NMD systems, but the BMDO proposal contains few system-level or "end-to-end" flight-test intercept demonstrations over the next several years and none during fiscal year 1995. In addition, BMDO delayed for one year the initiation of flight tests of exoatmospheric kinetic kill vehicle prototypes—a key element of an NMD system—in order to complete fabrication and launch of the midcourse space experiment. The conferees find the BMDO approach inadequate to ensure the availability of proven hardware should an unanticipated strategic missile threat emerge.

Last year the conferees agreed that BMDO should focus more funding and management attention on these higher priorities, deemphasize generic, technology-base R&D, and transfer far-term technologies back to the services and defense agencies. The conferees were disappointed that the BMDO budget proposal still devoted more than 25 percent of BMD funding to lower-priority activities. As noted above, the conferees intend to vigorously support the development of selected

follow-on TMD systems, and believe this can only be done if the level of effort and funding for lower-priority programs, projects, and activities is reduced.

CONFEREES CONCERNS

NAVY LOWER TIER

The conferees note a major disparity in the Department's approach to the top priority mission of theater ballistic missile defense. Specifically, in the last year, the Department made an important decision concerning the type of warhead to be used in the Patriot PAC-3 defense system. This decision appears to undercut the Department's technical approach to the Navy's lower tier missile defense system and requires a more careful review of its priorities in theater missile defense.

The Department's senior multi-service PAC-3 review group stated unanimously "that the higher quality of protection provided by . . . hit-to-kill lethality, particularly against chemical submunitions and nuclear weapons . . . could provide a decisive military advantage." Further, the Department chartered an independent review group to review the Army's choice. That group upheld the Army's findings. In affirming the independent review group's findings, the Department said that "hit-to-kill lethality is fundamentally superior against theater ballistic missiles (TBMs) with mass destruction warheads during critical phases of military operations." It termed the candidate lacking a hit-to-kill warhead ". . . relatively ineffective against such threats." More recently, the Army has stated ". . . that U.S. forces would suffer too many casualties to theater ballistic missile attack as a consequence" of selecting a blast-fragmentation warhead. If there were only a blast-fragmentation warhead interceptor available and no hit-to-kill interceptor—which is the case for Navy lower tier—the Army "would seek a different solution" rather than accept the interceptor with a blast-fragmentation warhead.

The Department could hardly be more explicit about the superior lethality of hit-to-kill technology in theater missile defense. However, the conferees note that the planned Navy lower tier interceptor missile, the Standard missile block IV-A, does not use a hit-to-kill warhead. Instead, it uses the same class of warhead that was so emphatically rejected in the PAC-3 competition. The Navy's initial response to this issue was that its lower tier interceptor must also be effective in defending ships from sea-skimming cruise missile attack, against which the blast-fragmentation warhead would be effective. Yet BMDO presentations to Congress this year on the Navy lower tier made no mention of this mission. Later responses emphasized the ability of the block IV-A to cope with non-submunition (unitary) TMD threats, minimized the significance of submunition threats, and remained silent about nuclear threats.

The conferees agree with and support the Department's rationale for the selection of ERINT and its hit-to-kill warhead for the PAC-3 system. However, the conferees are concerned about this fundamental contradiction in lethality approaches between the Patriot PAC-3 and the Navy lower tier system. Accordingly, the conferees are concerned that the Navy lower tier will be unable to provide adequate protection to amphibious landing areas or ports of debarkation against "ballistic missile attacks involving weapons of mass destruction"—the Department's own words for its reasons for designating it as a core TMD program. The conferees acknowledge that the Navy faces a large and growing

threat from sea-skimming, anti-ship cruise missiles. The conferees also accept the Navy's judgment that the blast-fragmentation warhead planned for the Navy lower tier system offers superior lethality against that threat. The conferees note, however, that the Navy is developing a number of existing systems and programs that address the cruise missile threat to ships. The conferees further note that, for many short-warning scenarios, the Navy lower tier system may be the only TMD system available to defend U.S. forces in landing zones and ports from the growing theater ballistic missile threat. In these circumstances, the conferees require further assurances that the Navy lower tier system, by itself, can adequately protect U.S. troops going ashore until those troops can set up and make operable additional land-based TMD defenses. The conferees are unable to determine from information provided by the Department whether the proposed Navy lower tier configuration would adequately protect against the most stressing chemical submunition and nuclear warhead threats. This concern extends to the cooperative U.S.-Israeli ARROW/ACES program, which also relies on a blast-fragmentation warhead.

Some have suggested that the Standard block IV-A interceptor could be upgraded to embody hit-to-kill capability. The conferees are mindful that the Department concluded that "there were no reasonable upgrades" to the losing missile in the PAC-3 competition "that would substantially improve its performance against weapons of mass destruction."

Other options could possibly fill the requirement, though all have uncertainties. A marinized version of ERINT or the theater high altitude area defense (THAAD) system might be possible. Moreover, accelerating the CORPS SAM program might enable expeditionary forces to take their missile defense with them as they disembarked. If Patriot PAC-3 units could be prepositioned on LHDs or other appropriate ships, protection could be established on land within a matter of hours after arrival. Other options include pre-deploying PAC-3 systems to areas of possible engagement in advance of hostilities, and restricting initial landings to regions beyond the range of hostile TBMs.

The conferees have additional concerns related to this issue that are discussed in the classified annex to this statement of the managers.

NAVY UPPER TIER

Concerns about Navy lower tier warhead lethality affect other major TMD programs. The conferees note that a significant fraction of Navy lower tier funding supports Navy upper tier development. The current Navy upper tier program does involve hit-to-kill technology, but the LEAP vehicle is incompatible with the lower tier mission. The conferees recognize that the combination of Navy lower tier and Navy upper tier may be the lowest-cost combination for sea-based TBM systems; however, they recognize it may also be the least effective. If the Navy lower tier program were to be delayed by the search for greater lethality, or canceled in favor of other options, the program cost of the Navy upper tier would increase. The Navy upper tier program is also affected by the Administration's recent proposals in the Standing Consultative Commission to clarify the ABM Treaty. Under the proposed three kilometer per second interceptor velocity limit, the performance of the Standard missile equipped with a LEAP kill vehicle may be reduced to a point at which its cost and effectiveness relative to a marinized version

of THAAD would require re-examination. Both factors suggest the need for prompt and thorough re-evaluation of the cost and effectiveness of the Navy upper tier program.

FOLLOW-ON TMD SYSTEMS

BMDO is pursuing three follow-on TMD programs that address different aspects of the theater missile threat: the Army's CORPS SAM; the Navy's upper tier; and the Air Force's boost phase intercept (BPI) programs. BMDO is seeking to bring all three programs to an EMD decision in 1998. Given the lack of technological maturity of BPI, the BMDO budget request would constrain funding for both CORPS SAM and Navy upper tier and allocate greater funding for BPI than is warranted by a development program of low-to-medium technical risk—the standard the conferees have traditionally applied.

PATRIOT PAC-3 RISK REDUCTION

The conferees strongly support the PAC-3 program, and believe that adequate risk-reduction funds should be made available to hedge against possible technical difficulties during the EMD phase of the program. In the conferees' view, adequate development funding for the ERINT interceptor that was selected for PAC-3 should be provided, and, as resources permit, funds for further development of selected technologies from the multi-mode missile should also be provided as a hedge against technical problems with comparable ERINT technologies. Given the priority they attach to the Patriot PAC-3 program, the conferees accept the need for both kinds of risk-reduction efforts.

OTHER BOOST-PHASE TECHNOLOGIES

In addition to the BPI program contained in the BMDO follow-on TMD category, funds for three boost-phase intercept concepts were also included in the budget request; the BMDO space-based laser program; the Air Force airborne laser program; and the Air Force air-launched kinetic-kill boost-phase interceptors. Funds requested for these four concepts exceeded \$210.0 million. The congressional defense committees have all concluded that this level of funding is unsupported. Clearly, the number of BPI approaches vying for scarce funds must be reduced so that significant progress can be made on one or two realistic concepts.

CONFEREES ACTIONS TO RESOLVE CONCERNS

NATIONAL MISSILE DEFENSE

The conferees agree to recommend \$400 million for the NMD program. The conferees emphasize the importance of demonstrating, on an accelerated basis, the potential effectiveness of a national missile defense system through realistic flight testing. In this regard, the conferees endorse the guidance contained in the Senate report (S. Rept. 103-282) that: "The objective [for the NMD program] should be to develop and test, as rapidly as available NMD funding will permit, a limited, 'UOES-type' capability using existing flight-qualified hardware, even though such hardware may not incorporate the latest 'state of the art' technology." The conferees direct the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, to review the fiscal year 1996 and Future Years Defense Program (FYDP) funding and programmatic content of the BMDO NMD technology readiness program, and to make any changes necessary to ensure BMDO compliance with this guidance.

The conferees also direct the Secretary, in consultation with the Chairman, to study the BMDO plans for fielding a limited "UOES-type" NMD capability against a vari-

ety of postulated threats. Within the overall BUR funding guidance to NMD in fiscal year 1996 and throughout the FYDP, the study shall consider those programmatic changes and reallocations of funds among NMD projects within the BMDO NMD technology readiness program that would minimize the lead-time to field an adequate defense of the United States against a quantitatively limited missile threat that could emerge at the end of the years 2000, 2005, and 2010, respectively. For the purpose of the study, the Secretary shall assume that the United States would receive reliable warning of a rogue missile threat three years in advance of each date mentioned, and that appropriate budgetary adjustments to respond to the threat would be made once reliable warning had been received. For each such threat date and set of assumptions, the Secretary shall estimate the date by which effective defenses of (a) the continental United States and (b) all 50 states against a limited strategic threat could achieve a limited operating capability. The report, in both classified and unclassified forms, shall be provided to the congressional defense committees not later than March 1, 1995.

THEATER MISSILE DEFENSE

The conferees further agree to provide substantial funding for the highest priority TMD programs. The conferees, however, also agree to restrict the obligation of portions of those funds until a number of additional analyses are prepared and delivered to the congressional defense committees, and until the committees receive additional assurances that these funds are required.

NAVY LOWER TIER

For the Navy lower tier system, the conferees agree to recommend \$140.0 million, a reduction of \$39.5 million from the requested amount. In addition, the conferees direct that only \$100.0 million be available for obligation until all of the following conditions have been met:

(1) an analysis of the lethality of the Navy lower tier blast-fragmentation warhead against the full threat spectrum used by the Army in the analysis of the two competing Patriot PAC-3 warheads has been conducted and the results reported to the congressional defense committees;

(2) an analysis of the lethality of a notional CORPS SAM system based on ERINT- and GBR-T-type hardware against the same threat spectrum and under the same ground rules as (1) above has been conducted, and the results have been provided to the congressional defense committees;

(3) an analysis of the feasibility of employing either CORPS SAM or Patriot PAC-3 fire units, in lieu of the Navy lower tier system, for defense of amphibious landing zones and ports of debarkation, has been conducted and the results provided to the congressional defense committees. The analysis should evaluate the feasibility of both early deployment to shore from task force ships and operation of such units from the deck of selected task force vessels, and should be conducted against the same threat spectrum and under the same ground rules as described in (1) above.

(4) an analysis of the most cost-effective replacement system or systems for ship self-defense against the low-observable, sea-skimming cruise missile threat, under the assumption that the Navy lower system was terminated at the end of fiscal year 1995, has been conducted, and the results have been provided to the congressional defense committees;

(5) after review of the above analyses, the Chairman of the Joint Chiefs of Staff certifies in writing to the congressional defense committees that, in combination with other available TMD systems, the lethality of the planned Navy lower tier warhead provides an acceptable level of protection from the threat of chemical weapons submunitions for U.S. troops both at ports of debarkation and in amphibious landing operations prior to the deployment, setup, and operation of land-based TMD systems; and

(6) after review of the above analyses, the Secretary of Defense certifies in writing to the congressional defense committees that proceeding with the planned Navy lower tier system is a cost-effective use of limited BMDO resources.

NAVY UPPER TIER

For the Navy upper tier program, the conferees agree to recommend \$50.0 million. Of this amount, \$10.0 million may not be obligated until all of the following conditions have been met:

(1) an updated funding profile and schedule is provided to the congressional defense committees setting forth the cost and schedule for development and deployment of the planned Navy upper tier system if changes were made to the scope and schedule of the Navy lower tier system;

(2) an analysis of the cost-effectiveness of the planned Navy upper tier system (LEAP) relative to a marinized version of the THAAD interceptor missile has been conducted and the results have been provided to the congressional defense committees. The analysis shall be conducted under the following assumptions: (a) that the Navy lower tier program is, in one instance, canceled at the end of fiscal year 1995, and, in a second instance, is continued; (b) that the Army's THAAD program is fully funded through EMD; and (c) that the maximum velocity of a sea-based TMD interceptor is, in one instance, limited to three kilometers per second and, in a second instance, is unconstrained; and

(3) the report on the compliance of the Navy upper tier system has been delivered.

INDEPENDENT REVIEW

The conferees further direct the Secretary of Defense to reconstitute the independent review group originally established to review the Army's selection process for the Patriot PAC-3 interceptor missile decision (or to establish a similar group under the auspices of the Defense Science Board). This independent review group shall thoroughly review the lethality analysis required by item (1) of the "Navy lower tier" subsection above and the lethality analysis required in the "ARROW/ACES" subsection below. The results of their reviews, and their conclusions regarding the comparability of the analyses performed by the Department with the PAC-3 decision analysis, shall be provided to the congressional defense committees not later than 60 days after the Department completes the required lethality studies.

PATRIOT PAC-3 AND "RISK-REDUCTION"

The conferees recommend no funding for the two requested "demonstration/validation" (dem/val) activities labeled "ERINT," for which the requested amount was \$58.5 million, and "Patriot," for which the requested amount was \$69.2 million.

As a general matter, the conferees agree that "risk-reduction" activities should be focused on the selected system, preferably by providing adequate development funds, rather than through the creation of special "risk-reduction" funds. Therefore, the conferees agree to recommend a total of \$284.7

million for Patriot PAC-3 EMD, including the transfer of \$69.2 million in dem/val funds labelled "Patriot" to the EMD line. None of these funds may be used for "risk-reduction" activities in connection with multi-mode missile (MMM) technologies.

The conferees recognize the advantage of investing in backups for particularly critical or risky ERINT technologies or components, if such funds can be reallocated from lower-priority programs. The conferees further agree to that, as a general matter, such risk-reduction activities should be reviewed annually, and the funding level should be based on the successful candidate's rate of technical progress.

The conferees were given a DOD "Information Paper" dated May 18, 1994, regarding the Defense Department's proposed three-year, \$84.8 million risk-reduction activity. That "Information Paper" recommended utilization of the requested \$58.5 million for "ERINT" dem/val for risk mitigation for selected technologies from both the MMM and the ERINT missiles. The conferees agree to recommend the transfer of the \$58.5 million requested under the "ERINT" dem/val account to a new line entitled "Patriot PAC-3 risk-reduction." This amount is only available for further research and development activities on selected MMM and ERINT technologies. The conferees direct that all funds allocated for risk-reduction on MMM technologies may only be obligated for technologies that are transferrable to the ERINT missile, in the event of technical difficulties with critical ERINT technologies. The conferees further direct that none of these risk-reduction funds be used for additional flight testing of the MMM interceptor missile during fiscal year 1995.

The conferees were informally notified at a late stage of the conference that DOD is contemplating a significantly larger risk-reduction effort than is contained in the May 18, 1994 "Information Paper," one on the order of \$180.0 million. Neither funding details nor any rationale for such a significant increase in the need for risk-reduction was provided. The conferees agree that the relevant committees of jurisdiction should carefully review any such formal DOD risk-reduction proposal in the context of their consideration of the fiscal year 1996 defense budget request, and recommend that, if DOD deems the risk-reduction fund authorized above inadequate, it should submit a prior-approval reprogramming request during fiscal year 1995.

BOOST PHASE INTERCEPT PROGRAMS

The requested amounts for BPI programs in both BMDO and the Air Force totalled \$210.6 million. Both the Senate bill and the House amendment would provide substantial funding for all BPI programs. The conferees are disappointed that both the Senate and the House defense appropriations bills have sharply restricted funding for BPI programs to \$90.0 million or less. Given this constraint, the conferees recommend \$30.0 million within the BMDO budget for high-power laser research. These funds may only be used to complete the integration of the Alpha laser, LAMP optics, and LOBE beam control in such a way as to maximize the utility of the results for tactical applications of chemical lasers. The conferees also direct that the funds may not be used to initiate or carry out any work on the shield integration facility or any spacecraft-related activity. The

conferees intend that the space-based portion of the chemical laser program end upon completion of the Alpha LAMP integration.

Of the remaining funds for BPI programs within the appropriations ceilings, the conferees recommend \$20.0 million for the Air Force's airborne laser program, and \$40.0 million for the BMDO boost phase intercept program. No funds are recommended for the boost phase intercept program contained within the Air Force's "theater missile defense" program element.

The conferees are disappointed with the Defense Department's overall effort to manage high-power laser research for tactical applications. The high-power laser guidance report, submitted by the Department in June 1994, does not outline an integrated departmental program for tactical application of high-power lasers. The conferees are concerned that this technology base is slowly withering away outside the Air Force, the one service providing significant support. The conferees, therefore, direct that the high-power laser program guidance be updated by March 31, 1995, with a view toward sustaining a technology base in high-power lasers for Army, Navy, and Air Force tactical applications. The conferees expect an integrated DOD high-power laser program to be reflected in the fiscal year 1996 request for the DOD science and technology base.

PROCUREMENT

The conferees recommend fully funding the \$273.4 million request for procurement.

ADDITIONAL GUIDANCE

FUNDING RECOMMENDATIONS AND BUDGETARY DATA

The conferees agree to establish a set of distinct program elements for BMDO activities. The conferees' complete recommendation for BMDO funding is contained in the table that follows this discussion, for each program element and for selected programs, projects, and activities within certain program elements. The conferees intend that each program element shown shall be a separate line item, and that these titles shall be used to account for all funds for each such item, whether BMDO attributes the funds to exploratory development, demonstration/validation, EMD, or procurement. Since support activities like test and evaluation were not broken out by projects, the conferees direct that, for fiscal year 1995, the funds for the major TMD system program elements be used to carry out the planned research and development activities presented in budget documents and testimony, and that support for items like test and evaluation activities specifically for those programs be funded from the "other TMD activities" program element. Beginning in fiscal year 1996, to the extent possible, test and evaluation funds and other direct supporting activities associated with specific TMD systems should be requested as a project or task within the appropriate program element. The committee expects transfers among the designated program elements to be accomplished through customary prior-approval reprogramming procedures only. The conferees are determined to require BMDO to present budgetary data in an easy-to-comprehend form, allowing the activities comprising major programs and their costs to be readily identifiable. The conferees note that the current submission contains multiple program elements using the same names and that the

NMD funding request is commingled in a program element with funds requested for other purposes. That is a totally unacceptable presentation.

ARROW/ACES

Within the "other TMD activities" program element, the conferees recommend \$52.4 million for the joint U.S.-Israel ARROW/ACES program, which is the requested amount. The conferees note, however, that the concerns they have expressed regarding the questionable lethality of blast-fragmentation warheads against nuclear warheads and warheads containing chemical weapons submunitions apply even more directly to the ARROW/ACES program than to the Navy lower tier program. The conferees therefore direct BMDO to analyze the lethality of the planned ARROW/ACES warhead against the same threat spectrum and under the same ground rules as were used in the PAC-3 selection and are required to be used in conducting other analyses above. The results of this analysis shall be provided to the congressional defense committees not later than March 31, 1995.

MANAGEMENT SUPPORT

The conferees agree to recommend \$170.0 million for the management support activity, a reduction of \$50.2 million from the requested amount. The conferees note that in fiscal year 1993, BMDO provided oversight of a \$3.7 billion SDIO budget of substantially greater diversity than the present program with a program management budget of \$218.3 million. The total funding recommended herein for BMDO for fiscal year 1995 is \$2.8 billion, or just over 75 percent of the fiscal year 1993 budget in nominal dollars. Yet BMDO requested virtually the same program management budget as in fiscal year 1993. A budget of \$170.0 million for program management is in proportion to the decline in overall BMDO funding levels.

The conferees further direct that, in apportioning this program management budget, BMDO management apportion the reductions in rough proportion to the funding changes within the major program categories. Reductions need to be taken at all levels, including reductions in management layers and overhead.

COMPLIANCE REVIEWS

The conferees agree to a provision that would require compliance reviews for both the Brilliant Eyes program and the Navy upper tier program. Guidance for the Brilliant Eyes review is contained in the Senate report (S. Rept. 103-282); for the Navy upper tier program, the conferees require a review of the compliance of the LEAP configuration both as currently planned, and if the kick-stage motor were restricted to limit LEAP velocity to three kilometers per second.

CHANGES TO THE MISSILE DEFENSE ACT OF 1991

The conferees agree to a provision that would further streamline the Missile Defense Act of 1991, as amended.

FLIGHT TESTING OF THAAD INTERCEPTOR MISSILES DURING FISCAL YEAR 1995

The Senate report (S. Rept. 103-282) contained a section entitled "Compliance of THAAD Flight Testing During Fiscal Year 1995." The conferees endorse the views expressed in that section.

CONFEREES BMDO RDT&E FUNDING FOR FY 1995
\$ in millions

<u>Program Element</u>	<u>Project</u>	<u>Request</u>	<u>Recommend</u>
National missile defense		\$ 587.0	\$ 400.0
THAAD		495.69	495.69
GBR-T		173.2	173.2
HAWK		26.8	26.8
BM/C ³ I		34.055	34.055
Patriot dem/val		69.24	0
ERINT dem/val		58.46	0
PAC-3		217.2	284.705
PAC-3 risk-reduction		0	58.46
Navy lower tier		179.543	140.0
Navy upper tier		17.725	50.0
CORPS SAM		17.725	17.725
Boost phase intercept		61.1	40.0
Other TMD activities of which:		383.05	373.05
	ARROW/ACES	(52.4)	(52.4)
	Discrimination	(58.1)	(48.1)
Support technologies of which:		408.984	262.95
	Chemical laser	(77.5)	(30.0)
	Innovative sci & tech	(60.0)	(55.0)
	Countermeasures	(18.303)	(17.0)
Program management		<u>215.233</u>	<u>170.0</u>
Total, RDT&E		\$ 2979.855	\$ 2526.635

Senate advice and consent on agreements that modify the Anti-Ballistic Missile Treaty (sec. 232)

The Senate bill included a provision (sec. 225) that would require the President to submit any negotiated changes that would substantively modify the Anti-Ballistic Missile Treaty to the Senate. The United States would not be bound by any international agreement negotiated by the President that substantively modified the Anti-Ballistic Missile Treaty unless the agreement was presented to the Senate for its advice and consent to ratification of the agreement, pursuant to the Constitution.

The House amendment contained no similar provision.

The House recedes. The conferees note that there is a wide range of views in the Senate on what might constitute a "substantive modification" to the ABM Treaty which would trigger a requirement to submit the agreement to the Senate for further advice and consent. Since 1972, the ABM Treaty has been clarified or modified on a number of occasions without the Executive Branch submitting the changes to the Senate for its advice and consent. These clarifications or changes, negotiated in the Standing Consultative Commission (SCC) and not submitted to the Senate for its advice and consent, have taken the form of agreement statements.

The conferees believe that the Executive Branch should consult with the Senate on any new agreements reached in the SCC or elsewhere concerning the ABM Treaty to carefully determine whether these new agreements meet the definition of a "substantive modification" to the Treaty, and are required to be submitted to the Senate for advice and consent under Article II of the U.S. Constitution.

Limitation on flight tests of certain target missiles (sec. 234)

The House amendment contained a provision (sec. 235) that would limit certain missile tests.

The Senate bill contained no similar provision.

The Senate recedes with an amendment.

Defense women's health research program (sec. 241)

The budget request contained no funds for the defense women's health research program.

The Senate bill would provide \$40.0 million in PE 63002D for the defense women's health research program and contained a provision (sec. 242) that would continue the program.

The House amendment would provide \$40.0 million in PE 63002A for the defense women's health research program and contained a similar provision (sec. 241).

The Senate recedes with a clarifying amendment. The conferees agree to provide \$40.0 million in PE 63002D.

Submission of Semiconductor Technology Council annual report (sec. 251)

The Senate bill included a provision (sec. 243) that would require the Semiconductor Technology Council to submit its annual report to Congress on March 31 of each year.

The House amendment contained no similar provision.

The House recedes.

Report on oceanographic survey and research requirements to support littoral warfare (sec. 252)

The Senate bill contained a provision (sec. 244) that would require, not later than March 1, 1995, the Secretary of the Navy to submit

to Congress a report on the oceanographic survey and research and development requirements needed to support Navy operations in littoral regions.

The House amendment contained on similar provision.

The House recedes.

LANSCE/LAMPF upgrades (sec. 253)

The Senate bill included a provision (sec. 245) that would authorize \$20.0 million for the Defense Nuclear Agency to complete the upgrade of the Los Alamos Neutron Scattering Center/Los Alamos Meson Physics Facility (LANSCE/LAMPF).

The House amendment contained no similar provision.

The House recedes with an amendment that would provide funds for the facility from funds made available pursuant to section 201 of this act. These funds would be included in a separate Army program element (PE 65104A).

Study regarding live-fire survivability testing of F-22 aircraft (sec. 254)

The Senate bill contained a provision (sec. 246) that would direct the Secretary of Defense to request the National Research Council of the National Academy of Sciences to study the desirability of waiving the live-fire survivability testing requirements for the F-22 aircraft.

The House amendment contained no similar provision.

The House recedes.

University research initiatives (secs. 255 and 257)

The Senate bill contained a provision (sec. 249) that would provide \$10.0 million for the university research support program and \$10.0 million for the defense experimental program to stimulate research (DEPSCOR). The provision would limit DEPSCOR awards to states that have received less than 50 percent of the national average investment of federal funds for higher education during the past fiscal year.

The House amendment contained a provision (sec. 218) that would provide \$20.0 million for DEPSCOR, establish DEPSCOR in law, and describe the goals of the program.

The House recedes with an amendment that would allow states that have received less than 60 percent of the national average investment of federal funds for higher education during the past fiscal year to receive DEPSCOR awards.

Manufacturing technology (sec. 256)

The budget request contained \$97.1 million for the manufacturing science and technology program in the defense agencies' account and \$20.2 million for the industrial preparedness program in the Navy research and development account.

The Senate bill would provide \$125.0 for the manufacturing science and technology program in the following amounts: \$30.0 million for the Army; \$50.0 million for the Air Force; \$35.0 million for the Navy; and \$10.0 million for the Defense Logistics Agency (DLA). The Senate bill would also provide \$20.2 million for the Navy industrial preparedness program.

The House amendment would provide \$117.1 million in the defense agencies account and \$40.5 million for the Navy industrial preparedness program.

The conferees note that the military services have different approaches to manufacturing technology. The Army and Air Force conduct their programs through contracts with industry, while the Navy uses a mixture of contracts with industry and centers of excel-

cellence. In recognition of these differences, the conferees recommend authorizations in two separate programs.

The first program is the manufacturing science and technology program, for which the conferees recommend \$109.4 million. The conferees agree that this program should be aimed at the manufacturing technology needs of the military departments. The conferees recommend a provision that would require all awards under this program to be made on the basis of competition and all awards involving dual-use technology to be cost-shared. The conferees note the importance of repair technology programs and urge the services to include repair technology programs in their manufacturing technology competitions. The conferees encourage the Army to consider supporting a medical manufacturing technology program for medical needs related to service in the military. The conferees also recognize the need for manufacturing technology in the apparel and microelectronic emulation programs of the Defense Logistics Agency, and commend these and others efforts described in the House report (H. Rept. 103-499).

The conferees recommend the following authorizations: \$29.4 million for the Army in PE 78045A; \$50.0 million for the Air Force in PE 78011F; \$20.0 million for the Navy in PE 65872N; and \$10.0 million for DLA in PE 63705D.

The second program is the Navy industrial preparedness program, for which the conferees recommend \$45.2 million. The conferees intend this second program to be separate from the manufacturing science and technology program for the specific purpose of authorizing the Navy centers of excellence.

Altimetry convergence study (sec. 258)

The Senate bill contained a provision (sec. 1077) that would require the Secretary of the Navy and the Administrator of the National Aeronautics and Space Administration to study converging radar altimeter programs.

The House amendment contained no similar provision.

The House recedes.

LEGISLATIVE PROVISIONS NOT ADOPTED

High-resolution imaging

The Senate bill contained a provision (sec. 204) that would authorize \$10.0 million in Air Force RDT&E funds for high-resolution imaging of space objects using excimer lasers.

The House amendment contained no similar provision.

The Senate recedes from the statutory provision. The conferees would include \$10.0 million in PE 63605F to continue the excimer laser high-resolution imaging program.

Limitation on obligation of ballistic missile defense funds

The Senate bill contained a provision (sec. 223) that would restrict the obligation of any fiscal year 1995 funds for ballistic missile defenses until certain overdue reports are provided to the congressional defense committees.

The House amendment contained no similar provision.

The Senate recedes because the reports in question have now been delivered.

Management and budget responsibility for space-based chemical laser program

The Senate bill contained a provision (sec. 224) that would provide guidance regarding the space-based chemical laser program.

The House amendment contained no similar provision.

The Senate recedes.

Study on beaming high-power laser energy to satellites

The Senate bill contained a provision (sec. 250) that would require the Secretary of Defense and the Administrator of NASA to study the cost, feasibility, and advisability (including arms control and environmental considerations) of developing a system to deliver energy to satellites by beaming high-power laser energy from ground sources.

The House amendment contained no similar provision.

The Senate recedes. The conferees direct the Secretary of Defense, in consultation with the Administrator of NASA, to carry out a study to determine the cost, feasibility, and advisability of the development and utilization of a system to deliver energy to satellites by beaming high-power laser energy from ground sources. The Secretary shall take into account the impact of such a system on the environment and the effect, if any, of the development and utilization of such a system on the arms control efforts or obligations of the United States. In carrying out the study, the Secretary shall consider the option of the development of a space energy laser (SELENE) system using a free electron laser at the Naval Air Weapons Station, China Lake, California. The Secretary shall submit the study to the congressional defense committees by July 1, 1995.

Advanced threat radar jammer

The Senate bill contained a provision (sec. 251) that would preclude the Secretary of Defense from negotiating or entering into an agreement with a country other than a NATO or major non-NATO ally on a joint development program for advanced threat radar jammers (ATRJ) for combat helicopters until 30 days after the Secretary reviews the program and submits a report to the congressional defense committees. The provision would require the report to address the following:

- (1) the legal basis for seeking funds neither authorized nor appropriated for the program;
- (2) the consistency of the program with the DOD policy that a system not be sold overseas before it had completed operational testing and evaluation (OT&E);
- (3) the mission requirements for the system;
- (4) an assessment of the threat for which the system is developed;
- (5) the potential for proliferation of sensitive electronic warfare technologies;
- (6) the availability of non-developmental, less sophisticated technologies for meeting the needs of U.S. and allied combat helicopters; and
- (7) the availability of similar technologies from other foreign countries and the consequences of proliferating such technologies in potential conflict regions.

The House amendment contained no similar provision.

The Senate recedes. The conferees understand that:

- (1) the Army's development program is fully funded within the Army budget;
- (2) the "no sale until successful OT&E" policy does not apply to potential co-development efforts, only to the sale of systems already developed;
- (3) requirements for the ATRJ have already been validated in an operational requirements document (ORD) and in a cost and operational effectiveness analysis (COEA);
- (4) the requested threat assessment was made in deriving the analysis supporting the ORD and COEA;

(5) the interagency process already established for evaluating proliferation concerns is addressing such concerns;

(6) the ORD and COEA assessed non-developmental, less sophisticated technologies and found them deficient; and

(7) the potential development partner has a foreign source for similar equipment that would not be subject to U.S. export review and control.

Nevertheless, the conferees believe that enough concerns remain to require the Secretary of Defense, by March 31, 1995, to provide a report on the following matters:

(1) the potential cost-sharing and work-sharing plan for the co-development effort;

(2) the ORD and the COEA underpinning the Department's plans to proceed with the program;

(3) the threat assessment for the receiving nation underpinning the Department's plans to proceed with the program;

(4) an assessment of the potential foreign competitor systems, and the level of technology in those systems; and

(5) the results of the interagency review process that led to the approval of the co-development effort, including the review of potential proliferation concerns.

Missile early warning and tracking

The budget request contained:

(1) \$150.0 million for development of the alert, locate, and report missiles (ALARM) early warning satellite, the follow-on to the defense support program (DSP) system. Of this amount, \$31.0 million was requested for a technology demonstration program;

(2) \$120.0 million within the Ballistic Missile Defense Organization for development and demonstration of Brilliant Eyes (BE); and

(3) \$76.4 million for further development of DSP, including new ground processing capabilities.

The Senate bill would deny funding for the ALARM technology demonstration. It would also transfer the BE program to the Air Force, and allow the Secretary of Defense to use the funds to correct technical intelligence and warning shortfalls, accelerate ALARM, continue a BE program focused on theater defense, or continue DSP procurement.

The House amendment contained a provision (sec. 141) that would provide \$300.0 million for ballistic missile early warning risk mitigation. These funds could be used for continued procurement of defense support program satellite number 24, accelerated development of ALARM leading to launch of the first satellite no later than the first quarter of 2002, development of BE, acquisition of three additional interim theater missile sensors, or a combination of the above. The House amendment also would reduce the requested amount for DSP RDT&E by \$20.0 million.

The House recedes.

The Department of Defense has undertaken a comprehensive review of all space-based infrared (SBIR) requirements and programs for ballistic missile detection, tracking, technical intelligence, and other ancillary missions. The conferees applaud this effort, but not that Congress has directed such an assessment every year for at least the last three years. The conferees also note that this new review follows a major assessment conducted just a year ago in the Bottom-Up Review (BUR). The BUR resulted in decisions to terminate one program, develop a DSP follow-on, and initiate another (ALARM); to terminate further procurement of DSP; and to scale back the BE program substantially.

The BUR process completely upended the fiscal year 1994 budget request, but Congress patiently provided wide latitude to the Secretary of Defense to allocate funds once the BUR was completed. Now Congress is once again in the same position. The conferees intend to provide DOD latitude in this critical area in fiscal year 1995, but their patience is wearing thin. Moreover, if the Department makes major changes in the current program, the planned deployment date of a follow-on capability could be jeopardized.

The conferees deny the \$31.0 million requested for the ALARM technology demonstration program. The conferees agree to apply these funds, and an additional \$19.0 million, to accelerate the advanced tactical warning and attack assessment system by two years. The conferees agree to authorize the requested amount for BE, but shift the program to the defense agencies, RDT&E account. The Secretary of Defense should determine the appropriate management organization for this program based on the ongoing review and notify the congressional defense committees within 45 days after the date of enactment of this act.

In addition, in light of the ongoing review of SBIR programs within the Department, and the potential for changes to existing programs as a result of the study, the conferees direct the Secretary to promptly report to the congressional defense committees on the results of the study, together with any recommended programmatic, budgetary, and schedule changes. Should the Secretary determine that modifications to existing programs are necessary, the conferees would consider a reprogramming request to implement any such changes.

Mobile off-shore base and landing ship quay causeway program

The House amendment contained a provision (sec. 220) that would prohibit development or acquisition of a mobile off-shore base (MOB) or landing ship quay causeway (LSQ/C) until:

(1) the Joint Requirements Oversight Council (JROC) has approved an operational requirement for the MOB or LSQ/C; and

(2) the Secretary of Defense has certified to the congressional defense committees that: (a) there was a validated requirement for the MOB or LSQ/C, and (b) the acquisition plan and program to fulfill that requirement were fully funded in the Future Years Defense Program.

The Senate bill contained no similar provision. The Senate report (S. Rept. 103-282) stated that, by the end of 1994: (1) the JROC should determine whether there is an operational requirement for these programs; and (2) the Defense Science Board (DSB) should review the programs and submit the results of its review to Congress prior to the submission of the fiscal year 1996 budget request.

The House recedes.

The conferees agree with the concerns expressed in the Senate report about over-the-shore logistics operations and the need for an ability to sustain operations in austere environments or in locations in which port operations could be disrupted by the use of weapons of mass destruction. The conferees agree with the finding in the House provision that the concepts of the sea-going MOB and related LSQ/C could significantly improve the U.S. crisis response capability in areas in which land bases are not available. The conferees also agree that the potential development and acquisition costs of these systems could be large enough that either would be a major defense program subject to review and approval by the Defense Acquisition Board.

The conferees agree with the guidance in the Senate report with respect to actions by the JROC and the Under Secretary of Defense for Acquisition and Technology. The conferees strongly desire that the results of the JROC program evaluation and the DSB report be submitted prior to December 31, 1994.

If the JROC and DSB reviews indicate that the Department should pursue either the MOB or LSQ/C program, or both, beyond fiscal year 1995, the conferees direct the Department of Defense to document future funding and development plans for these two programs, including specific development and acquisition milestones, as a part of its fiscal year 1996 budget justification. If the program's scope warrants, the Department should specify a schedule for timely review by the Defense Acquisition Board that can help inform congressional evaluation of the fiscal year 1996 Department of Defense budget request.

ARROW/ACES program

The House amendment contained a provision (sec. 221) regarding funding for the ARROW/ACES program.

The Senate bill contained no similar provision.

The House recedes. Funding for ARROW/ACES is discussed elsewhere in this statement of the managers.

Army helicopter engine upgrade program

The House amendment contained a provision (sec. 222) that would reduce the authorization for Army research and development by \$4.5 million. The provision specified that the reduction would be derived from funds intended for developing an electronic fuel control to upgrade the hydro-mechanical unit for the T53-series helicopter engine.

The Senate bill contained no similar provision.

The House recedes. The conferees agree to recommend funding for Army research and development that incorporates this action.

Theater missile defense programs

The House amendment contained a provision (sec. 232) that would provide funding and guidance for the Navy upper tier theater missile defense program.

The Senate bill contained no similar provision.

The House recedes. Funding for the Navy upper tier program is discussed elsewhere in this statement of the managers.

Theater missile defense risk reduction activities

The House amendment contained a provision (sec. 233) that would create a risk-reduction fund for theater missile defenses.

The Senate bill contained no similar provision.

The House recedes.

TITLE III—OPERATION AND MAINTENANCE

The Senate bill would authorize \$92,457,460,000 for operation and maintenance for the Department of Defense and \$1,618,038,000 for Working Capital Fund accounts in fiscal year 1995.

The House amendment would authorize \$90,317,199,000 for operation and maintenance for the Department of Defense and \$1,212,038,000 for Working Capital Fund accounts in fiscal year 1995.

The conferees recommend authorization of \$91,463,223,000 for operation and maintenance for the Department of Defense and \$2,068,038,000 for Working Capital Fund accounts in fiscal year 1995, as reflected in the following tables.

The conferees recommend authorization of all funds for the Defense Health Program, including procurement, under Title III.

Table with multiple columns and rows, containing financial data and program names. The text is mirrored and difficult to read due to the image quality. Visible text includes 'ARROW/ACES program', 'Army helicopter engine upgrade program', 'Theater missile defense programs', and 'Theater missile defense risk reduction activities'.

TITLE III -- OPERATION AND MAINTENANCE
SUMMARY OF FUNDS RECOMMENDED FOR AUTHORIZATION
[dollars in thousands]

Title	Amended FY 1995 Authorization Request	House Change	FY 1995 House Authorized	Senate Change	FY 1995 Senate Authorized	Conference Change	FY 1995 Conference Authorized
O&M, Army	17,816,814	(458,253)	17,358,561	(223,900)	17,592,914	(390,010)	17,426,804
O&M, Navy	21,226,570	(1,117,043)	20,109,527	149,900	21,376,470	(171,100)	21,055,470
O&M, Marine Corps	1,918,395	78,700	1,997,095	178,300	2,096,695	147,900	2,066,295
O&M, Air Force	19,076,623	(343,583)	18,733,040	(237,600)	18,839,023	(239,000)	18,837,623
O&M, Defense Agencies	10,208,413	(718,592)	9,489,821	(214,088)	9,994,325	(176,837)	10,031,576
O&M, Army Reserve	1,253,709	1,313	1,256,022	0	1,253,709	(14,887)	1,238,822
O&M, Navy Reserve	827,819	0	827,819	500	828,319	0	827,819
O&M, Marine Corps Reserve	81,462	0	81,462	0	81,462	0	81,462
O&M, Air Force Reserve	1,478,990	2,342	1,481,332	0	1,478,990	(14,058)	1,464,932
O&M, Army National Guard	2,447,148	1,467	2,448,615	5,000	2,452,148	(48,733)	2,398,415
O&M, Air National Guard	2,780,178	0	2,780,178	0	2,780,178	(8,500)	2,771,678
Rifle Practice, Army	2,544	0	2,544	0	2,544	0	2,544
Defense Inspector General	128,098	20,000	148,098	12,700	140,798	12,700	140,798
U.S. Court of Military Appeals	6,126	0	6,126	0	6,126	0	6,126
Summer Olympics	0	4,000	4,000	10,000	10,000	10,000	10,000
Environmental Restoration Fund	2,180,200	0	2,180,200	0	2,180,200	(150,000)	2,030,200
Drug Interdiction	714,200	0	714,200	0	714,200	0	714,200
Defense Health Program O&M	9,922,059	0	9,922,059	(67,600)	9,854,459	(67,600)	9,854,459
Overseas Humanitarian, Disaster & Civic Aid	71,900	(11,900)	60,000	0	71,900	14,100	86,000
Cooperative Threat Reduction	400,000	0	400,000	0	400,000	0	400,000
Contingency for International Peacekeeping	300,000	0	300,000	0	300,000	(300,000)	0
DOD 50th Anniversary of WWII	0	500	500	0	0	0	0
Special Olympics	0	2,000	2,000	3,000	3,000	3,000	3,000
Project Peace	0	15,000	15,000	0	0	15,000	15,000
Total	92,841,248	(2,524,049)	90,317,199	(383,788)	92,457,460	(1,378,025)	91,463,223

REVOLVING AND MANAGEMENT FUNDS

DEFENSE BUSINESS OPERATIONS FUND	1,169,038	43,000	1,212,038	(379,600)	789,438	70,400	1,239,438
NATIONAL DEFENSE SEALIFT FUND	608,600	(608,600)	0	220,000	828,600	220,000	828,600
TOTAL	1,777,638	(565,600)	1,212,038	(159,600)	1,618,038	290,400	2,068,038

TITLE III -- OPERATION AND MAINTENANCE
 [dollars in thousands]

LINE ID	ACCOUNT	House Bill		Senate Bill		Conference	
		Amended FY 1995 Request	Change From Request	Change From Request	Authorization	Change From Request	Authorization
OPERATION AND MAINTENANCE, ARMY							
BUDGET ACTIVITY 1: OPERATING FORCES							
LAND FORCES							
250	COMBAT UNITS	1,783,474		1,783,474	1,783,474	1,783,474	
300	TACTICAL SUPPORT	1,178,297		1,178,297	1,178,297	1,178,297	
350	THEATER DEFENSE FORCES	208,141	(11,000)	208,141	208,141	208,141	12,000
400	FORCE RELATED TRAINING/SPECIAL ACTIVITIES	1,186,444		1,186,444	1,186,444	1,186,444	
450	FORCE COMMUNICATIONS	61,496		61,496	61,496	61,496	
500	DEPOT MAINTENANCE	1,037,338	300,000	1,292,338	65,000	1,102,338	140,000
	DEPOT CONVERSION		40,000				
	EXCESS UNIT DEPOT -LEVEL REPAIRABLES CREDIT		(85,000)				
550	JCS EXERCISES	66,412		66,412	66,412	66,412	
600	BASE SUPPORT	3,197,534		3,197,534	3,197,534	3,197,534	
650	REPROGRAMMINGS/FUEL CREDIT						
LAND OPERATIONS SUPPORT							
700	COMBAT DEVELOPMENTS	222,405	3,000	222,405	222,405	222,405	3,000
750	UNIFIED COMMANDS	74,246		74,246	74,246	74,246	
800	REPROGRAMMINGS/FUEL CREDIT						
	TOTAL, BUDGET ACTIVITY 1:	9,015,787	255,000	9,270,787	65,000	9,080,787	140,000
BUDGET ACTIVITY 2: MOBILIZATION							
MOBILITY OPERATIONS							
950	POMCUS	142,299		142,299	142,299	142,299	
1000	STRATEGIC MOBILIZATION	284,647		284,647	284,647	284,647	
1050	WAR RESERVE ACTIVITIES	54,718		54,718	54,718	54,718	
1100	INDUSTRIAL PREPAREDNESS	89,728		91,728	89,728	89,728	
	MREs		2,000				2,000
1150	REPROGRAMMINGS/FUEL CREDIT						
	TOTAL, BUDGET ACTIVITY 2:	571,392	2,000	573,392	0	571,392	2,000
BUDGET ACTIVITY 3: TRAINING AND RECRUITING							
ACCESSION TRAINING							
1300	OFFICER ACQUISITION	51,184		51,184	51,184	51,184	
1350	RECRUIT TRAINING	12,173		12,173	12,173	12,173	
1400	ONE STATION UNIT TRAINING	16,733		16,733	16,733	16,733	
1450	RESERVE OFFICER TRAINING CORPS (ROTC)	108,642		108,642	108,642	108,642	
1500	BASE SUPPORT (ACADEMY ONLY)	115,300		115,300	115,300	115,300	

TITLE III -- OPERATION AND MAINTENANCE
[dollars in thousands]

LINE ID	ACCOUNT	House Bill		Senate Bill		Conference	
		Amended FY 1995 Request	Change From Request	Authorization	Change From Request	Authorization	Change From Request
	BASIC SKILL/ ADVANCE TRAINING						
1600	SPECIALIZED SKILL TRAINING	244,356		249,356		244,356	244,356
	FRIENDLY FIRE/SAFETY TRAINING		5,000				5,000
1650	FLIGHT TRAINING	258,167		258,667		258,167	258,167
	TOSS		500				500
1700	PROFESSIONAL DEVELOPMENT EDUCATION	87,296		87,296		87,296	87,296
1750	TRAINING SUPPORT	390,778		399,268		390,778	390,778
	TELETRAINING (TNET)		8,490				8,490
1800	BASE SUPPORT (OTHER TRAINING)	1,062,203		1,062,203		1,062,203	1,062,203
1850	REPROGRAMMINGS/FUEL CREDIT						
	RECRUITING/OTHER TRAINING						
1900	RECRUITING AND ADVERTISING	159,959	36,500	196,459	33,000	192,959	192,959
1950	EXAMINING	66,133		66,133		66,133	66,133
2000	OFF-DUTY AND VOLUNTARY EDUCATION	110,633		110,633		110,633	110,633
2050	CIVILIAN EDUCATION AND TRAINING	92,000		94,000		92,000	92,000
	NONCOMBATANT COUNSELING		2,000				2,000
2100	JUNIOR ROTC	65,387		65,387		65,387	65,387
2150	BASE SUPPORT (RECRUITING LEASES)	155,075		155,075		155,075	155,075
2200	REPROGRAMMINGS/FUEL CREDIT						
	TOTAL, BUDGET ACTIVITY 3:	2,996,019	52,490	3,048,509	33,000	3,029,019	48,990
	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES						
	SECURITY PROGRAMS						
2350	SECURITY PROGRAMS	400,696		386,696		406,396	400,696
	CLASSIFIED		(14,000)		5,700		(5,000)
	LOGISTICS OPERATIONS						
2450	SERVICEWIDE TRANSPORTATION	544,832		544,832		544,832	(16,300)
2500	CENTRAL SUPPLY ACTIVITIES	478,524		478,524		478,524	478,524
2550	LOGISTIC SUPPORT ACTIVITIES	342,751		327,751		342,751	342,751
	INVENTORIES		(15,000)				(45,000)
2600	AMMUNITION MANAGEMENT	388,599		388,599		388,599	388,599
	SERVICEWIDE SUPPORT						
2700	ADMINISTRATION	316,751		316,751		316,751	316,751
2750	SERVICEWIDE COMMUNICATIONS	805,494		805,494		805,494	805,494
2800	MANPOWER MANAGEMENT	81,413		81,413		81,413	81,413
2850	OTHER PERSONNEL SUPPORT	174,934		54,934		174,934	174,934
2900	OTHER SERVICE SUPPORT	541,957		541,957		541,957	541,957
2950	ARMY CLAIMS ACTIVITIES	177,564		177,564		177,564	177,564
3000	REAL ESTATE MANAGEMENT	98,209		98,209		98,209	98,209

TITLE III -- OPERATION AND MAINTENANCE
[dollars in thousands]

LINE ID	ACCOUNT	House Bill			Senate Bill		Conference	
		Amended FY 1995 Request	Change From Request	Authorization	Change From Request	Authorization	Change From Request	Authorization
3100	BASE SUPPORT	600,280		884,280		600,280		600,280
	MWR/STARS & STRIPES		(6,000)				(6,000)	(6,000)
3150	DEFENSE ENVIRONMENTAL RESTORATION ACCOUNT							
3170	REPROGRAMMINGS/FUEL CREDIT							
	SUPPORT OF OTHER NATIONS							
3200	INTERNATIONAL MILITARY HEADQUARTERS	265,525		265,525		265,525		265,525
3250	MISC SUPPORT OF OTHER NATIONS	20,267		20,267		20,267		20,267
3300	REPROGRAMMINGS/FUEL CREDIT							
	TOTAL, BUDGET ACTIVITY 4:	5,237,796	(35,000)	5,372,796	5,700	5,243,496	(72,300)	5,165,496
	UNDISTRIBUTED							
	CIVILIAN PERSONNEL UNDERSTRENGTH		(100,000)	(100,000)	(405,700)	(405,700)	(241,200)	(241,200)
	MILITARY TO CIVILIAN CONVERSION		65,000	65,000				
	RATION CONTROL		(7,000)	(7,000)			(3,500)	(3,500)
	CONTRACTOR & CONSULTING SERVICES		(156,000)	(156,000)			(78,000)	(78,000)
	INFORMATION TECHNOLOGY		(138,743)	(138,743)			(30,000)	(30,000)
	RESIDUAL VALUE		(70,000)	(70,000)			(70,000)	(70,000)
	WARTIME HOST NATION SUPPORT		(100,000)	(100,000)			(100,000)	(100,000)
	DBOF ADJUSTMENT							
	CAPITAL ACCOUNTS		(60,000)	(60,000)			(40,000)	(40,000)
	PRIOR YEAR LOSSES		(81,000)	(81,000)				
	UNOBLIGATED BALANCES		(130,000)	(130,000)			(95,000)	(95,000)
	PLANNED REDUCTION OFFSETS		(100,000)	(100,000)				
	ENVIRONMENTAL COMPLIANCE		(25,000)	(25,000)				
	ARMS CONTROL COMPLIANCE COSTS				(6,000)	(6,000)	(6,000)	(6,000)
	REAL PROPERTY MAINTENANCE				60,000	60,000	30,000	30,000
	FEDERAL WORKFORCE RESTRUCT. ACT				22,600	22,600	22,600	22,600
	ARMY ENVIRON. POLICY INST.				1,500	1,500	1,500	1,500
	GSA FEES	(4,180)		(4,180)		(4,180)		(4,180)
	FOREIGN NATIONAL EMPLOYEES		(120,000)	(120,000)			(120,000)	(120,000)
	U.S. BASE OPERATIONS, OVERSEAS TRANSFERS		290,000	290,000			290,000	290,000
	MWR BILLETING TO BARRACKS		(65,000)	(65,000)				
	BARRACKS MAINTENANCE & REPAIR		65,000	65,000				
	STOCKPILE TRANSFER						(50,000)	(50,000)
	TRAVEL						(19,100)	(19,100)
	TOTAL, O&M, ARMY	17,816,814	(458,253)	17,358,561	(223,900)	17,592,914	(390,010)	17,426,804

TITLE III -- OPERATION AND MAINTENANCE
[dollars in thousands]

LINE ID	ACCOUNT	House Bill		Senate Bill		Conference	
		Amended FY 1995 Request	Change From Request	Authorization	Change From Request	Authorization	Change From Request
OPERATION AND MAINTENANCE, NAVY							
BUDGET ACTIVITY 1: OPERATING FORCES							
AIR OPERATIONS							
3950	MISSION AND OTHER FLIGHT OPERATIONS	1,922,587		1,922,587		1,922,587	1,922,587
4000	FLEET AIR TRAINING	737,877		737,877		737,877	737,877
4050	INTERMEDIATE MAINTENANCE	67,154		67,154		67,154	67,154
4100	AIR OPERATIONS AND SAFETY SUPPORT	82,359		82,359		82,359	82,359
4150	AIRCRAFT DEPOT MAINTENANCE	659,511	50,000	709,511	30,000	689,511	679,511
4200	AIRCRAFT DEPOT OPERATIONS SUPPORT	34,001		34,001		34,001	34,001
4250	BASE SUPPORT	1,129,192		1,129,192		1,129,192	1,129,192
4300	REPROGRAMMINGS/FUEL CREDIT						
SHIP OPERATIONS							
4350	MISSION AND OTHER SHIP OPERATIONS	1,891,202		1,876,202		1,891,202	1,891,202
	INVENTORIES		(15,000)			(45,000)	(45,000)
4400	SHIP OPERATIONAL SUPPORT AND TRAINING	501,771		501,771		501,771	501,771
4450	INTERMEDIATE MAINTENANCE	425,116		425,116		425,116	425,116
4500	SHIP DEPOT MAINTENANCE	2,337,433	50,000	2,387,433	35,000	2,372,433	2,357,433
SHIP ALTERATIONS							
4550	SHIP DEPOT OPERATIONS SUPPORT	867,204		867,204		867,204	867,204
4600	BASE SUPPORT	1,009,960		1,009,960		1,009,960	1,009,960
4650	REPROGRAMMINGS/FUEL CREDIT						
COMBAT OPERATIONS/SUPPORT							
4700	COMBAT COMMUNICATIONS	213,237		213,237		213,237	213,237
4750	ELECTRONIC WARFARE	8,625		8,625		8,625	8,625
4800	SPACE SYSTEMS AND SURVEILLANCE	116,807		116,807		116,807	116,807
4850	WARFARE TACTICS	134,275		134,275		134,275	134,275
4900	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	188,699		188,699		188,699	188,699
4950	COMBAT SUPPORT FORCES	280,874		280,874		280,874	280,874
5000	EQUIPMENT MAINTENANCE	168,179		168,179		168,179	168,179
5050	DEPOT OPERATIONS SUPPORT	1,262		1,262		1,262	1,262
5100	BASE SUPPORT	461,296		461,296		461,296	461,296
5150	REPROGRAMMINGS/FUEL CREDIT						
WEAPONS SUPPORT							
5200	CRUISE MISSILE	130,964		130,964		130,964	130,964
5250	FLEET BALLISTIC MISSILE	780,849		780,849		780,849	780,849
5300	IN-SERVICE WEAPONS SYSTEMS SUPPORT	30,546		30,546		30,546	30,546
5350	WEAPONS MAINTENANCE	475,942		475,942		475,942	475,942
5400	BASE SUPPORT	92,322		92,322		92,322	92,322
5410	UNDISTRIBUTED						

TITLE III -- OPERATION AND MAINTENANCE
[dollars in thousands]

LINE ID	ACCOUNT	House Bill			Senate Bill		Conference	
		Amended FY 1995 Request	Change From Request	Authorization	Change From Request	Authorization	Change From Request	Authorization
5450 REPROGRAMMINGS/FUEL CREDIT								
	TOTAL, BUDGET ACTIVITY 1:	14,749,244	85,000	14,834,244	65,000	14,814,244	0	14,749,244
BUDGET ACTIVITY 2: MOBILIZATION								
READY RESERVE AND PREPOSITIONING FORCES								
5600	SHIP PREPOSITIONING AND SURGE	455,123		455,123		455,123		455,123
ACTIVATIONS/INACTIVATIONS								
5700	AIRCRAFT ACTIVATIONS/INACTIVATIONS	12,921		12,921		12,921		12,921
5750	SHIP ACTIVATIONS/INACTIVATIONS	811,129		811,129		811,129		811,129
MOBILIZATION PREPAREDNESS								
5850	FLEET HOSPITAL PROGRAM	16,473		16,473		16,473		16,473
5900	INDUSTRIAL READINESS	58,785		58,785		58,785		58,785
5950	COAST GUARD SUPPORT	18,308		18,308		18,308		18,308
	TOTAL, BUDGET ACTIVITY 2:	1,372,739	0	1,372,739	0	1,372,739	0	1,372,739
BUDGET ACTIVITY 3: TRAINING AND RECRUITING								
ACCESSION TRAINING								
6150	OFFICER ACQUISITION	58,637		58,637		58,637		58,637
6200	RECRUIT TRAINING	4,436		4,436		4,436		4,436
6250	RESERVE OFFICERS TRAINING CORPS (ROTC)	51,323		51,323		51,323		51,323
6300	BASE SUPPORT	129,170		129,170		129,170		129,170
BASIC SKILLS AND ADVANCED TRAINING								
6400	SPECIALIZED SKILL TRAINING	216,554		221,554		216,554		216,554
	FRIENDLY FIRE/SAFETY TRAINING		5,000				5,000	5,000
6450	FLIGHT TRAINING	325,683		325,683		325,683		325,683
6500	PROFESSIONAL DEVELOPMENT EDUCATION	54,442		54,442		54,442		54,442
6550	TRAINING SUPPORT	137,174		137,174		137,174		137,174
6600	BASE SUPPORT	454,375		454,375		454,375		454,375
6650	REPROGRAMMINGS/FUEL CREDIT							
RECRUITING, AND OTHER TRAINING AND EDUCATION								
6700	RECRUITING AND ADVERTISING	89,849	25,700	115,549	31,000	120,849	31,000	120,849
6750	OFF-DUTY AND VOLUNTARY EDUCATION	61,798		61,798		61,798		61,798
6800	CIVILIAN EDUCATION AND TRAINING	24,362		24,362		24,362		24,362
6850	JUNIOR ROTC	21,171		21,171		21,171		21,171
6900	BASE SUPPORT	1,496		1,496		1,496		1,496
	TOTAL, BUDGET ACTIVITY 3:	1,630,470	30,700	1,661,170	31,000	1,661,470	36,000	1,666,470

TITLE III -- OPERATION AND MAINTENANCE
[dollars in thousands]

LINE ID	ACCOUNT	House Bill		Senate Bill		Conference	
		Amended FY 1995 Request	Change From Request	Authorization	Change From Request	Authorization	Change From Request
BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES							
SERVICEWIDE SUPPORT							
7100	ADMINISTRATION	382,299		382,299		382,299	382,299
7150	EXTERNAL RELATIONS	18,241		18,241		18,241	18,241
7200	CIVILIAN MANPOWER AND PERSON MANAGEMENT	55,571		55,571		55,571	55,571
7250	MILITARY MANPOWER AND PERSON MANAGEMENT	143,406		143,406		143,406	143,406
7300	OTHER PERSONNEL SUPPORT	386,950		446,950		386,950	386,950
	DEPOT CONVERSION		60,000				
7350	SERVICEWIDE COMMUNICATIONS	216,189		216,189		216,189	216,189
7400	BASE SUPPORT	291,873		291,873		291,873	291,873
7450	REPROGRAMMINGS/FUEL CREDIT						
LOGISTICS OPERATIONS AND TECHNICAL SUPPORT							
7500	SERVICEWIDE TRANSPORTATION	142,315		142,315		142,315	(5,300) 137,015
7550	PLANNING, ENGINEERING AND DESIGN	243,258		243,258		243,258	243,258
7600	ACQUISITION AND PROGRAM MANAGEMENT	393,047		393,047		393,047	393,047
7650	AIR SYSTEMS SUPPORT	375,095		375,095		375,095	375,095
7700	HULL, MECHANICAL AND ELECTRICAL SUPPORT	54,079		54,079		54,079	54,079
7750	COMBAT/WEAPONS SYSTEMS	37,879		37,879		37,879	37,879
7800	SPACE AND ELECTRONIC WARFARE SYSTEMS	73,660		73,660		73,660	73,660
7850	BASE SUPPORT	131,959		131,959		131,959	131,959
	MWR/STARS & STRIPES		(3,000)	(3,000)			(3,000) (3,000)
7900	REPROGRAMMINGS/FUEL CREDIT						
SECURITY PROGRAMS							
7950	SECURITY PROGRAMS	508,727		496,727		503,827	508,727
	CLASSIFIED		(12,000)		(4,900)		(9,000) (9,000)
8000	BASE SUPPORT	12,805		12,805		12,805	12,805
SUPPORT OF OTHER NATIONS							
8100	INTERNATIONAL HEADQUARTERS AND AGENCIES	7,433		7,433		7,433	7,433
TOTAL, BUDGET ACTIVITY 4:		3,474,786	45,000	3,519,786	(4,900)	3,469,886	(17,300) 3,457,486
UNDISTRIBUTED							
	CONTRACTING & CONSULTING SERVICES		(84,000)	(84,000)			(42,000) (42,000)
	CIVILIAN PERSONNEL UNDERSTRENGTH		(125,000)	(125,000)			
	MILITARY TO CIVILIAN CONVERSION		55,000	55,000			
	INFORMATION TECHNOLOGY		(138,743)	(138,743)			(30,000) (30,000)
	DBOF ADJUSTMENT						
	CAPITAL ACCOUNTS		(190,000)	(190,000)			(40,000) (40,000)
	PRIOR YEAR LOSSES		(690,000)	(690,000)			
	UNOBLIGATED BALANCES		(80,000)	(80,000)			(55,000) (55,000)
	ENVIRONMENTAL COMPLIANCE		(25,000)	(25,000)			

TITLE III -- OPERATION AND MAINTENANCE
 (dollars in thousands)

LINE ID	ACCOUNT	House Bill		Senate Bill		Conference	
		Amended FY 1995 Request	Change From Request	Change From Request	Authorization	Change From Request	Authorization
	ARMS CONTROL COMPLIANCE COSTS			(3,000)		(3,000)	(3,000)
	REAL PROPERTY MAINTENANCE			50,000	50,000	25,000	25,000
	FEDERAL WORKFORCE RESTRUCT. ACT			11,800	11,800	11,800	11,800
	GSA FEES	(669)			(669)		(669)
	FOREIGN NATIONALS		(10,000)			(10,000)	(10,000)
	BASE OPERATIONS, OVERSEAS TRANSFERS		10,000			10,000	10,000
	STOCKPILE TRANSFER					(50,000)	(50,000)
	TRAVEL					(6,600)	(6,600)
	TOTAL, O&M, NAVY	21,226,570	(1,117,043)	20,109,527	149,900	21,376,470	(171,100)

TITLE III -- OPERATION AND MAINTENANCE
[dollars in thousands]

LINE ID	ACCOUNT	House Bill		Senate Bill		Conference		
		Amended FY 1995 Request	Change From Request	Authorization	Change From Request	Authorization	Change From Request	Authorization
OPERATION AND MAINTENANCE, MARINE CORPS								
BUDGET ACTIVITY 1: OPERATING FORCES								
EXPEDITIONARY FORCES								
8750	OPERATIONAL FORCES	296,897		296,897	62,000	358,897	50,000	346,897
8800	FIELD LOGISTICS	153,233		153,233		153,233		153,233
8850	DEPOT MAINTENANCE	114,749	50,000	164,749	55,000	169,749	50,000	164,749
8900	BASE SUPPORT	700,146		700,146		700,146		700,146
8950	REPROGRAMMINGS/FUEL CREDIT							
USMC PREPOSITIONING								
9000	MARITIME PREPOSITIONING	70,866		70,866		70,866		70,866
9050	NORWAY PREPOSITIONING	7,868		7,868		7,868		7,868
9100	REPROGRAMMINGS/FUEL CREDIT							
TOTAL, BUDGET ACTIVITY 1:		1,343,759	50,000	1,393,759	117,000	1,460,759	100,000	1,443,759
BUDGET ACTIVITY 3: TRAINING AND RECRUITING								
ACCESSION TRAINING								
9250	RECRUIT TRAINING	6,265		6,265		6,265		6,265
9300	OFFICER ACQUISITION	258		258		258		258
9350	BASE SUPPORT	55,466		55,466		55,466		55,466
9400	REPROGRAMMINGS/FUEL CREDIT							
BASIC SKILLS AND ADVANCED TRAINING								
9450	SPECIALIZED SKILLS TRAINING	19,486		43,486		19,486		19,486
	SKILL PROGRESSION TRAINING		19,000				12,000	12,000
	FRIENDLY FIRE/SAFETY TRAINING		5,000				5,000	5,000
9500	FLIGHT TRAINING	151		151		151		151
9550	PROFESSIONAL DEVELOPMENT EDUCATION	7,654		7,654		7,654		7,654
9600	TRAINING SUPPORT	53,022		53,022		53,022		53,022
9650	BASE SUPPORT	56,647		56,647		56,647		56,647
9700	REPROGRAMMINGS/FUEL CREDIT							
RECRUITING AND OTHER TRAINING EDUCATION								
9750	RECRUITING AND ADVERTISING	54,608	4,100	58,708	6,600	61,208	6,600	61,208
9800	OFF-DUTY AND VOLUNTARY EDUCATION	11,080		11,080		11,080		11,080
9850	JUNIOR ROTC	7,491		7,491		7,491		7,491
9900	BASE SUPPORT	9,326		9,326		9,326		9,326
10000	REPROGRAMMINGS/FUEL CREDIT							
TOTAL, BUDGET ACTIVITY 3:		281,454	28,100	309,554	6,600	288,054	23,600	305,054

		TITLE III -- OPERATION AND MAINTENANCE [dollars in thousands]						
LINE ID	ACCOUNT	Amended	Change		Change		Change	
		FY 1995 Request	From Request	Authorization	From Request	Authorization	From Request	Authorization
		House Bill		Senate Bill		Conference		
BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES		180,204		180,204	18,000	18,000	35,100	35,100
SERVICEWIDE SUPPORT		53,380		53,380				
10100	LOGISTICS SUPPORT INVENTORIES	101,705	(5,000)	96,705		101,705	(5,000)	(5,000)
10150	SPECIAL SUPPORT	121,415		121,415		121,415		121,415
10200	SERVICEWIDE TRANSPORTATION	35,447		35,447		35,447	(1,300)	34,147
10250	ADMINISTRATION	25,491		25,491		25,491		25,491
10300	BASE SUPPORT	9,124		14,724		9,124		9,124
10350	FAMILY SUPPORT PROGRAM REPROGRAMMINGS/FUEL CREDIT CLASSIFIED PROGRAMS		5,600		4,700	4,700	5,600	5,600
TOTAL, BUDGET ACTIVITY 4:		293,182	600	293,782	4,700	297,882	(700)	292,482
UNDISTRIBUTED REAL PROPERTY MAINTENANCE					50,000	50,000	25,000	25,000
TOTAL, O&M, MARINE CORPS		1,918,395	78,700	1,997,095	178,300	2,096,695	147,900	2,066,295

TITLE III -- OPERATION AND MAINTENANCE

TITLE III -- OPERATION AND MAINTENANCE
[dollars in thousands]

LINE ID	ACCOUNT	House Bill			Senate Bill		Conference	
		Amended FY 1995 Request	Change From Request	Authorization	Change From Request	Authorization	Change From Request	Authorization
OPERATION AND MAINTENANCE, AIR FORCE								
BUDGET ACTIVITY 1: OPERATING FORCES								
AIR OPERATIONS								
10850	PRIMARY COMBAT FORCES	2,697,173		2,697,173		2,697,173		2,697,173
10900	PRIMARY COMBAT WEAPONS	542,628		542,628		542,628		542,628
10950	COMBAT ENHANCEMENT FORCES	404,060		404,060		404,060		404,060
11000	AIR OPERATIONS TRAINING	567,551		717,551		567,551		567,551
	DEPOT MAINTENANCE		150,000		65,000		75,000	
11050	COMBAT COMMUNICATIONS	844,372		844,372		844,372		844,372
11100	BASE SUPPORT	2,136,096		2,136,096		2,136,096		2,136,096
11110	REPROGRAMMINGS/FUEL CREDIT							
COMBAT RELATED OPERATIONS								
11200	GLOBAL C3I AND EARLY WARNING	798,634		798,634		798,634		798,634
11250	NAVIGATION/WEATHER SUPPORT	138,501		138,501		138,501		138,501
11300	OTHER COMBAT OPS SUPPORT PROGRAMS	222,618		222,618		222,618		222,618
11350	JCS EXERCISES	29,265		29,265		29,265		29,265
11400	MANAGEMENT/OPERATIONAL HEADQUARTERS	106,417		106,417		106,417		106,417
11450	TACTICAL INTEL AND OTHER SPECIAL ACTIVITIES	180,564		180,564		180,564		180,564
	BOMBER FORCE LEVELS				18,000	18,000	36,100	36,100
SPACE OPERATIONS								
11550	LAUNCH FACILITIES	275,346		275,346		275,346		275,346
11600	LAUNCH VEHICLES	111,203		111,203		111,203		111,203
11650	SPACE CONTROL SYSTEMS	397,026		397,026		397,026		397,026
11700	SATELLITE SYSTEMS	37,146		37,146		37,146		37,146
11750	OTHER SPACE OPERATIONS	85,740		85,740		85,740		85,740
11800	BASE SUPPORT	348,385		348,385		348,385		348,385
	TOTAL, BUDGET ACTIVITY 1:	9,922,725	150,000	10,072,725	83,000	10,005,725	111,100	10,033,825
BUDGET ACTIVITY 2: MOBILIZATION								
MOBILITY OPERATIONS								
12000	AIRLIFT OPERATIONS	1,182,631		1,182,631		1,182,631		1,182,631
12050	AIRLIFT OPERATIONS C3I	15,783		15,783		15,783		15,783
12100	MOBILIZATION PREPAREDNESS	175,871		175,871		175,871		175,871
12150	PAYMENTS TO TRANSPORTATION BUSINESS AREA	1,364,200		1,364,200		1,364,200		1,364,200
12200	BASE SUPPORT	569,236		569,236		569,236		569,236
	TOTAL, BUDGET ACTIVITY 2:	3,307,721	0	3,307,721	0	3,307,721	0	3,307,721

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[dollars in thousands]

LINE ID	ACCOUNT	House Bill		Senate Bill		Conference	
		Amended FY 1995 Request	Change From Request	Change From Request	Authorization	Change From Request	Authorization
BUDGET ACTIVITY 3: TRAINING AND RECRUITING							
ACCESSION TRAINING							
12400	OFFICER ACQUISITION	46,561		46,561		46,561	46,561
12450	RECRUIT TRAINING	4,398		4,398		4,398	4,398
12500	RESERVE OFFICER TRAINING CORPS (ROTC)	37,529		37,529		37,529	37,529
12550	BASE SUPPORT (ACADEMIES ONLY)	90,478		90,478		90,478	90,478
BASIC SKILLS AND ADVANCED TRAINING							
12650	SPECIALIZED SKILL TRAINING	200,365		205,365		200,365	200,365
	FRIENDLY FIRE/SAFETY TRAINING		5,000			5,000	5,000
12700	FLIGHT TRAINING	333,228		333,228		333,228	333,228
12750	PROFESSIONAL DEVELOPMENT EDUCATION	80,042		80,042		80,042	80,042
12800	TRAINING SUPPORT	68,293		68,293		68,293	68,293
12850	BASE SUPPORT (OTHER TRAINING)	529,177		529,177		529,177	529,177
12860	REPROGRAMMINGS/FUEL CREDIT						
RECRUITING, AND OTHER TRAINING AND EDUCATION							
12950	RECRUITING AND ADVERTISING	41,885	900	42,785	1,100	42,985	42,985
13000	EXAMINING	3,435		3,435		3,435	3,435
13050	OFF DUTY AND VOLUNTARY EDUCATION	78,086		78,086		78,086	78,086
13100	CIVILIAN EDUCATION AND TRAINING	77,856		77,856		77,856	77,856
13150	JUNIOR ROTC	20,908		20,908		20,908	20,908
	TOTAL, BUDGET ACTIVITY 3:	1,612,241	5,900	1,618,141	1,100	1,613,341	1,618,341
BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES							
LOGISTICS OPERATIONS							
13350	LOGISTICS OPERATIONS	884,155		869,155		884,155	884,155
	INVENTORIES		(15,000)			(45,000)	(45,000)
13400	TECHNICAL SUPPORT ACTIVITIES	349,512		349,512		349,512	349,512
13450	SERVICEWIDE TRANSPORTATION	246,084		246,084		(6,300)	239,784
13500	BASE SUPPORT	741,932		741,932		741,932	741,932
	MWR/STARS & STRIPES		(3,000)			(3,000)	(3,000)
SERVICEWIDE ACTIVITIES							
13600	ADMINISTRATION	112,608		112,608		112,608	112,608
13650	SERVICEWIDE COMMUNICATIONS	357,116		357,116		357,116	357,116
13700	PERSONNEL PROGRAMS	75,366		75,366		75,366	75,366
13750	RESCUE AND RECOVERY SERVICES	32,446		32,446		32,446	32,446
13800	SUBSISTENCE--IN--KIND	53,717		53,717		53,717	53,717
13850	ARMS CONTROL	32,620		32,620		32,620	32,620
13900	OTHER SERVICEWIDE ACTIVITIES	684,814		684,814		684,814	684,814
13950	OTHER PERSONNEL SUPPORT	38,160		38,160		38,160	38,160

12990	OPERATION AND MAINTENANCE	48,100	48,100	48,100	48,100	48,100	48,100	48,100
12991	OPERATION AND MAINTENANCE	201,814	201,814	201,814	201,814	201,814	201,814	201,814
12992	OPERATION AND MAINTENANCE	25,070	25,070	25,070	25,070	25,070	25,070	25,070
12993	OPERATION AND MAINTENANCE	71,313	71,313	71,313	71,313	71,313	71,313	71,313
12994	OPERATION AND MAINTENANCE	23,490	23,490	23,490	23,490	23,490	23,490	23,490
12995	OPERATION AND MAINTENANCE	32,000	32,000	32,000	32,000	32,000	32,000	32,000
12996	OPERATION AND MAINTENANCE	32,111	32,111	32,111	32,111	32,111	32,111	32,111
12997	OPERATION AND MAINTENANCE	32,100	32,100	32,100	32,100	32,100	32,100	32,100
12998	OPERATION AND MAINTENANCE	32,111	32,111	32,111	32,111	32,111	32,111	32,111
12999	OPERATION AND MAINTENANCE	32,000	32,000	32,000	32,000	32,000	32,000	32,000

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 (dollars in thousands)

LINE ID	ACCOUNT	House Bill			Senate Bill		Conference	
		Amended FY 1995 Request	Change From Request	Authorization	Change From Request	Authorization	Change From Request	Authorization
14000	CIVIL AIR PATROL CORPORATION	4,481	3,800	8,281	3,800	8,281	3,800	8,281
14050	BASE SUPPORT	159,432		159,432		159,432		159,432
14060	REPROGRAMMINGS/FUEL CREDIT							
14150	SECURITY PROGRAMS	454,840		441,300		454,840		454,840
	CLASSIFIED		(13,540)		(28,500)		(28,500)	9,000
14250	SUPPORT TO OTHER NATIONS	7,071		7,071		7,071		7,071
	INTERNATIONAL SUPPORT							
	TOTAL, BUDGET ACTIVITY 4:	4,234,354	(27,740)	4,209,614	(24,700)	4,209,654	(41,500)	4,192,854
	UNDISTRIBUTED							
	CIVILIAN PERSONNEL UNDERSTRENGTH		(100,000)	(100,000)	(345,700)	(345,700)	(145,700)	(145,700)
	CONTRACTOR & CONSULTING SERVICES		(39,000)	(39,000)			(19,500)	(19,500)
	MILITARY TO CIVILIAN CONVERSION		50,000	50,000				
	INFORMATION TECHNOLOGY		(138,743)	(138,743)			(30,000)	(30,000)
	DBOF ADJUSTMENT							
	CAPITAL ACCOUNTS		(75,000)	(75,000)			(40,000)	(40,000)
	PRIOR YEAR LOSSES		(84,000)	(84,000)				
	UNOBLIGATED BALANCES		(60,000)	(60,000)			(45,000)	(45,000)
	ENVIRONMENTAL COMPLIANCE		(25,000)	(25,000)				
	ARMS CONTROL COMPLIANCE COSTS				(4,000)	(4,000)	(4,000)	(4,000)
	REAL PROPERTY MAINTENANCE				40,000	40,000	20,000	20,000
	FEDERAL WORKFORCE RESTRUCT. ACT				12,700	12,700	12,700	12,700
	GSA FEES	(418)		(418)		(418)		(418)
	FOREIGN NATIONALS		(70,000)	(70,000)			(70,000)	(70,000)
	RESIDUAL VALUE		(30,000)	(30,000)			(30,000)	(30,000)
	U.S. BASE OPERATIONS, OVERSEAS TRANSFERS		100,000	100,000			100,000	100,000
	STOCKPILE TRANSFER						(50,000)	(50,000)
	TRAVEL						(13,200)	(13,200)
	TOTAL, O&M, AIR FORCE	19,076,623	(343,583)	18,733,040	(237,600)	18,839,023	(239,000)	18,837,623

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LINE ID	ACCOUNT	House Bill			Senate Bill		Conference	
		Amended FY 1995 Request	Change From Request	Authorization	Change From Request	Authorization	Change From Request	Authorization
OPERATION AND MAINTENANCE, DEFENSE--WIDE								
BUDGET ACTIVITY 1: OPERATING FORCES								
14850	JOINT CHIEFS OF STAFF	400,752		400,752		400,752		400,752
14900	SPECIAL OPERATIONS COMMAND SOF LEASED AIRCRAFT	996,943	9,000	1,005,943		996,943		996,943
	TOTAL, BUDGET ACTIVITY 1:	1,397,695	9,000	1,406,695	0	1,397,695	0	1,397,695
BUDGET ACTIVITY 2: MOBILIZATION								
15050	DEFENSE LOGISTICS AGENCY	67,800		67,800		67,800		67,800
15100	OFFICE OF THE SECRETARY OF DEFENSE							
15150	WASHINGTON HEADQUARTERS SERVICES	46,311		46,311		46,311		46,311
	TOTAL, BUDGET ACTIVITY 2:	114,111	0	114,111	0	114,111	0	114,111
BUDGET ACTIVITY 3: TRAINING AND RECRUITING								
15250	DEFENSE ACQUISITION UNIVERSITY	111,624		111,624		111,624		111,624
15300	DEFENSE BUSINESS MANAGEMENT UNIVERSITY ENVIRONMENTAL EDUCATION PROGRAMS	3,947		3,947	8,000	8,000	8,000	8,000
	TOTAL, BUDGET ACTIVITY 3:	115,571	0	115,571	8,000	123,571	8,000	123,571
BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES								
15450	AMERICAN FORCES INFORMATION SERVICE STARS & STRIPES	83,183	12,000	95,183		83,183	12,000	83,183
15550	CORPORATE INFORMATION MANAGEMENT	130,318		130,318		130,318		130,318
15800	CLASSIFIED AND INTELLIGENCE TELETRAINING (TNET)	3,176,380	(76,300) 56	3,100,136	(132,600)	3,043,780	(47,500) 56	3,128,880
15620	DEFENSE CIVILIAN PERSONNEL MANAGEMENT SERVICE	36,479		36,479		36,479		36,479
15650	DEFENSE CONTRACT AUDIT AGENCY	337,910	-10,000	347,910		337,910	10,000	347,910
15670	DEFENSE HEALTH PROGRAM							
15750	DEFENSE INVESTIGATIVE SERVICE	196,169		196,169		196,169		196,169
15800	DEFENSE LOGISTICS AGENCY	1,233,209		1,233,209		1,233,209		1,233,209
15850	DEFENSE LEGAL SERVICES AGENCY	7,142		7,142		7,142		7,142
15900	DEFENSE MAPPING AGENCY	698,357	(5,000)	693,357		698,357		698,357
16000	DEFENSE NUCLEAR AGENCY	88,693		88,693		88,693		88,693
16020	DEFENSE POW/MIA OFFICE	13,581		13,581		13,581		13,581
16050	FEDERAL ENERGY MANAGEMENT PROGRAM	171,223		171,223		171,223		171,223
16100	DEPARTMENT OF DEFENSE DEPENDENTS EDUCATION	1,189,102		1,189,102		1,189,102		1,189,102

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[dollars in thousands]

LINE ID	ACCOUNT	House Bill		Senate Bill		Conference		
		Amended FY 1995 Request	Change From Request	Authorization	Change From Request	Authorization	Change From Request	Authorization
16150	DEFENSE SUPPORT ACTIVITIES	63,109		73,109		63,109		63,109
	DOCUMENT STORAGE		10,000					10,000
16200	DEFENSE TECHNOLOGY SECURITY ADMINISTRATION	10,386		10,386		10,386		10,386
16250	JOINT CHIEFS OF STAFF	105,058		155,058		105,058		105,058
	MOBILITY INFRASTRUCTURE AND ENHANCEMENT FUND		50,000					50,000
16300	OFFICE OF ECONOMIC ADJUSTMENT	39,127	15,000	64,127		39,127	15,000	54,127
16350	OFFICE OF THE SECRETARY OF DEFENSE	376,243		401,243		376,243		376,243
	LANDMINE CLEARANCE		25,000					
16370	OFFICE OF THE SECRETARY OF DEFENSE (NO-YEAR)							
16400	ON SITE INSPECTION AGENCY	99,947		99,947	(7,000)	92,947	(7,000)	92,947
16500	WASHINGTON HEADQUARTERS SERVICES	540,122		540,122		540,122		540,122
16600	REPROGRAMMINGS							
	ASSIST LOCAL EDUCATION AGENCIES				58,000	58,000	58,000	58,000
	DNA ATOMIC HOTLINE				3,000	3,000	3,000	3,000
	TROOPS TO LAW ENFORCEMENT		10,000				10,000	10,000
	BILINGUAL EDUCATION						5,000	5,000
	TOTAL, BUDGET ACTIVITY 4:	8,595,738	50,756	8,646,494	(78,600)	8,517,138	118,556	8,714,294
	UNDISTRIBUTED							
	DEFENSE COMMISSARY AGENCY		40,000	40,000				
	SYSTEM TECHNOLOGY DEMONSTRATION		3,000	3,000				
	PERSONNEL TRANSITION DEMONSTRATION		3,000	3,000				
	CIVILIAN PERSONNEL UNDERSTRENGTH		(125,000)	(125,000)	(36,700)	(36,700)	(11,400)	(11,400)
	CONTRACTORS & CONSULTANTS		(71,000)	(71,000)			(35,500)	(35,500)
	INFORMATION TECHNOLOGY		(283,743)	(263,743)			(30,000)	(30,000)
	SEPARATION INCENTIVE DEFERMENT		(50,000)	(50,000)				
	DBOF ADJUSTMENT							
	CAPITAL ACCOUNTS		(155,000)	(155,000)			(40,000)	(40,000)
	PRIOR YEAR LOSSES		(141,000)	(141,000)				
	DIGITAL IMAGING		1,000	1,000			1,000	1,000
	SUPPLEMENTAL FOOD PROGRAM		5,000	5,000				
	ENVIRONMENTAL COMPLIANCE		(25,000)	(25,000)				
	DEFENSE LANGUAGE INSTITUTE							
	TELETRAINING (TNET)		395	395			395	395
	AMERICAN NAT. RED CROSS				14,500	14,500	14,500	14,500
	FEDERAL WORKFORCE RESTRUCT. ACT				7,400	7,400	7,400	7,400
	USUHS				612	612	612	612
	NATIONAL DEFENSE STOCKPILE TRANSFER				(100,000)	(100,000)		
	COUNTERPROLIFERATION TRANSFER				(29,300)	(29,300)	(28,300)	(28,300)
	GSA FEES	(14,702)		(14,702)		(14,702)		(14,702)
	DBOF - CIVILIAN PERSONNEL UNDERSTRENGTH						(171,000)	(171,000)
	MSC RATE CHANGE						(8,900)	(8,900)
	TRAVEL						(2,200)	(2,200)
	TOTAL, O&M, DEFENSE-WIDE	10,208,413	(718,592)	9,489,821	(214,088)	9,994,325	(176,837)	10,031,576

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[dollars in thousands]

LINE ID	ACCOUNT	House Bill			Senate Bill		Conference	
		Amended FY 1995 Request	Change From Request	Authorization	Change From Request	Authorization	Change From Request	Authorization
OPERATION AND MAINTENANCE, ARMY RESERVE								
BUDGET ACTIVITY 1: OPERATING FORCES								
MISSION OPERATIONS								
16900	BASE SUPPORT	306,084		306,084	306,084		306,084	
16950	DEPOT MAINTENANCE	91,026		91,026	91,026		91,026	
17000	RECRUITING AND RETENTION	33,200		33,200	33,200		33,200	
17050	TRAINING OPERATIONS	706,475		707,788	706,475		706,475	
	PROFESSIONAL MILITARY TRAINING		1,200			1,200	1,200	
	TELETRAINING (TNET)		113			113	113	
	TOTAL, BUDGET ACTIVITY 1:	1,136,785	1,313	1,138,098	0	1,136,785	1,313	1,138,098
BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES								
ADMINISTRATION AND SERVICEWIDE ACTIVITIES								
17250	INFORMATION MANAGEMENT	25,338		25,338	25,338		25,338	
17300	PUBLIC AFFAIRS	416		416	416		416	
17350	PERSONNEL ADMINISTRATION	58,106		58,106	58,106		58,106	
17400	STAFF MANAGEMENT	33,099		33,099	33,099		33,099	
	TOTAL, BUDGET ACTIVITY 4:	116,959	0	116,959	0	116,959	0	116,959
UNDISTRIBUTED								
	GSA FEES	(35)		(35)	(35)		(35)	
	CIVILIAN PERSONNEL UNDERSTRENGTH					(16,200)	(16,200)	
	TOTAL, O&M, ARMY RESERVE	1,253,709	1,313	1,255,022	0	1,253,709	(14,887)	1,238,822

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[dollars in thousands]

LINE ID	ACCOUNT	House Bill		Senate Bill		Conference		
		Amended FY 1995 Request	Change From Request	Authorization	Change From Request	Authorization	Change From Request	Authorization
OPERATION AND MAINTENANCE, NAVY RESERVE								
BUDGET ACTIVITY 1: OPERATING FORCES								
RESERVE AIR OPERATIONS								
17850	MISSION AND OTHER FLIGHT OPERATIONS	275,287		275,287		275,287		275,287
17900	FLEET AIR TRAINING							
17950	INTERMEDIATE MAINTENANCE	20,298		20,298		20,298		20,298
18000	AIR OPERATION AND SAFETY SUPPORT	1,681		1,681		1,681		1,681
18050	AIRCRAFT DEPOT MAINTENANCE	90,542		90,542		90,542		90,542
18100	AIRCRAFT DEPOT OPS SUPPORT	521		521		521		521
18150	BASE SUPPORT	134,281		134,281		134,281		134,281
18200	REPROGRAMMINGS/FUEL CREDIT							
RESERVE SHIP OPERATIONS								
18250	MISSION AND OTHER SHIP OPERATIONS	45,948		45,948		45,948		45,948
18260	SHIP OPERATIONAL SUPPORT AND TRAINING	658		658		658		658
18300	INTERMEDIATE MAINTENANCE	18,675		18,675		18,675		18,675
18350	SHIP DEPOT MAINTENANCE	52,712		52,712		52,712		52,712
18360	SHIP DEPOT OPERATIONS SUPPORT	1,570		1,570		1,570		1,570
18400	REPROGRAMMINGS/FUEL CREDIT							
RESERVE COMBAT OPERATIONS SUPPORT								
18450	COMBAT COMMUNICATIONS	648		648		648		648
18500	COMBAT SUPPORT FORCES	27,274		27,274		27,274		27,274
18550	BASE SUPPORT	57,836		57,836		57,836		57,836
RESERVE WEAPONS SUPPORT								
18650	WEAPONS MAINTENANCE	10,572		10,572		10,572		10,572
	TOTAL, BUDGET ACTIVITY 1:	738,503	0	738,503	0	738,503	0	738,503
BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES								
ADMINISTRATION AND SERVICEWIDE ACTIVITIES								
18850	ADMINISTRATION	8,014		8,014		8,014		8,014
18900	CIVILIAN MANPOWER AND PERSONNEL MANAGEMENT	2,995		2,995		2,995		2,995
18950	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	30,493		30,493		30,493		30,493
19000	OTHER PERSONNEL SUPPORT	2,725		2,725		2,725		2,725
19050	SERVICEWIDE COMMUNICATIONS	18,379		18,379		18,379		18,379
19100	BASE SUPPORT	23,748		23,748		23,748		23,748
19150	COMBAT/WEAPONS SYSTEMS	2,962		2,962		2,962		2,962
	CLASSIFIED PROGRAMS				500	500		

10147	OPERATION AND MAINTENANCE	81,485	0	81,485	0	81,485	0	81,485
10148	OPERATION AND MAINTENANCE	28,012	0	28,012	0	28,012	0	28,012
10149	OPERATION AND MAINTENANCE	5,304	0	5,304	0	5,304	0	5,304
10150	OPERATION AND MAINTENANCE	4,200	0	4,200	0	4,200	0	4,200
10151	OPERATION AND MAINTENANCE	4,200	0	4,200	0	4,200	0	4,200
10152	OPERATION AND MAINTENANCE	1,289	0	1,289	0	1,289	0	1,289

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LINE ID	ACCOUNT	House Bill			Senate Bill		Conference	
		Amended FY 1995 Request	Change From Request	Authorization	Change From Request	Authorization	Change From Request	Authorization
	TOTAL, BUDGET ACTIVITY 4:	89,316	0	89,316	0	89,816	0	89,316
	TOTAL, O&M, NAVY RESERVE	827,819	0	827,819	500	828,319	0	827,819

TITLE III -- OPERATION AND MAINTENANCE
[dollars in thousands]

LINE ID	ACCOUNT	House Bill			Senate Bill		Conference	
		Amended FY 1995 Request	Change From Request	Authorization	Change From Request	Authorization	Change From Request	Authorization
OPERATION AND MAINTENANCE, MARINE CORPS RESERVE								
BUDGET ACTIVITY 1: OPERATING FORCES								
MISSION FORCES								
19550	TRAINING	12,301		12,301		12,301		12,301
19600	MATERIAL READINESS							
19610	OPERATING FORCES	21,401		21,401		21,401		21,401
19650	BASE SUPPORT	18,275		18,275		18,275		18,275
19700	DEPOT MAINTENANCE	2,812		2,812		2,812		2,812
19750	REPROGRAMMINGS/FUEL CREDIT							
	TOTAL, BUDGET ACTIVITY 1:	54,789	0	54,789	0	54,789	0	54,789
BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES								
ADMINISTRATION AND SERVICEWIDE ACTIVITIES								
19900	RECRUITING AND ADVERTISING	7,388		7,388		7,388		7,388
19950	SPECIAL SUPPORT	6,462		6,462		6,462		6,462
20000	SERVICEWIDE TRANSPORTATION	4,936		4,936		4,936		4,936
20050	ADMINISTRATION	5,493		5,493		5,493		5,493
20100	BASE SUPPORT	2,394		2,394		2,394		2,394
	TOTAL, BUDGET ACTIVITY 4:	26,673	0	26,673	0	26,673	0	26,673
	TOTAL, O&M, MARINE CORPS RESERVE	81,462	0	81,462	0	81,462	0	81,462

TITLE III -- OPERATION AND MAINTENANCE
[dollars in thousands]

LINE ID	ACCOUNT	House Bill			Senate Bill		Conference	
		Amended FY 1995 Request	Change From Request	Authorization	Change From Request	Authorization	Change From Request	Authorization
OPERATION AND MAINTENANCE, AIR FORCE RESERVE								
BUDGET ACTIVITY 1: OPERATING FORCES								
AIR OPERATIONS								
20500	AIRCRAFT OPERATIONS	1,081,423		1,081,423		1,081,423		1,081,423
20550	MISSION SUPPORT OPERATIONS	40,666		40,666		40,666		40,666
20600	BASE SUPPORT	294,464		294,464		294,464		294,464
20650	DEPOT MAINTENANCE							
20700	REPROGRAMMINGS/FUEL CREDIT							
	TOTAL, BUDGET ACTIVITY 1:	1,416,553	0	1,416,553	0	1,416,553	0	1,416,553
BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES								
ADMINISTRATION AND SERVICEWIDE ACTIVITIES								
20850	ADMINISTRATION	26,085		26,085		26,085		26,085
	TELETRAINING (TNET)		2,342				2,342	
20900	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	22,070		22,070		22,070		22,070
20950	RECRUITING AND ADVERTISING	7,844		7,844		7,844		7,844
21000	OTHER PERSONNEL SUPPORT	5,762		5,762		5,762		5,762
21050	AUDIOVISUAL	676		676		676		676
21100	REPROGRAMMINGS/FUEL CREDIT							
	TOTAL, BUDGET ACTIVITY 4:	62,437	2,342	62,437	0	62,437	2,342	64,779
UNDISTRIBUTED								
	CIVILIAN PERSONNEL UNDERSTRENGTH						(16,000)	(16,000)
	TRAVEL						(400)	(400)
	TOTAL, O&M, AIR FORCE RESERVE	1,478,990	2,342	1,481,332	0	1,478,990	(14,058)	1,464,932

TITLE III -- OPERATION AND MAINTENANCE
 [dollars in thousands]

LINE ID	ACCOUNT	Amended FY 1995 Request	House Bill		Senate Bill		Conference	
			Change From Request	Authorization	Change From Request	Authorization	Change From Request	Authorization
OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD								
BUDGET ACTIVITY 1: OPERATING FORCES								
MISSION OPERATIONS								
21450	TRAINING OPERATIONS	1,799,704		1,801,171		1,799,704		1,799,704
	TELETRAINING (TNET)		1,467				1,467	1,467
21500	RECRUITING AND RETENTION	19,316		19,316		19,316		19,316
21550	MEDICAL SUPPORT	23,070		23,070		23,070		23,070
21600	DEPOT MAINTENANCE	113,557		113,557		113,557		113,557
21650	BASE SUPPORT	298,661		298,661		298,661		298,661
21700	REPROGRAMMINGS/FUEL CREDIT							
	TOTAL, BUDGET ACTIVITY 1:	2,254,308	1,467	2,255,775	0	2,254,308	1,467	2,255,775
BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES								
ADMINISTRATION AND SERVICEWIDE ACTIVITIES								
21850	INFORMATION MANAGEMENT	62,182		62,182		62,182		62,182
21900	PUBLIC AFFAIRS	1,717		1,717		1,717		1,717
21950	PERSONNEL ADMINISTRATION	84,197		84,197		84,197		84,197
22000	STAFF MANAGEMENT	44,744		44,744		44,744		44,744
	TOTAL, BUDGET ACTIVITY 4:	192,840	0	192,840	0	192,840	0	192,840
UNDISTRIBUTED								
	NG PILOT MEDICAL PROGRAM				5,000	5,000	5,000	5,000
	CIVILIAN PERSONNEL UNDERSTRENGTH						(47,700)	(47,700)
	TRAVEL						(7,500)	(7,500)
	TOTAL, O&M, ARMY NATIONAL GUARD	2,447,148	1,467	2,448,615	5,000	2,452,148	(48,733)	2,398,415

TITLE III -- OPERATION AND MAINTENANCE
[dollars in thousands]

LINE ID	ACCOUNT	House Bill		Senate Bill		Conference	
		Amended FY 1995 Request	Change From Request	Change From Request	Authorization	Change From Request	Authorization
OPERATION AND MAINTENANCE, AIR NATIONAL GUARD							
BUDGET ACTIVITY 1: OPERATING FORCES							
AIR OPERATIONS							
22400	AIRCRAFT OPERATIONS	2,072,651		2,072,651		2,072,651	
22450	MISSION SUPPORT OPERATIONS	352,283		352,283		352,283	
22500	BASE SUPPORT	324,292		324,292		324,292	
22550	DEPOT MAINTENANCE	22,781		22,781		22,781	
22600	REPROGRAMMING/FUEL CREDIT						
	TOTAL, BUDGET ACTIVITY 1:	2,772,007	0	2,772,007	0	2,772,007	0
BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES							
SERVICEWIDE ACTIVITIES							
22750	ADMINISTRATION	3,338		3,338		3,338	
22800	RECRUITING AND ADVERTISING	4,833		4,833		4,833	
22850	REPROGRAMMING/FUEL CREDIT						
	TOTAL, BUDGET ACTIVITY 4:	8,171	0	8,171	0	8,171	0
UNDISTRIBUTED							
	CIVILIAN PERSONNEL UNDERSTRENGTH					(8,000)	(8,000)
	TRAVEL					(500)	(500)
	TOTAL, O&M, AIR NATIONAL GUARD	2,780,178	0	2,780,178	0	2,780,178	(8,500)

TITLE III -- OPERATION AND MAINTENANCE
[dollars in thousands]

LINE ID	ACCOUNT	House Bill		Senate Bill		Conference	
		Amended FY 1995 Request	Change From Request	Authorization	Change From Request	Authorization	Change From Request
OTHER O&M ACTIVITIES							
[\$ in thousands]							
30000	Rifle Practice, Army	2,544		2,544		2,544	2,544
30050	Inspector General	128,098	20,000	148,098		140,798	140,798
	DOD IG Staffing				12,700		12,700
	GSA Fees	(74)					
	Procurement	1,000					
30100	U.S. Court of Military Appeals	6,126		6,126		6,126	6,126
	GSA Fees	(26)					
30150	Summer Olympics		4,000	4,000	10,000	10,000	10,000
30400	Environmental Restoration	2,180,200		2,180,200		2,180,200	(150,000) 2,030,200
30450	Drug Interdiction	714,200		714,200		714,200	714,200
30500	Defense Health Program, O&M	9,922,059		9,922,059		9,854,459	9,854,459
	Civilian Personnel Understrength				(67,600)		(67,600)
	GSA Fees	(161)					
	Procurement	308,889					
	Overseas Humanitarian, Disaster & Civic Aid	71,900	(11,900)	60,000		71,900	14,100 86,000
	Cooperative Threat Reduction	400,000		400,000		400,000	400,000
30650	Contingency for International Peacekeeping	300,000		300,000		300,000	(300,000) 0
	DOD 50th Anniversary of WWII	0	500	500			
	Special Olympics	0	2,000	2,000	3,000	3,000	3,000 3,000
	Project Peace	0	15,000	15,000			15,000 15,000

TITLE III -- OPERATION AND MAINTENANCE
[dollars in thousands]

ACCOUNT	House Bill		Senate Bill		Conference		
	Amended FY 1995 Request	Change From Request	Authorization	Change From Request	Authorization	Change From Request	Authorization
REVOLVING AND MANAGEMENT FUNDS [\$ in thousands]							
DEFENSE BUSINESS OPERATIONS FUND	1,169,038	43,000	1,212,038	(379,600)	789,438	70,400	1,239,438
NATIONAL DEFENSE SEALIFT FUND	608,600	(608,600)	0	220,000	828,600	220,000	828,600
TOTAL	1,777,638	(565,600)	1,212,038	(159,600)	1,618,038	290,400	2,068,038

ITEMS OF SPECIAL INTEREST

Army National Guard Hawk battalions

The conferees are concerned that the Army has not budgeted sufficient resources to provide the full range of support required for Army National Guard Hawk battalions in fiscal year 1995. The conferees direct the active Army and the National Guard Bureau to ensure that these Hawk battalions receive the resources required to maintain their readiness at a level consistent with their mission requirement.

Industrial base for operational rations

The conferees agree to authorize \$2.0 million for the defense conversion grant program in support of the operational rations industry. These funds are intended to assist manufacturers of meals ready to eat (MREs) in developing a broader commercial base to offset projected lower levels of MRE purchases by the federal government while maintaining wartime surge capacity, and not for facility relocation.

Mobility infrastructure enhancement

The conferees believe that there is considerable opportunity to improve deployment capability and enhance mobility through investment in en-route infrastructure, including runway ramp space, preservation of en-route base availability, and ammunition loading. The conferees agree to add \$50.0 million in this area. This funding is authorized in the operation and maintenance, defense-wide activities account for application to high priority projects with the potential for multiple mobility improvements. The Secretary of Defense is requested to report on the expenditure of these funds to the congressional defense committees prior to their allocation and should seek the view of the Commander in Chief, U.S. Transportation Command, in determining the application of these resources. Further, funding should be made available, if necessary, from this amount to conduct a mobilization exercise to integrate mobilization into the joint commands' exercise scenarios.

Recovery of excess transient lodging service charges

The House report (H. Rept. 103-499) directed the Army to transfer \$65.0 million from installation morale, welfare, and recreation funds to Army operation and maintenance accounts for the purpose of performing repair and maintenance on barracks.

The Senate report (S. Rept. 103-499) contained no similar direction.

The conferees agree that the transfer of funding is not necessary because the Department of Defense has implemented specific regulations prohibiting the use of appropriated funds provided for temporary duty or permanent change of station travel to directly or indirectly generate non-appropriated levels. These regulations were issued in response to congressional directives following a series of GAO audits in 1990 which revealed practices of over-charging and inefficient use of on-base lodging.

Additionally, the conferees direct that non-appropriated fund loans between branches of the armed services be terminated by December 31, 1994.

With regard to base closures, the conferees direct the Department of Defense to submit a report to the Committee on Armed Services of the Senate and the House of Representatives on the potential and actual amount of proceeds accruing to non-appropriated fund activities as a result of residual value negotiations in Europe not later than March 31, 1995. Further, the conferees direct

the Department of Defense to develop a consistent policy for the disposition of cash and other non-appropriated fund assets as the result of base closures. This policy should be submitted to the Committees on Armed Services not later than December 31, 1994.

DOD tactical intelligence programs

The Senate bill would authorize additional funding in the defense agencies, operation and maintenance (O&M) account for the following programs:

- (1) reserves augmentation—\$5.0 million;
- (2) joint targeting support—\$7.0 million; and
- (3) intelligence communications architecture project—\$2.5 million.

In addition, the Senate bill would shift \$1.0 million in defense agencies, O&M funding for the automated message handling system, and \$2.4 million in defense agencies, O&M funding for Air Combat Command automatic data processing, from the general defense intelligence program to the tactical intelligence and related activities aggregation.

The House amendment took no similar actions.

The House recedes.

The Senate bill also recommended a reduction of \$18.0 million to the requested amount for O&M for the north warning system.

The House amendment would authorize the requested amount.

The conferees agree to reduce the requested amount by \$5.0 million.

Information systems security

The budget request contained \$19.0 million for the Center for Information Systems Security (CISS) within the Defense Information Systems Agency (DISA). The budget request also contained \$693.5 million, an 11 percent decrease from the fiscal year 1994 level, for the information systems security program (ISSP) administered by the National Security Agency.

The Senate bill would authorize the requested amounts.

The House amendment would authorize an additional \$4.0 million for the ISSP to be split between the ISSP and the CISS for secure architecture planning and implementation. The additional funds would be offset by a reduction in the DOD foreign counterintelligence program, in accordance with the priorities outlined in the Joint Security Commission report.

The conferees agree to the funding recommendations in the House amendment. The Senate report (S. Rept. 103-282) raised a number of fundamental issues regarding DOD funding and management of information systems security. The conferees endorse the views and direction expressed in the Senate report and in the classified annex to the House report (H. Rept. 103-541, Part 1) on H.R. 4299, the Intelligence Authorization Act for Fiscal Year 1995.

In addition, the conferees note that the CISS at DISA, in conjunction with the National Security Agency, has developed a security architecture that would begin to address the problems identified in the Senate report. However, there is no implementation plan for funding, procuring, and fielding the required network enhancements. Developing this plan will be complicated by the fact that security improvements must be integrated with the fielding of the defense message system and the evolution of the digital switched network (DISN). The conferees direct the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence (ASD(C3I)) to prepare such an implementation plan and submit it to the congressional

defense and intelligence committees by March 15, 1995.

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—Authorization of Appropriations
Funds for depot-level maintenance and repair work (sec. 304)

The House amendment contained a provision (sec. 304) that would add \$600.0 million to the requested amount for the performance of depot-level maintenance and repair work in government facilities. This provision would also limit to 40 percent the amount available for the performance of depot-level maintenance and repair work by non-federal government employees.

The Senate bill contained no similar provision.

The Senate recedes with an amendment. The conferees agree to authorize \$305.0 million above the requested amount for depot-level maintenance and repair.

Support for 1996 Summer Olympics (sec. 305)

The Senate bill would authorize \$10.0 million for Department of Defense support to the 1996 Summer Olympics in fiscal year 1995.

The House amendment contained a provision (sec. 305) that would authorize the Secretary of Defense to provide logistical support and personnel services in connection with the 1996 games of the XXVI Olympiad to be held in Atlanta, Georgia. The House provision would also authorize \$4.0 million for Department of Defense support to the 1996 Summer Olympics in fiscal year 1995.

The Senate recedes with an amendment. The conferees agree to authorize \$10.0 million for Department of Defense support to the 1996 Summer Olympics in fiscal year 1995.

Support for the 1995 Special Olympics World Games (sec. 306)

The Senate bill contained a provision (sec. 306) that would authorize the Secretary of Defense to provide logistical support and personnel services in connection with the 1995 Special Olympics World Games to be held in New Haven, Connecticut. The provision would authorize \$3.0 million for DOD support for these Games in fiscal year 1995.

The House amendment contained a similar provision (sec. 307) that would authorize \$2.0 million for DOD support for the 1995 Special Olympics World Games in fiscal year 1995.

The House recedes.

Subtitle B—Defense Business Operations
 Fund

Defense Business Operations Fund

The Senate bill and the House amendment contained a number of provisions related to the operation of the Defense Business Operations Fund (DBOF) which are described in the following sections.

The transfer of funds to and from the DBOF must be carried out in accordance with normal reprogramming procedures, unless otherwise directed by Congress. For fiscal year 1995, the reductions for civilian personnel understrength and for the DBOF capital asset subaccount that affect the DBOF cash balance have been made to the operation and maintenance accounts. These reductions should be offset by transfers from the DBOF.

The conferees are pleased that the process of advance billing for DBOF work can be eliminated in fiscal year 1995 under current plans. The conferees direct the Secretary of Defense to notify the congressional defense committees prior to reinstating a policy of routine advance billing.

The annual DBOF budget justification material should clearly identify the surcharges added to the cost of goods and services in each of the DBOF business areas. In addition, this justification material should continue to highlight and explain the reasons for operating losses in the DBOF business areas. The DOD components managing the DBOF business areas must be held accountable for the operating results in these areas.

The conferees endorse the requirement in the Senate report (S. Rept. 103-282) for DOD to review its current policy of recovering all operating losses through the DBOF rate structure and report the results of this review to the congressional defense committees in its February 1, 1995 report on the implementation of the DBOF improvement plan.

Oversight of Defense Business Operations Fund (sec. 311)

The Senate bill contained two provisions (secs. 311 and 312) concerning the management of the Defense Business Operations Fund (DBOF). Section 311 would make permanent the authority of the Secretary of Defense to manage the working capital funds and industrial, commercial, and support activities of the Department of Defense through the DBOF. Section 312 would require the Secretary of Defense to submit to the congressional defense committees a progress report on the implementation of the DBOF improvement plan by February 1, 1995. This section would also require the Comptroller General to report to Congress on the Defense Department's implementation of the DBOF improvement plan by March 1, 1995.

The House amendment contained a provision (sec. 341) that would extend the authority to operate the DBOF and make other changes affecting the transfer, billing, use, and accumulation of funds.

The Senate recedes with an amendment that would make permanent the authority of the Secretary of Defense to operate the DBOF; authorize the purchase of goods and services from a source other than the DBOF; limit the inclusion of certain costs in DBOF charges; establish procedures for the accumulation of funds in the DBOF; require an annual report from the Secretary of Defense on the DBOF; and require a report from the Secretary of Defense and the Comptroller General on the DBOF improvement plan.

Review by Comptroller General of charges imposed by Defense Business Operations Fund (sec. 312)

The House amendment contained a provision (sec. 342) that would require the Comptroller General to review the charges for goods and services imposed by the Defense Business Operations Fund.

The Senate bill contained no similar provision.

The Senate recedes with a clarifying amendment that would limit the review to charges for goods and services imposed by the DBOF in fiscal year 1996.

Limitation on obligations against the capital asset fund (sec. 313)

The Senate bill contained a provision (sec. 313) that would set a cap of \$1.5 billion, which is \$100.0 million below the requested amount, on obligations from the capital asset subaccount of the DBOF during fiscal year 1995.

The House amendment contained no similar provision.

The House recedes with an amendment that would set a cap of \$1.44 billion on obligations from the capital asset fund subaccount of the DBOF during fiscal year 1995.

Limitation on obligations against the supply management divisions (sec. 314)

The Senate bill contained a provision (sec. 314) that would prohibit the Secretary of Defense from incurring obligations against the Defense Business Operations Fund during fiscal year 1995, except for obligations for fuel, subsistence and commissary items, retail operations, repair of equipment, and the cost of operations, in excess of 65 percent of sales from the DBOF during the fiscal year; would allow the Secretary of Defense, or his designee, to waive this 65 percent limitation cap if the Secretary determines that such action is necessary to maintain the readiness and combat effectiveness of the military services; and would require the service secretaries and the Director of the Defense Logistics Agency to report to the Secretary of Defense on the effect of this limitation on their ability to maintain the readiness and combat effectiveness of the armed forces not later than 60 days after enactment of this act.

The House amendment contained no similar provision.

The House recedes.

Subtitle C—Environmental Provisions

Limitation on use of environmental restoration funds for payment of fines and penalties (sec. 321)

The Senate bill contained a provision (sec. 322) that would prohibit the use of funds appropriated to the defense environmental restoration account (DERA) to pay fines and penalties unless the activity for which the fine was assessed was funded by the DERA.

The House amendment contained no similar provision.

The House recedes with an amendment that would extend the prohibition through 1999.

Participation of Indian tribes in agreements for defense environmental restoration (sec. 322)

The Senate bill contained a provision (sec. 323) that would amend section 2701(d) of title 10, United States Code, to allow DOD to enter into environmental agreements with federally-recognized Indian tribes.

The House amendment contained no similar provision.

The House recedes with a technical amendment.

Extension of authority to issue surety bonds for certain environmental programs (sec. 323)

The Senate bill contained a provision (sec. 324) that would extend the Defense Department's authority to issue surety bonds for DOD contractors conducting environmental restoration activities from December 31, 1995 to December 31, 1999.

The House amendment contained no similar provision.

The House recedes.

Payment of certain stipulated civil penalties (sec. 324)

The Senate bill contained a provision (sec. 358) that would authorize the Secretary of Defense to pay a \$500,000 fine to the hazardous substance superfund.

The House amendment contained no similar provision.

The House recedes with a technical amendment that would clarify that the provision arises out of a violation of an agreement entered into pursuant to the Comprehensive Environmental Response Compensation and Liability Act at the West Virginia Ordnance Works.

Additional exception to prohibition on storage and disposal of nondefense toxic and hazardous materials at military installations (sec. 325)

The House amendment contained a provision (sec. 2858) that would amend section

2692(b) of title 10, United States Code, to allow the treatment and disposal of hazardous material not owned by the Department of Defense, but generated on a military installation, if the treatment and disposal of such property was based on an agreement containing mutually agreeable terms.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would require the agreement to provide that the generator of the hazardous material would continue to be responsible for the environmental and financial consequences of the treatment and disposal of the material.

Assistance for public participation in defense environmental restoration activities (sec. 326)

The Senate bill contained a provision (sec. 2849) that would authorize the Secretary of Defense to establish restoration advisory boards to assist DOD with environmental restoration activities at military bases and to provide funding for local community members of such boards and existing technical review committees.

The House amendment contained a similar provision (sec. 1055).

The House recedes with an amendment that would allow the Secretary of Defense to provide funding for the local community members of the boards established for installations that are listed on the National Priorities List, using the authority provided by section 117(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA). In addition, the amendment would clarify the duties and responsibilities of the boards.

The conferees note that the CERCLA is currently before both Houses of Congress for reauthorization. One of the provisions in the bills under consideration would create community working groups for facilities that are listed on the NPL. The conferees do not believe that more than one advisory board, community group (if eventually established by law), or technical review committee (if eventually established by law), or technical review committee should be at an NPL site. Therefore, the conferees believe that the boards and committees created for the Department of Defense NPL sites prior to the reauthorization of the CERCLA should be transitioned to the community working groups that the conferees anticipate will be included in the reauthorized CERCLA.

Pilot program to develop and demonstrate environmental remediation technologies (sec. 327)

The House amendment contained a provision (sec. 1153) that would authorize \$4.0 million for the Secretary of Defense to enter into a cooperative agreement with an institution of higher education to facilitate the development and demonstration of new technologies for environmental restoration.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would provide \$1.0 million for the project.

Environmental education and training for defense personnel (sec. 328)

The House amendment contained a provision (sec. 2852) that would direct the Secretary of Defense to establish and conduct an environmental education and training program for members of the military services and civilian employees of the Department of Defense. The provision would also direct the Secretary to establish training centers.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would allow the Secretary to identify military facilities with existing environmental training expertise or the ability to develop such expertise. The provision would direct the Secretary to encourage the use of these facilities for training.

Study of establishment of land management and training center at Fort Riley, Kansas (sec. 329)

The Senate bill contained a provision (sec. 360) that would direct the Secretary of the Army to study the feasibility of establishing a center for Department of Defense land management activities at Fort Riley, Kansas.

The House amendment contained no similar provision.

The House recedes with an amendment that would direct the Secretary of the Army to study whether to establish a center for land management and training activities of the Department of Defense and to report on the results of the study by May 1, 1996. If the Secretary determines that establishment of such a center is feasible and advisable, the report shall identify suitable sites and activities for the center.

Subtitle D—Depot Level-Activities

Findings (sec. 331)

The House amendment contained a provision (sec. 321) that would express certain findings concerning depot-level maintenance and repair activities of the Department of Defense.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would modify the findings to emphasize the important role that depot-level activities of the Department of Defense play in meeting the readiness, mobilization, and deployment requirements of the military services.

Modification of limitation on performance of depot-level maintenance (sec. 332)

The House amendment contained a provision (sec. 322) that would revise the current percentage definition codified in section 2466 of title 10, United States Code, for depot-level maintenance and repair workloads that may be performed by non-federal government personnel to not more than 40 percent of the funds made available in a fiscal year to a military department or a defense agency for depot-level maintenance and repair. The House provision would also require that in computing the percentage of funds that are used to contract for depot-level maintenance and repair workload, DOD should include the costs of interim contractor support; contractor logistic support; maintenance and repair workload above the unit level; and the provision of materials and parts.

The Senate bill contained no similar provision.

The Senate recedes with an amendment. The conferees agree not to require the inclusion of the costs of maintenance and repair workload above the unit level and the provision of materials and parts in computing the percentage of funds that are used to contract for depot-level maintenance and repair.

Report on performance of depot-level maintenance and repair of new weapons systems (sec. 333)

The House amendment contained a provision (sec. 323) that would require that, within five years after the initial delivery of a weapon system to the Department of Defense, not less than 60 percent of the depot-level maintenance of the weapon system

must be performed by employees of the Department of Defense.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to submit a report to Congress by April 1, 1995 that contains the plans of each military department to provide for the depot-level maintenance and repair of any new weapon system by depot-level activities of the Department of Defense.

Review of cost growth in contracts to perform depot-level maintenance and repair (sec. 334)

The House amendment contained a provision (sec. 324) that would require the Secretary of Defense to audit each contract entered into for the performance of depot-level maintenance and repair in order to monitor the costs incurred by the contractor.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to review a representative sample of contracts for the performance of depot-level maintenance and repair to determine the extent to which the costs incurred by a contractor under any such contract has exceeded the cost of the contract at the time the contract was entered into.

Authority for depot-level activities of the Department of Defense to compete for maintenance and repair workloads of other Federal agencies (sec. 335)

The House amendment contained a provision (sec. 326) that would allow the Department of Defense depot-level activities to compete for the depot-level maintenance and repair workload of other Federal agencies.

The Senate bill contained no similar provision.

The Senate recedes.

Authority of depots to provide services outside of the Department of Defense (sec. 336)

The House amendment contained a provision (sec. 327) that would authorize the secretary of a military department to lease excess depot-level facilities and equipment on a reimbursable and non-interference basis.

The Senate bill contained no similar provision.

The Senate recedes with a clarifying amendment.

Reutilization initiative for depot-level activities (sec. 337)

The House amendment contained a provision (sec. 329) that would authorize a pilot program to encourage commercial firms to enter into partnerships with depot-level activities of the military departments.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would authorize the Secretary of Defense to conduct activities to encourage commercial firms to enter into partnerships with depot-level activities of the military departments.

Change of source for performance of depot-level workloads (sec. 338)

The Senate bill contained a provision (sec. 341) that would require the Secretary of Defense to ensure that any depot-level maintenance workload performed by a depot-level activity of the Department of Defense with a value of \$3.0 million or greater is not changed to performance by a contractor or by another DOD depot-level maintenance activity unless the change is made using merit-based selection procedures based upon com-

petition among all DOD depot-level maintenance activities, or competitive procedures, including competition among private and public sector entities.

The House amendment contained no similar provision.

The House recedes. The conferees agree that the merit-based selection procedures required by this section for transferring workload between DOD depots should not affect the orderly transfer of workload as a result of base closure decisions.

Sale of articles and services of industrial facilities of the armed forces to persons outside Department of Defense (sec. 339)

The Senate bill contained a provision (sec. 359) that would authorize the Secretary of Defense to designate up to three DOD industrial facilities to sell articles and services to persons outside DOD if the Secretary determines that the articles or services are not available from a commercial source in the United States.

The House amendment contained a similar provision (sec. 1057) that would authorize DOD industrial facilities to sell articles and services outside DOD without regard to the availability of the goods or services from a commercial source. The House provision would also condition the exercise of the authority granted in the provision on a certification that a cost accounting system had been developed to track the financial activities related to any commercial business undertaken by these facilities. It would also delay the effective date of the authorities granted in the provision to June 1, 1995.

The House recedes with an amendment that would authorize the Secretary of Defense to designate any DOD industrial facility to participate in this program, and would make the authority under the provision effective April 1, 1995.

The conferees note the concerns expressed in both the House and Senate reports (H. Rept. 103-499 and S. Rept. 103-282) over the Defense Department's weak financial management operations. The conferees expect the Secretary of Defense to ensure that DOD industrial facilities have the cost accounting systems needed to keep track of the costs associated with making sales of articles and services under this section, and that expenditures made and revenues generated in such sales are not intermingled with funds authorized and appropriated for the military mission of the industrial facilities.

Subtitle E—Civilian Employees

Extension of certain transition assistance authorities (sec. 341)

The Senate bill contained a provision (sec. 331) that would extend certain personnel drawdown authorities (special reduction-in-force notification rules, separation pay, and continued health benefits). This provision would extend the annual leave carry-over provisions to employees at any installation closed through the base realignment and closure process.

The House amendment contained no similar provision.

The House recedes.

Extension and expansion of authority to conduct personnel demonstration projects (sec. 342)

The Senate bill contained a provision (sec. 332) that would make permanent the authority of the Secretary of the Navy to continue the personnel demonstration project at the Naval Air Warfare Center Weapons Division, China Lake, California, and at the Naval Command, Control, and Ocean Center, San

Diego, California. Additionally, this provision would authorize the Secretary of Defense, with the approval of the Office of Personnel Management, to conduct similar, though not necessarily identical, demonstration projects at other Department of Defense science and technology reinvention laboratories.

The House amendment contained no similar provision.

The House recedes with an amendment that would make technical changes and require the approval of the Office of Personnel Management for new demonstration projects.

The conferees recognize the success of the demonstration projects at the Naval Air Warfare Center Weapons Division and at the Naval Command, Control, and Ocean Center, and believe that innovative application of the lessons learned from these projects at other Department of Defense science and technology reinvention laboratories can provide the managerial flexibility in compensation, performance evaluation, and other matters necessary during the drawdown period.

The conferees recognize that no single project can fit all laboratories and encourage the Department of Defense and the Office of Personnel Management to work together in developing demonstration projects tailored to the needs of the individual laboratories.

Limitation on payment of severance pay to certain employees transferring to employment positions in nonappropriated fund instrumentalities (sec. 343)

The Senate bill contained a provision (sec. 333) that would preclude appropriated fund employees from immediately receiving severance pay upon movement to non-appropriated fund positions under the pay and benefits protections of the Portability of Benefits for Non-appropriated Fund Employees Act of 1990.

The House amendment contained no similar provision.

The House recedes.

Retirement credit for certain service in non-appropriated fund instrumentalities before January 1, 1987 (sec. 344)

The Senate bill contained a provision (sec. 334) that would require a study of portability of retirement credit for certain former non-appropriated fund employees not covered by previous portability legislation.

The House amendment contained no similar provision.

The House recedes with an amendment that would request the Defense Department to consult with the Office of Personnel Management on the study. Further, the conferees agree that the Department of Defense has not made a good faith effort to rectify an inequity largely caused by the Department's past personnel policies. The conferees look forward to working closely with the Department in the next fiscal year to resolve this complex issue.

Travel, transportation and relocation expenses of employees transferred from the Department of Defense to the Postal Service (sec. 345)

The Senate bill contained a provision (sec. 335) that would authorize the Department of Defense to pay the cost of travel, transportation, and relocation for employees scheduled for separation when the employee is selected for a position with the Postal Service.

The House amendment contained no similar provision.

The House recedes.

Foreign employees covered under the Foreign National Employees Separation Pay Account (sec. 346)

The Senate bill contained a provision (sec. 336) that would amend section 1581 of title 10, United States Code, to include foreign employees who are employed by a foreign nation for the benefit of the Department of Defense in the category of employees who would be authorized separation pay.

The House amendment contained no similar provision.

The House recedes.

Report on conversion of certain positions to performance by Department of Defense employees (sec. 347)

The House amendment contained a provision (sec. 373) that would require the Secretary of Defense to convert 10,000 military positions to federal civilian employee positions each year during fiscal years 1995, 1996, and 1997.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to (1) submit a report to the Committees on Armed Services of the Senate and House of Representatives on the Secretary's efforts to identify positions to which continued assignment of military personnel is no longer justified under current circumstances; and (2) assign DOD employees to replace military personnel in those positions.

Non-federal employment incentive pilot program (sec. 348)

The House amendment contained a provision (sec. 375) that would authorize the Secretary of Defense to establish a program to offer incentives to encourage non-federal employers to hire and retrain employees at military installations scheduled for closure or realignment.

The Senate bill contained no similar provision.

The Senate recedes with a clarifying amendment.

Uniform health benefit programs for employees of the Department of Defense assigned to nonappropriated fund instrumentalities (sec. 349)

The House amendment contained a provision (sec. 376) that would provide for a uniform health benefits program for employees of the Department of Defense assigned to a nonappropriated fund instrumentality of the Department.

The Senate bill contained no similar provision.

The Senate recedes.

Subtitle F—Department of Defense Domestic and Overseas Dependents' Schools

Reauthorization of Department of Defense domestic elementary and secondary schools for dependents (sec. 351)

The Senate bill contained a provision (sec. 346) that would authorize continued operation of Department of Defense elementary and secondary schools within the United States, including territories, commonwealths, and possessions of the United States, when local education agencies are unable to provide appropriate education programs.

The House amendment contained a similar provision (sec. 351).

The House recedes with a clarifying amendment. The conferees agree that school boards for DOD elementary and secondary schools established under this section may participate in the development and oversight of fiscal, personnel, and education policies,

procedures, and programs for the schools, except that the Secretary of Defense may issue any directive that the Secretary considers necessary for the effective operation of the school or the entire school system. The conference agreement would also require the Secretary to establish a process by which school boards may appeal such directives to the Secretary.

The conferees are concerned that subsection (c) of this conference agreement be cautiously implemented within Puerto Rico. The conferees recognize that continued eligibility for dependents of federal employees from agencies other than the Department of Defense to attend the Antilles Consolidated School System is necessary for the smooth operation of federal government activities in Puerto Rico. During initial implementation, the conferees expect the Department to consider the importance of program continuity when evaluating the educational needs of the children and to reach agreements with parents on the need for continued attendance of those students already enrolled.

Report on calculation and recovery of tuition costs of certain students enrolled in schools of the defense dependents' education system (sec. 352)

The House amendment contained a provision (sec. 353) that would require the Secretary of Defense to submit a report to the Committees on Armed Services of the Senate and House of Representatives and the Committee on Education and Labor of the House of Representatives not later than March 31, 1995 on the calculation and application of the tuition rate for schools in the defense dependents' education system.

The Senate bill contained no similar provision.

The Senate recedes.

Authority to accept gifts for Department of Defense domestic elementary and secondary schools (sec. 353)

The House amendment contained a provision (sec. 354) that would provide that the authority of the Secretary of Defense to accept gifts for the defense dependents' education system under section 2605 of title 10, United States Code, includes gifts for DOD domestic elementary and secondary schools.

The Senate bill contained no similar provision.

The Senate recedes.

Assistance to local educational agencies that benefit dependents of members of the armed forces and Department of Defense civilian employees (sec. 354)

The Senate bill contained a provision (sec. 347) that would authorize a total of \$58.0 million for payments to local school districts heavily impacted by DOD dependents in accordance with the authority contained in section 386 of the National Defense Authorization Act for Fiscal Year 1993.

The House amendment contained no similar provision.

The House recedes.

The conferees remain committed to quality education programs for military dependents and strongly support impact aid payments to school districts with large military-connected student populations. The conferees believe that the Department of Education should continue to manage the impact aid program, and that it should continue to make payments using funds appropriated for that purpose.

The conferees would like to stress that the authorization funds in this provision is the result of the unique problems resulting from the turbulence of the drawdown and the realignment of military forces. The conferees

expect that such payments will be authorized only as necessary during the drawdown period.

Subtitle G—Reviews, Studies and Reports
Reports on transfers of certain operation and maintenance funds (sec. 361)

The House amendment contained a provision (sec. 311) that would prohibit the Secretary of Defense from transferring any amounts in excess of \$20.0 million authorized and appropriated for operation and maintenance (O&M) operating forces accounts until after the Secretary submits a notification to Congress. The provision would also require a semiannual report on transfers of funds between and within certain O&M accounts.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would establish reporting requirements for fiscal years 1995, 1996 and 1997 on transfers of funds to and from certain readiness-related activities within the O&M accounts of the military services.

Review and report on use of operation and maintenance funds by the Department of Defense (sec. 362)

The House amendment contained a provision (sec. 368) that would require the Secretary of Defense to review DOD accounts to determine the extent to which funds appropriated for operation and maintenance are used for the activity for which the funds had been appropriated.

The Senate bill contained no similar provision.

The Senate recedes.

Cost comparison studies for contracts for advisory and assistance services (sec. 363)

The Senate bill contained a provision (sec. 363) that would require that, before the Secretary of Defense enters into a contract for advisory and assistance services with a value in excess of \$100,000, the Secretary shall determine whether DOD personnel can perform the services proposed to be covered by the contract. If the Secretary determines that such personnel have that capability, the Secretary shall conduct a study comparing the cost of performing the services with DOD and contractor personnel.

The House amendment contained a similar provision (sec. 372).

The House recedes.

Review by Defense Inspector General of cost growth in certain contracts (sec. 364)

The Senate bill contained a provision (sec. 362) that would require the Department of Defense Inspector General to review a representative sample of contracts for the performance of commercial activities which resulted from a cost comparison study conducted under OMB Circular A-76.

The House amendment contained a similar provision (sec. 371) that would require the DOD IG to review not less than 20 percent of such contracts each year.

The House recedes.

SUBTITLE H—OTHER MATTERS

Armed Forces Retirement Home (sec. 371)

The Senate bill contained a provision (sec. 343) that would authorize the Secretary of Defense annually to increase the monthly assessment on active duty enlisted members and warrant officers to support the Armed Forces Retirement Home by fifty cents, up to a total of not more than two dollars per month. This section would also authorize the Armed Forces Retirement Home Board to increase the fee structure for residents of the Home, and direct the Board to identify and

evaluate alternatives for modernization of the facilities of the United States Soldiers' and Airmen's Home.

The House amendment contained a provision (sec. 361) that would increase the fees paid by residents of the Armed Forces Retirement Home.

The House recedes with an amendment that would authorize the Secretary of Defense to increase the monthly assessment from fifty cents to one dollar per month. The conferees urge the Secretary and the Armed Forces Retirement Home Board to consider alternative methods of meeting the financial needs of the Armed Forces Retirement Home. The conferees direct the Secretary of Defense to seek the views of the senior enlisted member of each military service prior to December 1, 1994 on the effect of any increase in the current assessment, and report these views to the congressional defense committees.

The conferees strongly endorse the need for the report to identify and evaluate all alternatives for modernization of the facilities of the United States Soldiers' and Airmen's Home.

Limitation on use of appropriated funds for operation of Armed Forces Recreation Center, Europe (sec. 372)

The House amendment contained a provision (sec. 313) that would prohibit the use of appropriated funds to operate the Armed Forces Recreation Center, Europe except for payment of utilities, emergency repairs, and second destination transportation.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would include real property maintenance in the categories for which the use of appropriated funds is permitted.

Limitation on retention of morale, welfare, and recreation funds by military installations (sec. 373)

The House amendment contained a provision (sec. 312) that would limit retention of nonappropriated fund cash balances.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would make clarifying changes.

Ships' stores (sec. 374)

The Senate bill contained a provision (sec. 353) that would amend section 371 of the National Defense Authorization Act for Fiscal Year 1994 by repealing the requirement that the Secretary of the Navy convert the operation of all ships' stores to operation by the Navy Exchange Service Command.

The House amendment contained a provision (sec. 378) that would extend the deadline for conversion of ships' stores to operation by the Navy Exchange to October 1, 1995.

The Senate recedes with an amendment that would change the deadline to December 31, 1995 and require a report by the Navy Audit Agency on the costs and benefits of the transfer.

Operation of military exchange and commissary store at Naval Air Station Fort Worth, Joint Reserve Center, Carswell Field (sec. 375)

The House amendment contained a provision (sec. 377) that would provide for the operation by the Army and Air Force Exchange Service, until December 31, 1995, of any military exchange and commissary store located at the Naval Air Station Fort Worth, Joint Reserve Center, Carswell Field.

The Senate bill contained no similar provision.

The Senate recedes. The conferees agree that the operation of this and similar stores

provides valuable quality-of-life benefits at no or minimum cost. In the future, the conferees would consider the use of appropriated funds where a compelling case can be made to keep benefits intact, although such stores may not achieve former levels of profitability. The conferees encourage the Secretary of Defense to initiate similar demonstration projects at other sites, including Fort Benjamin Harrison, Indian and Homestead Air Force Base, Florida, as these installations are closed or realigned.

Disposition of proceeds from operation of the Naval Academy laundry (sec. 376)

The Senate bill contained a provision (sec. 348) that would make technical changes to section 6971 of title 10, United States Code, relating to the disposition of proceeds from certain activities at the United States Naval Academy.

The House amendment contained no similar provision.

The House recedes.

Authority to issue military identification cards to so-called honorary retirees of the Naval and Marine Corps Reserves (sec. 377)

The House amendment contained a provision (sec. 382) that would permit the issue of identification cards to certain retirees of the Naval Reserve. Commissary and exchange privileges would not be authorized with the issue of this identification card.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would make clarifying changes.

Repeal of annual limitation on expenditures for emergency and extraordinary expenses of the Department of Defense Inspector General (sec. 378)

The Senate bill contained a provision (sec. 349) that would remove the statutory ceiling on the Inspector General, Department of Defense, for emergency and extraordinary expenses authority provided in section 361 of the National Defense Authorization Act for Fiscal Year 1994.

The House amendment contained no similar provision.

The House recedes.

Transfer of certain excess Department of Defense property to educational institutions and training schools (sec. 379)

The Senate bill contained a provision (sec. 352) that would authorize DOD to donate certain industrial machinery, which is currently on loan to educational institutions and training schools, directly to those entities when the Secretary of Defense determines that such a donation contributes materially to national defense.

The House amendment contained a similar provision (sec. 386).

The House recedes with a clarifying amendment.

Operation of overseas facilities of the Department of Defense by United States firms (sec. 380)

The House amendment contained a provision (sec. 384) that would require that a contract for the operation of a DOD facility outside the United States for production or distribution of subsistence items be awarded to a U.S. firm.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would express the sense of Congress that, to the maximum extent practicable, U.S. firms be given preference for operating DOD facilities that serve U.S. servicemen and women.

Requirements for automated information systems of the Department of Defense (sec. 381)

The House amendment contained a provision (sec. 370) that would limit the amount available to the Department of Defense for the new development and modernization of automated data processing programs in fiscal year 1995, and restrict new development and modernization until several determinations are made.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to determine that modernization projects for automated information systems costing more than \$50.0 million have met certain criteria. This amendment would also require the Secretary of Defense to (1) develop guidance for the use of automated information systems by the Department of Defense; (2) establish performance measures and management controls for the supervision and management of the development and modernization of such systems; and (3) submit a report to the congressional defense committees on the establishment and implementation of these performance measures and management controls in each of the next three years.

The report required by this amendment should display the total funds provided for the defense information technology program (as identified in the information technology exhibits (43 series)), including funds in the Defense Business Operations Fund, and explain how these funds affect functional mission outcomes. The report shall include information by functional area on the (1) selection and conversion of migration systems for automated information management systems; (2) systems that will be migrated or eliminated; (3) total cost of migration, including conversion and interface costs; (4) number and cost of corporate data elements that have been standardized and implemented; and (5) improvements that have been made to the defense information infrastructure, including the savings that have been achieved by such improvements.

Program to commemorate World War II (sec. 382)

The Senate bill contained a provision (sec. 350) that would extend the authorization through fiscal year 1996 for the Secretary of Defense to conduct a program to commemorate the 50th anniversary of World War II.

The House amendment contained a provision (sec. 379) that would also extend this authorization through fiscal year 1996. In addition, the House provision would authorize the Secretary of Defense to reimburse expenses incurred by a person to provide for the participation of the S.S. Jeremiah O'Brien in programs and activities to commemorate the 50th anniversary of World War II.

The Senate recedes with an amendment that would require a report not later than March 31, 1995 by the Executive Director of the 50th Anniversary of World War II Commemoration Committee to the Secretary of Defense on the reimbursement of persons or groups for expenses incurred in providing voluntary support for activities and programs conducted under the World War II commemoration program. The report shall include the recommendations of the Commemoration Committee on whether such reimbursements are appropriate.

Assistance to Red Cross for emergency communications services for members of the Armed Forces and their families (sec. 383)

The Senate bill contained a provision (sec. 355) that would authorize the Secretary of

Defense to reimburse, over a three-year period from the funds authorized for Defense-wide Activities, the American Red Cross for emergency communication services provided to servicemembers and their families.

The House amendment contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense to report to the Committees on Armed Services of the Senate and House of Representatives each year for the next three years on the need to support the Red Cross emergency communications services provided to servicemembers and their families. This report should include an assessment of the progress made by the Red Cross in developing alternative sources of funding and any recommendations the Secretary deems appropriate.

The conferees believe that the emergency communications services provided to the Department of Defense by the American Red Cross are very important to military readiness and to the welfare of military men and women and their families. The conferees believe it is appropriate for the Department to assist the Red Cross during a limited period of time with funding for this service while the Red Cross develops alternative means of financing these services. This assistance should not exceed \$14.5 million per year for a period not to exceed three years. If, at the end of the three-year period, or during the three-year period, the Secretary of Defense determines that the Red Cross cannot provide emergency communication services to the military without funding from the Department of Defense, the Department of Defense should be prepared to implement other means of providing those services.

Clarification of authority to provide medical transportation under National Guard pilot program (sec. 384)

The Senate bill contained a provision (sec. 344) that would clarify that the authority contained in section 376 of the National Defense Authorization Act for Fiscal Year 1993 for the National Guard Bureau to carry out a pilot program to use National Guard personnel in medically underserved communities includes medical care services, dental care services, and transportation by air ambulance and other transportation for medical reasons.

The House amendment contained no similar provision.

The House recedes.

National Guard assistance for youth and charitable organizations (sec. 385)

The Senate bill contained a provision (sec. 1063) that would authorize members or units of the National Guard to provide assistance to specified organizations under certain conditions in conjunction with training. Additionally, this provision would authorize the use of equipment and facilities of the National Guard, including military property of the United States issued to the National Guard and General Services Administration vehicles leased to the National Guard and the Department of Defense, in carrying out these programs.

The House amendment contained a similar provision (sec. 362), but it would not authorize assistance to include security services or authorize assistance to the U.S. Olympic Committee. Additionally, the House provision did not address the use of equipment and facilities of the National Guard, including military property of the United States issued to the National Guard and General Services Administration vehicles leased to

the National Guard and the Department of Defense.

The House recedes with an amendment that would not authorize the assistance to include security assistance.

One-year extension of certain programs (sec. 386)

The Senate bill contained a provision (sec. 351) that would extend for one year, until the end of fiscal year 1995, the authority for aviation depots and naval shipyards to engage in defense-related production and services.

The House amendment contained a provision (sec. 380) that would extend for one year the demonstration project for the use of proceeds from the sale of certain property; the authority for aviation depots and naval shipyards to engage in defense-related production and services; and the authority of base commanders over contracting for commercial activities.

The Senate recedes.

Procurement of portable ventilators for the Defense Medical Facility Office, Fort Detrick, Maryland (sec. 387)

The Senate bill contained a provision (sec. 361) that would authorize \$2.5 million for the procurement of portable ventilators for the Defense Medical Facility Office, Fort Detrick, Maryland.

The House amendment contained no similar provision.

The House recedes.

LEGISLATIVE PROVISIONS NOT ADOPTED

National Security Education Trust Fund obligations

The Senate bill contained a provision (sec. 304) that would authorize the obligation of funds from the National Security Education Trust Fund for fiscal year 1995.

The House amendment contained no similar provision.

The Senate recedes.

Maritime prepositioning ship enhancement

Section 2218 of title 10, United States Code, establishes and governs management and funding of the National Defense Sealift Fund. The Senate bill included a provision (sec. 356) that would amend section 2218 to add a new subsection. This new subsection would authorize the Department to purchase up to three foreign-built vessels for the Marine Corps maritime prepositioning ship (MPS) program.

The House amendment contained no similar provision.

The Senate recedes.

Roll-on/roll-off vessels for the Ready Reserve Force

The Senate bill contained a provision (sec. 357) that would permit the Secretary of Defense to transfer up to \$43.0 million to the Maritime Administration for purchasing roll-on/roll-off (RO/RO) vessels for the Ready Reserve Force (RRF) of the National Defense Reserve Fleet.

The House amendment contained no similar provision.

The Senate recedes. However, the conferees agree that, should funds be appropriated exclusively for the purchase of RO/RO vessels for the RRF in fiscal year 1995, the Department of Defense may transfer these funds to the Maritime Administration for buying and converting such vessels for the RRF.

Limitation on use of specification for procurement of subsistence items

The House amendment contained a provision (sec. 314) that would prohibit the Secretary of Defense from using specifications

or restrictions in the procurement of subsistence items for use at military installations and shore facilities.

The Senate bill contained no similar provision.

The House recedes.

The conferees note that the Office of the Secretary of Defense recently issued a directive to the military departments and the Defense Logistics Agency stating that, for the purchase of subsistence items for installation and shore facility use, commercial items will be requested and no military specifications or restrictive commercial item descriptions will be used.

Consideration of costs of closing Department of Defense depots in certain cost comparisons

The House amendment contained a provision (sec. 325) that would require including the cost of closing Department of Defense depots in any comparison of the cost of performing depot-level maintenance and repair work by non-federal government personnel with the cost of performing such work by employees of the Department of Defense.

The Senate bill contained no similar provision.

The House recedes.

Maintenance of sufficient depot-level facilities, activities, facilities, and employees of the Department of Defense

The House amendment contained a provision (sec. 328) that would require the Secretary of Defense to maintain sufficient depot-level activities, facilities, and employees to carry out all provisions of title III of the House amendment.

The Senate bill contained no similar provision.

The House recedes.

Survey and pilot program for the transfer of Department of Defense domestic dependent elementary and secondary schools to appropriate local educational agencies

The House bill contained a provision (sec. 352) that would require the Secretary of Defense to conduct a survey to determine the feasibility of, and actions necessary to be taken to effect, the transfer of the DOD schools to local education agencies (LEA). The provision would also require the Secretary to conduct a pilot program and transfer two schools to LEAs prior to the start of the 1995/1996 school year on terms that are agreeable to the LEA.

The Senate amendment contained no similar provision.

The House recedes.

The conferees direct the Secretary of Defense to conduct a survey of domestic elementary and secondary schools operated by the Department of Defense to collect information concerning the possibility of transferring the schools to LEAs. The Secretary shall also conduct a survey of school districts operated by local educational agencies with military-connected student populations of over 30 percent to determine the level of funding for such schools and the sources of that funding.

In conducting the survey of current Department of Defense domestic dependent schools, the Secretary shall coordinate with LEAs adjacent to the DOD-operated schools, education officials of the states in which the schools are located, and parent organizations representing parents with students enrolled in the DOD-operated schools.

The survey of each domestic school system operated by DOD shall include: (1) the opinions and attitudes of the parents of the students enrolled in the schools regarding the quality of education programs and transfer

of DOD domestic dependent schools to LEAs; (2) the positions of the LEAs and appropriate education officials of the state in which the school is located regarding the responsibility of LEAs to educate military-connected students who reside on military installations, including the financial and legal basis for those positions; and (3) the positions of the LEAs and appropriate educational officials of the state in which the school is located regarding the transfer of DOD domestic dependent schools to LEAs, including requirements of the LEAs and state education authorities for financial, military construction, and other support needed to facilitate transfer of the schools to the LEAs.

In conducting the survey of school districts operated by local educational agencies with military-connected student populations of over 30 percent, the Secretary shall coordinate with the LEAs operating the school districts, education officials of the state in which the school district is located, and military parents with students enrolled in the schools.

The survey of each school district operated by local educational agencies with military-connected student populations of over 30 percent shall include: (1) the previous level of financial support of DOD and other federal agencies, and the timing of political and fiscal decisions concerning the education of military-connected students; (2) the positions of the LEAs and education officials of the state in which the school district is located regarding the responsibility of LEAs to educate military-connected students who reside on military installations, including the financial and legal basis for those positions and the officials' awareness of differences in federal contributions to dependent education between DOD domestic dependent schools and Department of Education impact aid; (3) an analysis of the funding sources of such school districts, including comparisons with other school districts within the state that do not have a large percentage of military-connected students; and (4) the opinions and attitudes of military parents with children attending such schools districts regarding the quality of education programs in the schools.

The Secretary of Defense shall report the results of the surveys to the Committees on Armed Services of the Senate and the House of Representatives by December 31, 1995.

Department of Defense food inventory program

The House amendment contained a provision (sec. 363) that would require the Secretary of Defense to provide for the expanded use throughout the United States of full-line commercial distributors to meet the food requirements of the Department of Defense not later than October 1, 1996.

The Senate bill contained no similar provision.

The House recedes. The conferees note that the Department of Defense is currently planning expanded use of distributors for peacetime troop feeding within the continental United States.

Requirement of comparative report on operation and maintenance funding

The House amendment contained a provision (sec. 369) that would require the Secretary of Defense to compare the level of funding for operation and maintenance for the next fiscal year with the level of funding for each previous fiscal year beginning with fiscal year 1975.

The Senate bill contained no similar provision.

The House recedes.

The conferees share with the Defense Science Board Task Force on Readiness the concern that the Department has not developed a better link between readiness and the resource allocation process. The conferees note that the Department now plans to develop analytical tools that tie resources to readiness. The conferees are encouraged by this commitment to understand the cost of readiness. The conferees believe it is critical during this time of increasing budget pressures that the Department understand precisely the resources necessary to achieve desired levels of readiness.

Use of service contract funds for separation incentive programs for Department of Defense employees

The House amendment contained a provision (sec. 374) that would require the Secretary of Defense during fiscal year 1995 to fund separation incentive payments for federal civilian employees from those funds authorized and appropriated for service contracts with private sector entities.

The Senate bill contained no similar provision.

The House recedes.

Modification of statute of limitations for certain claims for personal property damage or loss

The House amendment contained a provision (sec. 383) that would change the statute of limitations for a claim for personal property damage from two years to one year.

The Senate bill contained no similar provision.

The House recedes.

Priority to states for the transfer of nonlethal excess supplies of the Department of Defense

The House amendment contained a provision (sec. 387) that would require that Defense Department nonlethal excess supplies be made available to state and local governments before such supplies are made available for humanitarian relief.

The Senate bill contained no similar provision.

The House recedes.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

End strengths for active forces (sec. 401)

The Senate bill contained a provision (sec. 401) that would authorize the active duty end strengths for each of the military services at the levels contained in the budget request.

The House amendment contained a similar provision (sec. 401).

The following table summarizes the authorized active duty end strengths for fiscal year 1995:

ACTIVE FORCES END STRENGTHS FOR FISCAL YEAR 1995

	Fiscal year—		
	1994 Authorization	1995 Request	1995 Recommendation
Army:			
Total	540,000	510,000	510,000
Officer	88,855	82,300	82,300
Navy:			
Total	480,800	441,641	441,641
Officer	62,747	60,490	60,490
Marine Corps:			
Total	177,000	174,000	174,000
Officer	18,440	17,977	17,977
Air Force:			
Total	425,700	400,051	400,051
Officer	84,970	77,740	77,740
Total	1,623,500	1,525,692	1,525,592
Officer	254,739	238,507	238,507

Temporary variation of end strength limitations for Army majors and lieutenant colonels (sec. 402)

The House amendment contained a provision (sec. 502) that would amend section 523 of title 10, United States Code, to authorize a permanent revision in the strength limitations for Army commissioned officers on active duty in the grades of major and lieutenant colonel.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would provide in fiscal years 1995 and 1996 for temporary relief from the limitation on the number of officers on active duty in the grades of major and lieutenant colonel and extend the relief granted in fiscal year 1996 through fiscal year 1997.

The conferees recognize that the current grade tables may not reflect the current officer accession and retention environment. Nonetheless, the conferees remain reluctant to address permanent changes to the grade tables in a piecemeal fashion and do not understand the Defense Department's reluctance to address this matter in a comprehensive manner.

The conferees will consider permanent adjustments to the grade tables when it receives from the Department of Defense the report on officer personnel management systems required by section 502 of the National Defense Authorization Act for Fiscal Year 1993. The conferees expect this report to include recommendations regarding the grade tables in section 524 of title 10, United States Code, for members of the reserve components serving on active duty.

Extension of temporary variation of end strength limitations for Marine Corps majors and lieutenant colonels (sec. 403)

The Senate bill contained a provision (sec. 402) that would extend through fiscal year 1997, the temporary increase in the number of Marine Corps officers authorized to serve in the grades of major and lieutenant colonel that was included in the National Defense Authorization Act for Fiscal Year 1994.

The House amendment contained no similar provision.

The House recedes.

The conferees recognize that the current grade tables may not reflect the current officer accession and retention environment. Nonetheless, the conferees remain reluctant to address permanent changes to the grade tables in a piecemeal fashion and do not understand the Defense Department's reluctance to address this matter in a comprehensive manner.

The conferees will consider permanent adjustments to the grade tables when it receives from the Department of Defense the report on officer personnel management systems required by section 502 of the National Defense Authorization Act for Fiscal Year 1993.

Retention of authorized strength of general officers on active duty in the Marine Corps for fiscal years after fiscal year 1995 (sec. 404)

The Senate bill contained a provision (sec. 403) that would modify section 526(a)(4) of title 10, United States Code, to permit the Marine Corps to retain the current number of 68 general officers serving on active duty after October 1, 1995.

The House amendment contained no similar provision.

The House recedes. The conferees intend the Marine Corps to maintain at least seven general officers assigned to joint positions at all times.

Exemption from grade accountability of certain four-star general and flag officer positions (sec. 405)

The Senate bill contained a provision (sec. 404) that would exempt the combatant commanders (CINCs), the Deputy Commander in Chief of the U.S. European Command (CINCEUR), and the Commander, U.S. Forces, Korea from the ceiling for grades above major general or rear admiral for a test period of three years. The exemption in each instance would be conditioned on (1) the positions being filled by four-star officers and, in the case of the Deputy CINCEUR, on CINCEUR also serving as Supreme Allied Commander, Europe, and 2) each of the services having recommended an officer to the Secretary of Defense for consideration for the position to be exempted. This provision would also authorize the Chairman of the Joint Chiefs of Staff to recommend officers for appointment to these positions.

The House amendment contained no similar provision.

The House recedes with an amendment that would make clarifying changes.

The conferees note that this provision would exempt 11 four-star positions from the grade ceilings established for that grade, thereby increasing the number of three- and four-star positions that could be filled by 11 without an increase in the overall number of flag and general officers.

The conferees expressly intend that these exemptions not increase the number of four-star positions. Rather, these exemptions are to be used to fill those joint three-star positions that could not otherwise be filled after October 1, 1995, without this provision. The conferees direct the Department of Defense to use the flexibility provided by section 525(c) of title 10, United States Code, to ensure that each of the four Services can compete for these joint positions without regard to grade ceilings.

Although the CINC positions are open to nominations from each of the Services, the traditional patterns of filling these positions have not really changed. The conferees expect these traditional patterns to change as a result of the exemptions provided by this provision. The conferees hope that the Chairman of the Joint Chiefs of Staff does not have to exercise his authority to nominate officers for these positions, but the conferees expect him to do so if the services are not nominating the very best officers available for each position.

Temporary exclusion of Superintendent of Naval Academy from counting toward number of senior admirals authorized to be on active duty (sec. 406)

The Senate bill and the House amendment contained identical provisions (secs. 405 and 506, respectively) that would amend section 525 of title 10, United States Code, to provide that an officer who retired in the grade of admiral (if recalled to active duty, nominated by the President, and confirmed by the Senate for appointment to the grade of admiral while serving as the next Superintendent of the United States Naval Academy) would not count against the number of officers authorized to be on active duty in the grade of admiral (0-10) while so serving.

The contingencies and conditions in the Senate and House provisions have already been met; therefore, the conferees agree to delete them from the provision.

End strengths for Selected Reserve (sec. 411)

The Senate bill contained a provision (sec. 411) that would authorize Selected Reserve end strengths for each of the military serv-

ices at the levels contained in the budget request for fiscal year 1995, except for the Naval Reserve and the Coast Guard Reserve. The Senate bill would authorize a Naval Reserve end strength of 109,000, which would exceed the level in the budget request by 8,290. The Senate bill would authorize a Coast Guard Reserve end strength of 8,000, which would exceed the level in the budget request by 1,000.

The House amendment contained a provision (sec. 411) that would authorize Selected Reserve end strengths for each of the military services at the levels contained in the budget request, except for the Coast Guard Reserve. The House amendment would authorize a Coast Guard Reserve end strength of 8,000, which would exceed the level in the budget request for 1,000.

The Senate recedes with an amendment that would authorize Selected Reserve end strengths for fiscal year 1995 as shown below:

	Fiscal year		
	1994 Authorization	1995 request	1995 Recommendation
Army National Guard	410,000	400,000	400,000
Army Reserve	260,000	242,000	242,000
Naval Reserve	118,000	100,710	102,960
Marine Corps Reserve	42,200	42,000	42,000
Air National Guard	117,700	115,581	115,581
Air Force Reserve	81,500	78,706	78,706
Coast Guard Reserve	10,000	7,000	8,000
Totals	1,039,400	985,997	989,247

The recommended authorization for the Naval Reserve reflects the conferees' expectation of further assessment of the future roles and missions of the Naval Reserve.

The conferees believe the recommended authorization for the Coast Guard Reserve end strength would allow the Coast Guard Reserve to reduce its authorized end strength by 20 percent during fiscal year 1995 while using statutory transition provisions to minimize involuntary separations.

End strengths for reservists on active duty in support of the reserves (sec. 412)

The Senate 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 House amendment contained a similar provision (sec. 412).

The following table summarizes the authorized full-time active duty end strengths for each of the reserve components for fiscal year 1995:

	Fiscal year—		
	1994 Authorization	1995 Request	1995 Recommendation
Army National Guard	24,180	23,650	23,650
Army Reserve	12,542	11,940	11,940
Naval Reserve	19,718	17,510	17,510
Marine Corps Reserve	2,285	2,285	2,285
Air National Guard	9,389	9,098	9,098
Air Force Reserve	648	648	648
Totals	68,762	65,131	65,131

Delay in increase in number of active component personnel to be assigned for training compatibility with Guard units (sec. 413)

The House amendment contained a provision (sec. 413) that would amend section 1132 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484) by extending from the beginning of fiscal year 1995 to the beginning of fiscal year 1997 the date by which the Army is to assign 3,000 non-commissioned officers and warrant officers to the pilot program for active component support of the reserves.

The Senate bill contained no similar provision.

The Senate recedes.

Authorization of training student loads (sec. 421)

The Senate bill and the House amendment contained identical provisions (secs. 421 and 421, respectively) that would authorize the active and reserve average military training loads contained in the budget request.

The following table summarizes the authorized military training loads for fiscal year 1995:

MILITARY TRAINING STUDENT LOADS FOR FISCAL YEAR 1995

	Fiscal year—		
	1994 Authorization	1995 Request	1995 Recommendation
Army	75,220	69,420	69,420
Navy	45,269	43,064	43,064
Marine Corps	22,753	25,377	25,377
Air Force	33,439	36,840	36,840
Totals	176,681	174,701	174,701

Increase in appropriations for military personnel (sec. 431)

The Senate bill contained a provision (sec. 431) that would authorize \$70,790,397,000.00 to be appropriated for military personnel in fiscal year 1995. This is an increase of \$315,000,000.00 to the amount requested by the Department of Defense.

The House amendment contained a provision (sec. 431) that would limit the amount authorized to be appropriated for military personnel to \$71,086,397,000, an increase of \$611,000,000 above the requested amount.

The Senate recedes with an amendment that would authorize \$70,938,597,000.00 to be appropriated for military personnel. This authorization would supersede the requirement to reduce the amount of funds available to the Department of Defense for permanent change of station moves.

General and flag officer requirements

The conferees note that the National Defense Authorization Act for Fiscal Year 1991 requires a significant reduction in the ceiling on the number of general and flag officers. In the statement of the managers accompanying the National Defense Authorization Act for Fiscal Year 1991 (H. Rept. 101-923), the conferees noted that the specific fiscal year 1995 ceilings are for planning purposes and urged the Secretary of Defense to review those ceilings and recommend appropriate reallocations to the Committees on Armed Services of the Senate and House of Representatives.

If relief from the general and flag officer limitations is required, the conferees encourage the Secretary of Defense, in conjunction with the Chairman of the Joint Chiefs of Staff, to forward to the Committees on Armed Services a single, comprehensive legislative proposal that addresses the Department's joint and external general and flag officer requirements, as well as the general and flag officer requirements internal to each service.

TITLE V—MILITARY PERSONNEL POLICY
LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Consistency of warrant officer personnel management policies with policies applicable to other officers (sec. 501)

The Senate bill contained a provision (sec. 502) that would amend chapter 33A of title 10,

United States Code, concerning the personnel management of warrant officers, to make certain sections in the chapter consistent with provisions applicable to commissioned officers other than warrant officers. The provision would also apply the sections in chapter 33A to retired warrant officers who are recalled for active duty.

The House amendment contained a similar provision (sec. 503).

The House recedes.

Authority for original regular appointments of Navy and Marine Corps limited duty officers serving in grades above pay grade 0-3 under temporary appointments (sec. 502)

The Senate bill contained a provision (sec. 506) that would amend section 5589 of title 10, United States Code, to permit original appointments as regular officers of the Navy or Marine Corps in the same grade held pursuant to a temporary appointment.

The House amendment contained a similar provision (sec. 504).

The House recedes with an amendment that would make clarifying changes.

Navy and Marine Corps limited duty officers twice having failed of selection for promotion (sec. 503)

The Senate bill contained a provision (sec. 503) that would amend section 6383 of title 10, United States Code, to establish the same right to achieve retirement eligibility for limited duty officers of the Navy and Marine Corps that now exists for officers not appointed as limited duty officers and for warrant officers.

The House amendment contained a similar provision (sec. 505).

The House recedes with an amendment that would make clarifying changes.

Selection for designated judge advocate positions (sec. 504)

The Senate bill contained a provision (sec. 507) that would require the Secretary of Defense to ensure that officers selected to serve in senior judge advocate positions are chosen by impartial boards of officers.

The House amendment contained no similar provision.

The House recedes with an amendment that would make clarifying changes and that would provide that an officer who is appointed to and retires in such a position shall be retired in the grade held while so serving.

Selected Reserve activation authority (sec. 511)

Under section 673b of title 10, United States Code, often called the Presidential call-up authority, when the President determines that it is necessary to augment the active forces for an operational mission, the President may authorize the Secretary of Defense and the Secretary of Transportation to order units of the Selected Reserve to active duty for up to 90 days. The activation authority is limited to calling up not more than 200,000 members of the Selected Reserve at any one time. The President may authorize the Secretary of Defense and the Secretary of Transportation to extend the period of activation for an additional 90 days.

The Senate bill contained a provision (sec. 512) that would allow the President to use the authority under this section for a single 180-day call-up period. The Senate provision also would require the Secretary of Defense to submit to the congressional defense committees, not later than April 1, 1995, an analysis of options for increasing the Presidential call-up authority and an assessment of the effects of these options on recruiting, retention, and employer support for the re-

serve components. The Senate provision would not affect other provisions of law, such as 10 U.S.C. 672 and 673, which provide broader authority to mobilize the reserves for extended periods of service during war or national emergency.

The House amendment contained a provision (sec. 511) that would increase the initial period of activation in section 673b from 90 to 180 days and would permit a follow-on period of activation for another 180 days as well. The House provision would further specify that, if the President determines that augmentation of the active forces may be necessary for an operational mission that the President authorizes to be carried out, the President may, on or after the date of that mission authorization, authorize the Secretary of Defense and the Secretary of Transportation to order units of the Selected Reserve to active duty for up to 90 days. This additional activation authority would be limited to not more than 25,000 members of the Selected Reserve for a period of 90 days.

The House recedes with an amendment that would amend section 673b of title 10, United States Code, to permit the President to authorize the Secretary of Defense and the Secretary of Transportation to order up to 200,000 members of the Selected Reserve to active duty for a single period of 270 days, without the declaration of war or national emergency required for the general or partial mobilization authorities in sections 672 and 673 of title 10, United States Code. The conference agreement would also require the Secretary of Defense to submit to the congressional defense committees, not later than April 1, 1995, an analysis of options for increasing the Presidential call-up authority and an assessment of the effects of these options on recruiting, retention, and employer support for the reserve components.

The Department of Defense requested broader authority for the President to delegate the Selected Reserve activation authority to the Secretary of Defense and the Secretary of Transportation, which was included in neither the Senate bill nor the House amendment. The conference agreement would not amend the circumstances under which the President can use the authority under section 673b of title 10, United States Code, and would not provide for any broader delegation of authority to the Secretary of Defense and the Secretary of Transportation.

The Department of Defense has indicated that the time required for the President to exercise his authority under section 673b of title 10, United States Code, will cause military planners to exclude reserve component personnel from contingency plans. The conferees reject that line of reasoning and fully expect the Department of Defense, and particularly the commanders of the combatant commands, to continue to plan for, count on, and use members of the Selected Reserve among early deploying forces. Perceived impediments to the planning for and timely use of reserve component personnel and units can and should be overcome without legislative action. In that light, the conferees expect the Department of Defense and the White House to work together to develop and implement the plans and procedures necessary under a wide range of scenarios to ensure timely access to members of the Selected Reserve under section 673b of title 10, United States Code, and other authorities.

Reserve general and flag officers on active duty (sec. 512)

The House amendment contained a provision (sec. 512) that would amend section 526 of title 10, United States Code, to require

that a least 15 reserve component general and flag officers serve on active duty. The authorizations for these reserve component officers would be within the total number of general and flag officers authorized to serve on active duty in each military service. This provision would also authorize a reserve general officer to serve as the military executive to the Reserve Forces Policy Board.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to notify the Committees on Armed Services of the Senate and House of Representatives in writing 60 days prior to taking an action that would: (1) change the grade authorized as of July 1, 1994, for a general or flag officer position in the National Guard Bureau, the office of a chief of a reserve component, or a reserve component command; (2) assign a reserve officer to a general or flag officer position in the National Guard Bureau, the office of a chief of a reserve component, or a reserve component command in a grade other than the grade authorized on July 1, 1994; or (3) assign an officer other than a general or flag officer as the military executive to the Reserve Forces Policy Board. Such a notification would include the analysis which justifies the intended action.

Review of opportunities for ordering individual reservists to active duty with their consent (sec. 513)

The Senate bill contained a provision (sec. 511) that would require the Secretary of Defense to review and report to the Committees on Armed Services of the Senate and the House of Representatives regarding the opportunities for individual members of the reserve components to be called to active duty, with their consent, to serve during peacetime in positions traditionally filled by active duty personnel in support of peacetime requirements.

The House amendment contained no similar provision.

The House recedes.

In another provision in this act, the conferees reduced the minimum required reserve service for eligibility for retired pay for non-regular serve during the force drawdown period. The conferees direct the Secretary of Defense to review the provisions of section 1331 of title 10, United States Code, as part of the review of impediments for members of the reserve components to serve on active duty. The Secretary of Defense should submit any recommended legislative changes to the Congress.

Definition of active Guard and reserve duty (sec. 514)

The House amendment contained a provision (sec. 513) that would amend section 101 of title 10, United States Code, to provide a definition for the term "active Guard and Reserve duty."

The Senate bill contained no similar provision.

The Senate recedes with a technical amendment.

Repeal of obsolete provisions pertaining to transfer of retired regular enlisted members to reserve components (sec. 515)

The Senate bill contained a provision (sec. 513) that would repeal obsolete provisions pertaining to the retired reserve.

The House amendment contained a similar provision (sec. 514).

The Senate recedes.

Semiannual report on separations of active Army officers (sec. 516)

The House amendment contained a provision (sec. 516) that would require the Sec-

retary of the Army to furnish to the Chief, National Guard Bureau, on a semiannual basis, the name, home of record, and last-known mailing address of each officer who was honorably separated from the Army in the grade of major and below during the previous six-month period.

The Senate bill contained no similar provision.

The Senate recedes.

Early reserve retirement eligibility for disabled members of Selected Reserve (sec. 517)

The House amendment contained a provision (sec. 515(a)) that would authorize the service secretaries to provide for early qualification for retired pay at age 60 for certain members of the Selected Reserve who become physically unfit for continued service.

The Senate bill contained no similar provision.

The Senate recedes.

Annual payments for members retired under Guard and reserve transition initiative (sec. 518)

The Senate bill contained a provision (sec. 642) that would modify the special transition program of annual payments for reservists authorized by section 4416 of the National Defense Authorization Act for Fiscal Year 1993. The provision would revise the current program of five annual payments to authorize from one to five such payments.

The House amendment contained a similar provision (sec. 515(b)) that would amend title 10, United States Code, to modify the program of Guard and reserve transition initiatives enacted by the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484).

The House recedes with an amendment that would eliminate the requirement for the recoupment of payments once a member who has received payments under this provision begins to receive retired pay.

Educational requirements for appointment in reserve components in grades above first lieutenant or lieutenant junior grade (sec. 519)

The Senate bill contained a provision (sec. 504) that would modify section 596 of title 10, United States Code, to authorize the acceptance of college credits and degrees from non-accredited schools for the purpose of meeting the degree requirement of section 596 if at least three accredited schools accept such credits.

The House amendment contained no similar provision.

The House recedes with an amendment that would clarify the circumstances under which this authority could be used.

Limited exception for Alaska scout officers from baccalaureate degree requirement for appointment as an officer in the National Guard above first lieutenant (sec. 520)

The Senate bill contained a provision (sec. 505) that would exempt year-round Alaska Native residents who are officers in the Alaska Army National Guard serving in Eskimo Scout units or Eskimo Scout supporting units from the requirement to obtain a baccalaureate degree in order to advance above the grade of lieutenant.

The House amendment contained no similar provision.

The House recedes with an amendment that would make clarifying changes.

Sense of Congress concerning the training and modernization of the reserve components (sec. 521)

The Senate bill contained a provision (sec. 514) that would express the sense of the Senate that the Department of Defense should

establish a standard readiness and evaluation system and that it would provide in its annual budget submissions adequate resources to ensure that the National Guard and reserve units are trained and modernized to the standards needed for them to carry out the full range of missions required under the Bottom-Up Review.

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: 1) establish a standard readiness evaluation system for all forces within each military service and a standard readiness rating that is uniform for the military departments; 2) assess the budget submission of each military department for each year to determine (taking into consideration the advice of the Chairman of the Joint Chiefs of Staff) the extent to which National Guard and reserve units would, under that budget submission, be trained and modernized to the standards needed to carry out the full range of missions required under current Department of Defense plans; and 3) based upon this assessment each year, adjust the budget submissions of the military departments in order to meet the priorities established by the Secretary of Defense for the total force.

Prohibition of retaliatory actions against members of the armed forces making allegations of sexual harassment or unlawful discrimination (sec. 531)

The House amendment contained a provision (sec. 527) that would establish procedures for investigation, review, and corrective action in cases involving alleged reprisal against members of the armed forces making allegations of sexual harassment or unlawful discrimination.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would clarify that the prohibition against retaliatory actions in 10 U.S.C. 1034 applies to matters involving sexual harassment and unlawful discrimination. The amendment would also revise section 1034 to make it clear that it protects communications to a Member of Congress, an Inspector General, a member of a DOD audit, inspection, investigation, or law enforcement organization, or any other person or organization designated by regulations or other established procedures to receive such communications.

Department of Defense policies and procedures on discrimination and sexual harassment (sec. 532)

The Senate bill contained a provision (sec. 1056) that would establish a procedure for review and revision of DOD policies and procedures related to unlawful discrimination and sexual harassment.

The House amendment contained no similar provision.

The House recedes with an amendment. Subsection (a) of the conference agreement would require the Department of Defense Task Force on Discrimination and Sexual Harassment to transmit its report to the Secretary of Defense not later than October 1, 1994. The Secretary of Defense would transmit a copy of the report to Congress not later than October 10, 1994.

Subsection (b) would require the Secretary of Defense to review the recommendations in the report and determine which recommendations to approve or disapprove. Not later than 45 days after receiving the report, the Secretary would be required to complete

the review and transmit a report to Congress that identifies the approved and disapproved recommendations, and explains the reasons for each such approval and disapproval.

Subsection (c) would require the Secretary of Defense to develop a comprehensive DOD policy to ensure that the service secretaries prescribe regulations implementing the approved recommendations not later than March 1, 1995. The provision would require that the approved recommendations be implemented uniformly by the military departments, insofar as practicable. This provision also would require the Secretary of Defense to submit to Congress, not later than March 31, 1995, a proposal for any legislation necessary to enhance the Department's capability to address the issues of discrimination and sexual harassment.

Subsection (d) would require the Secretary of the Navy and the Secretary of the Air Force, in the development of implementing regulations, to revise their equal opportunity and complaint procedures in light of the recommendations of the Task Force and the experience of the other military services. The Air Force and Navy would be required to ensure that their equal opportunity and complaint procedure regulations would be substantially equivalent to the regulations of the Army on such matters. The conferees intend that the requirement for the Navy and Air Force procedures to be "substantially equivalent" to the Army procedures means that the Navy and Air Force regulations must be as specific as the Army regulations in addressing these issues.

The conference agreement would make it clear that the Navy and Air Force could implement regulations that go beyond the substantial equivalent of the Army's regulations. The conference agreement also would require the Army to review and revise its complaint regulations.

Subsection (e) would require the Advisory Board on the Investigative Capability of the Department of Defense to include in its report recommendations as to whether the current DOD organizational structure is adequate to oversee all investigative matters related to unlawful discrimination, sexual harassment, and other misconduct related to the gender of the victim. This would include examination of the question of whether there should be a separate DOD unit to oversee matters related to allegations of discrimination, sexual harassment, or other misconduct related to the gender of the victim. The conference agreement also would require the Advisory Board to determine whether additional data collection and reporting procedures are needed to enhance the ability of the Department of Defense to deal with discrimination, sexual harassment, and other misconduct related to the gender of the victim.

Subsection (f) would require the Secretary of Defense to ensure that the regulations that currently govern consideration of equal opportunity matters in performance evaluations include consideration of an individual's commitment to elimination of discrimination and sexual harassment.

Annual report on personnel readiness factors by race and gender (sec. 533)

The House amendment contained a provision (sec. 528) that would require the Secretary of Defense to collect data and report annually, starting in fiscal year 1996, on specific recruiting, retention, and readiness issues related to gender and race.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would clarify the subject of the report.

Victims' advocates programs in the Department of Defense (sec. 534)

The House amendment contained a provision (sec. 526) that would require the Secretary of Defense to establish within each of the military departments victim advocate programs for members of the armed forces and their dependents who are victims of sexual and physical abuse, unlawful discrimination, or sexual harassment.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to strengthen the Department's victim and witness assistance programs and its family advocacy program to assist members of the armed forces and their dependents who are victims of crime, intra-familial abuse, sexual harassment, and unlawful discrimination.

Transitional compensation and other benefits for dependents of members separated for dependent abuse (sec. 535)

The Senate bill contained a provision (sec. 522) that would improve the benefits and change the commencement date and duration of the program authorized in section 1058 of title 10, United States Code (as added by section 554(a)(1) of Public Law 103-160) for transitional compensation to dependents of members separated for dependent abuse.

The House amendment contained no similar provision.

The House recedes with an amendment that would make clarifying changes.

Study of spousal abuse involving armed forces personnel (sec. 536)

The Senate bill contained a provision (sec. 1084) that would require the Secretary of Defense to study spousal abuse by armed forces personnel.

The House amendment contained no similar provision.

The House recedes.

Extension of Warrant Officer Management Act to Coast Guard (sec. 541)

The House amendment contained a provision (sec. 523) that would amend titles 10 and 14, United States Code, to include Coast Guard warrant officers under the provisions of the Warrant Officer Management Act.

The Senate bill contained no similar provision.

The Senate recedes.

Coast Guard force reduction transition benefits (sec. 542)

The House amendment contained a provision (sec. 522) that would extend eligibility to members of the Coast Guard for the force reduction period for the personnel readjustment benefits authorized by the National Defense Authorization Acts for Fiscal Year 1991 (Public Law 101-510), Fiscal Years 1992 and 1993 (Public Law 102-190), and Fiscal Year 1993 (Public Law 102-484).

The Senate bill contained no similar provision.

The Senate recedes with a technical amendment.

Expand personnel adjustment, education, and training programs to include the United States Coast Guard (sec. 543)

The House amendment contained a provision (sec. 1137) that would expand certain personnel adjustment, education, and training programs to the United States Coast Guard.

The Senate bill contained no similar provision.

The Senate recedes.

Repeal of required reduction in recruiting personnel (sec. 551)

The Senate bill contained a provision (sec. 441) that would repeal section 431 of the Na-

tional Defense Authorization Act for 1993 which limits the number of personnel carrying out recruiting activities after September 30, 1994.

The House amendment contained an identical provision (sec. 521).

The conference agreement includes this provision.

Authorized active duty strengths for Army enlisted members in pay grade E-8 (sec. 552)

The House amendment contained a provision (sec. 524) that would amend section 517(a) of title 10, United States Code, to provide a new authorized daily average number of enlisted members on active duty (other than for training) in the Army in pay grade E-8.

The Senate bill contained no similar provision.

The Senate recedes.

Prohibition on imposition of additional charges or fees for attendance at certain academies (sec. 553)

The House amendment contained a provision (sec. 531) that would prohibit the imposition of any charge or fee for tuition, room or board for attendance at the United States Military Academy, United States Naval Academy, United States Air Force Academy, United States Coast Guard Academy, or United States Merchant Marine Academy.

The Senate bill contained no similar provision.

The Senate recedes.

Survey on the state of race and ethnic issues in the military (sec. 554)

The House amendment contained a provision (sec. 536) that would require the Secretary of Defense to carry out a biennial survey to measure the state of racial and ethnic issues and discrimination among active duty military personnel.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would change the deadline for the first survey to May 1, 1995.

Review of certain discharges from the United States Military Academy (sec. 555)

The Senate bill contained a provision (sec. 521) that would require the Secretary of the Army to review the discharge of the United States Military Academy of James Webster Smith in 1874 and Jackson Chestnut Whittaker in 1882 to determine whether the proceedings were tainted by racial prejudice or other improper factors.

The House amendment contained a similar provision (sec. 537).

The House recedes with a clarifying amendment.

Administration of athletics programs at the service academies (sec. 556)

The Senate bill contained a provision (sec. 1090) that would establish as a civil service position the position of athletic director at the United States Military Academy, United States Naval Academy, and United States Air Force Academy. The provision would also establish nonappropriated fund accounts for the athletic programs of the academies.

The House amendment contained no similar provision.

The House recedes with an amendment that would change the effective date of this provision to January 1, 1996.

The conferees note a September 1991 report of the General Accounting Office, The Organizational Status, Financial Status, and Oversight of the Naval Academy Athletic Association. Nonetheless, the conferees direct the Secretary of the Navy to report to the

Committees on Armed Services of the Senate and House of Representatives not later than March 15, 1995 on: (1) the projected cost to the Department of the Navy of implementing the changes required by this section; (2) the time lines and milestones for implementing these changes; (3) the details on how the position of athletic director would be established, including the anticipated civil service grade or pay level and any required exemptions to statutes governing Federal civil service employees; and (4) other matters relevant to this issue.

Upon receipt of this report, the Committees on Armed Services will evaluate its information with the intent of adopting, if necessary, perfecting legislation prior to the effective date of this provision.

Reimbursement for certain losses of household effects caused by hostile action (sec. 557)

The Senate bill contained a provision (sec. 654) that would authorize the secretaries of the military departments to reimburse servicemembers for the loss of household goods sustained during a permanent change of station move when the loss is caused by hostile action incident to war or a warlike action by a military force.

The House amendment contained a similar provision (sec. 525).

The House recedes with an amendment that would make clarifying changes.

Military recruiting on campus (sec. 558)

The Senate bill contained a provision (sec. 1076) that would preclude an institution of higher education that denies or prevents recruiting on campus from receiving DOD funds.

The House amendment contained a similar provision (sec. 535), but included "any educational institution" among those to be covered by this provision.

The House recedes.

Authorization for instruction of civilian students at the foreign language center of the Defense Language Institute (sec. 559)

The House amendment contained a provision (sec. 532) that would authorize the Secretary of the Army to establish a program terminating in 1997 to allow civilians to receive instruction at the Defense Language Institute.

The Senate amendment contained no similar provision.

The Senate recedes.

Discharge of members who are permanently non-worldwide assignable (sec. 560)

The House amendment contained a provision (sec. 534) that would require that members of the armed forces who are classified as permanently non-worldwide assignable due to a medical condition be involuntarily separated from the service, either through retirement for those individuals who are retirement eligible, or through discharge for all others. This provision would also allow the service secretary concerned to waive this required separation in certain cases, including through a determination that the retention of these individuals, as a class, would not adversely affect the ability of the service to carry out its mission.

The Senate bill contained no similar provision.

The Senate recedes.

LEGISLATIVE PROVISIONS NOT ADOPTED

Authority for officers to serve on successive promotion boards

The Senate bill contained a provision (sec. 501) that would authorize the Secretary of the military department concerned to approve officers to serve as members of succes-

sive selection boards concerned under section 628 of title 10, United States Code, for the consideration of officers of the same competitive category and grade if the second board does not consider the same officer or officers as the first board.

The House amendment contained a similar provision (sec. 501) that would authorize the Secretary of the military department concerned to approve officers to serve as members on successive selection boards convened under section 611(a) of title 10, United States Code.

The Senate and House recede.

Detail of defense personnel

The House amendment contained a provision (sec. 538) that would amend section 374 of title 10, United States Code, to authorize the Secretary of Defense to make DOD personnel currently stationed in Europe available to assist the Immigration and Naturalization Service, the United States Border Patrol, and the United States Customs Service.

The Senate bill contained no similar provision.

The House recedes.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Military pay raise for fiscal year 1995 (sec. 601)

The Senate bill contained a provision (sec. 601) that would authorize a 2.6 percent increase on January 1, 1995, in basic pay, basic allowance for quarters, and basic allowance for subsistence for military personnel.

The House amendment contained a similar provision (sec. 601), but included midshipmen and cadets.

The Senate recedes.

Cost-of-living allowance for members of the uniformed services assigned to high cost areas in the continental United States (sec. 602)

The House amendment contained a provision (sec. 602) that would establish a CONUS COLA to partially defray the added non-housing costs incurred by servicemembers assigned to high-cost areas, effective July 1, 1995.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would substitute "spendable income" for "basic pay" in determining the amount of allowance for a member and would preclude payment of a CONUS COLA allowance until 90 days after the Secretary of Defense provides to Congress:

(1) the method(s) by which the Secretary of Defense would determine the non-housing cost indices;

(2) how the Secretary of Defense would determine the threshold;

(3) how the presence of exchange facilities, commissaries, and medical facilities will be factored into the cost indices for different locations;

(4) what non-housing-related costs would be used in developing the cost indices; and

(5) what features would be in place to avoid uncontrolled growth in the future.

The conferees are sensitive to the difficulties faced by servicemembers assigned to certain areas in which the cost of living is exceptionally high. Nonetheless, the conferees are concerned about growth in entitlements and caution the Department of Defense against allowing a CONUS COLA to expand beyond the rather narrow limits of its original purpose.

Increase in subsistence allowance payable to members of Senior Reserve Officer's Training Corps (sec. 603)

The House amendment contained a provision (sec. 603) that would amend title 37, United States Code, to increase the monthly subsistence allowance for members of the Senior Reserve Officers' Training Corps (ROTC) from the current level of \$100 per month to \$150 per month, effective September 1, 1995.

The Senate bill contained no similar provision.

The Senate recedes.

Entitlement for dependents of servicemembers who die while on active duty (secs. 604 and 707)

The conferees agree to two provisions that would improve the entitlements available to survivors of servicemembers who die while on active duty. The first provision would: (1) modify section 1079(g) of title 10, United States Code, to continue the active duty dependent CHAMPUS cost-sharing and benefits package for one year for the dependents of servicemembers who die while on active duty beginning on the date of the servicemember's death, and (2) modify section 1076a of title 10, United States Code, to authorize coverage of the dependents of a servicemember who dies while on active duty by the dependents' dental program for up to one year beginning on the date of the servicemember's death. The second provision would modify sections 403(1) (1) and (2) of title 37, United States Code, to permit the dependents of servicemembers who die while on active duty to remain in government quarters or continue to receive housing allowances for 180 days beginning on the date of the servicemember's death. These provisions would be effective on October 1, 1993.

The conferees expect the Department of Defense to implement these improved entitlements quickly, especially for the dependents of those servicemembers who have died after October 1, 1993. Additionally, the conferees expect the Department of Defense to conduct a thorough outreach program to ensure that every affected dependent is assured of these entitlements.

Extension of certain bonuses for active and reserve forces (secs. 611 and 613)

The Senate bill contained provisions (secs. 611 and 613) that would extend the authorities to pay certain bonuses for the active and reserve components.

The House amendment contained a similar provision (sec. 612) that would extend the authority for the aviator retention bonus until September 30, 1995.

The House recedes with an amendment that would extend the authority for the nuclear career annual incentive bonus until September 30, 1996.

Extension and modification of certain bonuses and special pay for nurse officer candidates, registered nurses, and nurse anesthetists (sec. 612)

The Senate bill contained a provision (sec. 612) that would extend the authority to pay (a) a nurse accession bonus, (b) incentive special pay to military-certified registered nurse anesthetists, and (c) a nurse officer candidate accession bonus. This provision would also increase annual incentive special pay for military-certified registered nurse anesthetists to a maximum of \$15,000.

The House amendment contained a provision (sec. 611) that would increase the annual incentive special pay for military-certified nurse anesthetists to a maximum of \$15,000.

The House recedes with an amendment that would extend these bonus authorities

until September 30, 1996 instead of September 30, 1998.

Responsibility for preparation of transportation mileage tables (sec. 621)

The Senate bill contained a provision (sec. 621) that would transfer responsibility for maintaining the official table of distances from the Secretary of the Army to the Secretary of Defense.

The House amendment contained no similar provision.

The House recedes.

Payment for transient housing for reserves performing certain training duty (sec. 622)

The Senate bill contained a provision (sec. 655) that would authorize the secretaries of the military departments to provide reimbursement for housing service charges for transient government housing for reservists performing annual training duty or inactive training duty.

The House amendment contained no similar provision.

The House recedes.

Change in provision of transportation incident to personal emergencies for members stationed outside the continental United States (sec. 623)

The House amendment contained a provision (sec. 621) that would amend title 37, United States Code, to allow funded travel, incident to personal emergencies for members or dependents located outside the continental United States, from their location to the nearest international airport, and from the airport back to the point of departure.

The Senate bill contained no similar provision.

The Senate recedes.

Clarification of travel and transportation allowance of family members incident to serious illness or injury of members (sec. 624)

The House bill contained a provision (sec. 622) that would amend title 37, United States Code, to clarify the travel and transportation allowances for family members of a seriously ill or injured service member.

The Senate amendment contained no similar provision.

The Senate recedes.

Family separation allowance (sec. 625)

The conference agreement includes a provision that would modify section 427 of title 37, United States Code, to provide that an individual entitled to a family separation allowance (FSA-II) while deployed who returns from that deployment, thereby terminating entitlement to FSA-II, and who is redeployed within 30 days for a period in excess of 30 days shall, for the purposes of entitlement to FSA-II, be treated as if the individual had been deployed continuously.

Elimination of disparity between effective dates for military and civilian retiree cost-of-living adjustments for fiscal year 1995 (sec. 631)

The Senate bill contained a provision (sec. 1075) that would make the 1995 cost-of-living adjustment (COLA) for military retirees effective on April 1, 1995, which is the date on which civil service retiree COLAs will be paid, rather than on October 1, 1995 as provided under current law. This provision would take effect only if an act appropriating funds for the Department of Defense for fiscal year 1995 appropriates sufficient funds to the military retirement trust fund to offset the increased outlays that will result from advancing the COLA by 6 months.

The House amendment contained an identical provision (sec. 631).

In adopting this provision, the conferees reiterate their strong support for the concept of COLA equity. The conferees do not believe military retiree COLAs should be delayed beyond the dates on which civil service retiree COLAs are paid.

The inequity in the treatment of COLAs for military and civil service retirees is a direct result of the reconciliation instructions contained in the Budget Resolution for fiscal year 1994, which had the effect of requiring substantially larger mandatory spending reductions from military retirement benefits than those required from civil service retirement benefits. In order to achieve those reductions, the Omnibus Budget Reconciliation Act of 1993 provided for different COLA delay schedules for military and civil service retirees. The conference agreement would correct that inequity only for 1995.

Under the rules of the House of Representatives and the Senate and the requirements of the Congressional Budget Act, the only choices open to the conferees were to offset the cost advancing the military retirement COLA by cutting the defense budget, or to add the cost to the deficit. Reluctantly, the conferees funded military retiree COLAs (which have not been part of the defense budget for a decade) by cutting the defense budget because the conferees did not believe that increasing the already excessive federal budget deficit was an acceptable alternative.

In order to offset the outlay impact of the COLA provision, the conferees agree to make reductions in the operation and maintenance accounts which support the day-to-day operations and readiness of U.S. military forces. These reductions could result in lower readiness for U.S. military forces at the same time that extra demands are being placed on them in contingency operations around the world.

Since a continued diversion of operation and maintenance funding into the military retirement trust fund over the next 4 years would cause unacceptable reductions in military readiness, the conferees deem it imperative that an alternative method of eliminating this COLA disparity be found for fiscal years 1996, 1997 and 1998.

Requirement for equal treatment of civilian and military retirees in the event of delays in cost-of-living adjustments (sec. 632)

The Senate bill contained a provision (sec. 636) that would ensure equal treatment of civilian and military retirees in the event of delays in cost-of-living adjustments, beginning on October 1, 1998.

The House amendment contained no similar provision.

The House recedes with an amendment that would express the sense of the Congress on this matter.

Clarification of calculation of retired pay for officers who retire in a grade lower than the grade held at retirement (sec. 633)

The Senate bill and the House amendment contained identical provisions (secs. 631 and 632, respectively) that would amend section 1401a(f) of title 10, United States Code, to preclude commissioned officers from receiving retired pay in a grade higher than the grade in which they were retired.

The conference agreement includes this provision.

Computation of retired pay to prevent pay inversions (sec. 634)

The Senate bill contained a provision (sec. 634) that would authorize the secretaries of the military departments to waive the minimum service for retirement requirement which may have existed at the time a

servicemember who is affected by the "Tower Amendment" retired.

The House amendment contained no similar provision.

The House recedes with an amendment that would make clarifying changes.

The "Tower Amendment" was enacted to ensure that retiring servicemembers not be penalized if their retired pay would be less than if they had retired earlier (pay inversion). Since some members may not have held their retirement grade for sufficient time to qualify for retirement at the earlier date, the secretaries of the military departments were required to waive the time-in-grade requirements. This provision would permit the secretaries of the military departments to waive the time-in-grade requirements retroactively as a class action.

Crediting of reserve service of enlisted members for computation of retired pay (sec. 635)

The Senate bill contained a provision (sec. 632) that would provide equitable treatment, in comparison to officers, for enlisted members retiring after 20 or more years (or 15 or more years if during the force drawdown transition period) by authorizing credit for inactive duty performed while a member of a reserve component.

The House amendment contained a similar provision (sec. 633).

The Senate recedes with an amendment that would make clarifying changes.

Minimum required reserve service for eligibility for retired pay for nonregular service during force drawdown period (sec. 636)

The House amendment contained a provision (sec. 634) that would change the minimum required reserve service for eligibility for retired pay during the force drawdown period.

The Senate amendment contained no similar provision.

The Senate recedes.

SBP premiums for reserve component, child-only coverage (sec. 637)

The House amendment contained a provision (sec. 635) that would clarify the mechanism for payment of premiums for individuals who select a reserve component, child-only election under the Survivor Benefit Plan.

The Senate amendment contained no similar provision.

The Senate recedes.

Discontinuation of insurable interest coverage under Survivor Benefit Plan (sec. 638)

The House amendment contained a provision (sec. 636) that would allow individuals who had previously made non-former spouse insurable interest elections under the Survivor Benefit Plan to terminate participation if they so desire.

The Senate amendment contained no similar provision.

The Senate recedes.

Forfeiture of annuity or retired pay of members convicted of espionage (sec. 639)

The Senate bill contained a provision (sec. 633) that would include the offense of espionage (article 106a of the Uniform Code of Military Justice) in the list of offenses subject to the forfeiture of retired pay or any annuity under 5 U.S.C. 8312.

The House amendment contained no similar provision.

The House recedes.

Treatment of retired and retainer pay of members of cadre of Civilian Community Corps (sec. 640)

The Senate bill contained a provision (sec. 645) that would clarify the intent of Congress

concerning compensation for retired military members employed by the National Civilian Community Corps.

The House amendment contained no similar provision.

The House recedes.

Eligibility of members retired under temporary special retirement authority for Servicemen's Group Life Insurance (sec. 651)

The Senate bill contained a provision (sec. 641) that would authorize Servicemen's Group Life Insurance (SGLI) for members of the retired reserve of a uniformed service who retired under the temporary special retirement authority and (1) have not received the first increment of their retired pay, or (2) have not reached age 61 and have completed at least 15 years, but less than 20 years, or service creditable towards retirement.

The House amendment contained no similar provision.

The House recedes.

Transportation of remains (sec. 652)

The House amendment contained two provisions (secs. 365 and 366) concerning the transportation of remains of deceased former members of the armed forces. Section 365 would authorize the transportation of the remains of retired members who die outside the United States on a space-available basis to a point of entry in the United States. Section 366 would authorize transportation on aeromedical evacuation aircraft, on a cost-reimbursable basis, of the remains of certain deceased veterans who die in a Department of Veterans' Affairs medical facility.

The House amendment contained no similar provision.

The House recedes.

Special supplemental food program (sec. 653)

The Senate bill contained a provision (sec. 653) that would authorize the Secretary of Defense to provide special supplemental food benefits to members of the armed forces stationed overseas, and to eligible civilians serving with, employed by, or accompanying servicemembers overseas.

The House amendment contained a similar provision (sec. 364).

The House recedes.

Study of offset of disability compensation by receipt of separation benefits and incentives (sec. 654)

The Senate bill contained a provision (sec. 656) that would require a study on the offset of veterans' disability compensation by the amount of any separation benefits or incentives received by members of the armed forces upon separation from the armed forces.

The House amendment contained no similar provision.

The House recedes with an amendment that would make clarifying changes.

LEGISLATIVE PROVISIONS NOT ADOPTED

Cost of living increases in SBP contributions to be effective concurrently with payment of related retired pay cost-of-living increases

The Senate bill contained a provision (sec. 635) that would preclude annual increases in the premiums military retirees pay to participate in the Survivor Benefit Plan (SBP) before annual cost-of-living increases in retired pay are payable.

The House amendment contained no similar provision.

The Senate recedes.

Disability coverage for officer candidates granted excess leave

The Senate bill contained a provision (sec. 651) that would include certain members not

entitled to basic pay (officer candidates) among those who receive physical disability coverage.

The House amendment contained no similar provision.

The Senate recedes.

Use of exchanges and morale, welfare, and recreation facilities by members of reserve components and dependents

The Senate bill contained a provision (sec. 652) that would amend section 1065 of title 10, United States Code, to authorize retired members of the Selected Reserve to use Department of Defense exchanges and other revenue-generating morale, welfare, and recreation facilities.

The House bill contained no similar provision.

The Senate recedes.

Authority for survivors to receive payment for all leave accrued by deceased members

The House amendment contained a provision (sec. 641) that would authorize survivors of members of the uniformed services to receive a payment upon death for all leave accrued, regardless of the 60-day career limitation.

The Senate bill contained no similar provision.

The House recedes.

TITLE VII—HEALTH CARE PROVISIONS LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Revision of the definition of dependents to include young people being adopted by members or former members (sec. 701)

The Senate bill contained a provision (sec. 701) that would authorize coverage in the military health care system for individuals placed in the home of a servicemember or former servicemember by a placement agency for the purpose of adoption. The provision would also make the new category of "dependents" eligible for CHAMPUS as well as military treatment facility care.

The House amendment contained a similar provision (sec. 701) that would further expand the definition of the term "dependent" for the purposes of health care contained in section 1072 of title 10, United States Code, to include certain minors in the legal custody of a member or a former member of the armed forces. The definition would include individuals placed in the home of a member or former member by a state-licensed placement agency for the purpose of adoption.

The House recedes.

Treatment of certain dependents as children for purposes of CHAMPUS, dependents' dental program, and continued health benefits coverage (sec. 702)

The House amendment contained a provision (sec. 702) that would make conforming amendments to title 10, United States Code, to reflect changes to the definition of "dependent" for the purpose of medical care contained elsewhere in the House amendment and in the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160).

The Senate bill contained no similar provision.

The Senate recedes.

Availability of dependents' dental program outside the United States (sec. 703)

The Senate bill contained a provision (sec. 702) that would direct the Secretary of Defense to use existing authority to provide basic dental benefits for dependents of members of the uniformed services permanently stationed outside the United States.

The House amendment contained no similar provision.

The House recedes with an amendment that would make clarifying changes.

Not later than 90 days after enactment of this act, the conferees expect the Secretary of Defense to submit to the Committees on Armed Services of the Senate and the House of Representatives a comprehensive plan for the delivery of dental care to family members at overseas locations. The plan should specify by service and major installation whether direct care, enrollment in the dependent dental program, or other options will be offered.

Not later than 180 days following enactment, the conferees expect the Secretary of Defense to begin phased implementation of the plan. The conferees expect that the highest priority will be given to those areas demonstrating the greatest problems with access to primary dental care. The conferees direct the Secretary of Defense to report to the Committees on Armed Services on the status of the program by March 1, 1995; July 1, 1995; and September 30, 1995.

Authorization for medical and dental care for abused dependents of certain members (sec. 704)

The Senate bill contained a provision (sec. 703) that would authorize medical and dental care of abused dependents of members of the uniformed services who are administratively discharged from a uniformed service due to a conviction under military or civil law relating to the abuse of the dependent.

The House amendment contained a provision (sec. 703) that would expand the authorization for medical and dental care for the abuse-related injury to the abused dependents of members of the uniformed services who are administratively discharged due to a conviction under section 1076(e) of title 10, United States Code.

The Senate recedes.

Eligibility for participation in demonstration programs for sale of pharmaceuticals (sec. 706)

The Senate bill contained a provision (sec. 709) that would ensure that Medicare-eligible retirees who formerly relied upon a military treatment facility that has been closed or realigned continue to have some pharmaceutical benefit.

The House amendment contained no similar provision.

The House recedes with an amendment that would strengthen the requirement that the retiree relied upon the military treatment facility to obtain pharmaceuticals as a prerequisite for participation in this program and would permit the Secretary of Defense to achieve cost neutrality for this change to the mail-order pharmaceutical and retail pharmacy network demonstrations.

Additional health care services available through the military health care system (sec. 705)

The House bill contained a provision (sec. 704) that would amend section 1077 of title 10, United States Code, to expand covered military health care to include the provision of voice prostheses, including mechanical hand-held voice prostheses.

The Senate amendment contained no similar provision.

The Senate recedes.

Coordination of benefits (sec. 711)

The Senate bill contained a provision (sec. 704) that would provide equitable reimbursement procedures for those cases in which CHAMPUS is the secondary payer to Medicare for active duty dependents and retired

members and their dependents under the age of 65.

The House amendment contained no similar provision.

The House recedes. The conferees are sympathetic to the situation of these disabled individuals. However, the conferees remain concerned about the precedent of providing a more generous benefit to one subset of the beneficiary population while the majority of the population continues to receive a lesser benefit.

Authority for reimbursement of professional license fees under resource-sharing agreements (sec. 712)

The Senate bill contained a provision (sec. 705) that would authorize the Secretary of Defense to reimburse a member of the uniformed service for license fees imposed by a state government to provide health care services at a civilian health care facility.

The House amendment contained a similar provision (sec. 711) that would also enable civilian health care providers with whom the Secretary of Defense contracts for the delivery of health care to covered beneficiaries to purchase services or supplies directly from the military treatment facility.

The House recedes.

Imposition of enrollment fees for managed care plans (sec. 713)

The Senate bill contained a provision (sec. 712) that would permit the Secretary of Defense to offer Medicare-eligible beneficiaries who enroll in the health maintenance organization option offered in current managed care programs the opportunity to pay an enrollment fee similar to the enrollment fee that CHAMPUS-eligible enrollees may pay in lieu of meeting the required CHAMPUS deductible.

The Senate bill contained no similar provision.

The Senate recedes.

Strengthening managed health care authorities (sec. 714)

The House bill contained a provision (sec. 714) that would strengthen the ability of the Department of Defense to implement effective managed health care programs.

The Senate bill contained no similar provision.

The Senate recedes.

Delay in deadline for use of health maintenance organization model as option for military health care (sec. 715)

The House amendment contained a provision (sec. 714) that would extend the deadline for the Secretary of Defense to prescribe and implement 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 bill contained no similar provision.

The Senate recedes.

Limitation on reduction in number of reserve component medical personnel (sec. 716)

The House amendment contained a provision (sec. 715) that would permit a reserve component to go below the floor established by section 518(a) of the National Defense Authorization Act for Fiscal Year 1993 if the Secretary of Defense certifies that the number of personnel to be reduced is excess to the current and projected needs of the military department.

The Senate bill contained no similar provision.

The Senate recedes.

Authority to conduct health care surveys of families of retired members (sec. 717)

The Senate bill contained a provision (sec. 707) that would allow the Defense Department to consider all persons receiving health care under chapter 55 of title 10, United States Code, as employees of the United States for the purpose of conducting surveys to determine the availability of health care services to such persons, their familiarity with facilities and services provided, their health, and their level of satisfaction.

The House amendment contained no similar provision.

The House recedes.

Programs related to the Gulf War Syndrome (sec. 721)

The House bill contained a provision (sec. 529) that would direct several actions to improve the medical treatment of veterans of the Persian Gulf War by the Department of Defense.

The Senate amendment contained a provision (sec. 1095) that would mandate the compatibility of the separate Persian Gulf illness registries maintained by the Department of Defense and the Department of Veterans' Affairs. This provision was nearly identical to a subsection of the House provision.

The Senate recedes with an amendment that would incorporate the Senate provision on health registries into the House provision.

The conferees agree that the Department of Defense was slow to react when initially confronted with growing evidence that some veterans of the Persian Gulf War were afflicted with symptoms which could not be diagnosed completely under existing protocols. Further, the conferees agree that the terms of this provision provide the necessary direction to the Department of Defense to continue its programs of treatment of victims of this illness. This provision would require the Secretary of Defense to begin a comprehensive outreach program to inform Persian Gulf veterans on matters related to the illness and to encourage them to register with the Department. The provision would also require the Department of Defense to presume that sick servicemembers who served in the Persian Gulf War are ill as a result of that service until it can be proven otherwise. Additionally, the provision would codify the current Department of Defense practice of not discharging sick Persian Gulf veterans until a suitable disability rating can be established. Further, it would direct the Secretary of Defense, in conjunction with the Secretary of Veterans' Affairs, to review the records of Persian Gulf veterans who have been discharged or retired by a physical evaluation board.

Cooperative Department of Defense/Department of Veterans' Affairs research (sec. 722)

The budget request contained no funds for cooperative research between the Departments of Defense and Veterans' Affairs.

The Senate bill would provide \$40.0 million in PE 63738D for cooperative DOD/VA research; \$20.0 million for the cost-shared DOD/VA brain and spinal cord injury program; and \$20.0 million for Gulf War Syndrome research. The Senate bill also contained a provision (sec. 1093) that would require two studies of the health consequences of military service or employment in Southwest Asia during the Persian Gulf War and a provision (sec. 1094) that would award grants for research into the health consequences of the Persian Gulf War.

The House amendment would provide \$30.0 million in PE 63738D for research on the use

of artificial neural networks for cancer detection and treatment and for Gulf War Syndrome research.

The House recedes with an amendment.

The conferees agree to authorize \$50.0 million in PE 63738D for brain and spinal cord research, in accordance with the Senate report (S. Rept. 103-282); artificial neural network research, Lyme disease research, automated mammography, and diabetes research, in accordance with the House report (H. Rept. 103-499); and Gulf War Syndrome research.

The conferees view with great concern the complaints of an unexplained illness—the so-called "Gulf War Syndrome"—that have been made by a large number of veterans of the Persian Gulf War. The conferees note that in some cases these complaints extend to the families of the veterans and to some civilian employees of the U.S. government and support contractors who served in the Southwest Asia theater of operations.

The conferees note that the National Defense Authorization Act for Fiscal Year 1994 contained two provisions (secs. 270 and 271) that provided grants to support research on exposure to hazardous agents and materials and to depleted uranium by military personnel who served in the Gulf War. The conferees further note the congressional hearings on the subject of the Gulf War Syndrome and the several reviews that have been conducted in the past year within the Department of Defense, the Defense Science Board, and the Department of Veterans' Affairs into the potential causes of the medical problems which seem to be associated with service in the Gulf War. The conferees are aware of the review in April 1994 by the National Institutes of Health that considered certain medical complaints to be genuine. The conferees are aware of continuing inquiries and investigation into the basis for the complaints and consideration of a broad range of environmental, battlefield, and other conditions that may have contributed to the complaints.

The conferees strongly believe that the Departments of Defense, Veterans' Affairs, and Health and Human Services must make a concerted effort to determine the consequences to the health of members of the U.S. armed forces, government employees, supporting contractors, and their families of their service in Southwest Asia during the Persian Gulf War. The seriousness and immediate nature of the problem requires a priority, systematic, scientifically-based, and coordinated effort. The conferees believe that the effort should capitalize on work that has already been done or is in progress, but should include new activities which use the best efforts and capabilities of both government and non-government entities to assess the short-term and long-term hazards to the health of the individuals concerned. This effort must consider the broad range of potential environmental, battlefield, and other conditions incident to service in Southwest Asia during the Persian Gulf War.

The conferees direct that such an effort be conducted in accordance with a coordinated plan of research and study activities by federal and non-federal agencies, prepared by the Secretary of Defense, in coordination with the Secretaries of Veterans' Affairs and Health and Human Services, and reviewed by the National Academy of Sciences. The conferees agree that three groups of studies of the Gulf War Syndrome by non-federal entities should be among these efforts: (1) a study of the nature and scope of the syndrome; (2) a study of the health consequences

of the administration of pyridostigmine bromide as a pretreatment antidote enhancer; and (3) a final group of clinical studies and other research on the causes, possible transmission, and treatment of undiagnosed illnesses of individuals who served in Southwest Asia in the military, or as DOD or contractor employees, and their spouses and children where appropriate, during the Gulf War.

The conferees note the need for independent research in certain cases to ensure that the results have the highest possible credibility. With this in mind, the conferees direct the Department of Defense to utilize non-federal research entities for the conduct of the epidemiological and pyridostigmine studies. The conferees further note that this non-federal research is in addition to any ongoing federal research or research internal to the federal government which the Secretary may direct. The conferees further direct the Secretary to ensure that the grants for this research be awarded on the basis of competition to non-federal researchers with no financial interest in the outcome of the research.

The first study or studies shall be epidemiological research of individuals who served as members of the armed forces in the Southwest Asia theater of operations during the Persian Gulf War; individuals who were civilian employees of the Department of Defense in that theater during that period; and where appropriate, individuals who were employees of contractors of the Department in that theater during that period and the spouses and children of individuals covered by the study.

The study shall be designed to assess the incidence, prevalence, and nature of the illness and symptoms, the risk factors associated with symptoms of the syndrome that were manifested within three years of deployment in the Southwest Asia theater of operations, and any other matters that the Secretary of Defense deems relevant to the health and welfare of the individuals involved. The potential risk factors assessed shall include exposure to chemical and biological agents, drugs and vaccines, endemic diseases, pesticides, toxins, and any other hazardous materials deemed appropriate. The study shall also assess the relationship between the illnesses and symptoms and stress-producing battlefield and wartime conditions.

The study shall attempt to compare:

- (1) the incidence, prevalence, and nature of the illnesses and symptoms suffered by the individuals in the study prior to the commencement of the Persian Gulf War with those suffered by the individuals after the end of the war; and
- (2) the incidence, prevalence, and nature of the illnesses, symptoms, and birth defects of any children conceived by such individuals before the commencement of the Persian Gulf War with those experienced after the end of the war.

After each successful applicant for the study or studies has been selected, the successful applicant or applicants shall be required to conduct a small pilot study to demonstrate the feasibility of their proposed study design and instruments.

The second group of studies shall determine the short-term and long-term health consequences of the administration of pyridostigmine bromide as an antidote enhancer for chemical nerve agent toxicity during the Persian Gulf War, alone or in combination with exposure to pesticides, environmental toxins, and other hazardous

substances that were present during the Persian Gulf War.

The first project of this second group of studies shall be a retrospective study on members of the armed forces who served in the Southwest Asia theater of operations during the Persian Gulf War and shall be designed to determine the following:

- (1) the nature of the undiagnosed and chronic illnesses suffered by such members; and
- (2) the extent to which the illnesses are associated with the use of pyridostigmine bromide or other medications or vaccinations, and exposure to pesticides, organophosphates, or carbamates.

The second research project shall use appropriate animal models and non-animal models, including in-vitro systems, as required, in studies designed to determine whether the use of pyridostigmine bromide in combination with exposure to pesticides or other organophosphates, carbamates, or relevant chemicals will result in increased toxicity in animals and is likely to have a similar effect on humans.

The conferees urge the Secretary of Defense to execute this research in consultation with the Secretaries of Veterans' Affairs and Health and Human Services, the Administrator of the Environmental Protection Agency, the head of the Medical Follow-Up Agency of the Institute of Medicine, and the heads of other appropriate departments and agencies of the federal government.

The third group of studies shall include clinical studies and other research on the causes, possible transmission, and treatment of the Gulf War Syndrome. The Secretary of Defense shall award grants to appropriate non-governmental entities to determine:

- (1) the nature and causes of any illnesses suffered by individuals as a result of service or employment in the Southwest Asia theater of operations during the Persian Gulf War;
- (2) the methods of transmission, if any, of such illnesses from such individuals to other individuals; and
- (3) the appropriate treatment for such illnesses.

In carrying out this research, the entities conducting the research should consider the following:

- (1) illnesses or symptoms associated with exposure to depleted uranium particles, mycotoxins, genetically-altered organisms, petrochemical toxicity, pesticide poisoning, anthrax vaccines, botulinum toxoids, and other chemical hazards and agents;
- (2) endemic viral, fungal, bacterial, and rickettsial diseases (including diseases arising from biological warfare activities);
- (3) illnesses or symptoms associated with ingestion of silica or sand;
- (4) assessment of reproductive risks arising from the illnesses and diseases referred to in paragraphs (1) through (3);
- (5) pediatric disorders;
- (6) birth defects;
- (7) post-traumatic stress disorder;
- (8) somatoform disorders;
- (9) chronic fatigue syndrome; and
- (10) multiple chemical sensitivities.

In awarding grants for the conduct of all of these studies, the Secretary shall select independent peer reviewers to evaluate the proposals received from entities proposing to conduct this research. The Secretary shall ensure that the reviewers:

- (1) are not employees of the federal government;
- (2) have an expertise in epidemiology, toxicology, neurology, biology, biostatistics,

post-traumatic stress disorder, or public health; and

(3) have no financial relationship with any company that manufactures a product that may be addressed in the study.

The Secretary of Defense shall report the results of this research to the Congress.

Chiropractic health care demonstration (sec. 731)

The Senate bill contained a provision (sec. 706) that would require the Department of Defense to conduct a chiropractic health care demonstration.

The House amendment contained no similar provision.

The House recedes with a technical amendment.

Demonstration program for admission of civilians as physician assistant students at Academy of Health Sciences, Fort Sam Houston, Texas (sec. 732)

The House amendment contained a provision (sec. 722) that would authorize a demonstration program under which the Secretary of the Army could enter into a reciprocal agreement with an accredited institution of higher education to allow a limited number of students of that institution to attend the didactic portion of the physician assistant training program conducted at the Academy of Health Sciences, Fort Sam Houston, Texas, in return for the provision of certain academic services.

The Senate bill contained no similar provision.

The Senate recedes.

Delay in closure of Army hospital at Vicenza, Italy (sec. 733)

The House bill contained a provision (sec. 721) that would preclude the Secretary of the Army from reducing the level of medical care services provided by the U.S. Army hospital in Vicenza during fiscal year 1995 and direct the Secretary of Defense to submit a report not later than March 1, 1995, addressing a number of issues related to the closure of the Army hospital at Vicenza.

The Senate contained no similar provision. The Senate recedes.

Oral typhoid vaccine inventory of Department of Defense (sec. 734)

The House amendment contained a provision (sec. 725) that would require the Secretary of Defense to maintain an inventory of an equal number of doses of oral typhoid vaccine and parenteral injection typhoid vaccine. The Secretary of Defense would be able to waive this requirement for reasons of national security.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would permit the Secretary of Defense to waive this requirement for medical reasons.

Report on the expanded use of nonavailability of health care statements (sec. 735)

The House amendment contained a provision (sec. 723) that would direct the Secretary of Defense to report on the Department's plans to require that beneficiaries who use standard CHAMPUS and reside within the catchment area of a military treatment facility (MTF) obtain inpatient services and certain outpatient services from the MTF civilian provider network when the service is not available from the MTF.

The Senate bill contained no similar provision.

The Senate recedes.

Cost analysis of Tidewater Tricare delivery of pediatric health care to military families (sec. 736)

The Senate bill contained a provision (sec. 710) that would require the Assistant Secretary of Defense (Health Affairs) to consider certain cost experience gained from an analysis of the Tidewater Tricare demonstration in prescribing standards, limitations, and requirements relating to the cost of pediatric care under any managed care system established for the Department of Defense.

The House amendment contained no similar provision.

The House recedes with an amendment that would limit the use of data gained from the Tidewater Tricare demonstration to future health care decisions in that area.

Study and report on financial relief for certain Medicare-eligible military retirees who incur Medicare late enrollment penalties (sec. 737)

The Senate bill contained a provision (sec. 708) that would require the Secretary of Defense, in consultation with the Secretary of Health and Human Services, to study and report to the Congress not later than March 31, 1995, on possible financial relief from late enrollment penalties for military retirees and dependents who reside in the service area of a base closure site and who did not enroll in Medicare Part B because they relied on a military treatment facility.

The House amendment contained no similar provision.

The House recedes with an amendment that would make clarifying changes.

Sense of Congress on continuity of health care services for certain covered beneficiaries (sec. 738)

The House amendment contained a provision (sec. 724) that would express the sense of Congress that the Secretary of Defense should take all appropriate steps, including a limited extension of the current managed care contract, to protect the continuity of health care services for all beneficiaries eligible for the base realignment and closure (BRAC) site managed health care benefit during the transition period of the TRICARE Region Six managed care contract.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would expand the beneficiary population covered by the sense of Congress to all beneficiaries residing in areas adversely affected by the closure of a military installation under the BRAC process.

Automated medical record capability in the medical information system

The Senate report (S. Rept. 103-282) directed the Department of Defense to implement, during fiscal year 1995, the plan outlined in the report submitted in response to section 714 of the National Defense Authorization Act for Fiscal Year 1994. This report described a test of components of an automated record capability at one or more military medical facilities. The conferees support the conduct of such a test and encourage the Department to work with the Department of Veterans' Affairs to include one or more veterans' facilities in this test so that the development of an automated medical record will be a cooperative effort between the two departments.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Procurement technical assistance centers (sec. 801)

The Senate bill contained a provision (sec. 811) that would authorize \$12.0 million for the operation of procurement technical assistance centers in fiscal year 1995. The provision would also authorize up to \$600,000 of the \$12.0 million to be used to fund such programs sponsored by tribal organizations.

The House amendment contained a similar provision.

The House recedes.

Pilot mentor protege program (sec. 802)

The budget request contained \$50.0 million in RDT&E funds for the pilot mentor protege program.

The Senate bill contained a provision (sec. 812) that would provide \$50.0 million for the pilot mentor protege program from title I procurement funds.

The House amendment contained no similar provision.

The House recedes.

Historically black colleges and universities (sec. 803)

The budget request contained \$15.0 million for historically black colleges and universities and minority institutions (HBCU/MI).

The Senate bill contained a provision (sec. 813) that would provide \$35.0 million for these institutions.

The House amendment contained a provision (sec. 813) that would provide \$25.0 million for the HBCU/MI program. The House report (H. Rept. 103-499) also recommended \$10.0 million for undergraduate centers of excellence at HBCU/MI institutions.

The conferees recommend \$25.0 million for the HBCU/MI program. The conferees further recommend that the Department of Defense ensure that minority women's programs, such as undergraduate science centers of excellence, have an opportunity to compete for funding under the HBCU/MI program.

Treatment under subcontracting plans for purchases from qualified nonprofit agencies for the blind or severely disabled (sec. 804)

The Senate bill contained a provision (sec. 816) that would extend until September 30, 1997 the law (10 U.S.C. 2410d) that provides contractors with credit towards their subcontracting goals for subcontracts with qualified nonprofit entities for the blind and severely disabled. The provision also would revise current law by including central nonprofit agencies designated by the Committee for Purchase from People Who are Blind or Severely Disabled.

The House amendment contained no similar provision.

The House recedes.

Industrial mobilization authority (sec. 811)

The Senate bill contained a provision (sec. 822) that would clarify 10 U.S.C. 2538 regarding the delegation of mobilization authority by the President during wartime.

The House amendment contained no similar provision.

The House recedes.

Determinations of public interest under the Buy American Act (sec. 812)

The Senate bill contained a provision (sec. 824) that would add several factors to the series of factors that section 2533 of title 10, United States Code, requires the Defense Department to consider when deciding whether to procure foreign-made goods.

The House amendment contained no similar provision.

The House recedes with an amendment that would delete one of the factors added by the Senate provision and add a reference to the national technology employment base.

Continuation of reporting requirement on non-competitive awards to colleges and universities (sec. 813)

The Senate bill included a provision (sec. 802) that would continue an annual reporting requirement on the awards of contracts and grants to universities through other than competitive procedures.

The House amendment contained no similar provision.

The House recedes with an amendment.

Consolidation of limitations on procurement of goods other than American goods (sec. 814)

The House amendment contained a provision (sec. 855) that would amend section 2534 of title 10, United States Code, to consolidate miscellaneous limitations and waivers on the procurement of foreign goods.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would make technical changes and retain the existing limitation in law on the procurement of sonobuoys.

Environmental consequence analysis of major defense acquisition programs (sec. 815)

The House amendment contained a provision (sec. 871) that would require the Secretary of Defense to analyze the life-cycle environmental costs of major defense system acquisition programs before development begins. The provision would also direct the Secretary to issue implementing guidance for such analysis, as well as implementing guidance for compliance with the National Environmental Policy Act (NEPA), and to establish a NEPA data base.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would direct the Secretary to issue guidance, by March 31, 1995, to ensure both that the life-cycle environmental costs of major defense system acquisition are analyzed before production begins, and that the Department complies with the National Environmental Policy Act in making decisions regarding the procurement of major defense systems. The provision would also direct the Secretary to implement the guidance by March 31, 1995.

Demonstration project on purchase of fire, security, police, public works, and utility services from local government agencies (sec. 816)

The House amendment contained a provision (sec. 874) that would require the Secretary of Defense to conduct a demonstration project at Monterey, California, under which any municipal services needed for operation of any Department of Defense asset in Monterey County, California, may be purchased from government agencies located within the county of Monterey.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would authorize, but not require, the Secretary to carry out this demonstration program.

Preference for local residents (sec. 817)

The House amendment contained a provision (sec. 876) that would authorize the Secretary of Defense to give a preference to private contractors performing work at closing military installations, if those contractors

hire, to the maximum extent practicable, residents from the local communities. This work would include environmental restoration contracts.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would permit the Secretary to give a preference only if granting the preference is consistent with all other legally required actions at the installation. The conferees are concerned that environmental restoration not be delayed as a result of any preferences.

Allowability under defense contracts of restructuring costs of a merger or acquisition (sec. 818)

The House amendment contained a provision (sec. 1033) that would bar the Secretary of Defense from authorizing any payments, after May 4, 1994, for any restructuring costs incurred by a defense contractor after a merger or acquisition.

The Senate bill contained no similar provision.

The Senate recedes with an amendment. The amendment would require the Secretary of Defense to issue regulations by January 1, 1995, that would govern the allowability of restructuring costs, and that would establish requirements for contract novation resulting from business combinations (mergers and acquisitions). The amendment also would impose an annual reporting requirement on the Department of Defense and would require the Comptroller General to assess the Defense Department's policy and make recommendations to Congress.

The conferees have serious concerns about allowing payment of restructuring costs beyond those costs that would be allowed as a result of an internal reorganization absent a merger or acquisition. The conferees remain

convinced that regulations should provide clear restrictions on the reimbursement of costs resulting from mergers and acquisitions, including such controversial areas as the costs attributable to pension underfunding.

The conferees are concerned that the Department of Defense policy on restructuring costs does not require enough accountability. The conferees also are concerned about the absence of clear requirements for calculating and evaluating projections of future cost savings to the government when such savings are used as the basis for allowing payment of restructuring costs.

The conference agreement would require a DOD official at the level of an assistant secretary of defense or above to review restructuring agreements based on projections of future savings, certify that the projections are based on audited data, and certify that the payment of restructuring costs should result in overall reduced costs for the Department of Defense, which is the stated purpose for this policy.

The conferees believe that DOD policy must require the prompt novation of government contracts after a business combination and must require properly supported and audited advance agreements in order to ensure that the government's interests are protected. The Department also must ensure that contracting officers and auditors understand that, in the absence of detailed information showing compelling evidence of the benefit to the government, there is no obligation to pay these costs. Furthermore, DOD policy should ensure that contracting officers make every reasonable effort to price the projected savings into current contracts, thereby increasing the likelihood that actual

savings will be obtained for the taxpayers rather than relying only on projections.

Defense acquisition pilot program designations (sec. 819)

The House amendment contained a provision (sec. 875) that would authorize the Secretary of Defense to designate five specified programs for participation in the defense acquisition pilot program established under section 809 of the National Defense Authorization Act for Fiscal Year 1991.

The Senate bill contained no similar provision. The Senate approved a similar provision, authorizing the designation of six specified programs under the pilot program authority, in section 5003 of the Federal Acquisition Streamlining Act of 1994.

The Senate recedes with an amendment that would authorize the Secretary of Defense to designate the following programs for participation in the defense acquisition pilot program to the extent provided in the Federal Acquisition Streamlining Act of 1994: (1) fire support combined arms tactical trainer; (2) joint direct attack munition; (3) commercial derivative aircraft; (4) commercial-derivative engine; and (5) joint primary aircraft training system.

LEGISLATIVE PROVISIONS NOT ADOPTED

Legislative provisions addressed in the Federal Acquisition Streamlining Act of 1994

A number of provisions in the Senate bill and the House amendment duplicate provisions under consideration by the conference committee on S. 1587, the Federal Acquisition Streamlining Act of 1994. The House and Senate conferees each agree to recede from their respective positions on the sections of S. 2182 listed below in view of the disposition of these issues in the conference on S. 1587.

Item	S. 2182 Senate bill	S. 2182 House amendment	S. 1587 Senate bill	S. 1587 House amendment
Defense procurement policy		811		1501
Special tooling equipment		812	1505	1506
Vouchering procedures		813	2002	2002
Critical spare parts		814	2401	2401
Contractor guarantees		815	2402	2402
Procurement schedules		821		3001
Selected acquisition reports		822		3002
Unit cost reports		823		3003
Independent cost estimates		824	3001	3004
Baseline descriptions		825	3002	3005
Competitive prototyping		826	3004	3006
Competitive alt. sources		827	3005	3007
Operational Test and Evaluation		833-33, 906	3011-13	3011-13
Civil Reserve Air Fleet		841-43	3023	3021-23
Miscellaneous functions		851	3081	3051
Product evaluation		852	3082	3052
Leases		853	3083	3053
Naval vessel contracts		854		3054
Intellectual property		856	5092	8005
Subcontracting test	814	858		4103
Merit-based selections	801	872	4152	1301, 4151
Shipbuilding claims		873	2502	2502

Implementation of acquisition assistance regulations required by Public Law 103-160

The Senate bill contained a provision (sec. 815) that would prohibit obligation and expenditure of certain funds until the Department of Defense issues all regulations required by sections 811(d)(1) and 813(b)(1) of the National Defense Authorization Act for Fiscal Year 1994. The required implementing regulations concern the contract goal for small disadvantaged businesses (10 U.S.C. 2323) and the pilot Mentor-Protege program.

The House amendment contained no similar provision.

The Senate recedes. The conferees agree that implementation of these sections is a matter of high priority, but believe that the Department should be given a final opportunity to issue appropriate regulations before specific action is taken by the Congress.

Department of Defense review of antitrust cases with national security implications

The House amendment contained a provision (sec. 857) that would establish in permanent law a procedure for the Secretary of Defense to review and comment on proposed mergers that might have national security implications.

The Senate bill contained no similar provision.

The House recedes. The conferees note that a report by the Defense Science Board has recommended procedures for DOD to review and comment on proposed mergers, and the conferees urge the Department to promptly implement these recommendations. In accordance with the recommendations of the Defense Science Board Task Force on Antitrust, the conferees direct the Secretary of Defense to ensure: (1) that DOD alerts the antitrust enforcement agencies to any pro-

posed acquisition of a business concern that is a critical defense supplier with respect to which the Attorney General or the Federal Trade Commission receives notice under the antitrust laws; (2) when warranted, that DOD advises the antitrust agencies of relevant facts bearing on the likely effect of the proposed acquisition on the national industrial and technology base and on other national security considerations; and (3) that DOD promptly communicates its views to the Attorney General or the Federal Trade Commission on any national security concerns related to a proposed merger or acquisition.

**TITLE IX—DEPARTMENT OF DEFENSE
ORGANIZATION AND MANAGEMENT**

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Assistant secretary of defense (sec. 901)

The Senate bill contained a provision (sec. 901) that would increase the number of assistant secretaries of defense from 10 to 11.

The House amendment contained no similar provision.

The House recedes.

Order of succession in the military departments (sec. 902)

The Senate bill contained a provision (sec. 902) that would place the position of general counsel of a military department in the order of succession to the position of secretary of a military department immediately following the assistant secretaries.

The House amendment contained no similar provision.

The House recedes.

Change of title of Comptroller of the Department of Defense (sec. 903)

The House amendment contained a provision (sec. 905) that would change the title of the Comptroller of the Department of Defense to Under Secretary of Defense (Comptroller).

The Senate bill contained no similar provision.

The Senate recedes.

Revision of National Guard Bureau charter (sec. 904)

The House amendment contained a provision (sec. 901) that would set out the purpose of the National Guard Bureau; provide for the appointment and minimum grades of the Bureau leadership, including the chief, vice chief, and four additional general officers; provide for a Bureau legal counsel, comptroller, and inspector general; and require an annual report on the state of the National Guard. The provision would also require the Secretary of the Army and the Secretary of the Air Force to jointly develop a Guard Bureau charter.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would specify the grades of the Bureau leadership and provide for the annual report to be submitted to the Secretary of Defense through the Secretaries of the Army and the Air Force.

Marine Corps University: Master of Military Studies (sec. 911)

The Senate bill contained a provision (sec. 931) that would authorize the President of the Marine Corps University to confer the degree of "Master of Military Studies" to certain graduates of the college. This authority would become effective upon approval of the Masters of Military Studies program by the Secretary of Education.

The House amendment contained no similar provision.

The House recedes.

Marine Corps University: board of advisors (sec. 912)

The Senate bill contained a provision (sec. 932) that would establish a board of advisors for the Marine Corps University.

The House amendment contained no similar provision.

The House recedes with an amendment that would direct the Secretary of the Navy to establish a board of advisors for the Marine Corps University.

Air University: Master of Airpower Arts and Sciences degree (sec. 913)

The Senate bill contained a provision (sec. 933) that would authorize the Commander of

the Air University to confer the degree of "Master of Airpower Arts and Sciences" to certain graduates of the School of Advanced Airpower Studies. This authority would become effective upon approval of the Masters of Airpower Arts and Sciences program by the Secretary of Education.

The House amendment contained no similar provision.

The House recedes.

Grades of heads of certain professional military education schools (sec. 914)

The House amendment contained a provision (sec. 507) that would specify the grades of the heads of the senior professional military education schools of the Department of Defense, including the separate military departments.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would express the sense of the Congress that the heads of the senior professional military education schools should, while so serving, hold a grade no less than the grade held by the officers presently serving in those positions.

Reserve Forces Policy Board amendments (sec. 921)

The Senate bill contained a provision (sec. 921) that would amend section 175 of title 10, United States Code, by including a regular officer assigned to the Joint Staff and an officer of the regular Marine Corps in the membership of the Reserve Forces Policy Board.

The House amendment contained no similar provision.

The House recedes.

The Uniformed Services University of the Health Sciences (sec. 922)

The Senate bill contained a provision (sec. 922) that would prohibit the closing of the Uniformed Services University of the Health Sciences (USUHS); express the sense of Congress that the Secretary of Defense should budget for the ongoing operation of USUHS; and require a GAO report to the Committees on Armed Services of the Senate and House of Representatives on USUHS, its costs, the quality of its medical education, the requirements for military physicians, and other relevant matters.

The House amendment contained no similar provision.

The House recedes. The conferees believe that continuing efforts to close USUHS harm the University's ability to attract and retain the high quality faculty appropriate for a medical school of its stature, and should only be undertaken after careful, rigorous analysis and a comprehensive review of the USUHS role in the national health care system.

Commission on Roles and Missions (sec. 923)

The Senate bill contained three provisions (secs. 911-913) relating to the Commission on Roles and Missions. The first provision would include the National Guard and other reserve components in the overall framework of the Commission's review and recommendations, and require the Commission to address the roles, missions, and functions of the reserve components within the Total Force. The second provision would require the Secretary, upon the request of the chairman of the Commission, to make available to the Commission, without reimbursement, the services of the federally funded research and development centers (FFRDCs) covered by sponsoring agreements of DOD, of a value of not more than \$20.0 million. The third pro-

vision would increase the membership of the Commission by one member, require that the additional member have previous military experience and management experience with the reserve components, and require the Secretary to appoint the new member within 15 days after the enactment of this act.

The House amendment contained a provision (sec. 1032) that would increase the membership of the Commission on Roles and Missions from seven to ten members and require the Secretary of Defense to appoint the new members within 45 days after the date of the enactment of this act.

The House recedes with an amendment that would increase the membership of the Commission from seven to eleven members, increase the number of members required for a quorum from four to seven members, require the Secretary of Defense to appoint the additional members within 30 days after the enactment of this act, provide that the Commission may also recommend changes that would better align programs and force structure with projected missions and threats, and provide that any analytic support or related services provided by a federally funded research and development center shall not be subject to any overall ceiling established by law.

The conferees note that the Commission on Roles and Missions has now begun its important work. The conferees are aware of some uncertainty as to whether the Commission's charter includes recommending changes in force structure, programs, and organizations. The provision adopted by the conferees makes it clear that changes in force structure and programs are part of the Commission's charter. The conferees believe that the original statute that established the Commission is already clear that recommendations on changes in organizations are part of the Commission's charter. In essence, the conferees intend that the Commission should have the full authority and means to carry out its important work.

The conferees recognize that limitations on the Commission's analytic staff (even with strong FFRDC support), its budget, and particularly its time will restrict its ability to cover programmatic issues. The conferees, therefore, encourage the Commission to address as many of the more significant programmatic issues as can be treated adequately with available resources and time, and include recommendations in its report as to how other high-priority issues of this type should be addressed.

Redesignation of United States Court of Military Appeals and the Courts of Military Review (sec. 924)

The Senate bill contained a provision (sec. 1061) that would redesignate the United States Court of Military Appeals as the United States Court of Appeals for the Armed Services, and that would redesignate the Courts of Military Review as the Courts of Military Criminal Appeals.

The House amendment contained no similar provision.

The House recedes with an amendment that would change the name of the United States Court of Military Appeals to the United States Court of Appeals for the Armed Forces.

Budget support for reserve special operations forces (sec. 925)

The House amendment contained a provision (sec. 904) that would amend section 167 of title 10, United States Code, to specify that the budget proposal for the U.S. Special Operations Command may not eliminate, or

significantly reduce the level of funding for, a reserve component special operations unit without the concurrence of the secretary of the military department concerned.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would require the commander of the Special Operations Command to consult with the secretaries of the military departments concerning funding for reserve special operations units and to include their differing views, if any, with the budget proposal submitted to the Secretary of Defense. It also would require the secretaries of the military departments to consult with the commander of the Special Operations Command concerning funding for reserve special operations forces in the military personnel budgets of their military departments and to include the differing views, if any, of the commander with the budget proposal submitted to the Secretary of Defense.

LEGISLATIVE PROVISIONS NOT ADOPTED

Joint duty credit for equivalent duty in support of unified, combined, or United Nations military operations

The Senate bill contained a provision (sec. 923) that would authorize the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, to grant full or partial credit for a joint duty assignment to officers for service in a position involving combat or combat-related military operations under unified, combined, or U.N. operational control in which the officers gained significant experience in joint matters.

The House bill contained no similar provision.

The Senate recedes.

The conferees recognize that some level of joint credit is appropriate for officers serving in certain positions involving combat or combat-related joint operations. The conferees are reluctant, however, to attempt to define the necessary statutory parameters for this authority without more than the limited empirical data received. The conferees believe that the collection of additional information over the next several months will better enable the Department and the Congress to devise suitable parameters. Accordingly, the Secretary of Defense is requested to ensure that data on officers who have served or are serving in these kinds of operations are collected and preserved. This will allow the expeditious implementation of legislation that is expected to result from the defense authorization process in 1995.

Upgrade of AFSC wargaming and other capabilities

The House amendment contained a provision (sec. 530) that would require the Secretary of Defense to upgrade the wargaming capability and other facilities and capabilities at the Armed Forces Staff College.

The Senate bill contained no similar provision.

The House recedes.

Army Reserve Command

The House amendment contained a provision (sec. 902) that would provide for a reserve command that would be independent of the Army Forces Command and commanded by an officer who would report directly to the Army Chief of Staff.

The Senate bill contained no similar provision.

The House recedes.

Assignment of reserve forces to combatant commands

The House amendment contained a provision (sec. 903) that would amend existing law

that requires all forces to be assigned by the service secretaries to the combatant commands by providing (1) that reserve units, other than those called or ordered to active duty or reserve special operations units, be allocated to the combatant commands to which they may be assigned upon activation; (2) for the combatant commanders to establish standards in the areas of joint training and readiness; and (3) for the service secretaries to meet the standards established by the combatant commanders.

The Senate bill contained no similar provision.

The House recedes. The conferees have been informed that the Joint Chiefs of Staff have reached agreement on the authorities of the combatant commanders with respect to reserve component units that have not been called or ordered to active duty.

TITLE X—GENERAL PROVISIONS

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Emergency supplemental authorization of appropriations for fiscal year 1994 (sec. 1002)

The Senate bill contained a provision (sec. 1002) that would authorize supplemental appropriations for fiscal year 1994 for the incremental costs of operations in Somalia, Bosnia, Southwest Asia, and Haiti.

The House amendment contained no similar provision.

The House recedes with an amendment that would also authorize \$270.0 million for emergency supplemental appropriations for the Department of Defense to cover incremental costs related to the ongoing humanitarian relief effort for the refugees in and around the border areas of Rwanda. The conferees agree to authorize emergency supplemental appropriations for Rwanda only for the relief of the refugees. This section should not be construed as authorizing the military forces of the United States to engage in "nation-building" efforts in Rwanda.

Incorporation of classified annex (sec. 1003)

The House amendment contained a provision (sec. 1003) that would incorporate the classified annex that accompanied the House bill (H.R. 4301) into that act.

The Senate bill contained no similar provision.

The Senate recedes with a technical amendment that would incorporate the classified annex prepared by the conference committee into law.

The classified annex of legislative provisions to this conference report 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 presentation of this legislation.

Date for submission of future-years mission budget (sec. 1004)

The Senate bill contained a provision (sec. 1003) that would require the submission of the future-years mission budget required by section 222 of title 10, United States Code, within 60 days of the submission of the President's budget.

The House amendment contained a similar provision (sec. 1004) that would require submission of the report within 30 days of the submission of the President's budget.

The House recedes.

Submission of future-years defense program in accordance with law (sec. 1005)

The Senate bill contained a provision (sec. 1004) that would require the submission of

the fiscal year 1996 future years defense program (FYDP) within 90 days of the submission of the President's budget.

The Senate bill would also require the Secretary of Defense, after consultation with the Inspector General of the Department of Defense, to certify that the FYDP complies with the requirement for consistency between the FYDP and the President's budget contained in section 221(b) of title 10, United States Code.

The Senate bill would also prohibit the Department of Defense from obligating more than 10 percent of any unobligated advance procurement funds during the first 30 days after the end of the 90-day period unless the FYDP and the certification have been submitted. After this 30-day period, no advance procurement funds could be obligated until the FYDP and the certification had been submitted.

The House amendment contained no similar provision.

The House recedes with a technical amendment.

Identification and reporting of unauthorized appropriations (sec. 1006)

The House amendment contained a provision (sec. 1005) that would require the Secretary of Defense to submit a report each year upon enactment of the Department of Defense authorization and appropriation acts identifying all unauthorized programs, projects, and activities.

The Senate bill contained no similar provision.

The conferees agree to a provision that would allow the Department of Defense to obligate funds for all fiscal year 1994 programs, projects, and activities for which the amount appropriated exceeded the amount authorized, with the exception of the programs specifically cited in this section. This section would allow fiscal year 1994 funds to be obligated for the manufacturing technology program on the basis of competition.

Support for law enforcement (sec. 1011)

The House amendment contained a provision (sec. 1011) 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 1997 and authorize \$40.0 million for such support for fiscal year 1995.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would extend section 1004 through fiscal year 1999, delete the specific authorization for fiscal year 1995, and provide a limitation on the future transfer of DOD funds and personnel to another department or agency involved in the national counterdrug effort.

The conferees recognize that the Department's budget request strongly supports activities that are authorized by section 1004 and that a specific statutory authorization for support to law enforcement is no longer necessary.

The conferees continue to support the Department's efforts to develop and demonstrate non-intrusive inspection technology systems and the pilot outreach programs of the services and the National Guard.

The conferees support the integration of a third relocatable over-the-horizon radar (ROTHR) system into the national counterdrug effort. They have reservations, however, about placing the third system in Puerto Rico rather than in a location that would cover Mexico and Guatemala because most of the non-containerized drugs entering the United States come across the southwest

border after being flown into those two countries. Accordingly, the conferees recommend the requested amount for the third system but direct the Department to conduct a comprehensive analysis of the relative contributions that the third system could make if placed in Puerto Rico or in a location in the continental United States from which it could cover Mexico and Guatemala. No funds may be expended for placing the third ROTH system either in Puerto Rico or elsewhere until the comprehensive analysis is completed and its results reported to the congressional defense committees.

The conferees are concerned about the value and cost-effectiveness of the contribution that the mobile ground-based radars in the Andean region make to the counter-drug effort. The conferees are aware, however, that these radars have taken on important political and symbolic importance since the cessation of intelligence sharing in that region. Accordingly, the conferees agree to authorize most of the funds requested for the radars but deny \$11.8 million of the requested amount without prejudice. The conferees direct the Department to review the utility of the ground-based radars for counter-drug use in the Andean region. Upon completion of the review, the Department may submit a prior-approval reprogramming request along with the results of the review to the appropriate congressional committees.

The following table details the conferees' agreement:

<i>Drug Interdiction and Counter-Drug Activities</i> <i>(Operation and Maintenance)</i>	
[In thousands of dollars]	
Fiscal year 1995 drug interdiction and counter-drug activities, O&M request	714,200
Increases:	
Project 1403 counterdrug R&D ..	6,000
Project 7403 national inter-agency CD institute	3,500
Project 8992 pilot outreach	1,000
Project 8993 pilot outreach	200
Project 8994 pilot outreach	200
Project 8995 pilot outreach	500
Project 8996 pilot outreach	400
Total increases	11,800
Decreases:	
Project 4419(T) SOUTHCOM radar support	11,800
Total decreases	11,800
Fiscal Year 1995 drug interdiction and counter-drug activities, O&M budget	714,200
<i>Provision of intelligence where drug trafficking threatens national security (sec. 1012)</i>	

The Senate bill contained a provision (sec. 1089) that would enable, without violation of law, employees or agents of foreign governments to damage, render inoperative, or destroy an aircraft in that country's territory or airspace if that aircraft is reasonably suspected to be primarily engaged in illicit narcotics trafficking, provided the President has previously determined that (1) such actions are necessary due to the extraordinary threat posed by drug trafficking to the national security of that country, and (2) the country has appropriate procedures to protect against innocent loss of life, including effective means to identify and warn aircraft. The provision would also enable, without violation of law and without giving rise to civil liability, authorized employees or agents of the United States to provide assistance for the actions of such foreign countries.

The House amendment contained no similar provision.

The House recedes with an amendment that would define the term "illicit drug trafficking" and make clarifying changes.

Report on status of defense random drug testing program (sec. 1013)

The House amendment contained a provision (sec. 1042) that would require the Secretary of Defense to submit a one-time report on the Department of Defense random drug testing program.

The Senate bill contained no similar provision.

The Senate recedes with a clarifying amendment.

Transfer of USNS Maury (sec. 1021)

The House amendment contained a provision (sec. 171) that would authorize the Secretary of the Navy to transfer the USNS Maury (TAGS-39) to the Department of Transportation for assignment as a training ship to the California Maritime Academy at Vallejo, California, on the date of the decommissioning of that vessel.

The Senate bill contained no similar provision.

The Senate recedes.

Transfer of obsolete vessel Guadalcanal (sec. 1022)

The Senate bill contained a provision (sec. 1083) that would permit the Secretary of the Navy, upon the decommissioning of the USS Guadalcanal (LPH-7), to transfer the ex-USS Guadalcanal to the not-for-profit organization Intrepid Museum Foundation, New York, New York.

The House amendment contained no similar provision.

The House recedes.

Enhanced Marine Corps prepositioning (sec. 1023)

The Senate bill would provide \$220.0 million to purchase and convert two additional maritime prepositioning ship (MPS) vessels for use by the Marine Corps MPS squadrons. This program has been described as the MPS enhancement program.

The House amendment contained no similar funding.

The conferees agree to provide \$220.0 million in the National Defense Sealift Fund for the purposes intended in the Senate bill and agree to a provision that would exempt the MPS enhancement program from the provisions of section 2218(f) of title 10, United States Code.

Assistance to family members of certain POW/MIA's who remain unaccounted for (sec. 1031)

The Senate bill contained a provision (sec. 1062) that would establish a single point of contact within the Defense POW/MIA Office (DPMO) for the families of the POWs and MIAs from the Korean War and Cold War who are unaccounted for.

The House amendment contained a provision (sec. 1051) that was virtually identical to the Senate provision except that it did not cover the families of Cold War POW/MIA's who are unaccounted for.

The House recedes with an amendment that would designate the National Archives and Records Administration as the centralized record repository.

Review of missing persons laws (sec. 1032)

The Senate bill contained a provision (sec. 1069) that would make certain findings and require the Secretary of Defense, in consultation with the secretaries of the military departments, the national POW/MIA family

organizations, and the national veterans organizations, to review the provisions of law relating to missing persons and to submit to Congress within 180 days his recommendation as to whether those laws should be amended.

The House amendment contained no similar provision.

The House recedes with an amendment that would delete the findings and the requirement that the Secretary of Defense consult with the national POW/MIA family organizations and the national veterans organizations. The conferees, nevertheless, urge the Secretary to take the views of those organizations into consideration in conducting his review and making his recommendations to the Congress.

Contact with China on POW/MIA issues (sec. 1033)

The Senate bill contained a provision (sec. 1070) that would make certain findings and express the sense of the Congress that the Secretary of Defense should establish contact with the Ministry of Defense of the People's Republic of China regarding unresolved issues relating to American POW/MIA's from the Korean conflict.

The House amendment contained no similar provision.

The House recedes.

Information concerning unaccounted for personnel of the Vietnam conflict (sec. 1034)

The Senate bill contained a provision (sec. 1073) that would require the Secretary of Defense to submit to Congress a listing by name of all unaccounted for U.S. personnel from the Vietnam conflict about whom it is possible that officials of the Socialist Republic of Vietnam or the Lao People's Democratic Republic can produce information that could lead to the maximum possible accounting for those personnel.

The House amendment contained no similar provision.

The House recedes.

Report on POW/MIA matters concerning North Korea (sec. 1035)

The Senate bill contained in a provision (sec. 1074) that would make certain findings and require the Secretary of Defense to submit reports to Congress in January, May, and September 1995 on the status of efforts to obtain from North Korea information on and the remains of U.S. personnel unaccounted for from the Korean War. The provision also would require the Secretary to actively seek to establish a joint working level commission with North Korea to resolve the remaining cases relating to U.S. POW/MIA's from the Korean conflict.

The House amendment contained no similar provision.

The House recedes with an amendment that would reduce the number of reports to two and require the President to give serious consideration to establishing a joint working level commission with North Korea.

Disclosure of information concerning POW/MIA's from the Korean conflict, the Cold War, and the Vietnam era (sec. 1036)

The Senate bill contained a provision (sec. 1071) that would amend section 1082 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 that deals with the disclosure of information in the custody of the Department of Defense concerning POW/MIA's from the Vietnam conflict. The provision would extend that section to unaccounted U.S. personnel from the Korean conflict and the Cold War and apply it to the Archivist of the United States who has custody

of records, reports, and information relating to the Korean conflict and the Cold War.

The House amendment contained no similar provision.

The House recedes with a technical amendment that would clarify the meaning of the term "Cold War."

Annual report on denial, revocation, and suspension of security clearances (sec. 1041)

The House amendment contained a provision (sec. 1031) that would require the Secretary of Defense to submit to Congress an annual report concerning the denial, revocation, or suspension of security clearances by the Department of Defense for fiscal year 1995 through fiscal year 2000.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would clarify that the reports should be based upon information that can be obtained through standard DOD data bases without imposing significant new data collection requirements on the Department of Defense.

Study on use of low-enriched uranium to fuel naval reactors (sec. 1042)

The House amendment contained a provision (sec. 1053) that would direct the Secretary of Energy and the Secretary of Defense to study the costs, advantages, and disadvantages of using low-enriched uranium to fuel naval reactors.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would direct the Secretary of the Navy to conduct the study.

Commendation of individuals exposed to mustard agents (sec. 1051)

The House amendment contained a provision (sec. 1036) that would express the sense of Congress that the Secretary of Defense should issue a commendation to individuals who were exposed to mustard agents in connection with testing during World War II; require the Secretary to notify such individuals of the exposure, possible health effects, and likely options for treatment; and require the Secretary to provide the Secretary of Veterans' Affairs with any information regarding the exposure, including the names of the individuals involved.

The Senate bill contained no similar provision.

The Senate recedes.

USS INDIANAPOLIS (CA-35): gallantry, sacrifice and a decisive mission to end World War II (sec. 1052)

The House amendment contained a provision (sec. 1035) that would recognize the contributions of the USS INDIANAPOLIS to the ending of World War II.

The Senate bill contained no similar provision.

The Senate recedes.

Increased authority to accept voluntary services (sec. 1061)

The Senate bill contained a provision (sec. 337) that would amend section 1588 of title 10, United States Code, to expand the areas in which volunteers can provide services in military communities. Under the provision, volunteers would be considered government employees for the purpose of compensation for work-related injuries, tort liability, access to records, and conflict of interest restrictions.

The House amendment contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense to conduct a pilot program involving a vari-

ety of services to evaluate the Department's policies and procedures for the acceptance of voluntary services.

Civil Air Patrol (sec. 1062)

The Senate bill contained a provision (sec. 342) that would reorganize the Air Force liaison with the Civil Air Patrol.

The House amendment contained a similar provision (sec. 367).

The House recedes.

Prohibition on the purchase of surety bonds and other guarantees for the Department of Defense (sec. 1063)

The Senate bill contained a provision (sec. 321) that would prohibit the Department of Defense from using funds to provide financial guarantees for the direct performance of the Department of Defense.

The House amendment contained no similar provision.

The House recedes with an amendment that would extend this prohibition.

Use of inmate labor at military installations (secs. 1064 and 1065)

The Senate bill contained a provision (sec. 1051) that would permit installation commanders to enter into agreements with state or local governments under which non-violent offenders could perform certain services on military installations.

The Senate bill also contained two related provisions (secs. 1052 and 1053) that would expand the authority granted to the Department of the Navy in the National Defense Authorization Act for Fiscal Year 1994 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.

The House amendment contained no similar provisions.

The Senate recedes on section 1051 and the House recedes on sections 1052 and 1053 with an amendment that would make clarifying changes. These provisions would expand the demonstration project authorized last year to three installations in the Army and Navy. They would also clearly limit the use of inmate labor to specific activities and specify that inmate labor may not displace government or defense contractor employees, impair any contract for services at the installation, or involve services in skills for which there is a local surplus of available labor.

The conferees strongly support the demonstration program and urge the Department of Defense to fully use this authority in fiscal year 1995. Recognizing that the provisions do not require a report until two years after enactment of this act, the Armed Services Committees of the Senate and the House of Representatives will solicit comments from Department of Defense witnesses on the status and initial impressions of the project, including comments from commanders of participating installations, during hearings in fiscal year 1995.

Interagency placement program for federal employees affected by reduction-in-force actions (sec. 1066)

The Senate bill contained a provision (sec. 1080) that would direct the Office of Personnel Management to study and, if feasible, establish an interagency placement program for federal employees affected by reduction-in-force actions.

The House amendment contained no similar provision.

The House recedes with an amendment that would make clarifying changes and exclude the United States Postal Service and Postal Rate Commission from the definition

of "agency" for the purposes of this provision.

National Museum of Health and Medicine (sec. 1067)

The Senate bill contained a provision (sec. 1086) that would require the National Museum of Health and Medicine to be located on or near the Mall in the District of Columbia on land owned by the federal government and/or the District of Columbia, and would express the sense of Congress on the location of the National Museum of Health and Medicine.

The House amendment contained no similar provision.

The House recedes with a clarifying amendment.

Assignments of employees between federal agencies and FFRDCs (sec. 1068)

The Senate bill contained a provision (sec. 1087) that would include federally funded research and development centers (FFRDCs) on the list of institutions eligible to utilize the Intergovernmental Personnel Act for exchanges of employees with federal agencies.

The House amendment contained no similar provision.

The House recedes.

Review of the Bottom-Up Review and the Future Years Defense Program and establishment of new funding requirements and priorities (sec. 1069)

The Senate bill contained a provision (sec. 1091) that would make a number of findings concerning national military strategy, military force structure, and the level of the defense budget. The provision would also express the sense of Congress that (1) the Secretary of Defense should review the assumptions and conclusions of the Bottom-Up Review and the Future Years Defense Program; (2) the Secretary should submit to the President and the Congress a report detailing the force structure required for an effective defense of the United States and its vital national interests; (3) the President should submit to Congress a report detailing the steps he will take to meet the force structure recommended by the Secretary; and (4) the fiscal year 1996 defense budget should reflect the funding necessary to support the force structure recommended by the President.

The House amendment contained a provision (sec. 402) that would prohibit the President from deploying elements of more than one division of the Army's contingency force for operations other than war unless elements of all divisions that are not part of the Army's contingency force are currently deployed for such operations. The provision is related to a proposal that the Army be comprised of twelve divisions as discussed on pages 231-234 of the House report (H. Rept. 103-499).

The House amendment also contained a provision (sec. 553) that would make several findings and express the sense of Congress on a specific force structure for the armed forces and funding for national defense.

The House recedes with an amendment that would add several findings relating to the involvement of U.S. forces in operations other than war and the tradeoffs required among various elements of the defense budget. The amendment would also call for the Secretary of Defense's review and report to consider (1) the participation of U.S. forces in operations other than war, and (2) the potential need to address changes in national security planning, programs, the national

military strategy, and the proposal to structure the Army around 12 active duty divisions. Finally, the amendment would encourage the President to increase defense spending if required to meet new or existing threats.

Technical amendments (sec. 1070)

The Senate bill contained a provision (sec. 1096) that would codify and clarify certain provisions of law and make certain technical amendments.

The House amendment contained no similar provision.

The House recedes with an amendment.

Authorization to exchange certain items for transportation services (sec. 1071)

The House amendment contained a provision (sec. 1056) that would amend section 2572 of title 10, United States Code, to authorize the Secretary of Defense to exchange certain historical artifacts not needed by the armed forces for transportation services which directly benefit the historical collections of the armed forces.

The Senate bill contained no similar provision.

The Senate recedes.

Air National Guard fighter aircraft force structure (sec. 1072)

The Senate bill contained a provision (sec. 307) that would require the Secretary of Defense to review the findings of the Commission on Roles and Missions of the Armed Forces on the role and requirements for general purpose fighter units of the Air National Guard and to complete, within 30 days of the Commission's report, a study which recommends the appropriate level of primary aircraft authorized for such units.

The House amendment contained no similar provision.

The House recedes.

Visas for officials of Taiwan (sec. 1073)

The Senate bill contained a provision (sec. 1078) that would require the President of Taiwan or any other high-level official of Taiwan to be admitted to the United States whenever the official applies to visit the United States to conduct certain discussions.

The House amendment contained no similar provision.

The House recedes with an amendment that would express the sense of Congress that no visas should be denied for high-level officials of Taiwan to enter the United States, unless the official is otherwise excludable under U.S. immigration laws.

Defense Mapping Agency (sec. 1074)

The Senate bill contained a provision (sec. 1064) that would affect the Defense Mapping Agency (DMA) in two ways. First, it would preclude unauthorized use of the name, initials, or seal of the DMA. Second, it would clarify that the United States has not waived sovereign immunity with respect to lawsuits based upon the content of DMA maps and charts.

The House amendment contained no similar provision.

The House recedes.

Limitation regarding telecommunications requirements (sec. 1075)

The Senate bill contained a provision (sec. 1067) that would prohibit the Department of Defense from taking actions to merge "Warner-exempt" telecommunications activities with FTS-2000 until the Secretary of Defense certifies that DOD requirements can be met.

The House amendment contained no similar provision.

The House recedes with an amendment that would clarify that nothing in the provi-

sion may be construed as modifying or superseding, or as intended to impair or restrict, authorities or responsibilities under current laws.

LEGISLATIVE PROVISIONS NOT ADOPTED

Support for international peace operations

The Senate bill contained a provision (sec. 1032) that would establish a contributions for international peacekeeping and peace enforcement activities fund (CIPA); authorize the use of DOD funds to pay the U.S. fair share of assessments for United Nations operations in which U.S. combat forces participate; authorize the furnishing of supplies, services, and equipment on a reimbursable basis in support of U.N. peace operations; require advance notice by the President to designated congressional committees in certain circumstances; provide for the use of reimbursements from the United Nations; and authorize up to \$300.0 million for the CIPA fund.

The House amendment contained a provision (sec. 1050) that would prohibit the use of DOD funds to pay U.S. assessments to the United Nations for peacekeeping operations.

The conferees agree to delete both provisions. The conferees were deeply divided on whether DOD funds should be used to pay U.N. peacekeeping assessments. The conferees realize that this issue and a number of others relating to U.N. peace operations will almost certainly have to be dealt with in the next Congress. By then, the conferees will have further experience with U.N. peace operations and an additional year in which to consider these matters through hearings and consultations.

Termination of certain Department of Defense reporting requirements

The Senate bill contained a provision (sec. 1042) that would terminate certain Department of Defense reporting requirements on the date of the enactment of this act.

The House amendment contained no similar provision.

The Senate recedes. Section 1151 of the National Defense Authorization Act for Fiscal Year 1994 required the Secretary of Defense to submit to Congress by April 30, 1994, a list of reports that the Secretary determined to be unnecessary or incompatible with the efficient management of the Defense Department. Unfortunately, Congress did not formally receive the list until July 29, 1994. This late submission did not leave Congress enough time to adequately review the reports proposed for termination.

The list submitted by the Defense Department contains nearly 100 reports that will automatically be terminated on October 30, 1995, unless they are continued by legislation. During their review of this list in 1995, the Armed Services Committees of the Senate and House of Representatives will not consider retaining any report on the list unless it is shown to be necessary for national security or essential to congressional oversight.

Transfer of naval vessels to Brazil

The Senate bill contained a provision (sec. 1065) that would authorize the transfer of two "KNOX" class frigates to Brazil.

The House amendment contained no similar provision.

The Senate recedes. A separate bill that has now been passed by both the Senate and the House of Representatives, H.R. 4429, would authorize the transfer of these frigates as well as five other ships.

Acquisition of strategic sealift ships

The Senate bill contained a provision (sec. 1068) that would transfer \$608.6 million from

the shipbuilding and conversion, Navy account to the National Defense Sealift Fund. This provision would restore funding to exercise contract options to continue implementation of the strategic sealift program.

The House amendment contained no similar provision.

The Senate recedes. The conferees agree to recommend full funding of the sealift contract options.

Certification of declassification of POW/MIA materials

The Senate bill contained a provision (sec. 1072) that would require the Secretary of Defense to issue a certification within 60 days after enactment of the bill that all materials related to Vietnam-era POWs and MIAs have been declassified.

The House amendment contained no similar provision.

The Senate recedes.

The conferees believe it is important that all available documents related to unaccounted for U.S. personnel from Southeast Asia be located and declassified to the maximum extent possible. Current law requires just that. The conferees are troubled by the proposal to require the Secretary of Defense to formally certify in writing that no more documents remain in federal records in classified form that could shed light on Vietnam-era POW/MIAs when there is always the possibility that additional information may be located by those responsible for declassifying POW/MIA documents. The effect of requiring a formal certification that no more documents remain could be the opposite of that intended. An individual who has told his superior he has searched all the files and no relevant documents exist—leading that superior to sign a formal certification—and who later stumbles across a relevant document may decide to dispose of the document quietly rather than produce it publicly.

The conferees believe that a good-faith effort has been and continues to be made to locate and declassify documents pertaining to Vietnam-era POW/MIAs in accordance with Executive Order requirements and section 1082 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 50 U.S.C. 401 note). At the same time, the conferees are aware of the concerns of Members that all pertinent POW/MIA documents have not been disclosed. Accordingly, the conferees direct the Defense POW/MIA Office to ensure that all documents pertaining to Vietnam-era POW/MIAs are disclosed on a continuing basis to POW/MIA family members and the public in accordance with Executive Order requirements, section 1082 of the National Defense Authorization Act for Fiscal Years 1992 and 1993, and section 404 of the Intelligence Authorization Act for Fiscal Year 1989 (Public Law 100-453; 50 U.S.C. 401 note).

Review of DOD procedures for investigating deaths from causes determined to be self-inflicted

The Senate bill contained a provision (sec. 1085) that would express the sense of Congress that, upon receipt of the report required by section 1185 of the National Defense Authorization Act for Fiscal Year 1994, the Senate Committee on Armed Services should review the report and hold hearings related to the procedures employed by Department of Defense investigative organizations when conducting an investigation into the death of a member of the armed services who, while serving on active duty, died from a cause determined to be self-inflicted.

The House amendment contained no similar provision.

The Senate recesses. The conferees note that the Senate Armed Services Committee has agreed to review the DOD report in the course of its oversight hearings on military manpower issues. The conferees agree that the report should be reviewed thoroughly by the Armed Services Committees of both the Senate and the House of Representatives. In view of the commitment of the conferees to a thorough review of the report, the conferees agree that a specific sense of Congress provision is unnecessary.

Genocide in Rwanda

The Senate bill contained a provision (sec. 1092) that would express certain congressional findings and policies on the situation in Rwanda.

The House amendment contained no similar provision.

The Senate recesses.

Clarification of scope of authorization

The House amendment contained a provision (sec. 1002) that would specify that no funds are authorized to be appropriated in this act for the Department of Justice.

The Senate bill contained no similar provision.

The House recesses.

Funding for contingency operations

The House amendment contained a provision (sec. 1021) that would amend section 127a of title 10, United States Code, by removing the \$300.0 million cap on the total of unreimbursed sums that may be drawn from the resources of the Defense Business Operations Fund (DBOF) at any one time; expand the purposes of the cash account established in fiscal year 1994 to cover any and all costs that cannot be funded through the DBOF; authorize the appropriation of \$300.0 million for fiscal year 1995; and restrict the use of the Fund and any of the resources of the DBOF to those operations formally designated as national contingency operations.

The Senate bill contained no similar provision.

The House recesses.

Transfer of certain B-17G aircraft

The House amendment contained a provision (sec. 1034) that would require the Secretary of the Air Force to transfer all right, title, and interest of the Air Force in a certain B-17G aircraft to the organization known as Planes of Fame, Chino, California.

The Senate bill contained no similar provision.

The House recesses.

Armed Forces Expeditionary Medal

The House amendment contained a provision (sec. 1037) that would express the sense of Congress that certain servicemembers who served in El Salvador should be considered eligible to receive the Armed Forces Expeditionary Medal.

The Senate bill contained no similar provision.

The House recesses.

TITLE XI—DEFENSE CONVERSION, REINVESTMENT, AND TRANSITION ASSISTANCE

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Funding for the defense conversion, reinvestment and transition assistance programs for fiscal year 1995 (sec. 1102)

The House amendment contained a provision (sec. 1302) that would summarize the amounts authorized for defense conversion, reinvestment, and transition assistance programs. The House provision would authorize \$3,256.4 million.

The Senate bill contained no similar summary provision.

The Senate recesses with an amendment. The conferees agree to authorize \$3,090.8 million for defense conversion, reinvestment, and transition assistance programs. The categories in the following table summarize the conferees' agreement:

Funding of Defense Conversion, Reinvestment and Transition Assistance Programs in Fiscal Year 1995

[Millions of dollars]	
Defense Technology Conversion and Reinvestment (Funding Source)	
PE 603570E TRP/dual-use partnerships (R&D)	625.0
PE 603739E Mfg. technology (R&D)	398.3
PE 602301E Computing systems (R&D)	394.6
PE 602712E Electronics and materials (R&D)	256.8
various Sm. bus. innovative research (R&D)	161.0
PE 603745E SEMATECH (R&D)	90.0
PE 601101E Basic research (R&D) ..	87.7
PE 603570D Other reinvestment programs (R&D) ¹	76.0
PE 60x572N Navy reinvestment program (R&D)	50.0
PE 603744E Advanced simulation (R&D)	20.9
PE 603226E Law enforcement/peacekeeping (R&D)	20.0
PE 602702E Law enforcement/peacekeeping (R&D)	10.0
Subtotal	2,190.4
Personnel Assistance Transition	
Temporary early retirement (personnel) ²	392.1
Separation pay/civilian benefits (O&M)	301.7
Guard and reserve transition (O&M)	139.5
Other initiatives (O&M)	99.0
Transition assistance (O&M)	72.4
Troops to teachers (O&M)	65.0
Troops to law enforcement/public safety (O&M)	25.0
Ship recycling demonstrations (procurement)	7.5
Bilingual math/science education demo projects (O&M)	5.0
Subtotal [all]	1,107.2
Subtotal [requiring authorization]	715.1
Community Assistance	
National Guard youth programs (O&M)	71.4
Junior ROTC expansion (O&M)	59.8
Office of Economic Adjustment ...	54.1
Subtotal	188.3
Total [all]	3,482.8
Total [Title XI authorized]	3,090.8

¹\$11.0 million provided for law enforcement/peacekeeping initiative.

²Authorization not required.

Funding for defense technology reinvestment programs (sec. 1111)

The Senate bill contained a provision (sec. 231) that would allocate funds for the defense technology reinvestment program element of the Defense Agencies research budget.

The House amendment included a similar provision (sec. 1111).

The Senate recesses with an amendment that would make \$751.0 million of RDT&E

funds available for the following reinvestment programs:

[Dollars in millions]	
Defense Reinvestment Program (PE 63570E)	
Dual-use partnerships	625.0
Commercial-military integration ...	245.0
Regional tech alliances	96.0
Defense adv. manufacturing partnership	80.0
Defense adv. manufacturing partnership	30.0
Manufacturing extension	25.0
Def. manufacturing engin. education	24.0
Maritech	50.0
Agile manufacturing	35.0
Materials partnerships	30.0
US-Japan management training	10.0
Defense Reinvestment Program (PE 63570D)	
Defense lab diversification	76.0
Loan guarantees	10.0
Small business technical assistance	50.0
Operations other than warfare/law enforcement	5.0
Navy Reinvestment Program (PEs 61572N, 62572N, and 63572N)	11.0
50.0	50.0

The conferees agree that the total funding for the operations other than warfare (OOTW)/law enforcement program, including funding to support the memorandum of understanding between DOD and the Justice Department, is \$41.0 million. In addition to the \$11.0 million described above, the conferees direct that \$10.0 million be available for this program in the ARPA tactical technology program element (PE 62702E) and that \$20.0 million be available in the ARPA experimental evaluation of major innovative technologies program element (PE 63226E).

Peacekeeping/law enforcement technology (sec. 1112)

The budget request contained \$10.0 million for research into non-lethal technologies that are applicable to peacekeeping in PE 62702E.

The Senate bill would provide an additional \$20.0 million for peacekeeping technology in PE 63226E. The Senate report (S. Rept. 103-282) expressed support for the April 20, 1994 memorandum of understanding (MOU) between the Department of Defense (DOD) and the Department of Justice (DOJ) on a joint technology development initiative.

The House amendment contained a provision (sec. 1111) that would authorize \$37.0 million in funding for support of the DOD/DOJ MOU activities, and the House report (H. Rept. 103-499) described specific technologies of interest to both DOD and the Department of Justice to be pursued in the context of the MOU initiative.

The Senate recesses with an amendment that would explicitly authorize \$41.0 million for this initiative from multiple funding sources.

The conferees expect that the MOU operation will maximize the benefits to state and local law enforcement agencies as well as develop technologies related to peacekeeping activities and military operations other than war. The conferees urge both DOD and the Justice Department to fully share the technologies applicable to their respective missions but note that the acquisition and deployment of equipment utilizing these technologies is the responsibility of the respective departments. The conferees also support the discussion in the House report (H. Rept. 103-499) on the technologies to be identified, developed, and deployed with the funding provided in this section. In addition to those

technologies, the conferees also believe that sniper identification and response technologies should be among those reviewed in the context of the DOD/DOJ MOU process.

Federal defense laboratory diversification and Navy reinvestment programs (sec. 1113)

The Senate bill included a provision (sec. 234) that would provide a statutory framework for the federal defense laboratory diversification and Navy reinvestment programs proposed by the Administration.

The House amendment contained no similar provision.

The House recedes.

Loan guarantees under the defense dual-use assistance program (sec. 1114)

The Senate bill contained a provision (sec. 235) that would fund a loan guarantee program for small defense firms.

The House amendment included a provision (sec. 1113) that would add criteria for the loan guarantee program under section 2524 of title 10, United States Code.

The Senate recedes with an amendment. The conferees agree to provide \$50.0 million for the Department of Defense to carry out a loan guarantee program in fiscal year 1995 in conjunction with the Small Business Administration (for loans to small businesses), and with the Economic Development Administration or other appropriate federal agency (for loans to medium-sized businesses). At least 60 percent of the funding shall be devoted to loan guarantees to small businesses with the remaining funds to be used for loan guarantees to medium-sized businesses.

The amendment would also include eligibility requirements that emphasize that (1) the recipients of the loans must be DOD contractors and subcontractors; (2) the loans must involve capital improvements that are at least partially utilized by DOD; and (3) the loans should promote the retention of workers under contracts and subcontracts with the Department of Defense.

Financial commitment requirements for small businesses (sec. 1115)

The Senate bill contained a provision (sec. 232) that would allow a small business at least 120 days after receiving an award in certain technology reinvestment programs to obtain the requisite non-federal cost-share from the venture capital market.

The House amendment included a similar provision (sec. 1114).

The Senate recedes with an amendment.

Conditions on funding of technology reinvestment projects (sec. 1116)

The Senate bill included a provision (sec. 233) that would establish conditions for funding technology reinvestment projects, including a requirement for the use of competitive selection procedures.

The House amendment contained a similar provision (sec. 1115).

The Senate recedes with an amendment.

National defense technology and industrial base (sec. 1117)

The Senate bill contained a provision (sec. 821) that would prohibit the Secretary of Defense from obligating or expending any of the funds authorized in PE 65104D until the annual national defense technology and industrial base assessment and plan required by sections 2505 and 2506 of title 10, United States Code, have been submitted.

The House amendment contained no similar provision.

The House recedes with an amendment. The conferees agree that only half the funds in PE 65104D will be subject to the provision. The conferees, however, direct the Secretary

to submit the following to the Committees on Armed Services of the House of Representatives and Senate: (1) any industry sector studies prepared to support the annual capability assessment and plan as soon as they are completed; and (2) by September 30, 1994, a detailed description of the reasons for not submitting the annual capability assessment and plan and a schedule for their submission.

Documentation for awards under the technology reinvestment project (sec. 1118)

The Senate bill contained a provision (sec. 825) that would require certain documentation for awards of cooperative agreements or other transactions under the technology reinvestment project.

The House amendment included no similar provision.

The House recedes.

Comptroller General assessment of technology reinvestment project (sec. 1119)

The Senate bill contained a provision (sec. 826) that would require the Comptroller General to assess the extent to which individual technology reinvestment project activities advance national security or other objectives.

The House amendment included no similar provision.

The House recedes.

Funds for adjustment and diversification assistance for states and local governments from Office of Economic Adjustment (sec. 1121)

The House amendment contained a provision (sec. 1121) that would provide \$54.1 million for community adjustment and economic diversification assistance.

The Senate bill contained no similar provision.

The Senate recedes.

Studies and plans for market diversification (sec. 1122)

The House amendment contained a provision (sec. 1122) that would amend section 2391(d) of title 10, United States Code, to include a definition of "community adjustment" and "economic diversification", and that would provide \$10.0 million to develop feasibility studies and business plans for market diversification in communities adversely affected by defense budget reductions.

The Senate bill contained no similar provision.

The Senate recedes with a technical amendment.

Advance community adjustment and economic diversification planning (sec. 1123)

The House amendment contained a provision (sec. 1123) that would provide funding for communities to conduct advance planning in anticipation of base realignment and closure decisions.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would clarify that up to \$5.0 million is available for advance planning grants and that would remove the cap on the amount of funds available to any single community.

This funding is provided to assist communities that engage in advance economic planning in anticipation of base closure and realignment actions. Many communities have expressed interest in beginning planning activities in advance of any final decision by the Base Closure Commission and the Congress. This would enable these communities to have a smooth transition in the event that a base is closed in their community. The conferees believe that no more than

\$500,000 should be made available to one community or group of communities potentially affected by one base.

The conferees direct the Secretary of Defense to monitor these grants closely. In the event a community receives a grant under this section and the local base is not closed, the conferees expect DOD to recoup any unspent funds. In the event that the base is closed, the conferees expect DOD to take into consideration the funds received under this section in awarding any other transition, adjustment, and diversification grants under section 2391 of title 10, United States Code, or any other authorities.

Increased eligibility and application periods for troops-to-teachers program (sec. 1131)

The Senate bill contained a provision (sec. 643) that would ensure that, notwithstanding any other provision of law, servicemembers discharged or released from active duty after October 1, 1990, who meet all other eligibility requirements, are eligible to participate in the troops-to-teachers program described in section 1151 of title 10, United States Code.

The House amendment contained a provision (sec. 1131) that would authorize \$65.0 million for teachers and teacher's aide placement programs for fiscal year 1995.

The House recedes with an amendment that would authorize \$65.0 million for teachers and teacher's aid placement programs for fiscal year 1995.

Assistance for eligible members to obtain employment with law enforcement agencies (sec. 1132)

The Senate bill contained a provision (sec. 644) that would authorize the Secretary of Defense to enter into an agreement with the Attorney General to establish or participate in a program to assist certain members and former members of the armed services to obtain employment with law enforcement agencies.

The House amendment contained a similar provision (sec. 1132) that would expand the troops-to-law enforcement officer program to authorize the Secretary of Defense to assist the placement of displaced federal fire fighters who worked on military bases and other facilities.

The House recedes with an amendment that would authorize the expansion of the troops-to-law enforcement officer program to include fire fighters if the Secretary of Defense certifies that such expansion would facilitate personnel transition programs in the Department of Defense. The conferees note that the grants to facilitate placement under this program are intended to reimburse participating agencies for costs, including salaries and fringe benefits, of employing individuals under this program. These costs may include training necessary to meet state or local law enforcement certification requirements.

Additionally, the conferees encourage the Department of Defense to review those troops-to-law enforcement officer programs already in operation, such as the certified Georgia peace officer course, to determine whether any aspects of one or more of these programs should be used as a model for application on a regional or national basis.

Pilot program to place separated members and terminated defense employees in teaching positions as bilingual math and science teachers (sec. 1133)

The House amendment contained a provision (sec. 1133) that would authorize \$3.0 million for a pilot program designed to encourage bilingual (English-Spanish) servicemembers and DOD civilian employees

to become math and science teachers upon leaving federal service. Under the program, individuals who participate would be eligible to receive a stipend, and educational institutions or other non-federal entities would be compensated for reasonable costs incurred in connection with program participation.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would authorize \$5.0 million for this program and would authorize the program to also include servicemembers and DoD civilian employees who are bilingual in English and languages other than Spanish. Nonetheless, the conferees expect and strongly encourage the Secretary of Defense, in the execution of this authority, to select the entity for the first cooperative arrangement from among the eligible Hispanic entities.

Demonstration project to assist separated members and terminated defense workers to become business owners (sec. 1134)

The House amendment contained a provision (sec. 1134) that would authorize the Secretary of Defense to establish, in not more than two eligible communities, demonstration projects to assist separated servicemembers and terminated defense workers to own their own businesses.

The Senate bill contained no similar provision.

The Senate recedes.

Demonstration project to promote ship recycling as a method to assist separating members and terminated employees (sec. 1135)

The House amendment contained a provision (sec. 1135) that would authorize \$15.0 million for the establishment of a ship recycling and defense worker job creation program.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would authorize \$7.5 million for this program and require, at least 180 days prior to carrying out this project, the Secretary of Defense to certify to Congress that the project will facilitate the Department's personnel transition programs and will not disrupt the operation of U.S. companies engaged in ship recycling and scrapping.

Administration and funding of DDP/DCAP under Job Training Partnership Act (sec. 1136)

The House amendment contained a provision (sec. 1136) that would clarify the administration and funding of the defense diversification program and defense conversion adjustment program under the Job Training Partnership Act.

The Senate bill contained no similar provision.

The Senate recedes.

Assistance for certain workers dislocated due to reductions by the United States in the export of defense articles and services (sec. 1137)

The Senate bill and the House amendment contained identical provisions (secs. 924 and 1138, respectively) that would authorize assistance under the defense conversion adjustment program for certain workers dislocated due to reductions by the United States in the export of defense articles and services.

The conferees agree to include this provision.

Armament retooling and manufacturing support (sec. 1141)

The Senate bill contained a provision (sec. 345) that would authorize the Secretary of the Army to enter into agreements with

agencies to administer a loan guarantee program as part of the armament retooling and manufacturing support (ARMS) initiative, consistent with the Federal Credit Reform Act of 1990 (title V of the Congressional Budget Act of 1974; 2 U.S.C. 661c). The provision would limit the total amount of loan principal which could be guaranteed at \$65.0 million for all borrowers. This provision also would extend the authority for ARMS through fiscal year 1996.

The House amendment contained two provisions that would extend ARMS through fiscal year 1996 (sec. 1141) and provide loan guarantee authority (sec. 1142) limited to \$320.0 million.

The House recedes with an amendment that would set the maximum amount of loan principal guaranteed during a fiscal year at \$320.0 million.

Changes of notice requirements upon termination of defense programs (sec. 1142)

The Senate bill included a provision (sec. 1082) that would require certain notices to be made to employees of affected firms within 90 days after adverse actions in the budget process.

The House amendment included a similar provision (sec. 1151) that would require the notices within 30 days.

The Senate recedes with an amendment that would require the notices within 60 days of the budgetary actions.

Plan for deployment of defense environmental technologies for dredging of dual-use ports (sec. 1143)

The House amendment contained a provision (sec. 1152) that would direct the Secretary of Defense to establish a plan to encourage the development and deployment of defense environmental technologies in support of dredging requirements for dual-use ports.

The Senate bill contained no similar provision.

The Senate recedes.

LEGISLATIVE PROVISION NOT ADOPTED

Eligibility to lead technology reinvestment project activities

The House amendment included a provision (sec. 1112) that would make a labor organization eligible to take the lead in activities under the technology reinvestment project (TRP).

The Senate bill contained no similar provision.

The House recedes.

The conferees note that elsewhere in this act conditions are established for the funding of technology reinvestment projects. The Secretary of Defense is required to ensure that the principal economic benefits and, to the extent practicable, job creation resulting from technology reinvestment awards accrue to the U.S. economy. Accordingly, the conferees direct the Secretary to take appropriate steps to encourage greater participation of labor organizations in the TRP program.

TITLE XII—COOPERATIVE THREAT REDUCTION WITH STATES OF 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 (CTR) with states of the former Soviet Union.

The Senate bill included a provision (sec. 1013) that would authorize the requested

amount and extend the authorities and reporting requirements contained in the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103-160; 22 U.S.C. 5951 et seq.). The Senate bill also contained a provision (sec. 1041) that would require a report on offensive biological warfare programs of states of the former Soviet Union.

The House amendment contained a provision (sec. 1048) that would authorize the requested amount and extend the semiannual CTR report. Additionally, the House amendment contained a provision that would express the sense of Congress on the safe and secure dismantlement of the Soviet nuclear arsenal (sec. 1046); require a report on the coordination of military-to-military programs (sec. 1047); require Presidential certification that Russia has terminated its offensive biological warfare program (sec. 1049); require a report accounting for CTR assistance (sec. 1201); require a report on the accountability and control of fissile and chemical materials (sec. 1202); require a report on allied support for CTR programs and annual reports on multiyear planning for CTR programs (sec. 1203); and place specific limitations on all CTR programs for fiscal year 1995 (sec. 1204).

The conferees agree to combine the provisions of the Senate bill and the House amendment.

The conferees reiterate that the main focus of cooperative threat reduction must be on activities directly related to the safety, dismantlement, and nonproliferation of weapons of mass destruction. The conferees direct that any environmental restoration or housing activities proposed to be carried out in fiscal year 1995 may be funded only from the subaccount established in paragraph (a)(6) of section 1206 of this act and may be conducted only in accordance with the authorities established in sections 1203(b)(6) and (b)(7) of the National Defense Authorization Act for Fiscal Year 1994. The conferees note that the limitations established in section 1206 of this act would apply only to the \$400.0 million authorized to be appropriated in section 301(21) of this act.

TITLE XIII—MATTERS RELATING TO ALLIES AND OTHER NATIONS

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Cooperative research and development agreements with NATO organizations (sec. 1301)

The Senate bill contained a provision (sec. 241) that would authorize the Defense Department to conduct cooperative research and development projects under section 2350a of title 10, United States Code, with NATO organizations.

The House amendment contained no similar provision.

The House recedes.

North Atlantic Treaty Organization (sec. 1302)

The Senate bill contained a provision (sec. 1097) that would set forth the sense of the Congress on the relationship between the North Atlantic Treaty Organization (NATO) and the United Nations.

The House amendment contained a similar provision (sec. 1041).

The House recedes.

Authorized end strength for military personnel in Europe (sec. 1303)

The Senate bill contained a provision (sec. 1012) that would specify that, beginning on October 1, 1995, the end strength level of U.S. military personnel permanently stationed ashore in European members of NATO may not exceed approximately 100,000. The provision would allow the end strength level to

exceed 100,000, but not 113,000, if the President makes certain certifications to Congress.

The House amendment contained a provision (sec. 385) that would exclude U.S. military personnel permanently stationed ashore in Iceland, Greenland, and the Azores from the end strength limitation.

The Senate recedes with an amendment that would set the end strength limitation at approximately 100,000.

The U.S. European Command is responding to several demanding, but very uncertain, security and humanitarian concerns in its area of responsibility. U.S. military forces permanently stationed in European members of NATO have recently deployed to Macedonia, Croatia, Kenya, the Rwandan relief operation, and the Southern Watch mission in the northern Persian Gulf. In addition, units normally stationed elsewhere in Europe have been deployed to Turkey to protect the Kurds in northern Iraq.

The uncertain nature and length of these and similar deployments that could take place in the future make it very difficult to predict the appropriate end strength level for U.S. military personnel in Europe at the end of fiscal year 1996. Therefore, the conferees agree that the U.S. European Command should have some flexibility in planning the further drawdown of its forces. The conference agreement to set the fiscal year 1996 end strength level at approximately 100,000 and to exclude U.S. military personnel stationed in Iceland, Greenland, and the Azores is intended to assist the Command in managing its personnel level to the appropriate fiscal year 1996 level.

In order to consider this matter in 1995, the conferees direct the Secretary of Defense to submit a report to Congress that includes the following information:

(1) an assessment of the appropriate end strength level for U.S. military personnel permanently stationed ashore in European members of NATO at the end of fiscal year 1996;

(2) a detailed justification for the Secretary's recommended end strength level;

(3) the extent to which the recommended end strength level is determined by security and humanitarian requirements outside the NATO theater; and

(4) the potential for reducing the number of U.S. military personnel assigned to headquarters in Europe by streamlining and consolidating headquarters functions.

The report should be submitted by March 1, 1995.

Allied share of installation costs (sec. 1304)

The House amendment contained a provision (sec. 1043) that would specify that the NATO allies should pay an increasing share of the non-personnel costs of U.S. military installations in European member nations of NATO. The provision would require the withdrawal of 1,000 U.S. military personnel for each percentage point that the NATO allies, as a group, are below certain goals.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would replace the House provision with a statement of U.S. policy that the NATO allies should pay 37.5 percent of the non-personnel costs of U.S. military installations in European members of NATO by the end of fiscal year 1996. According to the Department of Defense, the NATO allies currently pay 36 percent of such costs.

The conferees do not believe that the size and shape of the U.S. military presence in Europe should be determined solely by the

extent to which the NATO allies offset U.S. stationing costs. This kind of burdensharing is an important consideration, especially in maintaining public and political support for the forward deployment of U.S. forces. However, it is only one of many factors in the calculation of the security costs and benefits of U.S. military forces in Europe.

The conferees recognize the many ways in which the NATO allies "share the burden" of our collective security efforts. For example, our NATO allies have committed about 15,000 ground personnel to the United Nations Protection Force in the former Yugoslavia. Also, Germany has contributed more assistance than any other country for the reconstruction, democratization, and economic reform of central Europe and the former Soviet Union. It has also absorbed over 500,000 refugees from eastern Europe. All of these allied efforts contribute to the security of the United States and should be considered in determining whether the NATO allies equitably share the burdens and responsibilities of providing for our mutual security.

Payments-in-kind for release of United States overseas military facilities to NATO host countries (sec. 1305)

The Senate bill contained a provision (sec. 1019) that would require the Secretary of Defense to notify the Congress of an agreement to accept military construction projects, facility improvements, or host nation support as a payment-in-kind contribution for release of U.S. overseas military facilities to host nations no later than 30 days before concluding the agreement.

The House amendment contained no similar provision.

The House recedes with a clarifying amendment.

The conferees agree that the Secretary of Defense should continue efforts to negotiate for cash settlements in the return of U.S. overseas military facilities to host nations. When cash settlements cannot be agreed to, the conferees support the U.S. government receiving payments-in-kind contributions as a form of settlement. Understanding that these negotiations can be sensitive and time consuming in nature, the conferees urge the Secretary of Defense to continue to pursue these settlements in a prompt manner that is in the best interest of the U.S. government.

George C. Marshall Center (sec. 1306)

The Senate bill contained a provision (sec. 1081) that would (1) merge the funds received from the Federal Republic of Germany for its share of the costs of the George C. Marshall Center for Security Studies with the appropriations made available to the Department of Defense for the center for the same period and purpose; and (2) permit the Secretary of Defense to waive reimbursement for the costs of conferences, seminars, courses of instruction, or similar educational activities for military officers and civilian officials of cooperation partner states of the North Atlantic Cooperation Council or the Partnership for Peace if the Secretary determines that attendance by such personnel is in the national security interests of the United States.

The House amendment contained no similar provision.

The House recedes.

Participation in allied defense cooperation (sec. 1307)

The Senate bill contained a provision (sec. 1079) that would express the sense of the Senate regarding the use of existing capabilities to facilitate defense cooperation between the

United States and certain nations of the former Warsaw Pact.

The House amendment contained no similar provision.

The House recedes with an amendment.

Limitation on obligation of funds for overseas basing activities (sec. 1311)

The House amendment contained a provision (sec. 1039) that would limit the amount of operation and maintenance and military construction funds that could be obligated for overseas basing activities during fiscal year 1995 to no more than \$8.181 billion. The provision would authorize the Secretary of Defense to exceed the limitation by such amount as the Secretary determines to be necessary in the national interest, but not by more than \$400.0 million.

The Senate bill contained no similar provision.

The Senate recedes. The conferees note that the budget request included \$8.581 billion (the sum of \$8.181 billion and \$400.0 million) of operation and maintenance and military construction funds for overseas basing activities.

The operation and maintenance tables in this statement of the managers include the following reductions in overseas basing activities:

[Dollars in thousands]	
Account	Change from request
Army:	
Wartime host nation support ...	-100,000
Residual value	-70,000
Foreign national employees	-120,000
Army subtotal	-290,000
Navy:	
Foreign nationals	-10,000
Navy subtotal	-10,000
Air Force:	
Foreign nationals	-70,000
Residual value	-30,000
Air Force subtotal	-100,000
Total	-400,000

The operation and maintenance tables also include a corresponding addition of \$400.0 million—\$290.0 million, \$10.0 million, and \$100.0 million in the Army, Navy, and Air Force accounts, respectively.

The conferees want to clarify that if the military services cannot achieve the overseas savings included in the operation and maintenance tables, they are authorized to spend the \$400.0 million added in the operation and maintenance tables for overseas basing activities (if the Secretary of Defense makes the determination and notification required by the House provision).

Clarification and codification of overseas military end strength limitation (sec. 1312)

The Senate bill contained a provision (sec. 1011) that would repeal the limitation that is to go into effect on October 30, 1996 on the number of U.S. military personnel permanently stationed ashore outside the United States.

The House amendment contained a provision (sec. 381) that would set the limitation at 200,000 personnel.

The Senate recedes with an amendment that would set the limitation at 203,000 personnel.

Cost-sharing policy and report (sec. 1313)

The Senate bill contained a provision (sec. 1017) that would state that the NATO allies should assist the United States in paying the incremental costs of stationing U.S. military

personnel in Europe solely in support of NATO obligations. The provision would also require the Secretary of Defense to include certain information in the annual burdensharing report.

The House amendment contained no similar provision.

The House recedes with an amendment that would delete the requirement for certain information that is already provided in the annual burdensharing report and that would make clarifying changes.

Report assessing the consequences of military cooperation activities (sec. 1314)

The House amendment contained a provision (sec. 1052) that would require the Secretary of Defense to submit a report to Congress assessing, on a regional basis, the national security consequences of U.S. military cooperation programs.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would change the report from a regional to a country-by-country assessment.

Review and report relating to the Western Hemisphere (sec. 1315)

The Senate bill contained a provision (sec. 1018) that would require the Secretary of Defense to review authorities, programs, organizations, defense forums, and defense education institutions relating to cooperative regional security programs in the Western Hemisphere. The provision would require the Secretary to submit to the Armed Services Committees of the Senate and House of Representatives a report concerning U.S. strategic objectives, external and internal threats, and the contributions that the programs, defense contacts, organizations, forums, and institutions make to regional security, host nation security and national development, and the strategic objectives of the United States.

The House amendment contained no similar provision.

The House recedes with an amendment that would make clarifying changes and require the Secretary of Defense to assess U.S. humanitarian, civic assistance, and civic action programs conducted with regional host countries.

Military-to-military contacts and comparable activities (sec. 1316)

The Senate bill contained a provision (sec. 1015) that would provide a statutory basis for the military-to-military contact program; preclude funds for this program from being used to provide military education and training, defense articles, or defense services; and provide \$46.3 million to expand the program to regions other than Eastern Europe and the Baltic states.

The House amendment contained a provision (sec. 1038) that would provide \$45.8 million for the program and limit the obligation of funds to not more than \$10.0 million until the Secretary of Defense submits a report describing the implementation of the program during fiscal year 1995.

The House recedes with an amendment that would clarify that funds may not be used under this section for the provision of international military education and training programs under chapter 5 of part II of the Foreign Assistance Act of 1961, except for the authorized activities under subsection (c). The amendment would also require the Secretary of Defense to submit a report to Congress not later than February 15, 1995 on the management structure of the military-to-military contacts program.

Acquisition and cross-servicing agreements (sec. 1317)

The House amendment included a provision (sec. 1022) that would allow the Secretary of Defense to enter into acquisition and cross-servicing agreements with the United Nations and regional organizations of which the United States is a member. The provision would also make other changes in the authority of the Secretary of Defense to enter into such agreements.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would (1) delete subsection (c) of the House provision on pricing principles; (2) expand the definition of the term "transfer" to include selling and leasing; and (3) make other changes in subchapter I of chapter 138 of title 10, United States Code, that would facilitate acquisition and cross-servicing agreements between the United States and other countries and organizations.

The conferees agree to limit the expansion of the Secretary's authority to international organizations "of which the United States is a member." If the Defense Department determines after experience with this expanded authority that expanding it further to include international organizations of which the United States is not a member would enhance the U.S. national interest, the conferees encourage the Department of Defense to submit a legislative proposal to make this change.

Permanent authority for the Department of Defense to share equitably the costs of claims under international armaments cooperative programs (sec. 1318)

The Senate bill contained a provision (sec. 823) that would extend indefinitely the authority of the Defense Department to pay its share of an international armaments cooperative program's claims in accordance with the program's cost-sharing formula or in accordance with any other equitable formula that is negotiated by the participants.

The House amendment contained no similar provision.

The House recedes.

Defense cooperation between the United States and Israel (sec. 1321)

The Senate bill contained a provision (sec. 1014) that would express the support of Congress for continued cooperation between the United States and Israel in military and technical areas.

The House amendment contained no similar provision.

The House recedes with an amendment. The conferees agree that the national interests of the United States and Israel are best served by strengthening existing mechanisms for cooperation and working toward eliminating unnecessary barriers to collaboration between the two countries.

Readiness of military forces of the Republic of Korea (sec. 1322)

The House amendment contained a provision (sec. 1060) that would express the sense of Congress and require a report on the military capabilities and readiness of South Korea's military forces.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would make several clarifying changes.

Military planning for the size and structure of a force required for a major regional contingency on the Korean peninsula (sec. 1323)

The Senate bill contained a provision (sec. 1099) that would express the sense of Con-

gress about the relationship between the force structure identified in the Bottom-Up Review and the situation of the Korean peninsula.

The House amendment contained no similar provision.

The House recedes with an amendment that would make several clarifying changes.

Sense of the Congress concerning the North Korean nuclear weapons development program (sec. 1324)

The House amendment contained a provision (sec. 1058) that would express the sense of Congress about the North Korean nuclear weapons program.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would make several clarifying changes.

Report on the United States and Japan security relationship (sec. 1325)

The House amendment contained a provision (sec. 2854) that would require the Secretary of Defense to submit a report to Congress on the U.S. military presence in Okinawa.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would direct the Secretary of Defense to submit a report to Congress on the security relationship between the United States and Japan.

TITLE XIV—PEACE OPERATIONS AND HUMANITARIAN ASSISTANCE ACTIVITIES

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Reports on reforming multilateral peace operations (sec. 1401)

The Senate bill contained a provision (sec. 1031) that would require the Secretary of Defense to submit two reports, six months apart, to the congressional defense committees on U.S. proposals for improving U.N. management of peace operations.

The House amendment contained no similar provision.

The House recedes with an amendment that would require the reports to be submitted to Congress instead of the congressional defense committees.

Report on military readiness implications of Bosnia peacekeeping deployment (sec. 1402)

The House amendment contained a provision (sec. 1044) that would require the Secretary of Defense to submit to the congressional defense committees a report assessing the implications for U.S. military readiness of the participation of U.S. ground combat forces in peacekeeping operations in Bosnia-Herzegovina.

The Senate bill contained no similar provision.

The Senate recedes.

Report on intelligence lessons learned from Somalia (sec. 1403)

The House amendment contained a provision (sec. 1045) that would require the Secretary of Defense to submit to Congress a report on lessons learned from U.S. participation in U.N. activities in Somalia.

The Senate bill contained no similar provision.

The Senate recedes with a technical amendment that would clarify that the report is limited to intelligence matters.

Bosnia and Herzegovina (sec. 1404)

The Senate bill contained a provision (sec. 1088) that would express the sense of the Congress that the United States should work

with NATO member nations and the U.N. Security Council to endorse the efforts of the contact group to bring about a peaceful settlement of the conflict in Bosnia and Herzegovina, including the following:

(a) the preservation of an economically, politically, and militarily viable Bosnian state capable of exercising its rights under the U.N. Charter by the lifting of the arms embargo on the government of Bosnia;

(b) if the Bosnian Serbs, while the contact group's peace proposal is being considered, attack the safe areas, the partial lifting of the arms embargo and the provision of defensive weapons and equipment to the government of Bosnia to defend the safe areas; and

(c) if the Bosnian Serbs do not respond constructively to the contact group's proposal, the President shall promptly propose the multilateral lifting of the arms embargo on the government of Bosnia in the U.N. Security Council and, if the Security Council fails to pass such a resolution, the President shall within five days consult with Congress regarding unilateral termination of the arms embargo.

The House amendment contained four provisions (secs. 1401-1404) that would unilaterally terminate the U.S. arms embargo on Bosnia and authorize the drawdown of defense articles from DOD stocks, DOD defense services, and military education and training in an aggregate value not to exceed \$200.0 million, without reimbursement from the government of Bosnia and Herzegovina. U.S. military personnel providing such defense services or military education and training would not perform any duties of a combatant nature.

The conferees agree on a provision that would express the support of the Congress for the efforts of the contact group to bring about a peaceful settlement of the conflict in Bosnia based upon the contact group's proposal. The provision would express the policy of the Congress that the United States should exercise leadership within the international community to cause the Bosnian Serb faction to accept the contact group's proposal by taking action on separate but complementary international and unilateral tracks.

The policy under the international track would state that the President should formally introduce and support a resolution in the U.N. Security Council to terminate the arms embargo on Bosnia within 14 days of the later of October 15, 1994, or ten days after this act is enacted.

On the unilateral track, if the Bosnian Serbs have not accepted the contact group's proposal and the U.N. Security Council has not lifted the arms embargo on Bosnia by the earlier of November 15, 1994, or 15 days after the President introduces the resolution in the U.N. Security Council, the provision would prohibit the use of funds to participate in, support, or assist the enforcement of the Bosnian arms embargo. The President would be able to waive this prohibition in the case of U.S. military personnel serving in NATO headquarters positions. The provision would specifically state that the prohibition on the use of funds to enforce the Bosnian arms embargo is not intended to impede enforcement of sanctions against Serbia. The provision would also require the President to submit a plan to and consult with the Congress on the manner in which the armed forces of the United States and friendly states would train the Bosnian armed forces outside the territory of Bosnia and Herzegovina; and require the President to submit a plan to and consult with the Con-

gress regarding the unilateral termination by the United States of observance of the Bosnia arms embargo and the implications thereof.

Finally, the provision would contain an interim policy that if the Bosnian Serb faction attacks any of the U.N. designated safe areas, the President should promptly formally introduce and support a resolution in the U.N. Security Council that authorizes the selective lifting of the Bosnia arms embargo to allow the provision of defensive weapons to enable the Bosnian forces to defend the safe areas.

The conferees note that the President has sent a letter to the Chairmen and Ranking Members of the Armed Services Committees of the Senate and House of Representatives stating, in pertinent part, that, "if by October 15 the Bosnian Serbs have not accepted the Contact Group's proposal, of July 6, 1994, it would be my intention within two weeks to introduce formally and support a resolution at the United Nations Security Council to terminate the arms embargo on Bosnia and Herzegovina."

In prohibiting the use of funds to participate in the enforcement of the Bosnian arms embargo, the conferees were careful to ensure that (a) the President could waive that prohibition in the case of U.S. military personnel who occupy positions throughout several NATO headquarters, including NATO's Supreme Allied Commander and the Commander in Chief, Allied Forces Southern Europe, and (b) U.S. forces could continue to conduct operations to enforce the arms and economic embargo on Serbia.

It is important that there is a clear understanding of the conferees' intent for the funding limitation in this provision. The conferees distinguished between what is *mandatory* under the U.N. Security Council resolution and what is *voluntary*. It is mandatory, for example, that the United States enforce the embargo by using its Customs agents and other law enforcement powers to stop the export of defense articles and services from the United States bound for Bosnia. It is voluntary, on the other hand, for any state to join the naval and air "picket line" that enforces the embargo in the waters of the Adriatic Sea and the air over the Balkans, for example, or to provide assistance or support to other states to help them do so. The conferees direct that the United States withdraw from all voluntary aspects of the enforcement of the embargo, but from no mandatory aspects when the relevant clauses of this provision are triggered. All voluntary participation must end for there to be good faith compliance with the stipulations of this statute.

The conferees intend this provision to encourage our NATO allies and other members of the U.N. Security Council to lift the arms embargo on Bosnia and to pressure the Bosnian Serb faction to accept the contact group's proposal.

Overseas humanitarian, disaster, and civic aid (sec. 1411)

The House amendment contained a provision (sec. 1023) that would establish a single funding account for overseas humanitarian, disaster, and civic aid (OHDACA) programs and limit the obligation of one-half of the funds in the account until regulations and a report required by section 1504 of the National Defense Authorization Act for Fiscal Year 1994 have been prescribed and submitted. The House provisions would authorize \$60.0 million for the OHDACA account for fiscal year 1995.

The Senate bill contained no similar provision, but would authorize \$71.9 million for humanitarian assistance for fiscal year 1995.

The Senate recedes with an amendment that would delete the reference to the report, which has now been submitted, and authorize \$86.0 million for the OHDACA account in fiscal year 1995, of which \$20.0 million would be reserved for humanitarian landmine clearing activities.

Foreign disaster relief activities (sec. 1412)

The Senate bill contained a provision (sec. 1016) that would provide a statutory basis for foreign disaster relief activities by authorizing the President to conduct such activities; require a Presidential determination that such activities are in the national interest of the United States and necessary to save lives; and require prompt notice to Congress concerning relevant matters. The provision would authorize \$46.3 million for fiscal year 1995.

The House amendment contained a provision (sec. 1024) that would limit the Defense Emergency Response Fund to disasters occurring in the United States; require the Secretary of Defense to designate a foreign disaster relief activity to be a national contingency operation; and provide for the overseas humanitarian, disaster, and civic aid (OHDACA) account to be used for organizing general policies and programs for foreign disaster relief activities, but not for conducting the actual disaster relief activities.

The House recedes with an amendment that would delete the specific authorization of funds and provide that the OHDACA account would fund the development of general policies and programs for foreign disaster relief activities.

Humanitarian assistance program for clearing landmines (sec. 1413)

The Senate bill contained a provision (sec. 354) that would authorize not more than \$10.0 million of operation and maintenance funds for the Secretary of Defense to carry out a humanitarian program for clearing landmines.

The House amendment contained two provisions (secs. 306 and 1025) that would address this matter. Section 306 would authorize not more than \$25.0 million of operation and maintenance funds to support the clearing of landmines for humanitarian purposes. Section 1025 would direct the Secretary of Defense to carry out a program to assist other nations in clearing landmines.

The House recedes with an amendment that would: (1) authorize not more than \$20.0 million for landmine clearing activities from the funds authorized for DOD overseas humanitarian, disaster, and civic aid programs; (2) allow the funds to be used for contributions to non-governmental organizations that have landmine clearing experience; (3) allow the funds to be used to transfer or lease equipment and technology to a foreign government participating in a landmine clearing program; and (4) require the Secretary of Defense to notify Congress of any activity carried out under this authority.

TITLE XV—ARMS CONTROL MATTERS

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Counterproliferation (secs. 1501-1507)

The budget request included \$30.3 million in the defense-wide operation and maintenance account for counterproliferation.

The Senate bill contained provisions that would recommend extension and revision of authorities contained in section 1505 of the National Defense Authorization Act for Fiscal Year 1993 (sec. 1021); continue the

Joint Review Committee established by section 1605 of the National Defense Authorization Act for Fiscal Year 1994 through September 1, 1996, change the name of the Committee, modify the membership of the Committee, and narrow the focus of the group (sec. 1022); require a report to the congressional defense committees on the Committee's findings (sec. 1023); authorize \$13.5 million in defense-wide research and development and operation and maintenance accounts for counterproliferation activities, direct the use of \$15.0 million by the Advanced Research Projects Agency for two counterproliferation technology projects, and authorize the transfer of up to \$100.0 million for counterproliferation technology projects (sec. 1024); and, restrict the use of travel funds by the Assistant Secretary of Defense for International Security Policy, pending receipt of a report (sec. 1025).

The House amendment contained provisions that would recommend extension and revision of authorities contained in section 1505 of the National Defense Authorization Act for Fiscal Year 1993 (sec. 1211); require studies related to counterproliferation policy (sec. 1212); provide \$30.1 million of the requested funding (sec. 1213); limit the obligation of funds for counterproliferation studies pending receipt of a report (sec. 1214).

The conferees agree to a series of provisions on counterproliferation.

EXTENSION AND REVISION OF EXISTING AUTHORITIES

Section 1501 of this act would revise and extend the authorities in section 1505 of the National Defense Authorization Act for Fiscal Year 1993 through Fiscal Year 1995. The conference agreement would provide up to \$25.0 million in fiscal year 1994 and \$20.0 million in fiscal year 1995 to support international nonproliferation activities, including the On-Site Inspection Agency's (OSIA) support to the United Nations Special Commission on Iraq (UNSCOM). Assistance to international organizations would not include the payment of administrative costs of U.S. participation in international organizations.

The conferees have concerns regarding the Department's request to support chemical weapons and ballistic missile dismantlement, nuclear materials control and removal, and the destruction of weapons of mass destruction and their delivery systems in areas outside the former Soviet Union, such as the Middle East, Brazil, Argentina, and South Africa. The conferees direct the Secretary of Defense to provide to the congressional defense and foreign affairs committees, 30 days in advance of any U.S. commitment to support these activities, a report on the activities which the Department seeks to support; the specific support to be provided; the cost of providing such support; potential future funding for this support; the extent to which the United States is obligated to provide such support; and the national security objective for providing the support.

JOINT REVIEW COMMITTEE AND ANNUAL REPORT

The conferees endorse the Senate provision that would continue the Joint Committee for the Review of Counterproliferation Programs through September 1, 1996; change the membership of the committee; and sharpen its focus, as described in the Senate report (S. Rept. 103-282). Additionally, the conferees would require the Joint Committee to submit reports on its findings to Congress in both unclassified and classified form no later than May 1, 1995 and May 1, 1996.

The conferees emphasize that the intent of reducing the membership and narrowing the focus of the Committee is to enable the Defense Department to prioritize program and budget submissions so that they address the priority military needs identified in the May 1, 1994 report to Congress on nonproliferation and counterproliferation activities and programs. The conferees recognize the role of other government agencies and departments in nonproliferation activities and emphasize that the role of the Joint Review Committee is to facilitate the coordination of counterproliferation and nonproliferation activities.

FUNDING FOR COUNTERPROLIFERATION PROGRAMS

The conferees agree to authorize \$16.5 million in defense-wide research and development accounts for counterproliferation activities identified by the Joint Review Committee as defense technology gaps. The conferees recommend that funds be made available for counterproliferation projects identified in the May 1994 report on nonproliferation and counterproliferation activities and programs, including the following: (1) a joint demonstration program for the detection, characterization, and defeat of deep and/or hardened underground structures. The conferees also recommend that technology programs at the Defense Nuclear Agency (DNA), the Advanced Research Projects Agency, the service laboratories, the national weapons laboratories, the intelligence community, and the National Test Facility be fully leveraged for this effort; and (2) field demonstrations for operational users utilizing promising and existing technologies like biological detectors and alarms, improved decontamination equipment and solutions, and improved chemical gear and masks. A report shall be submitted to the congressional defense committees within 90 days of enactment of this act identifying the priorities for which these funds would be utilized.

The conferees are concerned that the Defense Department's efforts in this field need more focus and coordination. Therefore, they direct the Department to develop a plan to promote and improve the education of military personnel on proliferation, nonproliferation, and counterproliferation issues. To initiate this program, the conferees recommend \$2.0 million in the defense-wide operation and maintenance account. This program would be managed by the Chairman of the Joint Chiefs of Staff. The military services' professional military education schools and the National Defense University would establish or continue their current mission of determining the implications of weapons of mass destruction (WMD) for doctrine and develop recommended solutions to WMD warfighting requirements. Of this amount, not more than \$500,000 would be available for the National Defense University counterproliferation program to conduct a broad range of policy research related to WMD proliferation. Additionally, the conferees endorse the Senate recommendation to add \$500,000 to the research and development, defense agencies account for technical studies, support, and analysis in program element 605104D to be available to the Joint Chiefs of Staff for the unified commands' preparations to meet power projection challenges.

The conferees are increasingly concerned with the growing problem of criminal activity in Eastern Europe, the Baltic countries, and the former Soviet Union. The possible theft of nuclear materials by these organized crime groups makes it imperative that the

United States act to prevent the proliferation of illegally acquired nuclear weapons, components, and related materials, and in particular, to prevent these materials from entering the United States. To fulfill this urgent requirement, the conferees agree that funds authorized for the Advanced Research Projects Agency for counterproliferation technology projects shall be available for two projects: (1) \$5.0 million for a program to detect, locate, and disable weapons of mass destruction hidden by terrorists or hostile states in a confined area outside the United States. To the extent possible, the conferees recommend that the existing resources of the national weapons laboratories be utilized; and (2) \$10.0 million for a joint Department of Defense-Federal Bureau of Investigation (FBI) law enforcement training program. The purpose of this program would be to expand and improve U.S. efforts to deter the possible proliferation of weapons of mass destruction by crime organizations in Eastern Europe, the Baltic countries, and states of the former Soviet Union.

Lastly, the conferees agree to authorize the Department to transfer up to \$100.0 million of funds available in the research and development, defense agencies account for counterproliferation programs, projects, or activities identified by the Joint Review Committee as areas for progress.

RESTRICTIONS AND LIMITATIONS ON FUNDING

The conferees recommend a number of restrictions and limitations on the obligation of funds.

Until the Director of the Federal Bureau of Investigation and the Director of the Advanced Research Projects Agency jointly submit a memorandum of understanding that outlines the program plan and mechanisms for execution of the training program, only \$1.0 million shall be available to ARPA and the FBI for the preparation of two reports that: (1) identify the nature and extent of the threat posed to the United States by the possible proliferation and acquisition of weapons of mass destruction by organized crime groups in Eastern Europe, the Baltic countries, and the former Soviet Union, and (2) assess the actions that the United States should take to assist law enforcement agencies in these countries to prevent and deter the theft of nuclear weapons material and components and other weapons of mass destruction. This report should include information on the costs of personnel, support equipment, and training, the time required to commence the program, and future funding required for the program.

Pending receipt of a report on the proliferation of military satellites required by section 1363 of the National Defense Authorization Act for Fiscal Year 1993, no funds available to the Department for travel expenses may be expended for travel by the Assistant Secretary of Defense for International Security Policy.

Further, the conferees would limit the obligation of \$1.0 million of the funds authorized in section 1504(c) for counterproliferation studies until the report on the effect of increased use of dual-use technologies on the ability to control exports required by section 1422 of the National Defense Authorization Act for Fiscal Year 1994 is submitted to the congressional defense committees.

Finally, the conferees agree that \$4.0 million of the funds authorized in section 1504 for counterproliferation activities shall not be available for obligation by the Department until the congressional defense and intelligence committees receive the following:

(1) a report from the intelligence and communications architectures (INCA) project of assessing the technical feasibility of a proposed classified counterproliferation database system; and (2) a DOD reprogramming request for this database system that is matched dollar for dollar by a reprogramming request within the national foreign intelligence program (NFIP) by the Director of Central Intelligence. Further details on this program are contained in the research and development, defense agencies portion of the statement of the managers under the C3I intelligence program.

Non-Proliferation Treaty (NPT) review conference (sec. 1508)

The House amendment contained a provision (sec. 1054) that would express the sense of the Congress that the President seek an indefinite and unconditional extension of the Nonproliferation Treaty in the 1995 review conference.

The Senate bill contained no similar provision.

The Senate recedes with an amendment.

Negotiations on limiting nuclear weapons testing (sec. 1509)

The House amendment included a provision (sec. 1059) that would urge the Conference on Disarmament to make all possible progress toward a comprehensive test ban treaty and would discourage the nuclear powers from conducting nuclear weapons tests prior to the conclusion of a comprehensive test ban treaty.

The Senate bill did not contain a similar provision.

The Senate recedes with an amendment.

Arms control compliance

The budget request contained \$271.4 million for arms control-related programs.

The Senate bill would authorize \$251.1 million for these programs.

The House amendment would authorize \$271.4 million.

The conferees recommend several adjustments to the requested amount based on consultations with officials from the Office of the Secretary of Defense, the military serv-

ices, and the On-Site Inspection Agency (OSIA). The adjustments reflect delays in the anticipated date of entry into force of the Strategic Arms Reduction Treaty (START), the Chemical Weapons Convention (CWC), the Bilateral Destruction Agreement (BDA) between the United States and Russia, and the Open Skies Treaty (OST). The adjustments result in an overall reduction of \$20.0 million for arms control compliance activities. The reductions are to be made in the following manner: \$7.0 million in the O&M account for OSIA, and \$6.0 million to the Army, \$3.0 million to the Navy, and \$4.0 million to the Air Force O&M accounts.

The statement of the managers accompanying the conference report on the National Defense Authorization Act for Fiscal Year 1994 (H. Rept. 103-357) directed the Department of Defense to notify the congressional defense committees in writing 30 days prior to U.S. agreement to any recommendations in the various arms control consultative and verification commissions that would result in a technical change to a treaty that would affect inspection and monitoring provisions or that would increase U.S. costs of implementation. The Department has not complied with this request. The conferees direct the Department to comply with this request without delay. Additionally, the conferees direct the Secretary of Defense to provide a report to the congressional defense committees by February 28, 1995 on (1) all memoranda of understandings and political agreements or statements agreed with parties with whom the United States has a bilateral or multilateral arms control agreement; (2) a detailed accounting of additional expenses incurred as a result of these agreements; and (3) projected costs of the agreements.

FISCAL YEAR 1995 DOD ARMS CONTROL BUDGET
(Dollars in millions)

Account and Program	Request	Recomm	Rec Auth
WPN Arms control compliance	7.944	0.000	7.944
MPAF MMII/MMIII mods	4.728	0.000	4.728
OPAF Spares & repairs	2.496	0.000	2.496

FISCAL YEAR 1995 DOD ARMS CONTROL BUDGET—
Continued
(Dollars in millions)

Account and Program	Request	Recomm	Rec Auth
OPA Arms control compliance	3.510	0.000	3.510
RD1&E, AF Arms control implementation	6.456	0.000	6.456
RD1&E, DA Ver tech dem, DNA (603711)	41.068	0.000	41.068
O&M, Army	39.237	-6.000	33.237
O&M, Navy	34.061	-3.000	31.061
O&M, Air Force	32.010	-4.000	28.010
O&M, DA OSIA	99.947	-7.000	92.947
Total	271.457	-20.000	251.457

TITLE XVI—RESERVE OFFICER PERSONNEL MANAGEMENT ACT (ROPMA)

Reserve Officer Personnel Management Act (secs. 1601-1693)

The House amendment included provisions (sec. 1301-1393) that collectively constitute the Reserve Officer Personnel Management Act (ROPMA).

The Senate bill contained no similar provisions.

The Senate recedes with an amendment that would delay the effective date of ROPMA until October 1, 1996. The conferees note the detailed legislative history of ROPMA contained in the House report (H. Rept. 103-84). The conferees agree that the Senate will consider perfecting legislation new year, including accelerating the effective date of ROPMA.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

OVERVIEW

The budget request for fiscal year 1995 contained \$8,322,623,000 for military construction and family housing.

The Senate bill would authorize \$8,823,936,000 for military construction and family housing.

The House amendment would provide \$8,835,174,000 for this purpose.

The conferees recommend authorization of \$8,837,019,000 for military construction and family housing in fiscal year 1995.

FISCAL YEAR 1995 MILITARY CONSTRUCTION AUTHORIZATION (IN THOUSANDS OF DOLLARS)

August 12, 1994

CONGRESSIONAL RECORD—HOUSE

21989

		08-Aug-94		04:51 PM	
AUTHORIZATION OF APPROPRIATIONS					
RECAPITULATION					
[In thousands of dollars]					
		BUDGET	H. PASSED	S. PASSED	CONFERENCE
		REQUEST			AGREEMENT
ARMY.....	ARMY	690,576	853,426	490,076	552,976
NAVY.....	NAVY	320,470	448,786	340,455	386,760
AIR FORCE.....	AIR FORCE	353,313	503,213	526,663	529,313
DEFENSE AGENCIES.....	DEFENSE AGENCIES	481,729	465,009	546,519	508,069
NATO INFRASTRUCTURE.....	NATO	219,000	119,000	219,000	119,000
BASE REALIGN & CLOSURE I.....	BASE CLOSURE I	87,600	87,600	87,600	87,600
BASE REALIGN & CLOSURE II.....	BASE CLOSURE II	398,700	398,700	398,700	398,700
BASE REALIGN & CLOSURE III.....	BASE CLOSURE III	2,189,858	2,005,897	2,189,858	2,189,858
ARMY NATIONAL GUARD.....	ARMY NATIONAL GUARD	9,929	145,067	180,312	188,062
AIR NATIONAL GUARD.....	AIR NATIONAL GUARD	122,770	210,212	240,003	249,053
ARMY RESERVE.....	ARMY RESERVE	7,910	37,410	37,870	57,370
NAVY RESERVE.....	NAVY RESERVE	2,355	11,905	17,355	22,748
AIR FORCE RESERVE.....	AIR FORCE RESERVE	28,190	55,516	43,840	57,066
TOTAL MILITARY CONSTRUCTION.....	TOTAL	4,912,400	5,341,741	5,318,251	5,346,575
FAMILY HOUSING CONSTRUCTION, ARMY.....	FHC-ARMY	152,402	164,402	173,502	170,002
FAMILY HOUSING SUPPORT, ARMY.....	FHS-ARMY	1,121,208	1,121,208	1,067,708	1,013,708
FAMILY HOUSING CONSTRUCTION, NAVY.....	FHC-NAVY	229,295	267,465	229,295	267,465
FAMILY HOUSING SUPPORT, NAVY.....	FHS-NAVY	853,599	853,599	937,599	937,599
FAMILY HOUSING CONSTRUCTION, AIR FORCE.....	FHC-AIR FORCE	222,993	243,482	243,355	247,444
FAMILY HOUSING SUPPORT, AIR FORCE.....	FHS-AIR FORCE	801,345	801,345	824,845	824,845
FAMILY HOUSING CONSTRUCTION, DEFENSE AGENCIES.....	FHC-DEFENSE AGENCIES	350	350	350	350
FAMILY HOUSING SUPPORT, DEFENSE AGENCIES.....	FHS-DEFENSE AGENCIES	29,031	29,031	29,031	29,031
TOTAL FAMILY HOUSING.....	FH-TOTAL	3,410,223	3,480,882	3,505,685	3,490,444
TOTAL MILITARY CONSTRUCTION & FAMILY HOUSING.....		8,322,623	8,822,623	8,823,936	8,837,019

TITLE XXI—ARMY
FISCAL YEAR 1995

The Senate bill would authorize \$1,731,286,000 for Army military construction and family housing programs for fiscal year 1995.

The House amendment would authorize \$2,139,036,000 for this purpose.

The conferees recommend authorization of \$1,736,686,000 for Army military construction and family housing for fiscal year 1995.

Authorization of military construction project at Fort Bragg, North Carolina, for which funds have been appropriated (sec. 2105)

The House amendment contained a provision (sec. 2105) that would authorize the Secretary of the Army, with amounts previously appropriated, to construct a library at Fort Bragg, North Carolina in the total amount of \$5.5 million.

The Senate bill contained no similar provision.

The Senate recedes.

Relocation of Army family housing units from Fort Hunter-Liggett, California to Fort Stewart, Georgia (sec. 2106)

The Senate bill contained a provision (sec. 2105) that would amend the Military Construction Authorization Act for Fiscal Year 1992 (Division B of Public Law 102-190) to relocate a portion of the family housing units that had been authorized for construction at Fort Hunter-Liggett, California, to Fort Stewart, Georgia. The provision, which does not alter the amount of the original authorization, reflects basing changes that have occurred since the original authorization.

The House amendment contained no similar provision.

The House recedes.

Highway safety at Hawthorne Army Ammunition Plant, Nevada (sec. 2107)

The Senate bill contained a provision (sec. 2106) that would direct the Secretary of the Army to study traffic safety with respect to the rail and truck crossing on the highway at the Hawthorne Army Ammunition Plant. The Secretary's study would evaluate the feasibility of constructing a vehicle bridge over the rail and truck crossing, and determine if such a project qualifies as a military construction project or as a defense access road construction project as defined in section 210 of title 23, United States Code.

The House amendment contained no similar provision.

The House recedes.

Replacement of destroyed facility, Fort Gordon, Georgia

The conferees note that the 63d Signal Battalion vehicle maintenance facility at Fort Gordon, Georgia was destroyed by fire on January 16, 1994. The estimated replacement cost of the facility is \$3.5 million. The conferees direct the Secretary of the Army to reprogram funds for this replacement project using authority in section 2854 of title 10, United States Code.

Authorization of projects for United States Forces, Korea

The conferees agree to authorize for appropriation \$34.6 million for construction of barracks at two Army installations, Camp Casey and Camp Red Cloud, located in South Korea. Although these projects were not requested by the Administration, compelling testimony before the Armed Services Committees of the Senate and House of Representatives indicated that living conditions for the soldiers stationed near the Demilitarized Zone in Korea were substandard.

Many of the soldiers assigned to these installations are housed in overcrowded, substandard quonset huts and H-relocatable buildings. These substandard facilities are deteriorated, undersized, energy inefficient, and structurally unsound.

The conferees agree that despite substantial contributions by the Republic of Korea toward upgrading U.S.-occupied military facilities, the Congress has an obligation to provide for the welfare of our armed forces. The authorization of these projects will enhance the moral and readiness of U.S. armed forces stationed in South Korea.

Management of military family housing, Hawaii

The conferees note the Secretary of Defense's decision to decentralize the Hawaii military family housing operation and maintenance, and management functions and accounts. The conferees understand that all funding for new construction, improvements, and operations, including furnishings management and maintenance, will now be the responsibility of each of the military services. The Department of the Army will continue to provide consolidated off-post housing referral services. Other functions such as installation master planning and the provision of handicapped-accessible housing will return to each service along with the management of its family housing.

To facilitate this decentralization, the conferees recommend the transfer and redistribution of \$107.5 million from the Army's family housing account to the family housing accounts of the Navy and Air Force based on an allocation agreed upon by the military services.

TITLE XXII—NAVY
FISCAL YEAR 1995

The Senate bill would authorize \$1,507,349,000 for Navy military construction and family housing programs for fiscal year 1995.

The House amendment would authorize \$1,569,850,000 for this purpose.

The conferees recommend authorization of \$1,591,824,000 for Navy military construction and family housing for fiscal year 1995.

Restoration of authority to carry out military construction project at Naval Supply Center, Pensacola, Florida (sec. 2205)

The House amendment contained a provision (sec. 2205) that would authorize the Secretary of the Navy to construct a cold storage facility at the Naval Supply Center, Pensacola, Florida and any other construction associated with contract N62467-86-C-0421 which was entered into before the termination of authority, notwithstanding section 2205(b)(1)(D)(ii) of the Military Construction Authorization Act for Fiscal Year 1994 (Division B of Public Law 103-160).

The Senate bill contained a similar provision (sec. 2205).

The Senate recedes.

Design activities for upgrade of Mayport Naval Station, Florida (sec. 2206)

The House amendment contained a provision (sec. 2206) that would require, at the conclusion of a facilities study, the Secretary of the Navy to begin design activities for military construction projects to provide Mayport Naval Station, Florida with the capability to serve as a homeport for a nuclear-powered aircraft carrier.

The Senate bill contained a similar provision (sec. 2207).

The Senate recedes.

Relocation of Pascagoula Coast Guard Station, Mississippi (sec. 2207)

The Senate bill contained a provision (sec. 2206) that would authorize the Secretary of

the Navy to enter into an agreement with the Secretary of Transportation to allow the U.S. Coast Guard to relocate the Pascagoula Coast Guard facilities to the Pascagoula Naval Station.

The House amendment contained no similar provision.

The House recedes with an amendment that would prohibit: (1) the Coast Guard from incurring any cost in the relocation to the Pascagoula Naval Station; and (2) the Pascagoula Coast Guard from relocating if the relocation of the Coast Guard facility would interfere with the performance of the mission of the Navy or be incompatible with Coast Guard operations in the Pascagoula area.

Water processing system upgrade, Construction Battalion Center Port Hueneme, California

The conferees understand that the Department of the Navy and the local water authorities in the Oxnard, California area, represented by the Sub-Regional Water District (SRWD), continue to negotiate the net regional benefits of managed water consumption. Therefore, the conferees intend that the authorization to construct a water processing system upgrade contained in this act should be construed to include other options, as may be negotiated, that provide the same potable water services included in the original project. These options may include, but are not limited to, assigning a portion, up to a maximum of \$1.7 million, of the authorized funds to the SRWD for the purpose of construction of a regional reverse osmosis water treatment plant and provision of water to the Navy at favorable rates in lieu of construction of the plant by the Navy.

Defense access road, Blount Island, Florida

The House amendment would authorize \$10.0 million for the construction of a defense access road in Blount Island, Florida.

The Senate bill did not provide funds for this project.

The House recedes.

The conferees direct the Secretary of the Navy to study the requirement for the road project and work with the Military Traffic Management Command to determine if the project qualifies for the defense access road (DAR) program as described in section 210 of title 23, United States Code. If the project qualifies for the DAR program, the Navy is encouraged to request authorization of appropriation for the road project in the budget request for fiscal year 1996.

Power plant upgrade, Public Works Center, Guam

The conferees understand that the Department of the Navy and the Guam Power Authority have shared the operating cost and use of power plants serving the Guam island wide power system (IWPS) as agreed to in the Power Pool Agreement of 1972. The Navy is seeking to terminate the 1972 Agreement and release all operating responsibilities of the power systems. As stated in the Agreement, the Navy must upgrade the Piti Power Plant before it can withdraw from the 1972 Agreement.

The House amendment would authorize \$21.6 million to upgrade the Piti Power Plant.

The Senate bill did not include funds for this project.

The House recedes.

The conferees note the Navy's desire to terminate the 1972 Agreement and encourage the Navy to request funds for the power plant upgrade in the fiscal year 1996 budget request.

TITLE XXIII—AIR FORCE
FISCAL YEAR 1995

The Senate bill would authorize \$1,594,836,000 for Air Force military construction and family housing programs for fiscal year 1995.

The House amendment would authorize \$1,548,040,000 for this purpose.

The conferees recommend authorization of \$1,601,602,000 for Air Force military construction and family housing for fiscal year 1995. *Authorization of previously appropriated military construction projects at Tyndall Air Force Base, Florida (sec. 2305)*

The Senate bill contained a provision (sec. 2305) that would amend section 2301 of the Military Construction Authorization Act for Fiscal Year 1994 (Division B of Public Law 103-160) to authorize \$3.2 million for an addition to a base supply and equipment warehouse and \$2.4 million for construction of a security policy operations facility at Tyndall Air Force Base, Florida.

The House amendment contained a similar provision (sec. 2306).

The House recedes.

Revision of authorized family housing project, Tyndall Air Force Base, Florida (sec. 2306)

The Senate bill contained a provision (sec. 2306) that would amend section 2302(a) of the Military Construction Authorization Act for Fiscal Year 1994 (Division B of Public Law 103-160) to convert the Tyndall Air Force Base, Florida infrastructure project into a 45-unit family housing project.

The House amendment contained a similar provision (sec. 2305).

The House recedes.

Modification of Air Force Plant No. 3, Tulsa, Oklahoma (sec. 2307)

The House amendment contained a provision (sec. 2307) that would authorize the Secretary of the Air Force to use up to \$10.0 million of available funds for repair and maintenance to modify Air Force Plant No. 3 located in Tulsa, Oklahoma.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of the Air Force to submit a report to the congressional defense committees certifying the modifications are consistent with the future national security mission of the facility and wait 30 days before funds for modifications to the plant are obligated.

Repeal of limitation on the order of retirement of Minuteman II missiles (sec. 2308)

The House amendment contained a provision (sec. 2308) that would repeal section 2307 of the Military Construction Authorization Act for Fiscal Year 1991 (Division B of Public Law 101-510). The section requires the Secretary of the Air Force to provide that the installation which receives the last operational upgrade for the Minuteman II missile systems be the installation from which the last Minuteman II missile is retired.

The Senate bill contained no similar provision.

The Senate recedes.

Emergency construction

The conferees understand that recent flooding in middle Georgia has caused severe damage to facilities at Robins Air Force Base, Georgia. The base is seeking additional operation and maintenance funds from Air Force Headquarters to repair much of the flood damage. However, the hazardous waste disposal processing center was inundated with flood water and will require replacement.

The conferees are concerned that the flood damage to the hazardous material facility may cause future environmental and health safety hazards and urge the Secretary of the Air Force to consider constructing a \$4.1 million replacement facility using emergency construction authority in section 2803 of title 10, United States Code.

Certain construction projects funded through operation and maintenance accounts

The conferees direct, within funds authorized for real property maintenance and repair, the Department of the Air Force to proceed with the following repair projects in fiscal year 1995: (1) \$4.5 million, repair parking apron, Minot Air Force Base, North Dakota; (2) \$7.6 million, repair depot maintenance hangar (phase I), Kelly Air Force Base, Texas; and (3) \$1.7 million, upgrade electrical service to industrial area, McClellan Air Force Base, California.

TITLE XXIV—DEFENSE AGENCIES

FISCAL YEAR 1995

The Senate bill would authorize \$3,252,058,000 for Defense Agencies military construction and family housing programs for fiscal year 1995.

The House amendment would authorize \$2,999,138,000 for this purpose.

The conferees recommend authorization of \$3,213,608,000 for Defense Agencies military construction and family housing for fiscal year 1995.

Energy conservation projects (sec. 2404)

The Senate bill contained a provision (sec. 2404) that would authorize the Secretary of Defense to carry out energy conservation projects using funds authorized in section 2405(a)(8) of this act.

The House amendment contained a similar provision (sec. 2404).

The House recedes.

Community impact assistance with regard to Naval Weapons Station, Charleston, South Carolina (sec. 2406)

The House amendment contained a provision (sec. 2406) that would, within amounts pursuant to the authorization of appropriations in section 2405(a) of the House bill, authorize the Secretary of the Navy to transfer \$3.0 million to the South Carolina Department of Highways and Public Transportation to be used for improvements to North Rhett Avenue, Charleston, South Carolina. This would help alleviate the adverse effects of the closure of Charleston Naval Station and Charleston Naval Shipyard, South Carolina, on the surrounding communities.

The Senate bill contained a similar provision (sec. 2407).

The Senate recedes with a technical amendment.

Planning and design for construction in support of consolidation of operations of the Defense Finance and Accounting Service (sec. 2407)

The Senate bill contained a provision (sec. 2408) that would direct that \$6.0 million of funds authorized for appropriation in section 2405(a)(7) of the Senate bill be available for planning and design activities to support the consolidation of operations of the Defense Finance and Accounting Service.

The House amendment contained no similar provision.

The House recedes.

Modification of authority to carry out fiscal year 1993 project (sec. 2408)

The Senate bill contained a provision (sec. 2408) that would terminate the fiscal year 1993 authorization for construction of a \$390.0 million replacement hospital at Fitzsimons Army Medical Center in Aurora, Colorado.

The House amendment contained no similar provision.

The House recedes with an amendment that would reduce the fiscal year 1993 authorization to \$225.0 million. The provision would require the Secretary of Defense, if the fiscal year 1996 budget request includes funds for the construction of a replacement facility at Fitzsimons Army Medical Center, to submit, no later than March 15, 1995, a report to the congressional defense committees that certifies that a replacement facility is needed to meet military health care requirements. The report shall address the following:

(1) the cost-effectiveness of building a replacement facility;

(2) the Department of Defense policy on construction of new military medical facilities where the majority of the beneficiary population is military retirees and their dependents;

(3) the relative percentage of active duty personnel, dependents of active duty personnel, military retirees, and dependents of military retirees that would be served in the catchment area and in the region 8 area;

(4) the availability and cost of medical care from civilian medical facilities in the catchment area for the beneficiary population;

(5) the occupancy rates of civilian medical facilities in the catchment area;

(6) the level of care provided by civilian hospitals in the catchment area;

(7) the relative cost and ability of other Department of Defense medical facilities or civilian medical facilities in region 8 to provide the medical care for patients in region 8 currently provided by Fitzsimons Army Medical Center;

(8) the projected occupancy rates at Fitzsimons Army Medical Center with and without patients from outside the catchment area and the region 8 area; and

(9) the cost-effectiveness and contribution of the graduate medical education program at Fitzsimons Army Medical Center to meeting the Army's requirements for training military medical personnel.

Chemical demilitarization program

The conferees agree to transfer the authorization for military construction associated with the chemical demilitarization program from the Department of the Army account to a Defense-Wide account, with the Army continuing to act as executive agent for the program. The conferees agree to an authorization of appropriation for phase I of construction for two chemical demilitarization facilities located at Pine Bluff Arsenal, Arkansas and Umatilla Army Depot, Oregon. The conferees expect the remainder of the funds necessary to complete these projects to be requested in the fiscal year 1996 budget in the mandated Defense-Wide account.

As executive agent for the chemical demilitarization program, the Army notified the congressional defense committees of the need to include funding for carbon filtration systems for four chemical demilitarization facilities. The conferees agree to authorize \$4.0 million for Anniston Army Depot, Alabama and \$5.0 million for Tooele Army Depot for these systems. The conferees direct the Department to request funds for the two additional carbon filtration systems for Pine Bluff Arsenal, Arkansas and Umatilla Army Depot, Oregon in the fiscal year 1996 budget request.

TITLE XXV—NATO
FISCAL YEAR 1995

The Senate bill would authorize \$219.0 million for the U.S. contribution to the NATO Infrastructure program for fiscal year 1995.

The House amendment would authorize \$119.0 million for this purpose.

The conferees recommend authorization of \$119.0 million for the U.S. contribution to the NATO Infrastructure program.

This reduction is made without prejudice. The conferees acknowledge the May 1993 NATO report on the "Renewal of the Infrastructure Program." The report brings the infrastructure program in line with the new NATO strategic concept and reduces annual infrastructure funding levels by half from pre-1991 levels. The conferees reduce this authorization in order to meet other priority overseas infrastructure requirements, including quality of life facilities near the Demilitarized Zone in South Korea.

TITLE XXVI—GUARD AND RESERVE
FISCAL YEAR 1995

The Senate bill would authorize \$519,380,000 for military construction and land acquisition for fiscal year 1995 for the National Guard and reserve components.

The House amendment would authorize \$460,110,000 for this purpose.

The conferees recommend authorization of \$574,299,000 for military construction and land acquisition for fiscal year 1995. This authorization would be distributed as follows:

Army National Guard	\$188,062,000
Air National Guard	249,053,000
Army Reserve	57,370,000
Naval/Marine Corps Reserve	22,748,000
Air Force Reserve	57,066,000

Prohibition on use of funds for unauthorized Guard and reserve projects (sec. 2602)

The House amendment contained a provision (sec. 2602) that would prohibit the Guard and reserve components from using military construction funds for unauthorized Guard and reserve projects.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would provide for certain exceptions to the prohibition. The prohibition would not apply with respect to Guard and reserve funds for:

- (1) unspecified planning and design and for unspecified minor construction;
- (2) projects specifically authorized by a law enacted after the date of the enactment of this act;
- (3) projects designated as emergency construction;
- (4) projects designated as contingency construction;
- (5) projects required to carry out an environmental response action;
- (6) projects required to repair, restore, or replace damaged or destroyed facilities; and
- (7) projects specified in past statements of the managers of conference committees to accompany any acts authorizing military construction projects.

Authorization of projects for which funds have been appropriated (sec. 2603)

The House amendment included a provision (sec. 2603) that would amend section 2601 of the Military Construction Authorization Act for Fiscal Year 1994 (Division B of Public Law 103-160) to increase the authorization of the Army National Guard and the Naval/Marine Corps Reserve accounts.

The Senate bill contained a similar provision (sec. 2602).

The Senate recedes with an amendment that would authorize additional Army National Guard military construction projects, including:

Fort Irwin, CA—maintenance covers	\$1,265,000
Moloki, HI—armory	1,050,000
Oahe, HI—add to/alter armory	4,300,000
Tupelo, MS—Army aviation support facility	3,210,000
Las Cruces, NM—Army aviation support facility	1,014,000
Salem, OR—aviation taxiway repair	3,183,000
<i>State National Guard Headquarters, Fort Dix, New Jersey (sec. 2604)</i>	

The House amendment contained a provision (sec. 2604) that would authorize, pursuant to the authorization of appropriations in section 2601(1)(A) of the Military Construction Authorization Act of Fiscal Year 1993 (Division B of Public Law 102-484), the New Jersey National Guard to renovate, alter, and add to an existing facility at Fort Dix, New Jersey to accommodate a consolidated New Jersey National Guard headquarters.

The Senate bill contained no similar provision.

The Senate recedes.

Colorado state area command armory, Englewood, Colorado (sec. 2605)

The conferees agree to a provision that would allow the Secretary of Defense to consider the cost of market value of the buildings and improvements contributed by the State of Colorado to the Colorado National Guard in computing the amount of the federal contribution for construction of an armory in Englewood, Colorado.

Miscellaneous report requirements

The House report (H. Rept. 103-499) and the Senate report (S. Rept. 103-282) discussed military construction items of special interest. The conferees endorse the discussions in both reports and, unless modifications to those reports are contained in this statement of the managers, the positions and requirements contained in the House and Senate reports on the fiscal year 1995 military construction authorization acts are agreed to by the conferees.

General reduction

The conferees agree to a general reduction of \$23.5 million in the authorization of appropriation for each of the Army, Navy, and Air Force military construction accounts. The general reductions are to be offset by savings from favorable bids, reduction in overhead costs, cancellation of projects due to force structure changes, and cancellation of projects due to the 1995 base realignment and closure decisions. The general reductions shall not cancel any military construction project authorized by this act.

Planning and design authorizations

The conferees direct that, within amounts authorized for the Army, Army National Guard, Air National Guard, and Air Force Reserve facility planning and design accounts, the services proceed with design activities for the following projects:

<i>Army:</i>	
Fort Benning, GA, consolidated maintenance facility	\$1,000,000
Tobyhanna Army Depot, PA, industrial operations facility	1,200,000
<i>Army National Guard:</i>	
Camp Blanding, FL, water system upgrade	400,000

Camp Shelby, MS, multi-purpose range complex	1,200,000
Nashville, TN, state area command facility	800,000
<i>Air National Guard:</i>	
Massachusetts Military Reservation, MA, installation restoration facility	1,000,000
<i>Air Force Reserve:</i>	
Luke AFB, AZ, squadron operations facility	266,000

Unspecified minor construction

The conferees direct, within funds authorized for unspecified minor construction for the Department of the Air Force and the Air National Guard, the services to proceed with the following minor military construction projects in fiscal year 1995: (1) \$900,000 to alter the mission equipment facility at Moody Air Force Base, Georgia; and (2) \$900,000 for an addition to the communications facility at McEntire Air National Guard Base, South Carolina.

Base maintenance and repair

The conferees are concerned with the backlog of maintenance and repair of existing facilities on military bases. During hearings before the Committees on Armed Services of the Senate and House of Representatives, witnesses from the military services testified that the backlog of maintenance and repair is continuing to grow at a rapid pace. For example, an Army witness testified that, at the start of fiscal year 1994, the backlog in maintenance and repair was \$2.7 billion and is projected to grow to \$4.6 billion by the end of fiscal year 1995.

The conferees understand that this situation is not unique to the Army and that this backlog will continue to grow as facilities age and the funding level for maintenance and repair continues at a steady state.

While eliminating the backlog will require many years, the conferees urge the military services to establish an appropriate level of funding in their future programs to significantly reduce the backlog.

The budget request for fiscal year 1995 included \$4.1 billion for real property maintenance and repair. The conferees agree to increase the real property maintenance and repair accounts for the military services by the following amounts: \$30.0 million for the Army; \$25.0 million for the Navy; and \$20.0 million for the Air Force.

TITLE XXVIII—GENERAL PROVISIONS
LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Limitation of repair of existing facilities (sec. 2801)

The conferees are concerned that major repairs to facilities, funded through operation and maintenance accounts, are conducted without the oversight of the service secretaries or the Committees on Armed Services of the Senate and House of Representatives. The conferees believe improved oversight of the major repairs is required, but do not want to impose additional reporting requirements.

The conferees agree to a provision that would require the service secretary concerned to approve, in advance, any repair project with a total cost in excess of \$5.0 million. In determining the total cost of the repair project, the secretary shall include all phases of a multi-year repair project. The secretary shall also consider whether future plans, cost effectiveness, and the use of operation and maintenance funds are appropriate. The conferees note that this provision would not constrain the secretary's

flexibility to proceed with those projects requiring urgent repair.

Clarification of requirement for notification of Congress of improvements in family housing units (sec. 2801)

The Senate bill included a provision (sec. 2801) that would clarify the notification requirements for improvements to military family housing units by requiring congressional notification for only those family housing improvements exceeding \$50,000 per unit not previously included in the annual budget justification data.

The House amendment contained no similar provision.

The House recedes.

Limited partnerships for Navy housing (sec. 2803)

The House amendment contained a provision (sec. 2802) that would amend chapter 649 of title 10, United States Code, to authorize the Department of the Navy to invest in limited partnerships to develop privately-owned family housing units near military installations. The House amendment also contained a provision (sec. 2803) that would authorize the Secretary of the Navy to establish a Navy Housing Investment Board consisting of private sector and federal government representatives. The Board would administer a revolving fund for Navy housing investment agreements.

The Senate bill contained no similar provision.

The House recedes on section 2803.

The Senate recedes on section 2802 with an amendment that would authorize the Secretary of the Navy to enter into limited partnership with one or more private developers to encourage the construction of housing near Navy installations. The amendment would also enable the Secretary to establish a Navy Housing Investment Board. The Secretary would also be authorized to contribute between five and 35 percent of the development costs under the limited partnership. Housing provided through these limited partnerships would be available on a preferential and affordable basis to Navy personnel.

Reimbursement for facility services provided by the Department of Defense (sec. 2804)

The conferees agree to a provision that would authorize the Secretary of Defense and the service secretaries to charge a fixed rate to recover the costs of providing planning, supervision, administrative, or overhead services related to construction, repair, or maintenance of real property.

Authority to pay closing costs under the homeowners assistance program (sec. 2805)

The Senate bill contained a provision (sec. 2802) that would amend section 1013(c) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374(c)) to authorize the Secretary of the Army, using available funds, to pay a qualified applicant's closing costs under the homeowners assistance program.

The House amendment contained no similar provision.

The House recedes.

Prohibition against consideration in base closure process of advance economic planning undertaken by communities adjacent to military installations (sec. 2811)

The Senate bill contained a provision (sec. 2811) that would prohibit any advance economic redevelopment and reuse planning or other conversion planning conducted by communities in anticipation of the base closure process from being taken into consideration during base closure deliberations.

The House amendment contained a similar provision (sec. 2811).

The House recedes.

Prohibition on transfer of certain property located at military installations to be closed pending completion of redevelopment plans (sec. 2812)

The House amendment contained a provision (sec. 2814) that would prohibit, under certain circumstances, the secretary of a military department from transferring personal property at a closing base prior to completion of the redevelopment plan.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would direct the secretary of a military department to consult with the redevelopment authority, prior to completion of the redevelopment plan, to determine the items of personal property that the redevelopment authority might wish to retain at the closing base.

Clarifying and technical amendments to base closure laws (sec. 2813)

The Senate bill contained a provision (sec. 2812) that would make certain clarifying and technical amendments to the base closure laws.

The House amendment contained no similar provision.

The House recedes with an amendment that would delete section (e) of the Senate provision dealing with related personal property.

Governmental rental of facilities located on closed military installations (sec. 2814)

The House amendment contained a provision (sec. 2817) that would allow the Administrator of the General Services Administration to give priority consideration to leases at installations closed under a base closure law and transferred to a non-federal agency.

The Senate bill contained no similar provision.

The Senate recedes.

Report of effect of base closures on future mobilization options (sec. 2815)

The House amendment contained a provision (sec. 2815) that would direct the Secretary of Defense to submit a report to Congress by September 30, 1995, evaluating the effect of base closures and realignments conducted since January 1, 1987, on the ability of the armed forces to mobilize to various historical end strengths.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would require the Secretary to submit the report by January 1, 1996.

Restoration of annual leave for civilian employees in connection with certain base realignments (sec. 2816)

The House amendment contained a provision (sec. 2816) that would, under certain conditions, authorize the restoration of annual leave lost by civilian employees at military installations undergoing base realignments.

The Senate bill contained no similar provision.

The Senate recedes.

Reports to Congress on certain agreements of settlement for release of improvements at overseas military installations (sec. 2831)

The Senate bill contained a provision (sec. 2846) that would limit the review of proposed residual value settlements by the Office of Management and Budget to those settlements that have an estimated value in excess of \$10.0 million.

The House amendment contained no similar provision.

The House recedes.

Additional lessee of property at Naval Supply Center, Oakland, California (sec. 2821)

The House amendment contained a provision (sec. 2821) that would amend section 2834(b) of the Military Construction Authorization Act for Fiscal Year 1993 (Division B of Public Law 102-484) to include the City of Alameda, California as an additional lessee of the property at the Naval Supply Center, Oakland, California.

The Senate bill contained no similar provision.

The Senate recedes.

Modifications of land conveyance, Fort A.P. Hill Military Reservation, Virginia (sec. 2831)

The Senate bill contained a provision (sec. 2831) that would amend section 603(c)(3) of the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991 (Public Law 102-25) to expand the number of political subdivisions eligible to use the regional correctional facility and to extend the facility construction timeline.

The House amendment contained a similar provision (sec. 2822).

The House recedes.

Preservation of Calverton Pine Barrens, Naval Weapons Industrial Reserve Plant, New York, as nature preserve (sec. 2823)

The House amendment contained a provision (sec. 2823) that would amend section 2854 of the Military Construction Authorization Act for Fiscal Year 1993 (Division B of Public Law 102-484) to ensure that Calverton Pine Barrens is maintained and preserved, in perpetuity, as a nature preserve.

The Senate bill contained a similar provision (sec. 2834).

The Senate recedes.

Modification of conveyance of electricity distribution system, Fort Dix, New Jersey (sec. 2832)

The Senate bill contained a provision (sec. 2832) that would amend section 2846 of the Military Construction Authorization Act for Fiscal Year 1994 (Division B of Public Law 103-160) by deleting the reversionary clause.

The House amendment contained a similar provision (sec. 2824).

The House recedes.

The conferees understand that the Secretary of the Army has been unable to convey the Fort Dix electrical distribution system to the Jersey Central Power and Lighting Company as authorized in fiscal year 1994. The reversionary clause included in the original provision has precluded Jersey Central Power from bonding and insuring the distribution system. The conferees recommend removing the reversionary clause from the fiscal year 1994 provision to enable Jersey Central to take ownership of and begin operating the distribution system. The conferees note that the interests of the Department of the Army are protected by regulations of the Public Utilities Commission of the State of New Jersey.

Modification of land conveyance Fort Knox, Kentucky (sec. 2325)

The Senate amendment contained a provision (sec. 2833) that would amend section 2816 of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (Division B of Public Law 101-189) to authorize the Secretary of the Army to use proceeds from the sale of 12 acres of land in the city of Radcliff for improvements to existing family housing units at Fort Knox.

The House amendment contained no similar provision.

The House recedes.

Revisions to release of reversionary interest, Old Spanish Trail Armory, Harris County, Texas (sec. 2826)

The Senate bill contained a provision (sec. 2847) that would make certain technical corrections to section 2820 of the Military Construction Authorization Act for Fiscal Year 1994 (Division B of Public Law 103-160).

The House amendment contained no similar provision.

The House recedes.

Modification of height restriction in aviation easement (sec. 2827)

The House amendment contained a provision (sec. 2855) that would amend section 2862 of the Military Construction Authorization Act of Fiscal Year 1991 (Division B of Public Law 101-510) to allow for the construction of a structure, not to exceed 155 feet, on property adjacent to Eglin Air Force Base, Florida. The provision would also require the Secretary of the Air Force to execute and file any instrument necessary to effect the modification of the aviation easement.

The Senate bill contained no similar provision.

The Senate recedes.

Technical amendment to correct reference in land transaction (sec. 2825)

The House amendment contained a provision (sec. 2857) that would amend section 2842(c) of the Military Construction Authorization Act for Fiscal Year 1994 (Division B of Public Law 103-160) by striking out "Washington Gas Company" and inserting in lieu thereof "American Water Company".

The Senate bill contained no similar provision.

The Senate recedes.

Land conveyances (secs. 2831, 2832, 2833, 2834, 2835, 2837, 2838, 2839, 2840)

The Senate bill contained a provision (sec. 2827) that would establish an expedited screening procedure to determine whether there were qualifying priority uses for certain parcels of real estate identified in the bill. If there were no such priority uses, the provision would authorize the Secretary of Defense to transfer the real estate to certain designated recipients.

The House amendment contained a number of provisions (secs. 2831, 2832, 2833, 2834, and 2835) that would authorize the Secretary of Defense to transfer certain designated parcels of real estate to certain designated recipients. The House provisions would not require any screening to determine any priority uses.

The Senate recedes to the House provisions and the House recedes to the Senate provision with an amendment that would delete the screening process. The conferees agree to a series of provisions that would authorize the Secretary of Defense to transfer certain designated parcels of real estate contained in the Senate bill and in the House amendment to designated recipients. The provisions would provide authority for the following parcels of real estate:

- (1) Rio Vista Army Reserve Facility, Rio Vista, Calif.;
- (2) 10 acres at Ft. Dix, New Jersey;
- (3) Air Force Plant No. 3, Tulsa, Oklahoma;
- (4) Naval Weapons Industrial Reserve Plant, Calverton, N.Y.;
- (5) Air Force Plant No. 59, Johnson City, N.Y.;
- (6) Housing at the Radar Bomb Scoring Site, Dickinson, N.D.;

(7) Radar Bomb Scoring Site, Finley, North Dakota;

(8) Hawthorne Army Ammunition Plant (Babbitt Housing Area), Mineral County, Nevada; and

(9) Defense Fuel Supply Point, Casco Maine.

The Senate conferees believe that, before any property belonging to the Department of Defense or the military services is transferred, the General Services Administration should have an opportunity, pursuant to the Federal Property and Administrative Services Act of 1949, to determine if there are other priority uses for the property. Of particular concern is the potential for use by other federal agencies. The Senate conferees believe that other federal agencies should be queried to determine if there are valid requirements for the property before it is transferred to a non-federal recipient. This is the only way that the federal government can ensure that it is not giving away property with one hand while acquiring similar property on the other hand. The Senate conferees are also aware, however, that the House conferees were not aware of the Senate conferees' desire to screen the DOD property for other uses prior to transfer at the time that the House conferees were considering the House amendment.

The House conferees agree to consider the screening process in their review and evaluation of any real estate for which authorization to transfer is provided in the fiscal year 1996 defense authorization act.

The conferees urge the subcommittees of jurisdiction of the Armed Services Committees of the Senate and House of Representatives to meet jointly, at the beginning of the 104th Congress, to discuss the effect of such a screening process on proposed land transfers. The conferees also urge that such discussions include consultation with members of the Committee on Governmental Affairs of the Senate, the Committee on Government Operations of the House, and the Committee on Public Works and Transportation of the House.

Land conveyance, Cornhusker Army Ammunition Plant, Hall County, Nebraska (sec. 2836)

The Senate bill contained a provision (sec. 2826) that would authorize the Secretary of the Army to transfer the Cornhusker Army Ammunition Plant to Hall County, Nebraska for fair market value.

The House amendment contained no similar provision.

The House recedes. The conferees note that this land may not be transferred until it meets the requirements of section 120 of the Comprehensive Environmental Response, Compensation and Liability Act.

Lease of property, Naval Shipyard, Vallejo, California (sec. 2841)

The House amendment contained a provision (sec. 2841) that would authorize the Secretary of the Navy to convey to the City of Vallejo, without consideration, a parcel of real property consisting of dredge ponds located on Mare Island in Vallejo, California, and currently under the control of the Mare Island Naval Shipyard Command.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would authorize the Secretary to lease the dredge ponds to the City for a lease term of up to 15 years.

Lease of property, Naval Radio Receiving Facility, Imperial Beach, Coronado, California (sec. 2842)

The House amendment contained a provision (sec. 2836) that would authorize the Sec-

retary of the Navy to lease, at less than fair market value and for 50 years, 45.5 acres of real property at the Naval Radio Receiving Facility, Imperial Beach, Coronado, California, to the Young Men's Christian Association.

The Senate bill contained a similar provision (sec. 2836).

The Senate recedes.

Authority for Ornard Harbor District, Port Hueneme, California, to use certain Navy property (sec. 2843)

The House amendment contained a provision (sec. 2851) that would authorize the Secretary of the Navy to enter into an agreement with the Oxnard Harbor District, Port Hueneme, California, to permit joint use of Wharf Number 3 and associated real property comprising 25 acres located at the Naval Construction Battalion Center, Port Hueneme, California.

The Senate bill contained a similar provision (sec. 2822).

The Senate recedes.

Transfer of jurisdiction, Air Force housing at Radar Bomb Scoring Site, Holbrook, Arizona (sec. 2844)

The Senate bill contained a provision (sec. 2848) that would authorize the Secretary of the Air Force to transfer jurisdiction of family housing and associated support facilities at the Radar Bomb Scoring Site, Holbrook, Arizona to the Secretary of Interior for use in connection with the Petrified Forest National Park.

The House amendment contained a similar provision (sec. 2839).

The House recedes.

Land transfer, Holloman Air Force Base, New Mexico (sec. 2845)

The Senate bill contained a provision (sec. 2821) that would direct the Secretary of Interior to transfer 1,262 acres of public land to the Secretary of the Air Force for inclusion in the Holloman Air Force Base.

The House amendment contained no similar provision.

The House recedes with a technical amendment that would clarify that the Air Force assumes responsibility for all environmental response actions on the transferred land.

Land transfer, Fort Devens, Massachusetts (sec. 2846)

The Senate bill contained a provision (sec. 2825) that would authorize the Secretary of the Army to transfer to the Department of Interior approximately 800 acres of land located at Fort Devens for inclusion in the Oxbow National Wildlife Refuge.

The House amendment contained no similar provision.

The House recedes with a technical amendment that would clarify that the transfer be made in consultation with the local communities and the State of Massachusetts Land Bank. The conferees direct the Secretary of the Army to transfer this land at no cost to the Department of Interior.

Release of requirements and reversionary interest on certain property in Baltimore, Maryland (sec. 2847)

The House amendment contained a provision (sec. 2837) that would authorize the Secretary of Defense to release the reversionary interest of the United States in property described in section 2 of chapter 310; 20 Stat. 167, which was approved on June 19, 1878.

The Senate bill contained no similar provision.

The Senate recedes with a technical amendment.

Release of reversionary interest on certain property in York County and James City County, Virginia, and Newport News, Virginia (sec. 2848)

The Senate bill contained a provision (sec. 2824) that would authorize the Secretary of the Navy to release the reversionary interest of the United States in 62 acres of real property located in James City County, Virginia to the Virginia Department of Transportation, provided that the property would continue to be used for a public purpose.

The House amendment contained a similar provision (sec. 2838).

The House recedes with a technical amendment.

Joint construction contracting for commissaries and nonappropriated fund instrumentality facilities (sec. 2851)

The Senate bill contained a provision (sec. 2841) that would authorize joint construction contracting for commissaries and nonappropriated fund instrumentality facilities.

The House amendment contained no similar provision.

The House recedes.

National Guard facility contracts subject to performance supervision by the Army or the Navy (sec. 2852)

The Senate bill contained a provision (sec. 2842) that would make a technical correction to section 2237 of title 10, United States Code.

The House amendment contained no similar provision.

The House recedes.

The conferees understand that when paragraphs (5) and (6) were added to section 2233(a) of title 10, United States Code, section 2237 was not modified to reflect the change. This technical amendment will correct an oversight by adding paragraphs (5) and (6) to section 2237 of title 10, United States Code.

Repeal of restriction on land transactions relating to the Presidio of San Francisco, California (sec. 2853)

The House amendment contained a provision (sec. 2853) that would repeal section 2856 of the Military Construction Authorization Act for Fiscal Year 1994.

The Senate bill contained no similar provision.

The Senate recedes.

Report on use of funds for environmental restoration at Cornhusker Army Ammunition Plant, Hall County, Nebraska (sec. 2854)

The Senate bill contained a provision (sec. 2844) that would direct the Secretary of the Army to prepare a report describing the manner in which funds would be used for operation and maintenance and environmental restoration activities at the Cornhusker Army Ammunition Plant during the years before the property is transferred to Hall County Nebraska.

The House amendment contained no similar provision.

The House recedes.

Women in Military Service For America Memorial (sec. 2855)

The conferees agree to a provision that would authorize the Secretary of the Army to provide engineering, design, construction management, and related services to the Women in Military Service for America Memorial Foundation, Inc., on a reimbursable basis, for the construction of the Women in Military Service for America Memorial.

Sense of the Senate on authorizing military construction projects not requested in the President's budget request (sec. 2856)

The Senate bill contained a provision (sec. 2850) that would express the sense of the Sen-

ate that, to the maximum extent practicable, the Senate should consider the authorization of funds for military construction projects not included in the annual budget request of the Department of Defense only if:

(1) the project is consistent with past actions of the base realignment and closure process;

(2) the project is included in the five-year military construction plan of the military department concerned;

(3) the project is necessary for reasons of the national security of the United States; and

(4) a contract for construction of the project can be executed in that fiscal year.

The provision would also express the sense of the Senate that, in considering these criteria, the Senate should obtain the views of the Secretary of Defense. These views should include whether funds for a military construction project not included in the budget request can be offset by funds for other programs, projects, or activities, including military construction projects, in the budget request, and, if so, the specific offsetting reductions recommended by the Secretary of Defense.

The House amendment contained no similar provision.

The House recedes.

The conferees recognize that each year Congress authorizes and appropriates funds for military construction projects, required by the military services, that are not included in the annual budget request.

The House conferees agree to consider the criteria set forth in this sense of the Senate provision, along with the criteria always used by the House, in their review and evaluation of any military construction projects proposed to be added to the fiscal year 1996 defense authorization request.

The conferees urge the subcommittees of jurisdiction of the Armed Services Committees of the Senate and House of Representatives to meet jointly at the beginning of the 104th Congress in an attempt to agree on the criteria that might be used to judge military construction projects not included in the budget request.

LEGISLATIVE PROVISIONS NOT ADOPTED

Sense of Senate on the activities of the Secretary of Defense in support of communities affected by base closures

The Senate bill contained a provision (sec. 2813) that would express the sense of the Senate that DOD regulations should conform closely with the amendments to the base closure provisions contained in the National Defense Authorization Act for Fiscal Year 1994, and that the Secretary of Defense should establish a base closure incentive award.

The House amendment contained no similar provision.

The Senate recedes.

Waiver of reporting requirements of certain real property transactions in the event of war or national emergency

The Senate bill contained a provision (sec. 2843) that would amend the reporting requirements regarding real property transactions in section 2662 of title 10, United States Code.

The House amendment contained no similar provision.

The Senate recedes.

DOD Laboratory Revitalization Act of 1994

The Senate bill contained a provision (sec. 2845) that would establish a five-year test program for revitalization of Department of

Defense laboratories. The provision would increase the threshold for minor military construction projects funded through the unspecified minor military construction and operation and maintenance accounts for Department of Defense laboratories.

The House amendment contained no similar provision.

The Senate recedes.

Repayment of state and local costs incurred in connection with establishment of certain military installations selected for closure

The House amendment contained a provision (sec. 2812) that would, in certain circumstances, prevent the Secretary of a military service from removing items of personal property at a closing base, prior to completion of a redevelopment plan, unless such removal was approved by the redevelopment authority.

The Senate bill contained no similar provision.

The House recedes. In a small number of cases, State and local funds were expended to establish new military facilities in strategic locations around the country. The expenditure of these non-federal funds represented a direct State and local subsidy of federal military projects. The obligation of these monies represented a great financial sacrifice which is still being repaid. Therefore, the conferees direct the Secretary of Defense to include repayment of these State, county, and local expenditures in the calculation of the base on-time cost report (COBRA) used by the Department to determine the cost of closing a particular facility. The COBRA calculation should include the repayment costs to a state, county, or municipality (or an agency or political subdivision of such an entity) for funds raised or bonds issued for military construction, pier construction or improvements, land purchase, and infrastructure and utility improvements in direct support of the establishment of a military installation for which construction began on or after January 1, 1985.

Limitation on sources of funds available to implement base closures and realignments

The House amendment contained a provision (sec. 2813) that would prohibit the use of funds from outside the base closure account from being used for planning and design, minor construction, or operation and maintenance activities at closing bases.

The Senate bill contained no similar provision.

The House recedes.

Sense of the Congress on continued operation of medical facilities

The House amendment contained a provision (sec. 2856) that would urge the Secretary of the Air Force to pursue all practical options necessary to continue operating a health care facility for retired military personnel at K.I. Sawyer Air Force Base, Michigan, which was recommended for closure in 1993.

The Senate bill contained no similar provision.

The House recedes.

The conferees agree to a similar provision in title VII of this act that would urge the Secretary of Defense to take all appropriate steps to protect the continuity of health care services for all beneficiaries residing in areas adversely affected by the base closure process, which would include areas such as K.I. Sawyer, Michigan and Myrtle Beach, South Carolina.

FISCAL YEAR 1995 MILITARY CONSTRUCTION AUTHORIZATION (IN THOUSANDS OF DOLLARS)

I/O	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET			CONFERENCE AGREEMENT
					REQUEST	N. PASSED	S. PASSED	
1 I	ALABAMA	ARMY	REDSTONE ARSENAL	PHYSICAL FITNESS CENTER ADDITION	0	0	2,600	2,600
2 I	ALABAMA	AIR FORCE	MAXWELL AFB	STUDENT DORMITORIES	9,600	9,600	9,600	9,600
3 I	ALABAMA	AIR FORCE	MAXWELL AFB	BLOCK HOUSE UPGRADE	0	3,700	0	0
4 I	ALABAMA	DEFENSE AGENCIES	ANNISTON ARMY DEPOT	CARBON FILTRATION SYSTEM	0	0	5,000	5,000
5 I	ALABAMA	ARMY NATIONAL GUARD	MOBILE	AVIATION SUPPORT FACILITY	0	7,200	0	7,200
6 I	ALABAMA	AIR NATIONAL GUARD	ABSTON ANG STATION	RELOCATE 232ND COMBAT COMMAND SQUAD	0	7,100	7,100	7,100
7 I	ALABAMA	AIR NATIONAL GUARD	BIRMINGHAM MAP	ADAL SQUADRON OPERATIONS FACILITY	1,100	1,100	1,100	1,100
8 I	ALABAMA	AIR NATIONAL GUARD	BIRMINGHAM MAP	ACFT PARKING APRON & HYDRANT REFUELING SYS	15,000	15,000	15,000	15,000
9 I	ALABAMA	AIR NATIONAL GUARD	BIRMINGHAM MAP	UPGRADE DRAINAGE SYSTEM	2,500	2,500	2,500	2,500
10 I	ALABAMA	AIR NATIONAL GUARD	BIRMINGHAM MAP	COMMUNICATIONS FACILITY	1,700	1,700	1,700	1,700
11 I	ALABAMA	AIR NATIONAL GUARD	DANNIELLY FIELD	REPLACE UNDERGROUND FUEL STORAGE TANKS	700	700	700	700
12 I	ALABAMA	AIR NATIONAL GUARD	DANNIELLY FIELD	MUNITIONS MAINTENANCE STORAGE COMPLEX	0	0	4,200	0
13 I	ALASKA	AIR FORCE	CAPE LISBURNE	UPGRADE FUEL STORAGE SYSTEM	2,800	2,800	2,800	2,800
14 I	ALASKA	AIR FORCE	EIELSON AFB	CONVENTIONAL MUNITIONS SUPPORT FACILITY	0	0	3,300	0
15 I	ALASKA	AIR FORCE	ELMENDORF AFB	UTILITY UPGRADE	0	0	1,000	1,000
16 I	ALASKA	AIR FORCE	ELMENDORF AFB	CONVENTIONAL MUNITIONS SUPPORT FACILITY	0	0	4,000	4,000
17 I	ALASKA	DEFENSE AGENCIES	ELMENDORF AFB	HOSPITAL REPLACEMENT PHASE II	66,000	66,000	66,000	66,000
18 I	ALASKA	ARMY NATIONAL GUARD	BETHEL	SCOUT ARMY NAVIATION OPERATIONS FACILITY	0	0	6,380	6,380
19 I	ALASKA	AIR NATIONAL GUARD	KULIS ANG	COMPOSITE ENGINEERING MAINTENANCE FACILITY	0	0	5,300	5,300
20 I	ARIZONA	NAVY	YUMA USMC AIR STATION	BACHELOR ENLISTED QUARTERS	0	0	15,085	0
21 I	ARIZONA	AIR FORCE	DAVIS-MONTGOMERY AFB	AIRCRAFT PARTS STORE	0	1,400	0	0
22 I	ARIZONA	AIR FORCE	LUKE AFB	STUDENT PILOT DORM	0	0	4,900	4,900
23 I	ARIZONA	AIR FORCE RESERVE	LUKE AFB	AVIONICS MAINTENANCE FACILITY	0	1,800	0	1,800
24 I	ARIZONA	AIR FORCE RESERVE	LUKE AFB	SQUADRON OPERATIONS FACILITY	0	1,900	0	1,900
25 I	ARKANSAS	ARMY	PINE BLUFF ARSENAL	AMMUNITION DENILITARIZATION FACILITY	97,000	97,000	0	0
26 I	ARKANSAS	AIR FORCE	LITTLE ROCK AFB	DORMITORY	0	0	4,800	4,800
27 I	ARKANSAS	DEFENSE AGENCIES	PINE BLUFF ARSENAL	CARBON FILTRATION SYSTEM	0	0	5,000	0
28 I	ARKANSAS	DEFENSE AGENCIES	PINE BLUFF ARSENAL	AMMUNITION DENILITARIZATION FACILITY	0	0	3,000	3,000
29 I	ARKANSAS	ARMY NATIONAL GUARD	BENTON	ARMORY	0	0	1,673	0
30 I	ARKANSAS	ARMY NATIONAL GUARD	SEARCY	ARMORY	0	0	2,415	2,415

FISCAL YEAR 1995 MILITARY CONSTRUCTION AUTHORIZATION (IN THOUSANDS OF DOLLARS)

I/O	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	N. PASSED	S. PASSED	CONFERENCE AGREEMENT
31 I	ARKANSAS	ARMY NATIONAL GUARD	WARREN	OPERATIONAL MAINTENANCE SHOP	0	980	0	802
32 I	ARKANSAS	AIR NATIONAL GUARD	FORT SMITH MAP	MUNITIONS STORAGE FACILITY	0	0	2,200	2,200
33 I	ARKANSAS	AIR NATIONAL GUARD	FORT SMITH MAP	REPLACE UNDERGROUND FUEL STORAGE FACILITY	440	440	440	440
34 I	ARKANSAS	AIR NATIONAL GUARD	LITTLE ROCK AFB	SUPPLY COMPLEX	0	0	5,800	0
35 I	CALIFORNIA	ARMY	FORT IRWIN	EXPANSION OF THE AIRPORT (PHASE 1)	0	10,000	0	10,000
36 I	CALIFORNIA	NAVY	CAMP PENDLETON AMPHIBIOUS TASK FORCE	LANDING CRAFT AIR CUSHION FACCS (INCR V)	10,700	10,700	10,700	10,700
37 I	CALIFORNIA	NAVY	CAMP PENDLETON MARINE CORPS BASE	AMMUNITION HANDLING FACILITY	570	570	570	570
38 I	CALIFORNIA	NAVY	CAMP PENDLETON MARINE CORPS BASE	UPGRADE ELECTRIC INFRASTRUCTURE	0	6,900	0	6,290
39 I	CALIFORNIA	NAVY	CHINA LAKE NAVAL AIR WARFARE CTR WPNS DIV	AIRCRAFT READY FUEL STORAGE FACILITY	6,000	6,000	6,000	6,000
40 I	CALIFORNIA	NAVY	EL CENTRO NAVAL AIR FACILITY	WASTEWATER TREATMENT PLANT UPGRADE	1,500	1,500	1,500	1,500
41 I	CALIFORNIA	NAVY	EL CENTRO NAVAL AIR FACILITY	POTABLE WATER DISTRIBUTION SYSTEM UPGRADE	1,500	1,500	1,500	1,500
42 I	CALIFORNIA	NAVY	LEMOORE NAVAL AIR STATION	BACHELOR ENLISTED QUARTERS MODERNIZATION	7,000	7,000	7,000	7,000
43 I	CALIFORNIA	NAVY	NORTH ISLAND NAVAL AIR STATION	DREDGING	18,830	18,830	18,830	18,830
44 I	CALIFORNIA	NAVY	PORT HUENEME NAVAL CONSTR BATTALION CTR	ABRASIVE BLAST AND PAINT SPRAY FACILITY	4,850	4,850	4,850	4,850
45 I	CALIFORNIA	NAVY	PORT HUENEME NAVAL CONSTR BATTALION CTR	WATER PROCESSING SYSTEM UPGRADE	4,800	4,800	4,800	4,800
46 I	CALIFORNIA	NAVY	SAN DIEGO MARINE CORPS RECRUIT DEPOT	PERSONAL HYGIENE FACILITIES	1,090	1,090	1,090	1,090
47 I	CALIFORNIA	NAVY	SAN DIEGO NAVAL STATION	CHAPEL AND RELIGIOUS EDUCATION FACILITY	4,100	4,100	4,100	4,100
48 I	CALIFORNIA	NAVY	TWENTYNINE PALMS MARCORP AIR-GRND COMB CTR	SMALL ARMS RANGE MODERNIZATION	2,900	2,900	2,900	2,900
49 I	CALIFORNIA	AIR FORCE	BEALE AFB	STORM DRAINAGE FACILITIES	1,450	1,450	1,450	1,450
50 I	CALIFORNIA	AIR FORCE	BEALE AFB	CONSOLIDATED SUPPORT CENTER	0	10,400	0	10,400
51 I	CALIFORNIA	AIR FORCE	EDWARDS AFB	F-22 ALTER ENGINEERING TEST FACILITY	4,550	4,550	4,550	4,550
52 I	CALIFORNIA	AIR FORCE	EDWARDS AFB	UPGRADE HYDRAUNT FUELING SYSTEM	2,500	2,500	2,500	2,500
53 I	CALIFORNIA	AIR FORCE	EDWARDS AFB	IMPROVE AIRCRAFT MAINTENANCE FACILITY	0	7,800	0	0
54 I	CALIFORNIA	AIR FORCE	MCCLELLAN AFB	NEAR FIELD TEST RANGE	0	8,500	0	8,500
55 I	CALIFORNIA	AIR FORCE	MCCLELLAN AFB	UPGRADE ELECTRICAL SERVICE TO INDUSTRIAL AREA	0	1,650	0	0
56 I	CALIFORNIA	AIR FORCE	TRAVIS AFB	DORMITORY	2,300	2,300	2,300	2,300
57 I	CALIFORNIA	AIR FORCE	TRAVIS AFB	FIRE TRAINING FACILITY	1,300	1,300	1,300	1,300
58 I	CALIFORNIA	AIR FORCE	TRAVIS AFB	DORMITORY RENOVATION	0	9,000	0	0
59 I	CALIFORNIA	AIR FORCE	VANDENBERG AFB	SLFI-UPGRADE NATURAL GAS SYSTEM	5,000	5,000	5,000	5,000
60 I	CALIFORNIA	AIR FORCE	VANDENBERG AFB	FIRE TRAINING FACILITY	1,550	1,550	1,550	1,550

FISCAL YEAR 1995 MILITARY CONSTRUCTION AUTHORIZATION (IN THOUSANDS OF DOLLARS)

I/O	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CONFERENCE AGREEMENT
61	CALIFORNIA	DEFENSE AGENCIES	DEF CONTRACT MGMT OFC - EL SEGUNDO	ADMINISTRATIVE BUILDING(CONJUNCTIVE FUND)	5,100	5,100	5,100	5,100
62	CALIFORNIA	DEFENSE AGENCIES	MCCLELLAN AIR FORCE BASE	LIFE SAFETY/SEISMIC/UTILITY UPGRADE	10,280	10,280	10,280	10,280
63	CALIFORNIA	DEFENSE AGENCIES	SAN DEIGO (SOC)	SOF PBC PIER UPGRADE	3,400	3,400	3,400	3,400
64	CALIFORNIA	ARMY NATIONAL GUARD	CAMP ROBERTS	MODIFY RECORD FIRE/MAINTENANCE SHOP	0	0	3,910	3,910
65	CALIFORNIA	ARMY NATIONAL GUARD	CAMP ROBERTS	COMBAT PISTOL RANGE	0	0	952	952
66	CALIFORNIA	ARMY NATIONAL GUARD	LOS ALAMITOS RESERVE CENTER	UPGRADE UTILITY SYSTEM	0	0	6,847	0
67	CALIFORNIA	ARMY NATIONAL GUARD	LOS ALAMITOS RESERVE CENTER	DIRECT SUPPORT LOGISTICS FACILITY	0	5,060	5,060	4,218
68	CALIFORNIA	AIR NATIONAL GUARD	FRESNO ANG	BASE SUPPLY COMPLEX	0	7,000	0	0
69	CALIFORNIA	AIR NATIONAL GUARD	FRESNO ANG	SITE RESTORATION	3,500	3,500	3,500	3,500
70	CALIFORNIA	AIR NATIONAL GUARD	MOFFETT NAS	ALTER VEHICLE MAINTENANCE FACILITY	400	400	400	400
71	CALIFORNIA	AIR NATIONAL GUARD	MO HIGHLANDS ANG STATION	REPLACE UNDERGROUND FUEL STORAGE TANKS	400	400	400	400
72	CALIFORNIA	AIR NATIONAL GUARD	SEPULVEDA AFS	SUPPLY ENGINEERING SHOP	0	0	1,600	0
73	CALIFORNIA	AIR FORCE RESERVE	MARCH AFB	REPLACE SUBSTATION	3,900	3,900	3,900	3,900
74	COLORADO	AIR FORCE	PETERSON AFB	UNDERGROUND FUEL STORAGE TANKS	1,750	1,750	1,750	1,750
75	COLORADO	AIR FORCE	UNITED STATES AIR FORCE ACADEMY	DORMITORIES	0	0	3,600	0
76	COLORADO	ARMY NATIONAL GUARD	DENVER	ARMORY	0	5,000	0	5,000
77	COLORADO	ARMY NATIONAL GUARD	ENGLEWOOD	ARMORY	0	2,725	0	2,725
78	COLORADO	AIR NATIONAL GUARD	BUCKLEY ANG	ADD TO F-16 FUEL CELL DOCK	1,300	1,300	1,300	1,300
79	COLORADO	AIR NATIONAL GUARD	BUCKLEY ANG	AIRCRAFT WASHRACK AND DEICING PAD	400	400	400	400
80	CONNECTICUT	ARMY NATIONAL GUARD	GROTON	IMPROVEMENTS TO THE CI-AVCRAD FACILITY	0	9,000	9,000	9,000
81	DELAWARE	AIR FORCE	DOVER AFB	DORMITORY	4,600	4,600	4,600	4,600
82	DELAWARE	AIR FORCE	DOVER AFB	PASSENGER PROCESSING TERMINAL	0	5,900	5,900	5,900
83	DISTRICT OF COLUMBIA	DEFENSE AGENCIES	BOLLING AFB	CHILLER COOLING TOWER DIAC	600	600	600	600
84	FLORIDA	NAVY	BLOUNT ISLAND	DEFENSE ACCESS ROAD	0	10,000	0	0
85	FLORIDA	NAVY	JACKSONVILLE FLT & INDUSTRIAL SUPPLY CTR	HAZARDOUS AND FLAMMABLE STOREHOUSE ADDN	2,200	2,200	2,200	2,200
86	FLORIDA	NAVY	PENSACOLA NAVAL AIR STATION	AIR TRAFFIC CONTROL TOWER	2,100	2,100	2,100	2,100
87	FLORIDA	AIR FORCE	CAPE CANAVERAL AFS	SLFI-UPGRADE ELECTRICAL DISTRIBUTION SYS	1,750	1,750	1,750	1,750
88	FLORIDA	AIR FORCE	CAPE CANAVERAL AFS	DELTA LAUNCH OPERATIONS FACILITY	7,000	7,000	7,000	7,000
89	FLORIDA	AIR FORCE	CAPE CANAVERAL AFS	CORROSION CONTROL FACILITY	1,700	1,700	1,700	1,700
90	FLORIDA	AIR FORCE	EGLIN AFB	RENOVATE CLIMATIC TEST CHAMBER PHASE II	20,000	20,000	20,000	20,000

FISCAL YEAR 1995 MILITARY CONSTRUCTION AUTHORIZATION (IN THOUSANDS OF DOLLARS)

1/O LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CONFERENCE AGREEMENT
91 I FLORIDA	DEFENSE AGENCIES	EGLIN AUX FIELD 9 (SOC)	BENSEN TANK STORAGE FACILITY	0	0	1,550	0
92 I FLORIDA	DEFENSE AGENCIES	EGLIN AUX FIELD 9 (SOC)	HC-130 NOSE DOCK/AMU	0	0	5,000	5,000
93 I FLORIDA	DEFENSE AGENCIES	EGLIN AUX FIELD 9 (SOC)	AQUATIC TRAINING FACILITY	0	0	2,900	2,900
94 I FLORIDA	DEFENSE AGENCIES	EGLIN AUX FIELD 9 (SOC)	SIMULATOR FAC ADD (H)	4,800	4,800	4,800	4,800
95 I FLORIDA	DEFENSE AGENCIES	EGLIN AUX FIELD 9 (SOC)	HC-130 PARK APRON (H)	7,500	7,500	7,500	7,500
96 I FLORIDA	ARMY NATIONAL GUARD	CAMP BLANDING	WASTEWATER TREATMENT PLANT	2,083	6,600	2,083	2,083
97 I FLORIDA	AIR FORCE RESERVE	EGLIN AUXILIARY FIELD 3	RENOVATE AIRMEN DINING FACILITY	0	2,650	0	2,650
98 I FLORIDA	AIR FORCE RESERVE	EGLIN AUXILIARY FIELD 3	RENOVATE VISITING AIRMEN LODGING FACILITY	0	3,750	0	0
99 I FLORIDA	AIR FORCE RESERVE	MONESTEAD AIR RESERVE STATION	RENOVATE BARRACKS QUARTERS (BLD 475)	0	2,550	0	2,550
100 I FLORIDA	AIR FORCE RESERVE	MONESTEAD AIR RESERVE STATION	REPAIR PHYSICAL FITNESS CENTER	0	1,400	0	1,400
101 I FLORIDA	AIR FORCE RESERVE	MONESTEAD AIR RESERVE STATION	HYDRANT AND "HOT PIT" FUELING SYSTEM	0	2,000	0	2,000
102 I FLORIDA	AIR FORCE RESERVE	MONESTEAD AIR RESERVE STATION	RENOVATE BARRACKS QUARTERS (BLD 478)	0	2,450	0	0
103 I FLORIDA	AIR FORCE RESERVE	MONESTEAD AIR RESERVE STATION	MOBILITY PROCESSING SUPPORT SYSTEM	0	1,150	0	1,150
104 I FLORIDA	AIR FORCE RESERVE	MONESTEAD AIR RESERVE STATION	RENOVATE BARRACKS QUARTERS (BLD 477)	0	2,450	0	0
105 I GEORGIA	ARMY	FORT BENNING	UPGRADE CARMOUCHE TANK RANGE	0	0	1,900	1,900
106 I GEORGIA	ARMY	FORT BENNING	MOBILIZATION DEPLOYMENT WAREHOUSE	4,650	4,650	4,650	4,650
107 I GEORGIA	ARMY	FORT GORDON	CENTRAL VEHICLE WASH FACILITY	1,650	1,650	1,650	1,650
108 I GEORGIA	ARMY	FORT GORDON	SECURE COMPARTMENTED INFORMATION FACILITY	2,500	2,500	2,500	2,500
109 I GEORGIA	ARMY	FORT GORDON	WHOLE BARRACKS RENEWAL	21,000	21,000	21,000	21,000
110 I GEORGIA	ARMY	FORT GORDON	CONSOLIDATED MAINTENANCE FACILITY	11,000	11,000	11,000	11,000
111 I GEORGIA	ARMY	FORT GORDON	BRIGADE VEHICLE MAINTENANCE FACILITY	8,600	8,600	8,600	8,600
112 I GEORGIA	ARMY	FORT GORDON	VEHICLE MAINTENANCE FACILITY	0	3,500	0	0
113 I GEORGIA	AIR FORCE	HOODY AFB	ALTER MISSION EQUIPMENT FACILITY	0	0	900	0
114 I GEORGIA	AIR FORCE	HOODY AFB	CONSTRUCT WEPH DORMITORY	3,800	3,800	3,800	3,800
115 I GEORGIA	AIR FORCE	HOODY AFB	UPGRADE AIRFIELD PAVEMENTS	8,000	8,000	8,000	8,000
116 I GEORGIA	AIR FORCE	HOODY AFB	SUPPLY/WRSK STORAGE	0	1,600	1,600	1,600
117 I GEORGIA	AIR FORCE	ROBINS AFB	J-STARS EXPANDED FLIGHT KITCHEN	1,850	1,850	1,850	1,850
118 I GEORGIA	AIR FORCE	ROBINS AFB	J-STARS ADD TO INTEGRATED SUPPORT FACILITY	3,100	3,100	3,100	3,100
119 I GEORGIA	AIR FORCE	ROBINS AFB	J-STARS UTILITIES/ MISCELLANEOUS SUPPORT	3,825	3,825	3,825	3,825
120 I GEORGIA	AIR FORCE	ROBINS AFB	UPGRADE STORM DRAINAGE SYSTEM	2,200	2,200	2,200	2,200

FISCAL YEAR 1995 MILITARY CONSTRUCTION AUTHORIZATION (IN THOUSANDS OF DOLLARS)

#	I/O LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CONFERENCE AGREEMENT
121	I GEORGIA	AIR FORCE	ROBINS AFB	J-STARS DORMITORY	5,525	5,525	5,525	5,525
122	I GEORGIA	AIR FORCE	WARNER ROBINS AFB	ALTER WEAPON SYSTEMS SUPPORT CENTER	0	4,700	4,700	4,700
123	I GEORGIA	DEFENSE AGENCIES	FORT MCPHERSON	HEALTH & DENTAL MEDICAL FACILITY	0	11,400	13,400	13,300
124	I GEORGIA	ARMY NATIONAL GUARD	FORT STEWART	RTS MANAGEMENT FACILITY	0	0	2,400	2,400
125	I GEORGIA	ARMY RESERVE	FORT MCPHERSON	US ARMY RESERVE COMMAND HQ (PH II)	0	0	21,400	21,400
126	I GEORGIA	NAVY RESERVE	DOBBINS AIR RESERVE BASE	ADDITION TO RESERVE TRAINING CENTER	0	4,600	4,600	4,600
127	I GEORGIA	NAVY RESERVE	NAS MARIETTA	TRAINING CENTER	0	2,650	0	2,650
128	I GEORGIA	AIR NATIONAL GUARD	ROBINS AFB	B-1 CONSOLIDATED AIRCRAFT SPT/HYDRANT SYS	9,400	9,400	9,400	9,400
129	I GEORGIA	AIR NATIONAL GUARD	ROBINS AFB	B-1 HANGER COMPLEX	8,400	8,400	8,400	8,400
130	I GEORGIA	AIR NATIONAL GUARD	ROBINS AFB	ALTER B-1 MAINTENANCE HANGER	2,950	2,950	2,950	0
131	I GEORGIA	AIR FORCE RESERVE	DOBBINS AFB	FIRE FIGHTER DEVELOPMENT CENTER	1,100	1,100	1,100	1,100
132	I HAWAII	ARMY	SCHOFIELD BARRACKS	WHOLE BARRACKS RENEWAL	10,000	10,000	25,000	20,700
133	I HAWAII	NAVY	KANEONE BAY	CHILD CARE CENTER	0	171	4,900	4,900
134	I HAWAII	ARMY RESERVE	FORT SHAFTER	RESERVE CENTER	0	9,500	0	9,500
135	I HAWAII	AIR NATIONAL GUARD	HICKAM AFB	REPLACE UNDERGROUND FUEL STORAGE TANKS	1,000	1,000	1,000	1,000
136	I IDAHO	AIR FORCE	MOUNTAIN HOME AFB	DORMITORY	4,950	4,950	4,950	4,950
137	I IDAHO	AIR FORCE	MOUNTAIN HOME AFB	RENOVATE AIRCRAFT PARKING APRON	0	0	11,000	11,000
138	I IDAHO	ARMY NATIONAL GUARD	POST FALLS	EXPAND ARMORY	0	0	2,500	2,500
139	I IDAHO	AIR NATIONAL GUARD	BOISE AIRPORT	UPGRADE BASE DRAINAGE	380	380	380	380
140	I IDAHO	AIR NATIONAL GUARD	GOWEN FIELD	HANGAR UPGRADE	0	0	4,000	0
141	I ILLINOIS	NAVY	GREAT LAKES PUBLIC WORKS CENTER	SANITARY SEWER SYSTEM UPGRADE	13,000	13,000	13,000	13,000
142	I ILLINOIS	AIR FORCE	SCOTT AFB	UNDERGROUND FUEL STORAGE TANKS	2,700	2,700	2,700	2,700
143	I INDIANA	NAVY	NAVAL SURFACE WARFARE CENTER	ELECTRO-OPTICS CENTER	0	8,415	0	7,970
144	I INDIANA	ARMY NATIONAL GUARD	CAMP ATTERBURY	CENTRAL WASH FACILITY	0	0	4,630	0
145	I INDIANA	ARMY NATIONAL GUARD	CAMP ATTERBURY	AMMUNITION STORAGE POINT	0	7,340	0	7,340
146	I INDIANA	ARMY NATIONAL GUARD	INDIANAPOLIS (STOUT FIELD)	COMBINED SUPPORT MAINTENANCE SHOP	0	0	10,080	0
147	I INDIANA	ARMY NATIONAL GUARD	INDIANAPOLIS (STOUT FIELD)	UNITED STATES PROPERTY AND FISCAL OFFICE	0	4,137	4,137	4,137
148	I INDIANA	AIR NATIONAL GUARD	FT WAYNE HAP	FIRE STATION AND AGE SHOP	1,950	1,950	1,950	1,950
149	I INDIANA	AIR NATIONAL GUARD	FT WAYNE HAP	FUEL SYSTEMS MAINTENANCE & CORROSION FAC	5,200	5,200	5,200	5,200
150	I INDIANA	AIR NATIONAL GUARD	FT WAYNE HAP	AIRCRAFT DEICING APRON	400	400	400	400

FISCAL YEAR 1995 MILITARY CONSTRUCTION AUTHORIZATION (IN THOUSANDS OF DOLLARS)

#	I/O LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CONFERENCE AGREEMENT
151	I INDIANA	AIR NATIONAL GUARD	TERRE HAUTE (HULMAN FIELD)	COMPOSITE SUPPORT FACILITY	0	3,200	0	3,200
152	I INDIANA	AIR FORCE RESERVE	GRISSEM AFB	CANTONMENT AREA ENV COMPLIANCE	2,200	2,200	2,200	2,200
153	I IOWA	ARMY NATIONAL GUARD	CAMP DODGE	BATTALION COMPLEX (PHASE III)	0	4,678	0	4,678
154	I IOWA	ARMY NATIONAL GUARD	CAMP DODGE	ADD/ALTER ORGANIZATIONAL MAINTENANCE SHOP	0	877	0	877
155	I IOWA	AIR NATIONAL GUARD	DES MOINES	RUNWAY EXPANSION	0	0	4,000	0
156	I IOWA	AIR NATIONAL GUARD	DES MOINES	ENGINEERING & SUPPLY FACILITY	0	0	2,300	0
157	I IOWA	AIR NATIONAL GUARD	DES MOINES	FIRE SUPPRESSION SYSTEM	0	0	2,300	2,300
158	I IOWA	AIR NATIONAL GUARD	DES MOINES	ADD MUNITIONS COMPLEX	0	3,900	3,900	3,900
159	I KANSAS	AIR FORCE	HCCONNELL AFB	STORM DRAINAGE FACILITIES	500	500	500	500
160	I KANSAS	ARMY NATIONAL GUARD	FORT RILEY	ALTER DYNAMOMETER FACILITY	0	0	1,700	1,700
161	I KANSAS	ARMY NATIONAL GUARD	SALINA	NICKELL BARRACKS TRAINING CENTER (PH II)	0	0	4,260	4,260
162	I KANSAS	AIR NATIONAL GUARD	FORBES FIELD	UPGRADE RUNWAY	0	0	4,800	4,800
163	I KANSAS	AIR NATIONAL GUARD	FORBES FIELD	UPGRADE SANITARY SEWER SYSTEM	670	670	670	670
164	I KANSAS	AIR NATIONAL GUARD	FORBES FIELD	SITE RESTORATION & FUEL STRG TANK REMOVAL	2,950	2,950	2,950	2,950
165	I KANSAS	AIR NATIONAL GUARD	HCCONNELL AFB	ALTER SQUADRON OPERATIONS FACILITY	0	0	800	0
166	I KENTUCKY	ARMY	FORT CAMPBELL	EDUCATION FACILITY, PHASE I	0	0	14,600	8,100
167	I KENTUCKY	ARMY	FORT CAMPBELL	WHOLE BARRACKS RENEWAL	22,000	22,000	22,000	22,000
168	I KENTUCKY	ARMY	FORT CAMPBELL	EXPAND RAILROAD NETWORK	14,400	14,400	14,400	14,400
169	I KENTUCKY	ARMY	FORT CAMPBELL	TACTICAL EQUIPMENT SHOP, PHASE I	0	0	16,400	8,000
170	I KENTUCKY	ARMY	FORT KNOX	MULTI PURPOSE TRAINING RANGE	0	0	5,300	5,300
171	I KENTUCKY	ARMY	FORT KNOX	SIMULATOR FACILITY MODIFICATION	0	0	3,200	3,200
172	I KENTUCKY	ARMY NATIONAL GUARD	WESTERN KENTUCKY RTC, MADISONVILLE	BATTLE TRAINING CENTER (PH I)	0	0	6,500	6,500
173	I KENTUCKY	AIR NATIONAL GUARD	STANDIFORD FIELD	FUEL CELL AND CORROSION CONTROL DOCK	2,950	2,950	2,950	2,950
174	I LOUISIANA	AIR FORCE	BARKSDALE AFB	REPLACE APRON/HYDRANT FUEL SYSTEM (PH III)	0	0	11,600	8,200
175	I LOUISIANA	AIR FORCE	BARKSDALE AFB	CONVENTIONAL MUNITIONS STORAGE FACIL (PH I)	0	0	14,000	6,000
176	I LOUISIANA	AIR FORCE	BARKSDALE AFB	STORM DRAINAGE FACILITIES	1,500	1,500	1,500	1,500
177	I LOUISIANA	ARMY NATIONAL GUARD	RUSTON	ARMORY REHABILITATION	0	0	2,745	2,745
178	I LOUISIANA	NAVY RESERVE	NAVAL AIR STATION NEW ORLEANS	ARMING PAD	840	840	840	840
179	I LOUISIANA	AIR NATIONAL GUARD	NAVAL AIR STATION, NEW ORLEANS	MAINTENANCE MANGAR	0	5,100	0	5,100
180	I LOUISIANA	AIR FORCE RESERVE	BARKSDALE AFB	ADD/ALTER SUPPORT FACILITIES	5,000	5,000	5,000	5,000

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#	I/O	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CONFERENCE AGREEMENT
181	I	MAINE	ARMY NATIONAL GUARD	AUGUSTA	ARMORY	0	0	4,000	3,900
182	I	MAINE	AIR NATIONAL GUARD	BANGOR IAP	SQUADRON OPERATIONS FACILITY	0	0	8,800	8,800
183	I	MAINE	AIR NATIONAL GUARD	BANGOR IAP	REFUELING VEHICLE MAINTENANCE FACILITY	379	379	379	379
184	I	MAINE	AIR NATIONAL GUARD	BANGOR IAP	REPLACE UNDERGROUND FUEL STORAGE TANKS	840	840	840	840
185	I	MARYLAND	ARMY	ADELPHI LAB CENTER	COMPUTER CENTER	6,600	6,600	6,600	6,600
186	I	MARYLAND	ARMY	EDGEWOOD ARSENAL	ELECTRICAL SYSTEM MODERNIZATION	0	2,750	0	2,600
187	I	MARYLAND	ARMY	FORT RICHEY	PHYSICAL TRAINING CENTER	0	0	3,600	0
188	I	MARYLAND	NAVY	INDIAN HEAD NAVAL SURFACE WARFARE CENTER	UPGRADE POWER PLANT	0	5,000	0	4,000
189	I	MARYLAND	NAVY	INDIAN HEAD NAVAL SURFACE WARFARE CENTER	DENITRATION ACID/MIX FACILITY	0	5,000	0	6,400
190	I	MARYLAND	NAVY	PATUXENT NAVAL AIR WARFARE CENTER	AIR ANTI-SUBMARINE CENTER, PHASE I	0	8,200	0	4,200
191	I	MARYLAND	NAVY	US NAVAL ACADEMY, ANNAPOLIS	FIRE STATION REPLACEMENT	0	2,000	0	1,900
192	I	MARYLAND	AIR FORCE	ANDREWS AFB	DORMITORY	6,300	6,300	6,300	6,300
193	I	MARYLAND	AIR FORCE	ANDREWS AFB	CHILD DEVELOPMENT CENTER	0	0	4,500	0
194	I	MARYLAND	DEFENSE AGENCIES	FORT MEADE	SUPERCOMPUTER FACILITY	12,720	0	0	0
195	I	MARYLAND	DEFENSE AGENCIES	FORT MEADE	CRITICAL SUBSTATION CONTROL	5,458	5,458	5,458	5,458
196	I	MARYLAND	DEFENSE AGENCIES	FORT MEADE	FANX II PURCHASE	14,800	0	14,800	0
197	I	MARYLAND	ARMY NATIONAL GUARD	MONTROSE NATIONAL GUARD	ARMORY	0	5,600	8,900	4,558
198	I	MASSACHUSETTS	ARMY NATIONAL GUARD	TAUNTON	ARMORY	0	0	2,900	2,900
199	I	MASSACHUSETTS	ARMY NATIONAL GUARD	WESTFIELD	ADD/ALTER OPERATIONAL MAINTENANCE SHOP	0	0	1,200	1,200
200	I	MASSACHUSETTS	AIR NATIONAL GUARD	BARNES ANGFB (WESTFIELD)	VEHICLE MAINTENANCE COMPLEX	0	0	2,000	0
201	I	MASSACHUSETTS	AIR FORCE RESERVE	WESTOVER AFB	REPLACE TAXIWAY	5,100	5,100	5,100	5,100
202	I	MASSACHUSETTS	AIR FORCE RESERVE	WESTOVER AFB	REPLACE UNDERGROUND STORAGE TANKS	1,000	1,000	1,000	1,000
203	I	MICHIGAN	ARMY NATIONAL GUARD	CALHUNET	ARMORY RENOVATION	0	120	0	120
204	I	MICHIGAN	ARMY NATIONAL GUARD	FORT CUSTER	COMBAT PISTOL QUALIFICATION RANGE	0	0	400	400
205	I	MICHIGAN	ARMY NATIONAL GUARD	FORT CUSTER	MODIFY RECORD RANGE	0	0	900	900
206	I	MICHIGAN	AIR NATIONAL GUARD	ALPENA COUNTY REGIONAL AIRPORT	FIREMEN TRAINING FACILITY	750	750	750	750
207	I	MICHIGAN	AIR NATIONAL GUARD	ALPENA COUNTY REGIONAL AIRPORT	REPLACE UNDERGROUND FUEL STORAGE TANKS	385	385	385	385
208	I	MICHIGAN	AIR NATIONAL GUARD	SELFRIDGE ANG BASE	UPGRADE SANITARY SEWER LINES	0	610	0	610
209	I	MICHIGAN	AIR NATIONAL GUARD	SELFRIDGE ANG BASE	REPAIR PARKING LOT & ROADS	0	2,042	2,042	2,042
210	I	MICHIGAN	AIR NATIONAL GUARD	SELFRIDGE ANG	UPGRADE HEATING SYSTEM	5,400	5,400	5,400	5,400

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#	I/O LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CONFERENCE AGREEMENT
211	I MICHIGAN	AIR NATIONAL GUARD	SELFRIDGE ANGB	UPGRADE STORM DRAINAGE SYSTEM	840	840	840	840
212	I MICHIGAN	AIR NATIONAL GUARD	WX KELLOGG REGIONAL AIRPORT	FIRE STATION & AIRCRAFT GROUND EQUIP SHOP	1,600	1,600	1,600	1,600
213	I MINNESOTA	ARMY NATIONAL GUARD	CAMP RIPLEY	COMBINED SUPPORT MAINTENANCE SHOP	0	5,000	0	0
214	I MINNESOTA	AIR NATIONAL GUARD	MINNEAPOLIS/ST. PAUL INTERN'L AIRPORT	OPERATIONS/AEROMEDICAL BUILDING	0	8,000	8,000	8,000
215	I MISSISSIPPI	AIR FORCE	COLUMBUS AFB	T-1 JAYHAWK MAINTENANCE SUPPORT FACILITY	0	0	3,400	3,200
216	I MISSISSIPPI	AIR FORCE	COLUMBUS AFB	BACHELOR ENLISTED QUARTERS	0	10,000	0	10,000
217	I MISSISSIPPI	AIR FORCE	KEESLER AFB	7-LEVEL TRAINING DORMITORY	8,800	8,800	8,800	8,800
218	I MISSISSIPPI	AIR FORCE	KEESLER AFB	7-LEVEL TRAINING CLASSROOMS	1,800	1,800	1,800	1,800
219	I MISSISSIPPI	AIR FORCE	KEESLER AFB	UPGRADE FIRE SUPPRESSION SYSTEM	640	640	640	640
220	I MISSISSIPPI	ARMY NATIONAL GUARD	CAMP SHELBY	REGIONAL SCHOOL FACILITY	0	7,000	0	0
221	I MISSISSIPPI	ARMY NATIONAL GUARD	CRYSTAL SPRINGS	ARMORY	0	2,250	0	2,250
222	I MISSISSIPPI	ARMY NATIONAL GUARD	WINOWA	ARMORY	0	1,650	0	1,650
223	I MISSISSIPPI	AIR NATIONAL GUARD	GULFPORT	OPERATIONS AMU SUPPORT FACILITY	0	0	2,250	2,250
224	I MISSISSIPPI	AIR NATIONAL GUARD	GULFPORT	TROOP CAMP QUARTERS	0	5,800	5,800	5,300
225	I MISSISSIPPI	AIR NATIONAL GUARD	THOMPSON AIR NATIONAL GUARD FIELD	FIRE STATION	0	2,400	0	1,750
226	I MISSOURI	AIR FORCE	WHITEMAN AFB	B-2 ADAL APRON, TAXIWAY, & CONVOY ROADS	4,600	4,600	4,600	4,600
227	I MISSOURI	AIR FORCE	WHITEMAN AFB	B-2 AIRCRAFT MAINT DOCKS/HYDRANT FUELING	15,000	15,000	15,000	15,000
228	I MISSOURI	AIR FORCE	WHITEMAN AFB	B-2 ADAL DOCK & HANGAR FIRE PROTECTION SYS	3,400	3,400	3,400	3,400
229	I MISSOURI	AIR FORCE	WHITEMAN AFB	STORM DRAINAGE FACILITIES	1,290	1,290	1,290	1,290
230	I MISSOURI	ARMY NATIONAL GUARD	COLUMBIA	ARMORY	0	1,415	0	1,415
231	I MISSOURI	ARMY NATIONAL GUARD	SKELTON TRAINING CENTER, JEFFERSON CITY	DEFENSE ACCESS ROAD	0	1,500	0	1,396
232	I MISSOURI	AIR NATIONAL GUARD	JEFFERSON BARRACKS ANG SITE	REPLACE FUEL TANKS/UPGRADE REFUEL BOOTH	500	500	500	500
233	I MISSOURI	AIR NATIONAL GUARD	ST LOUIS-LAMBERT FIELD	REPLACE UNDERGROUND FUEL STORAGE TANKS	440	440	440	440
234	I MISSOURI	AIR NATIONAL GUARD	ST. JOSEPH	ADVANCED TACTICAL AIRLIFT TRAINING CENTER	0	0	2,150	2,150
235	I MISSOURI	AIR NATIONAL GUARD	ST. JOSEPH	CIVIL ENGINEERING FACILITY	0	3,000	0	3,000
236	I MONTANA	AIR FORCE	HALMSTROM AFB	UNGD FUEL STORAGE TANKS MINUTEMAN III FACS	4,000	4,000	4,000	4,000
237	I MONTANA	AIR FORCE	HALMSTROM AFB	UNDERGROUND FUEL STORAGE TANKS	3,200	3,200	3,200	3,200
238	I MONTANA	AIR NATIONAL GUARD	GREAT FALLS IAP	ADAL FUEL CELL AND CORROSION CONTROL HANG	1,150	1,150	1,150	1,150
239	I MONTANA	AIR NATIONAL GUARD	GREAT FALLS IAP	MUNITIONS STORAGE FACILITY	0	0	3,150	3,150
240	I NEBRASKA	AIR FORCE	OFFUTT AFB	STORM DRAINAGE FACILITIES	1,500	1,500	1,500	1,500

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#	I/O LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CONFERENCE AGREEMENT
241 I	NEBRASKA	AIR FORCE	OFFUTT AFB	UNDERGROUND FUEL STORAGE TANKS	760	760	760	760
242 I	NEBRASKA	AIR NATIONAL GUARD	LINCOLN MAP	PARKING APRON, JET FUEL STOR AND OPTING COM	14,274	14,274	14,274	14,274
243 I	NEBRASKA	AIR NATIONAL GUARD	LINCOLN MAP	REPLACE UNDERGROUND FUEL STORAGE TANKS	500	500	500	500
244 I	NEVADA	AIR FORCE	NELLIS AFB	DORMITORY	0	0	9,900	0
245 I	NEVADA	AIR FORCE	NELLIS AFB	RELOCATE WATER STORAGE TANK	0	0	600	600
246 I	NEVADA	ARMY NATIONAL GUARD	WASHOE COUNTY	ARMORY	0	5,500	5,600	5,520
247 I	NEVADA	ARMY RESERVE	LAS VEGAS	ARMED FORCES RESERVE CENTER	0	20,000	0	10,000
248 I	NEW JERSEY	ARMY	MIL OCEAN TERM BAYONNE	PAVE CARGO STAGING AND HOLDING AREA	4,050	4,050	4,050	4,050
249 I	NEW JERSEY	NAVY	LAKEMURST NAVAIRWARFARE CTR AIRCRAFT DIV	POTABLE WATER DISTRIBUTION SYSTEM ADDN	2,950	2,950	2,950	2,950
250 I	NEW JERSEY	AIR FORCE	MCGUIRE AFB	UPGRADE SANITARY SEWER SYSTEM	4,800	4,800	4,800	4,800
251 I	NEW JERSEY	AIR FORCE	MCGUIRE AFB	UPGRADE STORM DRAINAGE FACILITIES	1,900	1,900	1,900	1,900
252 I	NEW JERSEY	AIR FORCE	MCGUIRE AFB	DORMITORY	8,700	8,700	8,700	8,700
253 I	NEW JERSEY	AIR FORCE	MCGUIRE AFB	DORMITORY	1,600	1,600	1,600	1,600
254 I	NEW JERSEY	DEFENSE AGENCIES	FORT DIX	HOSPITAL LIFE SAFETY UPGRADE	2,000	2,000	2,000	2,000
255 I	NEW JERSEY	AIR NATIONAL GUARD	MCGUIRE AFB	REPLACE UNDERGROUND FUEL STORAGE TANKS	1,000	1,000	1,000	1,000
256 I	NEW JERSEY	AIR NATIONAL GUARD	MCGUIRE AFB	AIRCRAFT PARKING APRON	0	9,600	9,600	9,600
257 I	NEW MEXICO	NAVY	WHITE SANDS NAVAL ORD MISSILE TEST STA	WEAPONS TEST RANGE	1,390	1,390	1,390	1,390
258 I	NEW MEXICO	AIR FORCE	HOLLOMAN AFB	DORMITORY	3,950	3,950	3,950	3,950
259 I	NEW MEXICO	AIR FORCE	HOLLOMAN AFB	ADDITIONAL F-117 HANGARETTE	0	7,000	7,000	7,000
260 I	NEW MEXICO	AIR FORCE	KIRTLAND AFB	UPGRADE ELECTRICAL DISTRIBUTION SYSTEM, PH I	0	0	6,000	3,000
261 I	NEW MEXICO	AIR FORCE	KIRTLAND AFB	REPAIR WATER DISTRIBUTION CENTER	0	0	8,800	8,800
262 I	NEW MEXICO	AIR FORCE	KIRTLAND AFB	BASE SUPPORT CENTER/DINING HALL	0	0	9,500	9,500
263 I	NEW MEXICO	AIR FORCE	KIRTLAND AFB	UNDERGROUND FUEL STORAGE TANKS	3,200	3,200	3,200	3,200
264 I	NEW MEXICO	AIR FORCE	KIRTLAND AFB	CHILD CARE CENTER	0	0	3,500	3,500
265 I	NEW MEXICO	DEFENSE AGENCIES	KIRTLAND AFB (SOC)	AIRCREW TRAINING FACILITY	9,600	9,600	9,600	9,600
266 I	NEW MEXICO	ARMY NATIONAL GUARD	TAOS	ARMORY	0	0	1,690	0
267 I	NEW MEXICO	AIR NATIONAL GUARD	KIRTLAND AFB	REPLACE UNDERGROUND FUEL STORAGE TANKS	900	900	900	900
268 I	NEW YORK	ARMY	FORT DRUM	FLIGHT SIMULATOR BUILDING	0	3,900	0	0
269 I	NEW YORK	ARMY	FORT DRUM	AIRCRAFT PROTECTIVE SHELTERS	0	2,050	0	0
270 I	NEW YORK	ARMY	FORT DRUM	MULTIPURPOSE TRAINING RANGE	0	13,200	0	12,600

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#	I/O LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CONFERENCE AGREEMENT
271	I NEW YORK	ARMY	U S MILITARY ACADEMY	RENOVATE FOOD PROCESSING FACILITY, PHASE I	28,000	28,000	28,000	14,000
272	I NEW YORK	ARMY NATIONAL GUARD	CAMP SMITH	OVERHAUL OF WATER SUPPLY AND DISTRIBUTION SYS	0	1,820	1,820	1,820
273	I NEW YORK	AIR NATIONAL GUARD	HAMCOCK FIELD	REPLACE UNDERGROUND FUEL STORAGE TANKS	580	580	580	580
274	I NEW YORK	AIR NATIONAL GUARD	NIAGARA FALLS INTERNATIONAL AIRPORT	REPLACE UNDERGROUND FUEL STORAGE TANKS	640	640	640	640
275	I NEW YORK	AIR NATIONAL GUARD	STRATTON AIR NAT'L GUARD BASE	POLICE FACILITY AND FIRE STATION	0	3,200	3,600	3,200
276	I NEW YORK	AIR FORCE RESERVE	NIAGARA IAP	FUEL MAINTENANCE HANGAR	0	0	5,450	0
277	I NORTH CAROLINA	ARMY	FORT BRAGG	WHOLE BARRACKS RENEWAL	29,000	29,000	29,000	29,000
278	I NORTH CAROLINA	ARMY	SUNNY POINT ARMY TERM	DREDGE TERMINAL ENTRANCE	16,500	16,500	16,500	16,500
279	I NORTH CAROLINA	ARMY	SUNNY POINT ARMY TERM	HOLDING PAD	5,700	5,700	5,700	5,700
280	I NORTH CAROLINA	NAVY	CAMP LEJEUNE MARINE CORPS BASE	OIL SPILL PREVENTION	4,450	4,450	4,450	4,450
281	I NORTH CAROLINA	NAVY	CAMP LEJEUNE MARINE CORPS BASE	MULTI-PURPOSE TRAINING RANGE COMPLEX	10,400	10,400	10,400	10,400
282	I NORTH CAROLINA	NAVY	CHERRY POINT MARINE CORPS AIR STATION	CYROGENICS FACILITY	2,100	2,100	2,100	2,100
283	I NORTH CAROLINA	AIR FORCE	POPE AFB	AIRCRAFT PARKING APRON LIGHTING	1,500	1,500	1,500	1,500
284	I NORTH CAROLINA	AIR FORCE	POPE AFB	FIRE TRAINING FACILITY	1,100	1,100	1,100	1,100
285	I NORTH CAROLINA	AIR FORCE	POPE AFB	COMBAT CONTROL TEAM SQUADRON FACILITY	0	2,150	0	2,450
286	I NORTH CAROLINA	DEFENSE AGENCIES	FORT BRAGG	HOSPITAL REPLACEMENT PHASE III	75,000	75,000	75,000	75,000
287	I NORTH CAROLINA	DEFENSE AGENCIES	FORT BRAGG	SPECIAL OPERATIONS FACILITY	0	0	16,000	8,000
288	I NORTH CAROLINA	ARMY NATIONAL GUARD	KINSTON	ARMORY AND ORGANIZATIONAL MAINTENANCE SHOP	0	3,519	0	3,519
289	I NORTH CAROLINA	AIR NATIONAL GUARD	DOUGLAS MAP	REPLACE UNDERGROUND FUEL STORAGE TANKS	690		690	690
290	I NORTH CAROLINA	AIR NATIONAL GUARD	STANLY COUNTY	COMPOSITE TRAINING FACILITY	0	5,100	0	5,100
291	I NORTH CAROLINA	AIR FORCE RESERVE	KINSTON REGIONAL AIRPORT	HOLDING APRON & RUNWAY IMPROVEMENTS	0	4,960	0	4,960
292	I NORTH DAKOTA	AIR FORCE	GRAND FORKS AFB	UNDERGROUND FUEL STORAGE TANKS - MISSILE FACS	5,200	5,200	5,200	5,200
293	I NORTH DAKOTA	AIR FORCE	MINOT AFB	UNGD FUEL STORAGE TANKS - MISSILE FACS	2,950	2,950	2,950	2,950
294	I NORTH DAKOTA	AIR FORCE	MINOT AFB	UNDERGROUND FUEL STORAGE TANKS	1,400	1,400	1,400	1,400
295	I NORTH DAKOTA	AIR FORCE	MINOT AFB	STORM DRAINAGE FACILITIES	1,500	1,500	1,500	1,500
296	I NORTH DAKOTA	AIR FORCE	MINOT AFB	REPAIR PARKING APRON	0	4,500	4,500	0
297	I OHIO	AIR FORCE	WRIGHT-PATTERSON AFB	UPGRADE STORM DRAINAGE SYSTEM	3,350	3,350	3,350	3,350
298	I OHIO	AIR FORCE	WRIGHT-PATTERSON AFB	UPGRADE ELECTRICAL DISTRIBUTION SYSTEM (PH I)	0	0	4,150	0
299	I OHIO	AIR FORCE	WRIGHT-PATTERSON AFB	ACQUISITION MANAGEMENT CENTER (PH III)	0	0	18,300	18,300
300	I OHIO	AIR FORCE	WRIGHT-PATTERSON AFB	WASTE WATER TREATMENT PLANT	0	0	6,900	0

FISCAL YEAR 1995 MILITARY CONSTRUCTION AUTHORIZATION (IN THOUSANDS OF DOLLARS)

#	I/O	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H.PASSED	S.PASSED	CONFERENCE AGREEMENT
301	I	OHIO	AIR FORCE	WRIGHT-PATTERSON AFB	NATIONAL AIR INTELLIGENCE CENTER	0	4,900	0	4,900
302	I	OHIO	DEFENSE AGENCIES	DEFENSE CONSTRUCTION SUPPLY CENTER	FIRE STATION	2,200	2,200	2,200	2,200
303	I	OHIO	ARMY NATIONAL GUARD	RAYENMA	ARMORY/TRAINING SITE SUPPORT FACILITY	0	0	4,500	4,500
304	I	OHIO	ARMY NATIONAL GUARD	TOLEDO	ARMORY	0	3,183	0	0
305	I	OHIO	AIR NATIONAL GUARD	MANSFIELD LAMM AIRPORT	REPLACE UNDERGROUND FUEL STORAGE TANKS	770	770	770	770
306	I	OHIO	AIR NATIONAL GUARD	SPRINGFIELD ANG BASE	MEDICAL TRAINING AND DINING HALL FACILITY	0	4,300	0	4,300
307	I	OHIO	AIR NATIONAL GUARD	SPRINGFIELD MAP	REPLACE UNDERGROUND FUEL STORAGE TANKS	400	400	400	400
308	I	OHIO	AIR NATIONAL GUARD	SPRINGFIELD MAP	ADAL FUEL CELL AND CORROSION CONTROL DOCK	1,250	1,250	1,250	1,250
309	I	OHIO	AIR NATIONAL GUARD	TOLEDO EXPRESS AIRPORT	AIRCRAFT DEICING APRON	320	320	320	320
310	I	OHIO	AIR NATIONAL GUARD	TOLEDO EXPRESS AIRPORT	BASE CIVIL ENGINEERING MAINTENANCE COMPLEX	0	2,540	0	2,540
311	I	OHIO	AIR FORCE RESERVE	YOUNGSTOWN MAP	INDUSTRIAL WASTE WATER PRETREAT FACILITY	500	500	500	500
312	I	OKLAHOMA	ARMY	FORT SILL	WHOLE BARRACKS RENEWAL	18,000	18,000	18,000	18,000
313	I	OKLAHOMA	AIR FORCE	ALTUS AFB	ADD TO AND ALTER DORMITORY	3,750	3,750	3,750	3,750
314	I	OKLAHOMA	AIR FORCE	TINKER AFB	STORM DRAINAGE SYSTEM	1,243	1,243	1,243	1,243
315	I	OKLAHOMA	AIR FORCE	TINKER AFB	CORROSION CONTROL FACILITY (DBOF)	8,400	8,400	8,400	8,400
316	I	OKLAHOMA	AIR FORCE	TINKER AFB	EXTEND AND UPGRADE ALTERNATE RUNWAY	0	10,800	0	10,800
317	I	OKLAHOMA	AIR FORCE	VANCE AFB	FIRE TRAINING FACILITY	980	980	980	980
318	I	OKLAHOMA	AIR FORCE	VANCE AFB	ALTER BARRACKS	2,300	2,300	2,300	2,300
319	I	OKLAHOMA	AIR FORCE	VANCE AFB	UPGRADE STORM DRAINAGE SYSTEM	1,800	1,800	1,800	1,800
320	I	OKLAHOMA	AIR FORCE	VANCE AFB	UPGRADE SANITARY SEWER SYSTEM	1,100	1,100	1,100	1,100
321	I	OKLAHOMA	AIR FORCE	VANCE AFB	AIRCRAFT PARKING APRON (PHASE V)	0	5,500	5,500	5,500
322	I	OKLAHOMA	ARMY NATIONAL GUARD	OKLAHOMA CITY	TROOP COMMAND ARMORY	0	3,911	0	0
323	I	OKLAHOMA	ARMY NATIONAL GUARD	OKLAHOMA MILITARY ACADEMY	BARRACKS AND CLASSROOMS	0	4,463	0	4,463
324	I	OKLAHOMA	AIR NATIONAL GUARD	TULSA IAP	REPLACE UNDERGROUND FUEL STORAGE TANKS	700	700	700	700
325	I	OKLAHOMA	AIR FORCE RESERVE	TINKER AFB	UPGRADE BAMP AND HYDRANT REFUELING SYSTEM	0	0	10,200	10,200
326	I	OREGON	ARMY	UMATILLA ARMY DEPOT	AMMUNITION DEMILITARIZATION FACILITY	179,000	179,000	0	0
327	I	OREGON	DEFENSE AGENCIES	UMATILLA ARMY DEPOT	AMMUNITION DEMILITARIZATION FACILITY, PHASE I	0	0	12,000	12,000
328	I	OREGON	DEFENSE AGENCIES	UMATILLA ARMY DEPOT	CARBON FILTRATION SYSTEM	0	0	4,000	0
329	I	OREGON	ARMY NATIONAL GUARD	CAMP RILEA	TROOP ISSUE ACTIVITY WAREHOUSE UPGRADE	0	0	500	0
330	I	OREGON	ARMY NATIONAL GUARD	HERMISTON	ARMORY	0	0	1,800	1,713

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#	I/O LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CONFERENCE AGREEMENT
331	I OREGON	ARMY NATIONAL GUARD	PENDLETON	AVIATION SUPPORT FACILITY	0	0	2,000	2,000
332	I OREGON	AIR NATIONAL GUARD	CAMP RILEA	COMMUNICATION & ELECTRONICS TRAINING FACILITY	0	4,650	4,650	4,650
333	I OREGON	AIR NATIONAL GUARD	PORTLAND IAP	SITE RESTORATION	1,700	1,700	1,700	1,700
334	I PENNSYLVANIA	ARMY	TOBYHANNA DEPOT	INDUSTRIAL OPERATIONS FACILITY	0	17,000	0	17,000
335	I PENNSYLVANIA	NAVY	PHILADELPHIA NAVAL SHIPYARD	PIER 4 REHAB (PHASE II)	0	6,000	0	6,000
336	I PENNSYLVANIA	NAVY	PHILADELPHIA NAVAL SHIPYARD	RENOVATE AND MODERNIZE FOUNDRY (PHASE II)	0	4,500	0	4,500
337	I PENNSYLVANIA	NAVY	PHILADELPHIA NAVAL SHIPYARD	FIRE PROTECTION PUMP	0	1,000	0	0
338	I PENNSYLVANIA	ARMY NATIONAL GUARD	FORD CITY, ARMSTRONG COUNTY	ARMORY	0	1,982	0	1,982
339	I PENNSYLVANIA	ARMY NATIONAL GUARD	FORT INDIANTOWN GAP	ELECTRICAL TARGETING SYSTEM UPGRADE	0	0	770	770
340	I PENNSYLVANIA	ARMY NATIONAL GUARD	FORT INDIANTOWN GAP	BARRACKS	0	0	6,200	6,200
341	I PENNSYLVANIA	ARMY NATIONAL GUARD	FORT INDIANTOWN GAP	FLIGHT SIMULATOR	0	4,600	6,000	4,584
342	I PENNSYLVANIA	ARMY NATIONAL GUARD	MT PLEASANT TOWNSHIP, WESTMORELAND COUNTY	ARMORY	0	3,954	0	3,954
343	I PENNSYLVANIA	NAVY RESERVE	FOLSOM	RENOVATE ARMED FORCES RESERVE CENTER (BLOG 8)	0	2,300	0	2,300
344	I PENNSYLVANIA	AIR NATIONAL GUARD	FT INDIANTOWN ANG COMMUNICATIONS SITE	REPLACE UNDERGROUND FUEL STORAGE TANKS	1,800	1,800	1,800	1,800
345	I PENNSYLVANIA	AIR NATIONAL GUARD	GREATER PITTSBURGH INTERNATIONAL AIRPORT	REPLACE UNDERGROUND FUEL STORAGE TANKS	500	500	500	500
346	I PENNSYLVANIA	AIR NATIONAL GUARD	HARRISBURG IAP	REPLACE UNDERGROUND FUEL STORAGE TANKS	690	690	690	690
347	I PENNSYLVANIA	AIR NATIONAL GUARD	WILLOW GROVE NAS	REPLACE UNDERGROUND FUEL STORAGE TANKS	470	470	470	470
348	I RHODE ISLAND	NAVY	NAVAL WAR COLLEGE, NEWPORT	STRATEGIC MARITIME RESEARCH CENTER (PHASE I)	0	10,000	0	10,000
349	I RHODE ISLAND	NAVY	NEWPORT NAVAL EDUCATION & TRAINING CENTER	SANITARY SEMER SYSTEM UPGRADES	14,500	14,500	14,500	14,500
350	I SOUTH CAROLINA	ARMY	CHARLESTON NAVAL WEAPONS STATION	STRATEGIC MAINTENANCE COMPLEX (PH I)	0	0	24,000	20,000
351	I SOUTH CAROLINA	NAVY	MARINE CORPS AIR STATION, BEAUFORT	F/A - 180 SPT. FACILITIES	0	10,800	0	10,800
352	I SOUTH CAROLINA	NAVY	MARINE CORPS RECRUIT DEPOT, PARRIS ISLAND	RECRUIT TRAINING FACILITY	0	6,000	0	5,800
353	I SOUTH CAROLINA	NAVY	PARRIS ISLAND MARINE CORPS RECRUIT DEPOT	CHILD DEVELOPMENT CENTER	2,550	2,550	2,550	2,550
354	I SOUTH CAROLINA	AIR FORCE	CHARLESTON AFB	ALTER DORMITORIES	9,900	9,900	9,900	9,900
355	I SOUTH CAROLINA	AIR FORCE	CHARLESTON AFB	UPGRADE HAZARDOUS WASTE STORAGE FACILITY	1,500	1,500	1,500	1,500
356	I SOUTH CAROLINA	ARMY NATIONAL GUARD	EASTOVER	CLASS IX AMMUNITION STORAGE FACILITY	0	0	2,300	2,300
357	I SOUTH CAROLINA	ARMY NATIONAL GUARD	SENECA	ARMORY	0	0	1,400	0
358	I SOUTH CAROLINA	ARMY RESERVE	NORTH CHARLESTON	RESERVE CENTER/MAINTENANCE COMPLEX	0	0	8,560	8,560
359	I SOUTH CAROLINA	AIR NATIONAL GUARD	MCINTIRE ANG	ADD/ALTER COMMUNICATIONS FACILITY	0	0	900	0
360	I SOUTH DAKOTA	AIR FORCE	ELLSWORTH AFB	STORM DRAINAGE FACILITIES	1,450	1,450	1,450	1,450

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#	I/O LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CONFERENCE AGREEMENT
361	I SOUTH DAKOTA	AIR FORCE	ELLSMORTH AFB	CONSOLIDATED SUPPORT CENTER (PHASE II)	0	4,500	4,500	4,500
362	I SOUTH DAKOTA	ARMY NATIONAL GUARD	CAMP RAPID	BARRACKS/ADMINISTRATION FACILITY	0	0	2,200	0
363	I SOUTH DAKOTA	AIR NATIONAL GUARD	SIOUX FALLS (JOE FOSS FIELD)	POWER CHECK PAD/SOUND SUPPRESSOR	0	0	2,500	2,500
364	I TENNESSEE	AIR FORCE	ARNOLD ENGINEERING DEV CENTER	HAZARDOUS WASTE/MATERIAL STORAGE FACILITY	1,900	1,900	1,900	1,900
365	I TENNESSEE	ARMY NATIONAL GUARD	CHATTANOOGA ANG	ARMY NATIONAL GUARD AVIATION UNIT	0	2,949	0	0
366	I TENNESSEE	ARMY NATIONAL GUARD	CHATTANOOGA ANG	ARMORY ADDITION AND REHABILITATION	0	1,604	0	1,604
367	I TENNESSEE	ARMY NATIONAL GUARD	DUNLAP	ORGANIZATIONAL MAINTENANCE SUB SHOP	0	715	715	715
368	I TENNESSEE	ARMY NATIONAL GUARD	JOHNSON CITY	ADD/ALTER JOINT ARMED FORCES RESV CTR	0	6,019	0	6,019
369	I TENNESSEE	ARMY NATIONAL GUARD	LINDEN	ARMORY	0	1,097	1,097	1,097
370	I TENNESSEE	ARMY NATIONAL GUARD	MILAN	ARMORY	0	825	825	825
371	I TENNESSEE	ARMY NATIONAL GUARD	MOUNTAIN CITY	ARMORY	0	1,742	1,742	1,742
372	I TENNESSEE	ARMY NATIONAL GUARD	ONEIDA	ARMORY	0	0	1,230	1,230
373	I TENNESSEE	ARMY NATIONAL GUARD	ROGERSVILLE	ARMORY	0	0	1,820	1,820
374	I TENNESSEE	ARMY NATIONAL GUARD	SPRINGFIELD	ARMORY	0	1,100	1,100	1,115
375	I TENNESSEE	ARMY NATIONAL GUARD	TRENTON	ORGANIZATIONAL MAINTENANCE SHOP	0	630	630	630
376	I TENNESSEE	ARMY NATIONAL GUARD	WAVERLY	ARMORY ADDITION AND REHABILITATION (PHASE II)	0	321	321	321
377	I TENNESSEE	AIR NATIONAL GUARD	MEMPHIS	VEHICLE MAINTENANCE WAREHOUSE	0	0	1,900	1,900
378	I TENNESSEE	AIR NATIONAL GUARD	MEMPHIS	SIMULATOR FACILITY	0	0	3,500	3,500
379	I TENNESSEE	AIR NATIONAL GUARD	NASHVILLE	VEHICLE MAINTENANCE COMPLEX	0	0	2,250	2,250
380	I TEXAS	ARMY	FORT BLISS	MAINTENANCE FACILITY	0	11,200	0	11,200
381	I TEXAS	ARMY	FORT BLISS	US SERGEANTS MAJOR ACADEMY ADDITION	0	5,600	0	5,600
382	I TEXAS	ARMY	FORT BLISS	CHILD DEVELOPMENT CENTER	0	4,000	0	0
383	I TEXAS	ARMY	FORT HOOD	WHOLE BARRACKS RENEWAL	29,000	29,000	29,000	29,000
384	I TEXAS	ARMY	FORT HOOD	LOGISTICS FACILITY PHASE IV	0	10,000	0	8,800
385	I TEXAS	ARMY	FORT HOOD	TWO TACTICAL EQUIPMENT SHOPS	0	10,000	0	8,000
386	I TEXAS	ARMY	FORT SAM HOUSTON	SEWAGE TREATMENT PLANT - CAMP BULLIS	4,300	4,300	4,300	4,300
387	I TEXAS	ARMY	FORT SAM HOUSTON	DINING FACILITY MODERNIZATION	0	2,750	0	0
388	I TEXAS	NAVY	INGLESIDE NAVAL STATION	MAGNETIC SILENCING FAC W/LAND ACQUISITION	14,110	14,110	14,110	14,110
389	I TEXAS	NAVY	KINGSVILLE NAVAL AIR STATION	REPAIR & MAINTAIN NON-AIRBORNE ELECT/COMM EGU	0	1,530	0	1,530
390	I TEXAS	AIR FORCE	BROOKS AFB	DIRECTED ENERGY FACILITY	0	6,500	0	6,500

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#	I/O LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CONFERENCE AGREEMENT
391 I	TEXAS	AIR FORCE	DYESS AFB	ADD/ALTER DORMITORY	0	5,400	0	0
392 I	TEXAS	AIR FORCE	KELLY AFB	UPGRADE HYDRANT FUELING SYSTEMS	3,700	3,700	3,700	3,700
393 I	TEXAS	AIR FORCE	KELLY AFB	UPGRADE SANITARY SEWER LINES	3,000	3,000	3,000	3,000
394 I	TEXAS	AIR FORCE	KELLY AFB	ADD TO AND ALTER DORMITORY	2,250	2,250	2,250	2,250
395 I	TEXAS	AIR FORCE	KELLY AFB	ALTER DEPOT MAINTENANCE HANGAR, PHASE I	0	7,600	0	0
396 I	TEXAS	AIR FORCE	LACKLAND AFB	7-LEVEL TRAINING CLASSROOMS	1,800	1,800	1,800	1,800
397 I	TEXAS	AIR FORCE	LACKLAND AFB	ALTER RECRUIT DORMITORY	3,400	3,400	3,400	3,400
398 I	TEXAS	AIR FORCE	SHEPPARD AFB	7-LEVEL TRAINING CLASSROOMS	3,300	3,300	3,300	3,300
399 I	TEXAS	ARMY NATIONAL GUARD	EL CAMPO	ARMORY AND ORGANIZATIONAL MAINTENANCE SHOP	0	2,086	0	0
400 I	TEXAS	ARMY NATIONAL GUARD	FORT WORTH / SANDAGE	ARMORY RENOVATION	0	631	0	0
401 I	TEXAS	ARMY NATIONAL GUARD	FORT WORTH / SHOREVIEW	ADD / ALTER ARMORY	0	3,190	0	3,041
402 I	TEXAS	ARMY NATIONAL GUARD	MARSHALL	ORGANIZATIONAL MAINTENANCE SHOP	0	830	0	830
403 I	TEXAS	ARMY NATIONAL GUARD	WYLIE	ORGANIZATIONAL MAINTENANCE SHOP	0	1,261	0	1,261
404 I	UTAH	DEFENSE AGENCIES	TOOELE ARMY DEPOT	CARBON FILTRATION SYSTEM	0	0	4,000	4,000
405 I	UTAH	ARMY NATIONAL GUARD	CAMP WILLIAMS	TROOP SUPPORT ACTIVITY BUILDING (PH II)	0	0	2,290	2,290
406 I	UTAH	ARMY NATIONAL GUARD	ST. GEORGE	ARMORY ADDITION	0	0	880	0
407 I	UTAH	AIR NATIONAL GUARD	SALT LAKE CITY IAP	AIRCRAFT WASHRACK AND DEICE FACILITY	400	400	400	400
408 I	VERMONT	AIR NATIONAL GUARD	BURLINGTON IAP	MEDICAL TRAINING/OPERATIONS FACILITY	0	0	4,800	4,800
409 I	VIRGINIA	ARMY	FORT LEE	UPGRADE ELECTRICAL DISTRIBUTION, PHASE I	0	16,000	0	11,000
410 I	VIRGINIA	ARMY	FORT LEE	SOLDIERS ONE STOP CENTER	0	5,000	0	4,600
411 I	VIRGINIA	ARMY	FORT MYER	WHOLE BARRACKS RENEWAL	7,300	7,300	7,300	7,300
412 I	VIRGINIA	NAVY	CHESAPEAKE NAVAL SECURITY GROUP ACT NW	CHILD DEVELOPMENT CENTER	1,150	1,150	1,150	1,150
413 I	VIRGINIA	NAVY	DAM NECK FLEET COMBAT TRAIN CTR ATLANTIC	CHILD DEVELOPMENT CENTER	1,600	1,600	1,600	1,600
414 I	VIRGINIA	NAVY	DAM NECK FLEET COMBAT TRAIN CTR ATLANTIC	GUNLINE/WEAPONS TRAINING FACILITY	0	5,400	0	5,400
415 I	VIRGINIA	NAVY	LITTLE CREEK AMPHIBIOUS BASE	WEST SIDE FIRE STATION	0	5,000	0	5,000
416 I	VIRGINIA	NAVY	NAVAL BASE NORFOLK	FAMILY SERVICES CENTER	0	5,100	0	5,100
417 I	VIRGINIA	NAVY	NORFOLK MARINE CORPS SEC FORCE BATT LANT	BACHELOR ENLISTED QUARTERS	6,480	6,480	6,480	6,480
418 I	VIRGINIA	NAVY	NORFOLK NAVAL STATION	BACHELOR ENLISTED QUARTERS	16,430	16,430	16,430	16,430
419 I	VIRGINIA	NAVY	NORFOLK NAVAL STATION	NAUTICUS	0	1,000	0	0
420 I	VIRGINIA	NAVY	OCEANA NAVAL AIR STATION	AIRCRAFT FIXED START SYSTEM	0	4,700	0	0

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#	I/O LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CONFERENCE AGREEMENT
421	I VIRGINIA	NAVY	QUANTICO MARINE CORPS COMBAT DEV COMMAND	SEWAGE TREATMENT PLANT	19,900	19,900	19,900	19,900
422	I VIRGINIA	AIR FORCE	LANGLEY AFB	CHILD DEVELOPMENT CENTERS (2)	0	5,500	0	5,500
423	I VIRGINIA	DEFENSE AGENCIES	DEF FUEL SUPPORT POINT CRANEY ISLAND	MAINTENANCE & OPERATIONS FACILITY	3,652	3,652	3,652	3,652
424	I VIRGINIA	DEFENSE AGENCIES	FORT BELVOIR	CHILD DEVELOPMENT CENTER	4,600	4,600	4,600	4,600
425	I VIRGINIA	DEFENSE AGENCIES	NAVAL SURFACE WARFARE CENTER, DALGHREN	ADD/ALTER SECTION 6 SCHOOL	0	1,300	1,560	1,560
426	I VIRGINIA	DEFENSE AGENCIES	PORTSMOUTH NAVAL HOSPITAL	HOSPITAL REPLACEMENT PHASE IV	120,000	120,000	120,000	120,000
427	I VIRGINIA	ARMY NATIONAL GUARD	DANVILLE	EXPAND ARMORY	0	0	1,740	0
428	I VIRGINIA	AIR NATIONAL GUARD	RICHMOND IAP	FUEL STORAGE COMPLEX	0	0	4,500	4,500
429	I WASHINGTON	ARMY	FORT LEVIS	WHOLE BARRACKS RENEWAL	32,000	32,000	32,000	32,000
430	I WASHINGTON	ARMY	FORT LEVIS	WHOLE BARRACKS RENEWAL	32,000	32,000	32,000	32,000
431	I WASHINGTON	NAVY	BREMERTON PUGET SOUND NAVAL SHIPYARD	INDUSTRIAL WASTEWATER TREATMENT FACILITY	3,200	3,200	3,200	3,200
432	I WASHINGTON	NAVY	BREMERTON PUGET SOUND NAVAL SHIPYARD	UTILITIES AND SITE IMPROVEMENTS	7,840	7,840	7,840	7,840
433	I WASHINGTON	NAVY	EVERETT NAVAL STATION	BACHELOR ENLISTED QUARTERS	7,450	7,450	7,450	7,450
434	I WASHINGTON	NAVY	EVERETT NAVAL STATION	CHILD DEVELOPMENT CENTER	2,900	2,900	2,900	2,900
435	I WASHINGTON	NAVY	EVERETT NAVAL STATION	FLEET RECREATION CENTER	3,000	3,000	3,000	3,000
436	I WASHINGTON	NAVY	EVERETT NAVAL STATION	PHYSICAL FITNESS FACILITIES	6,840	6,840	6,840	6,840
437	I WASHINGTON	NAVY	EVERETT NAVAL STATION	HAZARDOUS WASTE STORAGE AND TRANSFER FAC	1,500	1,500	1,500	1,500
438	I WASHINGTON	NAVY	WHIDBEY ISLAND NAVAL AIR STATION	WASTEWATER TREATMENT PLANT UPGRADE	2,400	2,400	2,400	2,400
439	I WASHINGTON	NAVY	WHIDBEY ISLAND NAVAL AIR STATION	FIRE FIGHTING TRAINING FACILITY	1,400	1,400	1,400	1,400
440	I WASHINGTON	NAVY	WHIDBEY ISLAND NAVAL AIR STATION	INDUSTRIAL WASTEWATER PRETREATMENT FAC	1,400	1,400	1,400	1,400
441	I WASHINGTON	AIR FORCE	FAIRCHILD AFB	STORM DRAINAGE FACILITIES	2,450	2,450	2,450	2,450
442	I WASHINGTON	AIR FORCE	FAIRCHILD AFB	HAZARDOUS MATERIAL STORAGE FACILITY	1,400	1,400	1,400	1,400
443	I WASHINGTON	AIR FORCE	FAIRCHILD AFB	SURVIVAL TRAINING SCHOOL FACILITY	0	0	5,000	3,750
444	I WASHINGTON	AIR FORCE	FAIRCHILD AFB	FLIGHT SIMULATOR	0	4,200	0	4,000
445	I WASHINGTON	AIR FORCE	FAIRCHILD AFB	SQUADRON OPERATIONS/MAINTENANCE	0	6,300	0	6,300
446	I WASHINGTON	AIR FORCE	MCCORD	AIR TRAFFIC CONTROL TOWER	0	2,700	0	2,700
447	I WASHINGTON	AIR FORCE	MCCORD	ALTER BLDG FOR CONSOLIDATED SUPPORT CENTER	0	7,700	0	7,700
448	I WASHINGTON	NAVY RESERVE	SEATTLE	JOINT ARMED FORCES RESERVE CENTER	0	0	0	10,400
449	I WASHINGTON	AIR NATIONAL GUARD	FAIRCHILD AFB	ADD/ALTER SQUADRON OPERATIONS FACILITY	0	0	1,250	1,250
450	I WEST VIRGINIA	AIR NATIONAL GUARD	E WV REGIONAL APT (MARTINSBURG)	REPLACE UNDERGROUND FUEL STORAGE TANKS	500	500	500	500

FISCAL YEAR 1995 MILITARY CONSTRUCTION AUTHORIZATION (IN THOUSANDS OF DOLLARS)

#	I/O LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CONFERENCE AGREEMENT
451 I	WISCONSIN	AIR NATIONAL GUARD	BILLY MITCHELL FIELD	REPLACE CENTRAL HEAT PLANT	800	800	800	800
452 I	WISCONSIN	AIR NATIONAL GUARD	TRUXA FIELD	ADAL AGE SHOP/STORAGE	340	340	340	340
453 I	WISCONSIN	AIR NATIONAL GUARD	VOLK FIELD	FIREMEN TRAINING FACILITY	700	700	700	700
454 I	WISCONSIN	AIR NATIONAL GUARD	VOLK FIELD	BASE FACILITIES IMPROVEMENTS (PHASE I)	0	9,900	0	4,900
455 I	WISCONSIN	AIR FORCE RESERVE	BILLY MITCHELL FIELD	INSTALL AIR EMISSION CONTROL DEVICE	750	750	750	750
456 I	WISCONSIN	AIR FORCE RESERVE	BILLY MITCHELL FIELD	FIRE FIGHTER TRAINING FACILITY	1,450	1,450	1,450	1,450
457 I	WYOMING	AIR FORCE	F E WARREN AFB	UNGD FUEL STORAGE TANKS - MISSILE FAC	2,650	2,650	2,650	2,650
458 I	WYOMING	ARMY NATIONAL GUARD	CAMP GUERNEY	UTILITY UPGRADE	0	0	6,233	0
459 I	WYOMING	ARMY NATIONAL GUARD	TORRINGTON	ARMORY	0	0	5,300	5,300
460 O	CONUS CLASSIFIED	ARMY	CLASSIFIED LOCATION	CLASSIFIED PROJECT	0	1,900	1,900	1,900
461 O	CONUS CLASSIFIED	NAVY	CLASSIFIED LOCATION	AIRCRAFT FIRE/RESCUE STA & VEH MAINT FAC	2,200	2,200	2,200	2,200
462 O	CONUS CLASSIFIED	AIR FORCE	CLASSIFIED LOCATION	SPECIAL TACTICAL UNIT DETENTION FACILITY	2,141	2,141	2,141	2,141
463 O	CONUS CLASSIFIED	DEFENSE AGENCIES	CLASSIFIED LOCATION	COMMAND SUPPORT FACILITY UTILITY UPGRADE	5,300	5,300	5,300	5,300
464 O	GERMANY	AIR FORCE	RAMSTEIN AB	HAZARDOUS WASTE STORAGE FACILITY	1,150	1,150	1,150	1,150
465 O	GERMANY	AIR FORCE	RAMSTEIN AB	UPGRADE SEWAGE COLLECTION SYSTEM	11,200	11,200	11,200	11,200
466 O	GERMANY	AIR FORCE	SPANGDAHLEN AB	CHILD DEVELOPMENT CENTER	2,273	2,273	2,273	2,273
467 O	GERMANY	AIR FORCE	SPANGDAHLEN AB	UPGD SEWAGE TREATMENT PLANT & SEWER SYS	7,200	7,200	7,200	7,200
468 O	GREECE	NAVY	SOUVA BAY CRETE NAVAL SUPPORT ACTIVITY	AIRCRAFT PARKING APRON	3,050	3,050	3,050	3,050
469 O	GREENLAND	AIR FORCE	THULE AB	FIRE TRAINING FACILITY	2,450	2,450	2,450	2,450
470 O	GUAM	NAVY	PUBLIC WORKS CENTER	UPGRADE ELECTRICAL POWER PLANT	0	21,600	0	0
471 O	ITALY	NAVY	NAPLES NAVAL SUPPORT ACTIVITY	BACHELOR ENLISTED QUARTERS	19,360	19,360	19,360	19,360
472 O	ITALY	NAVY	NAPLES NAVAL SUPPORT ACTIVITY	QUALITY OF LIFE FACILITIES (INCREMENT II)	9,100	9,100	9,100	9,100
473 O	ITALY	NAVY	SIGONELLA NAVAL AIR STATION	BACHELOR ENLISTED QUARTERS	13,750	13,750	13,750	13,750
474 O	KOREA	ARMY	CAMP CASEY	BARRACKS	0	29,200	0	29,200
475 O	KOREA	ARMY	CAMP COOPER	BARRACKS	0	6,200	0	0
476 O	KOREA	ARMY	CAMP RED CLOUD	BARRACKS	0	5,400	0	5,400
477 O	KWAJALEIN	ARMY	KWAJALEIN	FUEL CONTAINMENT FACILITY	1,200	1,200	1,200	1,200
478 O	KWAJALEIN	ARMY	KWAJALEIN	COVER RAW WATER TANKS	5,200	5,200	5,200	5,200
479 O	PORTUGAL	AIR FORCE	LAJES FIELD	REFUSE INCINERATOR	2,850	2,850	2,850	2,850
480 O	PUERTO RICO	NAVY	SABANA SECA NAVAL SECURITY GROUP ACTIVITY	OPERATIONS BUILDING ADDITION	1,650	1,650	1,650	1,650

FISCAL YEAR 1995 MILITARY CONSTRUCTION AUTHORIZATION (IN THOUSANDS OF DOLLARS)

#	I/O LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CONFERENCE AGREEMENT
481 O	PUERTO RICO	AIR NATIONAL GUARD	PUERTO RICO IAP	ADD TO AND ALTER AIRCRAFT CORROSION FAC	750	750	750	750
482 O	PUERTO RICO	AIR NATIONAL GUARD	PUERTO RICO IAP	REPLACE UNDERGROUND FUEL STORAGE TANKS	590	590	590	590
483 O	UNITED KINGDOM	NAVY	ST HAUGAN JOINT MARITIME COMMUNICATION CTR	CHILD DEVELOPMENT AND YOUTH CENTER	3,900	3,900	3,900	3,900
484 O	UNITED KINGDOM	AIR FORCE	RAF LAKENHEATH	ADD TO AND ALTER DORMITORY	3,700	3,700	3,700	3,700
485 O	UNITED KINGDOM	AIR FORCE	RAF LAKENHEATH	UPGRADE STORM DRAINAGE SYSTEM	2,550	2,550	2,550	2,550
486 O	UNITED KINGDOM	AIR FORCE	RAF LAKENHEATH	F-15E ADD TO MAINTENANCE FAC	850	850	850	850
487 O	OVERSEAS CLASSIFIED	AIR FORCE	OVERSEAS CLASSIFIED	WAR READINESS MAINTENANCE/MANAGEMENT FAC	1,300	1,300	1,300	1,300
488 O	OVERSEAS CLASSIFIED	AIR FORCE	OVERSEAS CLASSIFIED	WAR READINESS MATERIAL MEDICAL STORAGE FAC	2,100	2,100	2,100	2,100
489 O	OVERSEAS CLASSIFIED	AIR FORCE	OVERSEAS CLASSIFIED	WAR READINESS MATERIAL OPEN STORAGE FAC	650	650	650	650
490 OI	WORLDWIDE UNSPECIFIED	ARMY	UNSPECIFIED WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION	12,000	12,000	12,000	12,000
491 OI	WORLDWIDE UNSPECIFIED	ARMY	UNSPECIFIED WORLDWIDE LOCATIONS	CIVILIAN UNDERSTRENGTH	0	0	(14,000)	0
492 OI	WORLDWIDE UNSPECIFIED	ARMY	UNSPECIFIED WORLDWIDE LOCATIONS	ARMY - HOST NATION SUPPORT	25,000	25,000	25,000	10,000
493 OI	WORLDWIDE UNSPECIFIED	ARMY	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING AND DESIGN	62,926	66,126	63,926	66,126
494 OI	WORLDWIDE UNSPECIFIED	NAVY	UNSPECIFIED WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION	7,000	7,000	7,000	7,000
495 OI	WORLDWIDE UNSPECIFIED	NAVY	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING AND DESIGN	43,380	43,380	43,380	43,380
496 OI	WORLDWIDE UNSPECIFIED	AIR FORCE	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING AND DESIGN	49,386	49,386	49,386	49,386
497 OI	WORLDWIDE UNSPECIFIED	AIR FORCE	UNSPECIFIED WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION	7,000	7,000	7,000	7,000
498 OI	WORLDWIDE UNSPECIFIED	BASE CLOSURE I	BASE REALIGNMENT & CLOSURE ACCT PART I	BASE REALIGNMENT & CLOSURE PART I	87,600	87,600	87,600	87,600
499 OI	WORLDWIDE UNSPECIFIED	BASE CLOSURE II	BASE REALIGNMENT & CLOSURE ACCT PART II	BASE REALIGNMENT & CLOSURE PART II	398,700	398,700	398,700	398,700
500 OI	WORLDWIDE UNSPECIFIED	BASE CLOSURE III	BASE REALIGNMENT & CLOSURE ACCT PART III	BASE REALIGNMENT & CLOSURE ACCT PART III	2,189,858	2,005,897	2,189,858	2,189,858
501 OI	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED MINOR CONSTRUCTION	PLANNING AND DESIGN (DIA)	450	450	450	450
502 OI	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING AND DESIGN (DMDO)	530	530	530	530
503 OI	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING AND DESIGN	0	0	6,000	6,000
504 OI	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION (DOODS)	4,430	4,430	4,430	4,430
505 OI	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING AND DESIGN (SOF)	5,713	5,713	5,713	5,713
506 OI	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING AND DESIGN (OSD)	12,360	12,360	12,360	12,360
507 OI	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	CONTINGENCY CONSTRUCTION (OSD)	10,411	8,511	8,511	3,511
508 OI	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION (OSD)	3,000	3,000	3,000	3,000
509 OI	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION (JCS)	5,873	5,873	5,873	5,873
510 OI	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION (SOF)	4,020	4,020	4,020	4,020

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#	I/O	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	N. PASSED	S. PASSED	CONFERENCE AGREEMENT	
511	OI	WORLDWIDE	UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	ENERGY CONSERVATION IMPROVEMENT PROGRAM	50,000	50,000	50,000	50,000
512	OI	WORLDWIDE	UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION (DMFO)	5,025	5,025	5,025	5,025
513	OI	WORLDWIDE	UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING AND DESIGN (DMFO)	26,907	26,907	26,907	26,907
514	OI	WORLDWIDE	UNSPECIFIED	NATO	UNSPECIFIED WORLDWIDE LOCATIONS	NATO INFRASTRUCTURE	219,000	119,000	219,000	119,000
515	OI	WORLDWIDE	UNSPECIFIED	ARMY NATIONAL GUARD	UNSPECIFIED WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION	5,167	5,167	5,167	5,167
516	OI	WORLDWIDE	UNSPECIFIED	ARMY NATIONAL GUARD	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING AND DESIGN	1,000	2,157	15,191	5,900
517	OI	WORLDWIDE	UNSPECIFIED	ARMY RESERVE	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING AND DESIGN	5,253	5,253	5,253	5,253
518	OI	WORLDWIDE	UNSPECIFIED	ARMY RESERVE	UNSPECIFIED WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION	2,657	2,657	2,657	2,657
519	OI	WORLDWIDE	UNSPECIFIED	NAVY RESERVE	UNSPECIFIED WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION	158	158	158	158
520	OI	WORLDWIDE	UNSPECIFIED	NAVY RESERVE	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING AND DESIGN	1,357	1,357	11,757	1,800
521	OI	WORLDWIDE	UNSPECIFIED	AIR NATIONAL GUARD	UNSPECIFIED WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION	4,000	4,000	4,000	4,000
522	OI	WORLDWIDE	UNSPECIFIED	AIR NATIONAL GUARD	UNSPECIFIED WORLDWIDE LOCATIONS	GENERAL REDUCTION	0	0	(8,000)	0
523	OI	WORLDWIDE	UNSPECIFIED	AIR NATIONAL GUARD	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING AND DESIGN	11,532	11,532	14,823	14,823
524	OI	WORLDWIDE	UNSPECIFIED	AIR FORCE RESERVE	UNSPECIFIED WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION	4,018	4,018	4,018	4,018
525	OI	WORLDWIDE	UNSPECIFIED	AIR FORCE RESERVE	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING AND DESIGN	3,172	3,438	3,172	3,438
526	OI	WORLDWIDE	UNSPECIFIED	ARMY	UNSPECIFIED WORLDWIDE LOCATIONS	GENERAL REDUCTION	0	0	0	(23,500)
527	OI	WORLDWIDE	UNSPECIFIED	NAVY	UNSPECIFIED WORLDWIDE LOCATIONS	GENERAL REDUCTION	0	0	0	(23,500)
528	OI	WORLDWIDE	UNSPECIFIED	AIR FORCE	UNSPECIFIED WORLDWIDE LOCATIONS	GENERAL REDUCTION	0	0	0	(23,500)
529	OI	WORLDWIDE	VARIOUS	ARMY NATIONAL GUARD	VARIOUS LOCATIONS	ARMORY UNIT STORAGE BUILDING	840	840	840	840
530	OI	WORLDWIDE	VARIOUS	ARMY NATIONAL GUARD	VARIOUS LOCATIONS	INDOOR RANGE MODERNIZATION	839	839	839	839
531	XFH	ALABAMA	FNC-AIR FORCE	MAXWELL AFB	FAMILY HOUSING (25 UNITS)	2,100	2,100	2,100	2,100	
532	XFH	ALASKA	FNC-ARMY	FORT RICHARDSON	RENOVATE FAMILY HOUSING (72 UNITS)	0	0	5,000	5,000	
533	XFH	ARIZONA	FNC-AIR FORCE	DAVIS-MONTHAN AFB	FAMILY HOUSING REPLACEMENT (110 UNITS)	5,940	10,029	5,940	10,029	
534	XFH	CALIFORNIA	FNC-NAVY	MARINE CORPS BASE CAMP PENDLETON	NEW CONSTRUCTION (196 HOMES)	28,552	28,552	28,552	28,552	
535	XFH	CALIFORNIA	FNC-NAVY	PUBLIC WORKS CENTER SAN DIEGO	NEW CONSTRUCTION (136 HOMES)	18,262	18,262	18,262	18,262	
536	XFH	CALIFORNIA	FNC-AIR FORCE	BEALE AFB	FAMILY HOUSING (76 UNITS)	8,842	8,842	8,842	8,842	
537	XFH	CALIFORNIA	FNC-AIR FORCE	EDWARDS AFB	FAMILY HOUSING (34 UNITS)	4,629	4,629	4,629	4,629	
538	XFH	CALIFORNIA	FNC-AIR FORCE	LOS ANGELES AFB	NEW CONSTRUCTION (50 UNITS)	0	5,000	8,962	8,962	
539	XFH	CALIFORNIA	FNC-AIR FORCE	VANDENBERG AFB	FAMILY HOUSING (128 UNITS)	16,460	16,460	16,460	16,460	
540	XFH	COLORADO	FNC-ARMY	FORT CARSON	REPLACEMENT CONSTRUCTION (145)	16,500	16,500	16,500	16,500	

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#	I/O LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	N. PASSED	S. PASSED	CONFERENCE AGREEMENT
541 XFN	DISTRICT OF COLUMBIA	FNC-AIR FORCE	BOLLING AFB	FAMILY HOUSING (100 UNITS)	9,000	9,000	9,000	9,000
542 XFN	FLORIDA	FNC-AIR FORCE	PATRICK AFB	FAMILY HOUSING (75 UNITS)	7,145	7,145	7,145	7,145
543 XFN	GEORGIA	FNC-ARMY	FORT STEWART	REPLACEMENT CONSTRUCTION (128)	10,600	10,600	10,600	10,600
544 XFN	HAWAII	FNC-ARMY	HELENAO	FAMILY HOUSING ROAD IMPROVEMENT	0	0	3,500	0
545 XFN	HAWAII	FNC-ARMY	SCHOFIELD BARRACKS	REPLACEMENT CONSTRUCTION (190)	26,000	26,000	26,000	26,000
546 XFN	HAWAII	FNC-NAVY	HOAHALUA TERRACE	REPLACEMENT OF (100) FAMILY HOUSING UNITS	0	16,000	0	16,000
547 XFN	IDAHO	FNC-AIR FORCE	MOUNTAIN HOME AFB	FAMILY HOUSING (60 UNITS)	5,712	5,712	5,712	5,712
548 XFN	IDAHO	FNC-AIR FORCE	MOUNTAIN HOME AFB	FAMILY HOUSING (4 UNITS)	881	881	881	881
549 XFN	ILLINOIS	FNC-AIR FORCE	SCOTT AFB	HOUSING RELOCATION, PHASE III (300 UNITS)	0	0	0	0
550 XFN	KANSAS	FNC-ARMY	FORT RILEY	REPLACEMENT CONSTRUCTION (126 UNITS)	0	0	12,600	12,600
551 XFN	KANSAS	FNC-AIR FORCE	MCCONNELL AFB	FAMILY HOUSING (70 UNITS)	8,322	8,322	8,322	8,322
552 XFN	LOUISIANA	FNC-AIR FORCE	BARCKSDALE AFB	FAMILY HOUSING (82 UNITS)	8,236	8,236	8,236	8,236
553 XFN	MARYLAND	FNC-NAVY	NAVAL AIR TEST CENTER PATUXENT RIVER	NEW CONSTRUCTION (HSG OFFICE)	863	863	863	863
554 XFN	MASSACHUSETTS	FNC-ARMY	HATICK RESEARCH CENTER	REPLACEMENT CONSTRUCTION (35)	4,150	4,150	4,150	4,150
555 XFN	MISSISSIPPI	FNC-NAVY	CBC GULFPORT	FAMILY HOUSING (120 UNITS)	0	10,370	0	10,370
556 XFN	MISSOURI	FNC-AIR FORCE	WHITEMAN AFB	HOUSING OFFICE	567	567	567	567
557 XFN	NEW MEXICO	FNC-AIR FORCE	CANNON AFB	FAMILY HOUSING (1 UNIT)	230	230	230	230
558 XFN	NEW MEXICO	FNC-AIR FORCE	HOLLOWAY AFB	FAMILY HOUSING (76 UNITS)	7,733	7,733	7,733	7,733
559 XFN	NEW MEXICO	FNC-AIR FORCE	KIRTLAND AFB	FAMILY HOUSING (106 UNITS)	10,058	10,058	10,058	10,058
560 XFN	NEW YORK	FNC-ARMY	U S MILITARY ACADEMY	REPLACEMENT CONSTRUCTION (56)	8,000	8,000	8,000	8,000
561 XFN	NORTH CAROLINA	FNC-AIR FORCE	POPE AFB	FAMILY HOUSING (120 UNITS)	14,874	14,874	14,874	14,874
562 XFN	NORTH CAROLINA	FNC-AIR FORCE	SETHOUR JOHNSON AFB	FAMILY HOUSING (74 UNITS)	6,025	6,025	6,025	6,025
563 XFN	NORTH DAKOTA	FNC-AIR FORCE	GRAND FORKS AFB	HOUSING OFFICE	709	709	709	709
564 XFN	SOUTH CAROLINA	FNC-ARMY	FORT JACKSON	FAMILY HOUSING (105 UNITS)	0	12,000	0	0
565 XFN	SOUTH CAROLINA	FNC-AIR FORCE	SHAW AFB	FAMILY HOUSING (3 UNITS)	631	631	631	631
566 XFN	TEXAS	FNC-ARMY	FORT BLISS	REPLACEMENT CONSTRUCTION (110)	10,600	10,600	10,600	10,600
567 XFN	TEXAS	FNC-ARMY	FORT BLISS	REPLACEMENT CONSTRUCTION (105)	10,800	10,800	10,800	10,800
568 XFN	TEXAS	FNC-ARMY	FORT SAM HOUSTON	REPLACEMENT CONSTRUCTION (100)	10,000	10,000	10,000	10,000
569 XFN	TEXAS	FNC-NAVY	CORPUS CHRISTI NAVAL AIR STATION	FAMILY HOUSING UNITS (100)	0	11,800	0	11,800
570 XFN	TEXAS	FNC-AIR FORCE	DYESS AFB	FAMILY HOUSING (59 UNITS)	7,077	7,077	7,077	7,077

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#	I/O LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CONFERENCE AGREEMENT
571	XFM UTAH	FMC-AIR FORCE	HILL AFB	FAMILY HOUSING REPLACEMENT (138 UNITS)	0	11,400	11,400	11,400
572	XFM VIRGINIA	FMC-NAVY	NAVAL SHIPYARD PORTSMOUTH	NEW CONSTRUCTION (SELF HELP/WAREHOUSE)	555	555	555	555
573	XFM VIRGINIA	FMC-AIR FORCE	LANGLEY AFB	FAMILY HOUSING (148 UNITS)	14,421	14,421	14,421	14,421
574	XFM WASHINGTON	FMC-NAVY	NAVAL STATION PUGET SOUND, EVERETT	NEW CONSTRUCTION (HSG OFFICE)	780	780	780	780
575	XFM WASHINGTON	FMC-AIR FORCE	FAIRCHILD AFB	FAMILY HOUSING (6 UNITS)	1,035	1,035	1,035	1,035
576	XFM WYOMING	FMC-AIR FORCE	F E WARREN AFB	FAMILY HOUSING (106 UNITS)	11,321	11,321	11,321	11,321
577	XOFM BELGIUM	FMC-DEFENSE AGENCIES	BELGIUM	OFFICIAL RESIDENCE PURCHASE	300	300	300	300
578	XOFM WORLDWIDE UNSPECIFIED	FMC-ARMY	UNSPECIFIED WORLDWIDE LOCATIONS	CONSTRUCTION IMPROVEMENTS	49,760	49,760	49,760	49,760
579	XOFM WORLDWIDE UNSPECIFIED	FMC-ARMY	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING	5,992	5,992	5,992	5,992
580	XOFM WORLDWIDE UNSPECIFIED	FMS-ARMY	UNSPECIFIED WORLDWIDE LOCATIONS	CIVILIAN UNDERSTRENGTH	0	0	(6,000)	0
581	XOFM WORLDWIDE UNSPECIFIED	FMS-ARMY	UNSPECIFIED WORLDWIDE LOCATIONS	MORTGAGE INSURANCE PREMIUMS	11	11	11	11
582	XOFM WORLDWIDE UNSPECIFIED	FMS-ARMY	UNSPECIFIED WORLDWIDE LOCATIONS	MAINTENANCE OF REAL PROPERTY	404,414	404,414	356,914	352,514
583	XOFM WORLDWIDE UNSPECIFIED	FMS-ARMY	UNSPECIFIED WORLDWIDE LOCATIONS	UTILITIES ACCOUNT	283,933	283,933	283,933	250,433
584	XOFM WORLDWIDE UNSPECIFIED	FMS-ARMY	UNSPECIFIED WORLDWIDE LOCATIONS	MANAGEMENT ACCOUNT	80,340	80,340	80,340	77,140
585	XOFM WORLDWIDE UNSPECIFIED	FMS-ARMY	UNSPECIFIED WORLDWIDE LOCATIONS	MISCELLANEOUS ACCOUNT	1,856	1,856	1,856	1,856
586	XOFM WORLDWIDE UNSPECIFIED	FMS-ARMY	UNSPECIFIED WORLDWIDE LOCATIONS	FURNISHINGS ACCOUNT	49,083	49,083	49,083	43,683
587	XOFM WORLDWIDE UNSPECIFIED	FMS-ARMY	UNSPECIFIED WORLDWIDE LOCATIONS	LEASING	243,442	243,442	243,442	243,442
588	XOFM WORLDWIDE UNSPECIFIED	FMS-ARMY	UNSPECIFIED WORLDWIDE LOCATIONS	SERVICES ACCOUNT	58,129	58,129	58,129	44,629
589	XOFM WORLDWIDE UNSPECIFIED	FMC-NAVY	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING	24,681	24,681	24,681	24,681
590	XOFM WORLDWIDE UNSPECIFIED	FMC-NAVY	UNSPECIFIED WORLDWIDE LOCATIONS	CONSTRUCTION IMPROVEMENTS	155,602	155,602	155,602	155,602
591	XOFM WORLDWIDE UNSPECIFIED	FMS-NAVY	UNSPECIFIED WORLDWIDE LOCATIONS	MORTGAGE INSURANCE PREMIUMS	85	85	85	85
592	XOFM WORLDWIDE UNSPECIFIED	FMS-NAVY	UNSPECIFIED WORLDWIDE LOCATIONS	LEASING	114,336	114,336	114,336	114,336
593	XOFM WORLDWIDE UNSPECIFIED	FMS-NAVY	UNSPECIFIED WORLDWIDE LOCATIONS	MANAGEMENT ACCOUNT	88,827	88,827	88,827	88,827
594	XOFM WORLDWIDE UNSPECIFIED	FMS-NAVY	UNSPECIFIED WORLDWIDE LOCATIONS	MISCELLANEOUS ACCOUNT	1,217	1,217	1,217	1,217
595	XOFM WORLDWIDE UNSPECIFIED	FMS-NAVY	UNSPECIFIED WORLDWIDE LOCATIONS	SERVICES ACCOUNT	48,793	48,793	48,793	48,793
596	XOFM WORLDWIDE UNSPECIFIED	FMS-NAVY	UNSPECIFIED WORLDWIDE LOCATIONS	FURNISHINGS ACCOUNT	32,233	32,233	32,233	32,233
597	XOFM WORLDWIDE UNSPECIFIED	FMS-NAVY	UNSPECIFIED WORLDWIDE LOCATIONS	UTILITIES ACCOUNT	184,845	184,845	184,845	184,845
598	XOFM WORLDWIDE UNSPECIFIED	FMS-NAVY	UNSPECIFIED WORLDWIDE LOCATIONS	MAINTENANCE OF REAL PROPERTY	383,263	383,263	467,263	467,263
599	XOFM WORLDWIDE UNSPECIFIED	FMC-AIR FORCE	UNSPECIFIED WORLDWIDE LOCATIONS	CONSTRUCTION IMPROVEMENTS	61,770	61,770	61,770	61,770
600	XOFM WORLDWIDE UNSPECIFIED	FMC-AIR FORCE	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING	9,275	9,275	9,275	9,275

FISCAL YEAR 1995 MILITARY CONSTRUCTION AUTHORIZATION (IN THOUSANDS OF DOLLARS)

#	I/O LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CONFERENCE AGREEMENT
601	XOFN WORLDWIDE UNSPECIFIED	FNS-AIR FORCE	UNSPECIFIED WORLDWIDE LOCATIONS	MANAGEMENT ACCOUNT	45,076	45,076	45,076	45,076
602	XOFN WORLDWIDE UNSPECIFIED	FNS-AIR FORCE	UNSPECIFIED WORLDWIDE LOCATIONS	MISCELLANEOUS ACCOUNT	5,794	5,794	5,794	5,794
603	XOFN WORLDWIDE UNSPECIFIED	FNS-AIR FORCE	UNSPECIFIED WORLDWIDE LOCATIONS	UTILITIES ACCOUNT	178,472	178,472	178,472	178,472
604	XOFN WORLDWIDE UNSPECIFIED	FNS-AIR FORCE	UNSPECIFIED WORLDWIDE LOCATIONS	MORTGAGE INSURANCE PREMIUMS	26	26	26	26
605	XOFN WORLDWIDE UNSPECIFIED	FNS-AIR FORCE	UNSPECIFIED WORLDWIDE LOCATIONS	SERVICES ACCOUNT	32,724	32,724	32,724	32,724
606	XOFN WORLDWIDE UNSPECIFIED	FNS-AIR FORCE	UNSPECIFIED WORLDWIDE LOCATIONS	MAINTENANCE OF REAL PROPERTY	383,644	383,644	407,144	407,144
607	XOFN WORLDWIDE UNSPECIFIED	FNS-AIR FORCE	UNSPECIFIED WORLDWIDE LOCATIONS	LEASING	112,757	112,757	112,757	112,757
608	XOFN WORLDWIDE UNSPECIFIED	FNS-AIR FORCE	UNSPECIFIED WORLDWIDE LOCATIONS	FURNISHINGS ACCOUNT	42,852	42,852	42,852	42,852
609	XOFN WORLDWIDE UNSPECIFIED	FNC-DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	CONSTRUCTION IMPROVEMENTS	50	50	50	50
610	XOFN WORLDWIDE UNSPECIFIED	FNS-DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	SERVICES ACCOUNT	341	341	341	341
611	XOFN WORLDWIDE UNSPECIFIED	FNS-DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	FURNISHINGS ACCOUNT	47	47	47	47
612	XOFN WORLDWIDE UNSPECIFIED	FNS-DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	UTILITIES ACCOUNT	460	460	460	460
613	XOFN WORLDWIDE UNSPECIFIED	FNS-DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	MANAGEMENT ACCOUNT	65	65	65	65
614	XOFN WORLDWIDE UNSPECIFIED	FNS-DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	SERVICES ACCOUNT	50	50	50	50
615	XOFN WORLDWIDE UNSPECIFIED	FNS-DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	LEASING	13,272	13,272	13,272	13,272
616	XOFN WORLDWIDE UNSPECIFIED	FNS-DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	MAINTENANCE OF REAL PROPERTY	748	748	748	748
617	XOFN WORLDWIDE UNSPECIFIED	FNS-DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	LEASING	10,779	10,779	10,779	10,779
618	XOFN WORLDWIDE UNSPECIFIED	FNS-DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	UTILITIES ACCOUNT	420	420	420	420
619	XOFN WORLDWIDE UNSPECIFIED	FNS-DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	MAINTENANCE OF REAL PROPERTY	222	222	222	222
620	XOFN WORLDWIDE UNSPECIFIED	FNS-DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	FURNISHINGS ACCOUNT	75	75	75	75
621	XOFN WORLDWIDE UNSPECIFIED	FNS-DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	MISCELLANEOUS ACCOUNT	31	31	31	31
622	XOFN WORLDWIDE UNSPECIFIED	FNS-DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	MANAGEMENT ACCOUNT	158	158	158	158
623	XOFN WORLDWIDE UNSPECIFIED	FNS-DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	FURNISHINGS ACCOUNT	2,363	2,363	2,363	2,363

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 Senate bill would authorize appropria-

tions in the amount of \$10,325,432,000 for the Department of Energy national security programs.

Subtitle A of Title XXXI of Division C of the House amendment would authorize appropriations in the amount of \$10,460,864,000 for these purposes.

The conferees recommend an authorization of \$10,305,847,000.

The DOE budget requests, including the amended budget requests, the authorizations contained in the Senate bill and the House amendment, and the conference agreement are presented in the following tables.

Account Number	Senate Bill	House Amendment	Conference Agreement
590-455.7	407,000	407,000	407,000
590-500.7	400,000	400,000	400,000
590-505.7	400,000	400,000	400,000
590-510.7	400,000	400,000	400,000
590-515.7	400,000	400,000	400,000
590-520.7	400,000	400,000	400,000
590-525.7	400,000	400,000	400,000
590-530.7	400,000	400,000	400,000
590-535.7	400,000	400,000	400,000
590-540.7	400,000	400,000	400,000
590-545.7	400,000	400,000	400,000
590-550.7	400,000	400,000	400,000
590-555.7	400,000	400,000	400,000
590-560.7	400,000	400,000	400,000
590-565.7	400,000	400,000	400,000
590-570.7	400,000	400,000	400,000
590-575.7	400,000	400,000	400,000
590-580.7	400,000	400,000	400,000
590-585.7	400,000	400,000	400,000
590-590.7	400,000	400,000	400,000
590-595.7	400,000	400,000	400,000
590-600.7	400,000	400,000	400,000
590-605.7	400,000	400,000	400,000
590-610.7	400,000	400,000	400,000
590-615.7	400,000	400,000	400,000
590-620.7	400,000	400,000	400,000
590-625.7	400,000	400,000	400,000
590-630.7	400,000	400,000	400,000
590-635.7	400,000	400,000	400,000
590-640.7	400,000	400,000	400,000
590-645.7	400,000	400,000	400,000
590-650.7	400,000	400,000	400,000
590-655.7	400,000	400,000	400,000
590-660.7	400,000	400,000	400,000
590-665.7	400,000	400,000	400,000
590-670.7	400,000	400,000	400,000
590-675.7	400,000	400,000	400,000
590-680.7	400,000	400,000	400,000
590-685.7	400,000	400,000	400,000
590-690.7	400,000	400,000	400,000
590-695.7	400,000	400,000	400,000
590-700.7	400,000	400,000	400,000
590-705.7	400,000	400,000	400,000
590-710.7	400,000	400,000	400,000
590-715.7	400,000	400,000	400,000
590-720.7	400,000	400,000	400,000
590-725.7	400,000	400,000	400,000
590-730.7	400,000	400,000	400,000
590-735.7	400,000	400,000	400,000
590-740.7	400,000	400,000	400,000
590-745.7	400,000	400,000	400,000
590-750.7	400,000	400,000	400,000
590-755.7	400,000	400,000	400,000
590-760.7	400,000	400,000	400,000
590-765.7	400,000	400,000	400,000
590-770.7	400,000	400,000	400,000
590-775.7	400,000	400,000	400,000
590-780.7	400,000	400,000	400,000
590-785.7	400,000	400,000	400,000
590-790.7	400,000	400,000	400,000
590-795.7	400,000	400,000	400,000
590-800.7	400,000	400,000	400,000
590-805.7	400,000	400,000	400,000
590-810.7	400,000	400,000	400,000
590-815.7	400,000	400,000	400,000
590-820.7	400,000	400,000	400,000
590-825.7	400,000	400,000	400,000
590-830.7	400,000	400,000	400,000
590-835.7	400,000	400,000	400,000
590-840.7	400,000	400,000	400,000
590-845.7	400,000	400,000	400,000
590-850.7	400,000	400,000	400,000
590-855.7	400,000	400,000	400,000
590-860.7	400,000	400,000	400,000
590-865.7	400,000	400,000	400,000
590-870.7	400,000	400,000	400,000
590-875.7	400,000	400,000	400,000
590-880.7	400,000	400,000	400,000
590-885.7	400,000	400,000	400,000
590-890.7	400,000	400,000	400,000
590-895.7	400,000	400,000	400,000
590-900.7	400,000	400,000	400,000
590-905.7	400,000	400,000	400,000
590-910.7	400,000	400,000	400,000
590-915.7	400,000	400,000	400,000
590-920.7	400,000	400,000	400,000
590-925.7	400,000	400,000	400,000
590-930.7	400,000	400,000	400,000
590-935.7	400,000	400,000	400,000
590-940.7	400,000	400,000	400,000
590-945.7	400,000	400,000	400,000
590-950.7	400,000	400,000	400,000
590-955.7	400,000	400,000	400,000
590-960.7	400,000	400,000	400,000
590-965.7	400,000	400,000	400,000
590-970.7	400,000	400,000	400,000
590-975.7	400,000	400,000	400,000
590-980.7	400,000	400,000	400,000
590-985.7	400,000	400,000	400,000
590-990.7	400,000	400,000	400,000
590-995.7	400,000	400,000	400,000

**Fiscal Year 1995 Department of Energy National Security Programs
[Amount in thousands of dollars]**

ATOMIC ENERGY DEFENSE ACTIVITIES	FY 1995 Amended Req. to Congress	FY 1995 HASC	FY 1995 SASC	House/Senate +/-	Conference Auth.
TOTAL, WEAPONS ACTIVITIES	3,300,368	3,203,369	3,309,668	(106,299)	3,234,069
TOTAL, DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT	5,184,424	5,179,361	5,212,424	(33,063)	5,092,691
TOTAL, MATERIALS SUPPORT AND OTHER DEFENSE PROGRAMS	1,898,910	1,948,704	1,893,910	54,794	1,849,657
TOTAL, DEFENSE NUCLEAR WASTE DISPOSAL	129,430	129,430	129,430	0	129,430
AEDA General Reduction			(220,000)	220,000	
TOTAL, ATOMIC ENERGY DEFENSE ACTIVITIES	10,523,132	10,460,864	10,325,432	135,432	10,305,847

**Department of Energy
FY 1995 Congressional Table
(dollars in thousands)**

	FY 1995 Request to Congress	Procurement GSA rent Reductions	FY 1995 Amended Request #1	FY 1995 Amended Request #2	FY 1995 Amended Req. to Congress	FY 1995 HASC	FY 1995 SASC	Conference Authorization
ATOMIC ENERGY DEFENSE ACTIVITIES								
WEAPONS ACTIVITIES								
A. Research and development								
1. Research and development – core								
Operating expenses	649,341	0	0	0	649,341	653,341	649,341	649,341
Capital equipment	69,420	0	0	0	69,420	69,420	69,420	59,420
Construction:								
GPD–101 General plant projects, various locations	8,500	0	0	0	8,500	8,500	8,500	4,500
95–D–102 CMR upgrades, Los Alamos National laboratory, NM	3,300	0	0	0	3,300	3,300	3,300	3,300
94–D–102 Nuclear weapons research, development, and testing facilities revitalization, Phase V, various locations	13,000	0	0	0	13,000	13,000	13,000	13,000
92–D–102 Nuclear weapons research, development, and testing facilities revitalization, phase IV, various locations	21,810	0	0	0	21,810	21,810	21,810	21,810
90–D–102 Nuclear weapons research, development, and testing facilities revitalization, phase III, various locations	7,700	0	0	0	7,700	4,900	7,700	4,900
88–D–106 Nuclear weapons research, development, and testing facilities revitalization, phase II, various locations	22,480	0	0	0	22,480	20,980	22,480	20,980
Total, Construction	76,790	0	0	0	76,790	72,490	76,790	68,490
Total, Research and development – core	795,551	0	0	0	795,551	795,251	795,551	777,251
2. Stockpile stewardship – OE	0	0	0	0	0	152,419	0	152,419
3. Inertial fusion								
Operating expenses	166,755	0	0	0	166,755	166,755	166,755	166,755
Capital equipment	9,718	0	0	0	9,718	9,718	9,718	9,718
Total, Inertial fusion	176,473	0	0	0	176,473	176,473	176,473	176,473
4. Technology transfer								
Operating expenses	209,794	0	0	0	209,794	209,794	209,794	209,794
Capital equipment	6,000	0	0	0	6,000	6,000	6,000	6,000
Total, Technology transfer	215,794	0	0	0	215,794	215,794	215,794	215,794
Total, Research and development	1,187,818	0	0	0	1,187,818	1,339,937	1,187,818	1,321,937
B. Testing								
1. Weapons program								
Testing capabilities and readiness – OE	180,000	0	0	700	186,530	150,000	185,830	165,000
Experimentation – OE	152,419	0	0	0	152,419	0	152,419	0
Capital equipment	15,000	0	0	0	15,000	15,000	15,470	15,000
Construction:								
GPD–101 General plant projects, various locations	4,000	0	0	0	4,000	4,000	4,000	4,000

**Department of Energy
FY 1995 Congressional Table
(dollars in thousands)**

	FY 1995 Request to Congress	Procurement GSA rent Reductions	FY 1995 Amended Request #1	FY 1995 Amended Request #2	FY 1995 Amended Req. to Congress	FY 1995 HASC	FY 1995 SASC	Conference Authorization
85-D-115 Renovate plutonium buildings utility systems, Rocky Flats, CO	0	0	0	0	0	0	0	0
85-D-121 Air and water pollution control facilities, Y-12 Plant, Oak Ridge, TN	0	0	0	0	0	0	0	0
Total, Environment, safety and health	16,500	0	0	0	16,500	16,500	16,500	16,500
Safeguards and security:								
88-D-123 Security enhancement, Pantex Plant, Amarillo, TX	15,000	0	0	0	15,000	15,000	15,000	15,000
Reconfiguration								
93-D-123 Complex-21, various locations	58,000	0	0	0	58,000	58,000	0	58,000
Total, Construction	110,120	0	2,000	0	112,120	105,320	54,120	107,320
Use of prior year balances - OE (WA/SS)	0	0	0	0	0	0	0	0
Total, Stockpile support	1,616,356	0	93,000	0	1,709,356	1,605,556	1,557,085	1,698,556
D. Program direction								
Weapons program direction - OE	167,498	0	0	0	167,498	152,498	167,498	157,498
Contractor employee transition - OE	0	0	0	0	0	0	0	0
Capital equipment	2,354	0	0	0	2,354	2,354	2,354	2,354
Total, Program direction	169,852	0	0	0	169,852	154,852	169,852	159,852
E. Complex reconfiguration								
Operating expenses	0	0	0	0	0	0	94,271	0
Construction:								
93-D-123 Complex - 21, various locations	0	0	0	0	0	0	58,000	0
Total, Complex reconfiguration	0	0	0	0	0	0	152,271	0
Subtotal, Weapons activities	3,348,745	0	93,000	700	3,442,445	3,292,645	3,451,745	3,368,345
Adjustments								
Use of prior year balances	(77,077)	0	(54,000)	0	(131,077)	(89,276)	(131,077)	(143,276)
Contractor pay freeze	0	0	0	0	0	0	0	0
Procurement reform/GSA rent reduction	0	(11,000)	0	0	0	0	(11,000)	(11,000)
Total, Adjustments	(77,077)	(11,000)	(54,000)	0	(142,077)	(89,276)	(142,077)	(154,276)
TOTAL, WEAPONS ACTIVITIES	3,271,668	(11,000)	39,000	700	3,300,368	3,203,369	3,309,668	3,234,069

**DEFENSE ENVIRONMENTAL RESTORATION
AND WASTE MANAGEMENT**

A. Corrective activities

Operating expenses	0	0	0	0	0	0	0	0
Capital equipment	0	0	0	0	0	0	0	0
Construction:								
92-D-403 Tank upgrades project, LLNL	1,012	0	0	0	1,012	512	1,012	512
89-D-142 Reactor effluent cooling water thermal mitigation, Savannah River, SC	0	0	0	0	0	0	0	0
Total, Corrective activities	1,012	0	0	0	1,012	512	1,012	512

Department of Energy
FY 1995 Congressional Table
(dollars in thousands)

	FY 1995 Request to Congress	Procurement GSA rent Reductions	FY 1995 Amended Request #1	FY 1995 Amended Request #2	FY 1995 Amended Req. to Congress	FY 1995 HASC	FY 1995 SASC	Conference Authorization
93-D-176 Oak Ridge reservation storage facility, Oak Ridge, TN	0	0	0	0	0	0	0	0
93-D-177 Disposal of K-1515 sanitary water treatment plant waste, K-25	0	0	0	0	0	0	0	0
93-D-178 Building 374 liquid waste treatment facility, Rocky Flats Plant, CO	3,300	0	0	0	3,300	3,300	3,300	3,300
93-D-181 Radioactive liquid waste line replacement, Richland, WA	3,300	0	0	0	3,300	3,300	3,300	3,300
93-D-182 Replacement of cross-site transfer system, Richland, WA	18,910	0	0	0	18,910	14,810	18,910	14,810
93-D-183 Multi-function waste remediation facility, Richland, WA	95,305	0	0	0	95,305	88,605	95,305	88,605
93-D-187 High level waste removal from filled waste tanks, Savannah River, SC	26,525	0	0	0	26,525	26,525	26,525	26,525
93-D-188 New sanitary landfill, Savannah River, SC	0	0	0	0	0	0	0	0
92-D-172 Hazardous waste treatment and processing facility, Pantex Plant	0	0	0	0	0	0	0	0
92-D-173 NOx abatement facility, ID	0	0	0	0	0	0	0	0
92-D-177 Tank 101-AZ waste retrieval system, Richland, WA	5,000	0	0	0	5,000	5,000	5,000	5,000
92-D-188 Waste management ES&H, and compliance activities, various locations	2,846	0	0	0	2,846	2,846	2,846	2,846
91-D-171 Waste receiving and processing facility, module 1, Richland, WA	3,995	0	0	0	3,995	3,995	3,995	3,995
90-D-172 Aging waste transfer line, Richland, WA	3,819	0	0	0	3,819	3,819	3,819	3,819
90-D-177 RWMC transuranic (TRU) waste characterization and storage facility, ID	11,747	0	0	0	11,747	1,747	11,747	1,747
90-D-178 TSA retrieval enclosure, ID	7,594	0	0	0	7,594	7,594	7,594	7,594
89-D-142 Reactor effluent cooling water thermal mitigation, Savannah River, SC	0	0	0	0	0	0	0	0
89-D-172 Hanford environmental compliance, Richland, WA	0	0	0	0	0	0	0	0
89-D-173 Tank farm ventilation upgrade, Richland, WA	800	0	0	0	800	300	800	300
89-D-174 Replacement high level waste evaporator, Savannah River, SC	18,000	0	0	0	18,000	18,000	18,000	18,000
89-D-175 Hazardous waste/mixed waste disposal facility, Savannah River, SC	500	0	0	0	500	0	500	0
88-D-173 Hanford waste vitrification plant (HWVP) Richland, WA	0	0	0	0	0	0	0	0
87-D-181 Diversion box and pump pit containment buildings, Savannah River, SC	0	0	0	0	0	0	0	0
86-D-103 Decontamination and waste treatment facility, LLNL, Livermore, CA	9,500	0	0	0	9,500	5,900	9,500	5,900
83-D-148 Non-radioactive hazardous waste management, Savannah River, SC	6,000	0	0	0	6,000	6,000	6,000	6,000

Department of Energy
FY 1995 Congressional Table
(dollars in thousands)

	FY 1995 Request to Congress	Procurement GSA rent Reductions	FY 1995 Amended Request #1	FY 1995 Amended Request #2	FY 1995 Amended Req. to Congress	FY 1995 HASC	FY 1995 SASC	Conference Authorization
81-T-105 Defense waste processing facility Savannah River, SC	45,058	0	0	0	45,058	45,058	45,058	45,058
Total, Construction	400,226	0	0	0	400,226	374,626	400,226	374,916
Subtotal, Waste management	2,913,045	0	0	(12,783)	2,900,262	2,863,482	2,913,045	2,855,772
Productivity savings initiative	(160,800)	0	0	0	(160,800)	(160,800)	(160,800)	(160,800)
Total, Waste management	2,752,245	0	0	(12,783)	2,739,462	2,702,682	2,752,245	2,694,972
D. Technology development								
Operating expenses	386,974	0	0	0	386,974	386,974	400,974	380,974
Capital equipment	25,435	0	0	0	25,435	25,435	25,435	24,785
Construction:								
95-E-600 Hazardous materials training center, Richland, Washington	14,000	0	0	0	14,000	14,000	0	0
Total, Technology development	426,409	0	0	0	426,409	426,409	426,409	405,759
E. Transportation management								
Operating expenses	20,240	0	0	0	20,240	20,240	20,240	20,240
Capital equipment	444	0	0	0	444	444	444	444
Total, Transportation management	20,684	0	0	0	20,684	20,684	20,684	20,684
F. Program direction								
Operating expenses	83,748	0	0	0	83,748	83,748	83,748	83,748
Capital equipment	1,200	0	0	0	1,200	1,200	1,200	1,200
Total, Program direction	84,948	0	0	0	84,948	84,948	84,948	84,948
G. Facility transition & management								
Operating expenses	686,550	0	0	(3,033)	683,517	685,550	681,550	676,884
Capital equipment	23,947	0	0	0	23,947	23,947	23,947	18,947
Construction:								
GP-D-171 General plant projects, var. locations	20,495	0	0	0	20,495	20,495	20,495	15,211
95-D-453 Primary highway route north of the Wye Barricade, Richland, WA	2,500	0	0	0	2,500	2,500	2,500	0
95-D-454 324 Facility compliance/renovation, Richland, WA	1,500	0	0	0	1,500	1,500	1,500	1,500
95-D-455 Idaho national engineering laboratory radio communications upgrade, INEL, Idaho	1,440	0	0	0	1,440	1,440	1,440	0
95-D-456 Security facilities upgrade, Idaho chemical processing plant, INEL, Idaho	986	0	0	0	986	986	986	986
94-D-122 Underground storage tanks, Rocky Flats Plant, CO	2,500	0	0	0	2,500	2,500	2,500	2,500
94-D-401 Emergency response facility, INEL, ID	5,219	0	0	0	5,219	5,219	5,219	5,219
94-D-412 300 area process sewer piping system upgrade, Richland, WA	7,800	0	0	0	7,800	7,800	7,800	7,800
94-D-415 Idaho national engineering laboratory medical facilities, INEL, ID	4,920	0	0	0	4,920	4,920	4,920	4,920
94-D-451 Infrastructure replacement, Rocky Flats Plant, CO	10,600	0	0	0	10,600	10,600	10,600	10,600
93-D-172 Idaho national engineering laboratory electrical upgrade, INEL, ID	7,800	0	0	0	7,800	7,800	7,800	7,800

Department of Energy
FY 1995 Congressional Table
(dollars in thousands)

	FY 1995 Request to Congress	Procurement GSA rent Reductions	FY 1995 Amended Request #1	FY 1995 Amended Request #2	FY 1995 Amended Req. to Congress	FY 1995 HASC	FY 1995 SASC	Conference Authorization
93-D-184 325 facility compliance/renovation, Pacific Northwest Laboratory, Richland, WA	1,000	0	0	0	1,000	1,000	1,000	1,000
93-D-185 Landlord program safety compliance, phase II, Richland, WA	0	0	0	0	0	0	0	0
93-D-186 200 Area unsecured core area fabrication shop, Richland, WA	4,000	0	0	0	4,000	4,000	4,000	4,000
92-D-125 Master safeguards and security agreement/materials surveillance task force security upgrades, Rocky Flats Plant, CO	2,100	0	0	0	2,100	2,100	2,100	2,100
92-D-181 Idaho national engineering laboratory fire and life safety improvements, INEL, ID	6,000	0	0	0	6,000	6,000	6,000	6,000
92-D-182 Idaho national engineering laboratory sewer systems upgrade, INEL, ID	1,900	0	0	0	1,900	1,900	1,900	1,900
92-D-183 Idaho national engineering laboratory transportation complex, INEL, ID	0	0	0	0	0	0	0	0
92-D-184 Hanford infrastructure underground storage tanks, Richland, WA	0	0	0	0	0	0	0	0
92-D-186 Steam system rehabilitation, phase II Richland, WA	5,600	0	0	0	5,600	5,600	5,600	5,600
92-D-187 300 area electrical distribution conversion and safety improvements, phase II, Richland, WA	0	0	0	0	0	0	0	0
91-D-175 300 area electrical distribution conversion and safety improvements, phase I, Richland, WA	0	0	0	0	0	0	0	0
90-D-175 Landlord program safety compliance, phase I, Richland, WA	0	0	0	0	0	0	0	0
Total, Construction	86,360	0	0	0	86,360	86,360	86,360	77,136
Subtotal, Facility transition and management	796,857	0	0	(3,033)	793,824	795,857	791,857	772,967
Productivity savings initiative	(5,000)	0	0	0	(5,000)	(5,000)	(5,000)	(5,000)
Total, Facility transition and management	791,857	0	0	(3,033)	788,824	790,857	786,857	767,967
Subtotal, Defense environmental management	5,475,224	0	0	(23,000)	5,452,224	5,419,661	5,470,224	5,359,491
Use of prior year balances	(240,300)	0	0	0	(240,300)	(240,300)	(240,300)	(249,300)
General reduction and other adjustments	0	0	0	0	0	0	0	0
Procurement reform/GSA rent reduction	0	(17,500)	0	0	0	0	(17,500)	(17,500)
TOTAL, DEFENSE ENVIRONMENTAL RESTORATION & WASTE MANAGEMENT	5,234,924	(17,500)	0	(23,000)	5,194,424	5,179,361	5,212,424	5,092,691
MATERIALS SUPPORT AND OTHER DEFENSE PROGRAMS								
A. Materials Support								
1. Reactor operations	163,634	0	0	0	163,634	163,634	163,634	163,634
2. Processing of nuclear materials	410,468	0	0	0	410,468	410,468	369,468	410,468
3. Supporting services	167,776	0	0	0	167,776	167,776	167,776	167,776
4. Capital equipment	52,427	0	(13,000)	0	39,427	52,427	39,427	39,427
5. Construction:								
a. Environment, safety and health:								
95-D-154 Health physics site support facility, Savannah River, SC	2,000	0	0	0	2,000	2,000	2,000	0
95-D-158 Disassembly basin upgrades—K. L. P.								

Department of Energy
FY 1995 Congressional Table
(dollars in thousands)

	FY 1995 Request to Congress	Procurement GSA rent Reductions	FY 1995 Amended Request #1	FY 1995 Amended Request #2	FY 1995 Amended Req. to Congress	FY 1995 HASC	FY 1995 SASC	Conference Authorization
Savannah River, SC	0	0	13,000	0	13,000	0	13,000	13,000
93-D-147 Domestic water system upgrade Phase I & II, Savannah River, SC	11,300	0	0	0	11,300	11,300	11,300	11,300
93-D-148 Replace high-level drain lines, Savannah River, SC	2,700	0	0	0	2,700	2,700	2,700	2,700
93-D-152 Environmental modification for production facilities, Savannah River, SC	2,900	0	0	0	2,900	2,900	2,900	2,900
92-D-140 F&H canyon exhaust upgrades, Savannah River, SC	0	0	0	0	0	0	0	0
92-D-142 Nuclear material processing training center, Savannah River, SC	0	0	0	0	0	0	0	0
92-D-143 Health protection instrument calibration facility, Savannah River, SC	3,000	0	0	0	3,000	3,000	3,000	3,000
90-D-149 Plantwide fire protection, Phases I and II, Savannah River, SC	21,000	0	0	0	21,000	5,000	21,000	5,000
Total, Environment, safety and health	42,900	0	13,000	0	55,900	26,900	55,900	37,900
b. Programmatic projects:								
GPD-146 General plant projects, various locations	21,000	0	0	0	21,000	21,000	21,000	15,000
95-D-155 Upgrade site road infrastructure, Savannah River, SC	750	0	0	0	750	750	750	750
95-D-156 Radio trunking system, Savannah River, SC	2,100	0	0	0	2,100	2,100	2,100	2,100
95-D-157 D-area powerhouse life extension, Savannah River, SC	4,000	0	0	0	4,000	4,000	4,000	4,000
92-D-150 Operations support facilities, Savannah River, SC	2,000	0	0	0	2,000	2,000	2,000	2,000
92-D-153 Engineering support facility, Savannah River Site, SC	3,200	0	0	0	3,200	3,200	3,200	3,200
86-D-149 Productivity retention program, Phases I, II, III, IV, V, and VI, various locations	0	0	0	0	0	0	0	0
Total, Programmatic projects	33,050	0	0	0	33,050	33,050	33,050	27,050
Total, Construction	75,950	0	13,000	0	88,950	59,950	88,950	64,950
6. Program direction	58,000	0	0	0	58,000	58,000	58,000	58,000
Total, Materials support	928,255	0	0	0	928,255	910,255	887,255	902,255
B. Other national security programs								
1. Verification and control technology								
a. Nonproliferation and verification R&D								
Operating expenses	224,547	0	0	0	224,547	218,547	224,547	215,000
Capital equipment	13,500	0	0	0	13,500	13,500	13,500	13,500
Construction:								
90-D-186 Center for national security and arms control, Sandia National Laboratories Albuquerque, NM	0	0	0	0	0	0	0	0
Total, Nonproliferation & verification R&D	238,047	0	0	0	238,047	232,047	238,047	228,500

Department of Energy
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(dollars in thousands)

	FY 1995 Request to Congress	Procurement GSA rent Reductions	FY 1995 Amended Request #1	FY 1995 Amended Request #2	FY 1995 Amended Req. to Congress	FY 1995 HASC	FY 1995 SASC	Conference Authorization
b. Arms control								
Operating expenses	76,251	0	0	0	76,251	76,251	76,251	76,251
Capital equipment	673	0	0	0	673	673	673	673
Total, Arms control	76,924	0	0	0	76,924	76,924	76,924	76,924
c. Intelligence								
Operating expenses	41,431	0	0	0	41,431	41,431	41,431	41,431
Capital equipment	1,700	0	0	0	1,700	1,700	1,700	1,700
Total, Intelligence	43,131	0	0	0	43,131	43,131	43,131	43,131
Total, Verification and control technology	358,102	0	0	0	358,102	352,102	358,102	348,555
2. Nuclear safeguards and security								
Operating expenses	82,421	0	0	0	82,421	82,421	82,421	82,421
Capital equipment	3,395	0	0	0	3,395	3,395	3,395	3,395
Total, Nuclear safeguards and security	85,816	0	0	0	85,816	85,816	85,816	85,816
3. Security investigations – OE								
	38,827	0	0	0	38,827	38,827	38,827	33,827
4. Security evaluations – OE								
	14,780	0	0	0	14,780	14,780	14,780	14,780
5. Office of nuclear safety								
Operating expenses	24,629	0	0	0	24,629	24,629	24,629	21,629
Capital equipment	50	0	0	0	50	50	50	50
Total, Office of nuclear safety	24,679	0	0	0	24,679	24,679	24,679	21,679
6. Worker and community transition								
	125,000	0	0	0	125,000	125,000	120,000	115,000
7. Fissile materials control and disposition								
	0	0	9,000	0	9,000	50,000	50,000	50,000
Total, Other national security programs	647,204	0	9,000	0	656,204	691,204	692,204	669,657
C. Naval reactors								
1. Naval reactors development								
a. Plant development – OE								
	146,700	0	0	0	146,700	146,700	146,700	146,700
b. Reactor development – OE								
	348,951	0	0	0	348,951	348,951	348,951	348,951
c. Reactor operation and evaluation – OE								
	136,000	0	0	0	136,000	136,000	136,000	131,000
d. Capital equipment								
	28,200	0	0	0	28,200	28,200	28,200	28,200
e. Construction:								
GPN–101 General plant projects, various locations								
	6,200	0	0	0	6,200	6,200	6,200	6,200
95–D–200 Laboratory systems and hot cell upgrades, various locations								
	2,400	0	0	0	2,400	2,400	2,400	2,400
95–D–201 Advanced test reactor radioactive waste system upgrades, Idaho National Engineering Laboratory, ID								
	700	0	0	0	700	700	700	700
93–D–200 Engineering services facilities Knolls Atomic Power Laboratory, Niskayuna, NY								
	7,900	0	0	0	7,900	7,900	7,900	7,900
92–D–200 Laboratories facilities upgrades, various locations								
	2,800	0	0	0	2,800	2,800	2,800	2,800
Total, Construction	20,000	0	0	0	20,000	20,000	20,000	20,000
f. Program direction – OE								
	18,800	0	0	0	18,800	18,800	18,800	18,800
Total, Naval reactors development	698,651	0	0	0	698,651	698,651	698,651	693,651

**Department of Energy
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(dollars in thousands)**

	FY 1995 Request to Congress	Procurement GSA rent Reductions	FY 1995 Amended Request #1	FY 1995 Amended Request #2	FY 1995 Amended Req. to Congress	FY 1995 HASC	FY 1995 SASC	Conference Authorization
2. Enrichment materials - OE	32,000	0	0	0	32,000	32,000	32,000	32,000
Total, Naval reactors	730,651	0	0	0	730,651	730,651	730,651	725,651
Subtotal, Materials support & other defense programs	2,306,110	0	9,000	0	2,315,110	2,332,110	2,310,110	2,297,563
Adjustments:								
Savannah river pension refund	(40,000)	0	0	0	(40,000)	(40,000)	(40,000)	(40,000)
Use of prior year balances	(321,700)	0	(48,300)	0	(369,700)	(343,406)	(369,700)	(401,406)
Contractor pay freeze	0	0	0	0	0	0	0	0
General reduction (Materials support)	0	0	0	0	0	0	0	0
Procurement reform/GSA rent reduction	0	(6,500)	0	0	(6,500)	0	(6,500)	(6,500)
Total, Adjustments	(361,700)	(6,500)	(48,000)	0	(416,200)	(383,406)	(416,200)	(447,906)
TOTAL, MATERIALS SUPPORT AND OTHER DEFENSE PROGRAMS	1,944,410	(6,500)	(39,000)	0	1,898,910	1,948,704	1,893,910	1,849,657
DEFENSE NUCLEAR WASTE DISPOSAL					0			
Defense nuclear waste disposal	129,430	0	0	0	129,430	129,430	129,430	129,430
General reduction	0	0	0	0	0	0	0	0
TOTAL, DEFENSE NUCLEAR WASTE DISPOSAL	129,430	0	0	0	129,430	129,430	129,430	129,430
AEDA General Reduction							(220,000)	0
TOTAL, ATOMIC ENERGY DEFENSE ACTIVITIES	10,580,432	(35,000)	0	(22,300)	10,523,132	10,460,864	10,325,432	10,305,847

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Weapons activities (sec. 3101)

The Senate bill contained a provision (sec. 3101) that would authorize \$3.310 billion for operating expenses, plant projects, and capital equipment for weapons activities necessary to carry out the Department of Energy national security programs.

The House amendment contained a provision (sec. 3101) that would authorize \$3.203 billion.

The conferees recommend \$3.234 billion for weapons activities, a reduction of \$66.0 million to the requested amount of \$3.300 billion. This reduction is necessary due to budgetary constraints; however, it is offset in part by the availability of prior-year funds that have not been obligated, prior-year funds that, although obligated, have not been spent and will probably not be needed for the projects for which they were obligated, and unnecessary prefinancing expenses.

Environmental restoration and waste management (sec. 3102)

The Senate bill contained a provision (sec. 3102) that would authorize \$5.212 billion for operating expenses, plant projects, and capital equipment for defense environmental restoration and waste management activities.

The House amendment contained a provision (sec. 3102) that would authorize \$5.179 billion.

The conferees recommend \$5.093 billion for defense environmental restoration and waste management activities, a reduction of \$101.0 million to the requested amount of \$5.194 billion. This reduction is necessary due to budgetary constraints; however, it is offset in part by the availability of prior-year funds that have not been obligated, prior-year funds that, although obligated, have not been spent and will probably not be needed for the projects for which they were obligated, and unnecessary prefinancing expenses.

Nuclear materials support and other defense programs (sec. 3103)

The Senate bill contained a provision (sec. 3103) that would authorize \$1.894 billion for operating expenses, plant projects, and capital equipment for nuclear materials support and other defense programs.

The House amendment contained a provision (sec. 3103) that would authorize \$1.949 billion.

The conferees recommend \$1.850 billion for nuclear materials support and other defense programs, a reduction of \$49.0 million to the requested amount of \$1.899 billion. This reduction is necessary due to budgetary constraints; however, it is offset in part by the availability of prior-year funds that have not been obligated, prior-year funds that, although obligated, have not been spent and will probably not be needed for the projects for which they were obligated, and unnecessary prefinancing expenses.

Defense nuclear waste disposal (sec. 3104)

The Senate bill contained a provision (sec. 3104) that would authorize \$129.4 million as the Department of Energy defense contribution to the nuclear waste fund.

The House amendment contained an identical provision (sec. 3104) that would authorize \$129.4 million for payment to the fund.

The conferees recommend \$129.4 million as the Department of Energy defense contribution to the nuclear waste fund.

Reprogramming (sec. 3121)

The Senate bill contained a provision (sec. 3121) that would set forth requirements and

limitations on Department of Energy reprogramming actions. The provision would prevent the Department of Energy from reprogramming funds that would cause a program to exceed the lesser of 105 percent of the funds authorized for any program, or \$10.0 million more than the amount authorized for any program, until 30 legislative days following submittal of a report to the Armed Services Committees of the Senate and House of Representatives and to the Energy and Water Appropriations Subcommittees of the Senate and House of Representatives, describing the funding adjustments.

The House amendment contained a similar provision (sec. 3121) that would prevent the Department of Energy from reprogramming funds that would cause a program to exceed the lesser of 102 percent of the funds authorized for any program for \$1.0 million more than the amount authorized for any program.

The Senate recedes with an amendment. To ensure a uniform approach to reprogramming actions, the conferees recommend a provision that would prevent the Department of Energy from reprogramming funds that would cause a program to exceed, during any fiscal year, 110 percent of the funds authorized for any program, or \$1.0 million more than the amount authorized for any program, until 30 legislative days following the submittal of a report to the congressional defense committees.

Limits on general plant projects (sec. 3122)

The Senate bill contained a provision (sec. 3122) that would allow the Secretary of Energy to carry out construction projects under the general plant projects authorized by title XXXI of the Senate bill if the total estimated cost of the project did not exceed \$2.0 million.

The House amendment contained a similar provision (sec. 3122).

The House recedes.

Limits on construction projects (sec. 3123)

The Senate bill contained a provision (sec. 3123) that would prohibit the Secretary of Energy from beginning or incurring additional obligations for an ongoing construction project, if they would exceed by 25 percent or more the amount authorized for the project, or the total estimated cost of the project as shown in the most recent budget justification data submitted to Congress. The Secretary may undertake the prohibited actions if the Secretary notifies the congressional defense committees of the overage and explains the necessity for the overage.

The House amendment contained an identical provision (sec. 3123).

The conferees agree to include this provision.

Transfer authority (sec. 3124)

The Senate bill contained a provision (sec. 3124) that would allow the Secretary of Energy to transfer funds to other agencies for the performance of the work for which the funds were appropriated.

The House amendment contained a similar provision (sec. 3124).

The Senate recedes.

Construction design and conceptual design for construction projects (sec. 3125)

The Senate bill contained a provision (sec. 3125) that would allow the Secretary of Energy to use funds appropriated to the Department of Energy to carry out advance planning and design for construction projects if the total cost for advance planning and design does not exceed \$3.0 million. If the total cost of the advance planning and design ex-

ceeds \$600,000, the Secretary would be required to notify the congressional defense committees. The provision would also require specific congressional authorization if the total estimated cost of the advance planning and design activities exceeds \$3.0 million.

The House amendment contained a similar provision (sec. 3125) that would limit the cost of advance planning and design to \$2.0 million and would require notification of the appropriate congressional committees if the cost of the advance planning and design activities exceeds \$300,000.

The Senate bill contained another provision (sec. 3126) that would require the Secretary of Energy to complete a conceptual design for a construction project before submitting the request for funds to begin the construction project, unless the request is for an emergency construction project.

The House amendment contained a similar provision (sec. 3126).

The conferees agree to combine the provisions into one provision that would require the Secretary of Energy to complete a conceptual design report before submitting an authorization request for a construction project which is estimated to cost more than \$2.0 million. In addition, the provision would allow the Secretary to use available funds to complete the conceptual designs unless the cost of the conceptual design will exceed \$3.0 million. When the cost of the conceptual design is estimated to exceed \$3.0 million, the Secretary must submit a specific request for authorization to prepare the conceptual design.

Authority for emergency planning, design, and construction activities (sec. 3126)

The Senate bill contained a provision (sec. 3127) that would allow the Secretary of Energy to use funds appropriated to the Department of Energy for emergency planning, design, and construction activities if the activity is necessary to protect public health and safety, meet the needs of national defense, or protect property.

The House amendment contained a similar provision (sec. 3127).

The House recedes with an amendment that would allow the Secretary of Energy to use funds appropriated to the Department of Energy for emergency construction activities and that would clarify that completion of a conceptual design is not a prerequisite to initiating an emergency construction project.

Funds available for all national security programs of the Department of Energy (sec. 3127)

The Senate bill contained a provision (sec. 3128) that would provide, subject to the provisions of appropriations acts, that funds made available for DOE management and support activities and for general plant projects are available for use in connection with all national security programs of DOE.

The House amendment contained a similar provision (sec. 3128).

The House recedes.

Availability of funds (sec. 3128)

The Senate bill contained a provision (sec. 3129) that would, subject to appropriations acts, provide that funds appropriated for the Department of Energy remain available until expended.

The House amendment contained an identical provision (sec. 3129).

The conferees agree to include this provision.

Stockpile stewardship recruitment and training program (sec. 3131)

The Senate bill contained a provision (sec. 3131) that would direct the Secretary of Energy, in conjunction with the Chairman of the Joint Nuclear Weapons Council, to establish a program that would provide DOE and its three laboratories that have been traditionally involved in the nuclear weapons programs, a continuing source of highly-trained, highly-educated scientists, engineers, and other individuals. These three laboratories are the Lawrence Livermore National Laboratory, the Los Alamos National Laboratory, and the Sandia National Laboratory. The provision would authorize \$4.0 million for the program and would require DOE to submit a report on laboratory personnel demographics.

The House amendment contained a similar provision (sec. 3131) but would provide \$5.0 million for the program.

The Senate recedes.

The conferees are deeply concerned about the adverse demographic trends at the nuclear weapons laboratories. Notwithstanding statutory direction to the Secretary "to encourage the preservation of core intellectual and technical competencies of the U.S. in nuclear weapons," the Department has not taken measures to develop an inventory of the skills required to support the enduring nuclear weapons mission, nor the skills available within the laboratories to fulfill those requirements. At the same time, two disturbing trends continue to erode the skills base: (1) early retirement incentives offered at several laboratories have caused a disproportionate number of retirements of senior science professionals in the laboratories' weapons program; and (2) budget cuts and the perception of national ambivalence about the nuclear weapons program have hindered the laboratories' ability to recruit new professionals.

To address the problem of retention and recruitment within the weapons programs at the laboratories, the conferees agree to a provision that would direct the Secretary of Energy to establish a stockpile stewardship recruitment and training program.

The program would have three elements. First, the program would ensure a continuing supply of new scientists through improved recruitment and training. A specialized training program is necessary to develop the skills of new scientists and to maintain the skills of the current scientists. Second, the program would encourage the laboratories to work with graduate and undergraduate students in dual-use programs related to the nuclear weapons programs. This would help to bring into the laboratories a broad variety of new scientists who have wide-ranging skills applicable to both defense and non-defense work.

Third, the Secretary would be directed to establish a retiree corps. This corps could provide unique insight to new scientists by sharing and archiving their years of knowledge of the weapons program, including weapons testing. In addition, the members of the corps would be available to assist in the event any problems arise in the enduring stockpile. The conferees agree that nothing in this provision should be interpreted to amend, abrogate, or affect any retirement system or agreement.

The provision would also require the Secretary to prepare a report, in conjunction with the Nuclear Weapons Council, on the personnel demographics of the weapons laboratories. The report should identify the various tasks and skills necessary for the lab-

oratories to meet their nuclear weapons obligations and to provide a breakdown, by age and skill, of the number of scientists available at each laboratory to meet its requirements. In addition, the report should identify any shortfalls, by skill and by laboratory, either existing now or anticipated over the next five years. In the report, the Secretary must identify the alternatives available to prevent any shortfalls and to maintain a highly competent staff at the laboratories. The conferees expect the data included in the report to be aggregated into statistical categories.

Defense inertial confinement fusion program (sec. 3132)

The Senate bill contained a provision (sec. 3132) that would provide \$176.473 million to the Department of Energy for the defense inertial confinement fusion program.

The House amendment contained a similar provision (sec. 3132).

The House recedes.

In September 1990, the National Academy of Sciences completed a review of the inertial confinement fusion program. The review set out a series of milestones and priorities that the Department of Energy has begun to implement. The conferees urge the DOE to implement fully the recommendations of the Academy. The conferees provide \$176.473 million for inertial confinement fusion, of which \$166.755 million is for operating expenses and \$9.718 million is for capital equipment. This is the same level as the requested amount.

This funding would provide \$20.765 million to continue the upgrade of the OMEGA laser, \$78.650 million for the upgrade of the NOVA laser, and \$8.750 for the Naval Research Laboratory. The conferees note that no funds were requested for any litigation expenses or other expenses associated with the close-out or termination of any prior-year contracts. Therefore, the conferees prohibit the use of any of the funds authorized and appropriated for the ICF program for such purposes unless DOE submits a formal reprogramming request prior to obligating funds for litigation, close-out, termination, or related costs connected with prior-year contracts.

The ICF program is an important part of the new science-based stockpile stewardship program. The conferees remain committed to supporting the program.

Payment of penalties (sec. 3133)

The Senate bill contained a provision (sec. 3133) that would authorize the Secretary of Energy to pay two civil penalties, each in the amount of \$50,000, assessed under the consent agreements and compliance orders for the Fernald and Portsmouth, Ohio facilities, to the Hazardous Substances Response Trust.

The House amendment contained a similar provision (sec. 3133).

The House recedes.

Water management programs (sec. 3134)

The Senate bill contained a provision (sec. 3134) that would authorize the Secretary of Energy to reimburse the cities of Westminster, Broomfield, Thornton, and Northglenn, Colorado, in the amount of \$11.415 million from funds authorized for environmental restoration and waste management.

The House amendment contained an identical provision (sec. 3134).

The conferees agree to include this provision. This represents the fifth and final payment to the communities to allow them to complete a project, known as the "option B project," that will protect Stanley Lake from runoff from the Rocky Flats Plant and

replace the Great Western Reservoir system with a new water supply and treatment system.

Worker protection at nuclear weapons facilities (sec. 3135)

The Senate bill contained a provision (sec. 3136) that would authorize \$11.0 million to continue the training program for workers at the DOE defense nuclear complex facilities established by section 3131 of the National Defense Authorization Act for Fiscal Years 1992 and 1993.

The House amendment contained a similar provision (sec. 3135).

The House recedes with a technical amendment that would clarify that the program will use funds authorized to be appropriated for environmental restoration and waste management in section 3102.

Limitation on use of program direction funds (sec. 3136)

The House amendment contained a provision (sec. 3137) that would prohibit the obligation of 50 percent of the funds appropriated for program direction for environmental restoration and waste management activities until the Secretary submits the first report required by section 3153 of the National Defense Authorization Act for Fiscal Year 1994.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would prohibit obligation of 20 percent of the funds appropriated for program direction until the required report is submitted.

National security programs (sec. 3137)

The Senate bill contained a provision (sec. 3137) that would prohibit obligation of more than 90 percent of the funds authorized to be appropriated under this title until the Secretary of Energy submits to the Congress the five-year budget plan for fiscal year 1996 required by section 3144 of the National Defense Authorization Act for Fiscal Years 1990 and 1991.

The House amendment contained no similar provision.

The House recedes with an amendment that would prohibit obligation of more than 80 percent of the funds available until the plan was submitted.

Programs for persons who may have been exposed to radiation released from Hanford nuclear reservation (sec. 3138)

The Senate bill contained a provision (sec. 3140) that would provide \$3.296 million for the first of three additional years to continue the work of the Hanford health information network. Funds for the network were originally authorized in the National Defense Authorization Act for Fiscal Year 1991. In addition, the provision would prohibit the unauthorized use of information gathered by the network.

The House amendment contained a similar provision (sec. 3136) that would provide \$2.5 million to continue the network. The House amendment also contained a provision (sec. 3158) that would prevent unauthorized disclosure of the information gathered by the network.

The Senate recedes to the House section 3136. The Senate recedes with an amendment to the House section 3158 that would prevent unauthorized disclosure of the information gathered by the network and that would require the States of Washington, Oregon, and Idaho to agree on a uniform procedure for authorized disclosure of the information gathered. The Secretary could obligate no more than half of the funds to the network until such a procedure is established.

The States of Oregon, Washington, and Idaho submitted a proposal to continue the network originally started in 1992 for three years, beginning in fiscal year 1995. The total cost would be \$8.9 million. The conferees support continuation of the network for the additional time, but urge the network to begin planning for the three States to assume responsibility for the network at the end of fiscal year 1997.

Limitation on study or relocation of tritium-related activities and operations (sec. 3139)

The House amendment contained a provision (sec. 3142) that would prohibit the relocation of tritium-related facilities in a manner contrary to the recommendations analyzed in the Department of Energy's non-nuclear reconfiguration environmental assessment.

The Senate bill contained no similar provision.

The Senate recedes.

Hazardous materials management and hazardous materials emergency response training program (sec. 3140)

The Senate bill contained a provision (sec. 3139) that would provide an additional \$14.0 million in operating expenses, from the funds authorized to be appropriate for environmental restoration and waste management, to continue training activities at the Department of Energy Hanford, Washington site. The Senate bill would not authorize construction funding requested for a training facility.

The House amendment contained no similar provision but would authorize \$14.0 million for construction of a training facility (project 95-E-600) and \$6.0 million in operating expenses.

The Senate recedes to the House construction authorization with an amendment that would authorize \$7.0 million in construction funding. The House recedes to the Senate provision with an amendment that would provide \$6.0 million in operating expenses, and transfer the funding for both construction and operating expenses from section 3102(d), technology development, to section 3102(c), waste management. The conferees believe that funding for hazardous materials management and emergency response training is not a research and development activity, and is thus more appropriately included under waste management activities. The provision would also prohibit the obligation of funds for project 95-E-600 until the Secretary of Energy completes a conceptual design for the project.

The conferees are concerned about the training available to workers at the Hanford site. The nuclear materials processing and production facilities at the site, including nuclear reactors, have to be decontaminated and decommissioned but are old and in a poor state of repair. Clearly, much of the future workload at the site will pose both radiological and physical hazards to the workers, and there is a pressing need for training at the site.

How the Department plans to utilize the training facility, however, is unclear to the conferees, particularly the extent to which the facility will be utilized by Department of Energy employees and contractor employees from other DOE defense complex sites, or by others outside of DOE. This facility should be designed primarily to meet the needs of DOE and contractor employees at Hanford. The DOE mission is not to develop or to provide broad-based hazardous materials training for the general public.

The conferees direct the Secretary to perform a needs assessment for worker training

at DOE defense nuclear facilities, and propose a strategy to ensure that all hazardous material management and emergency response workers receive proper training. The report should also define the role of the Hanford training facility within the overall departmental strategy and discuss the extent to which this facility would be utilized by non-departmental employees. This assessment and strategy report should be delivered to Congress within 30 days of the President's budget submission for fiscal year 1996.

International Center for Applied Research (sec. 3141)

The House amendment contained a provision (sec. 3141) that would direct the Secretary of Energy to establish an international center for applied research which would be operated by a specific non-profit entity.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would ensure that selection of an operator for the center will be done on a competitive basis and that the center will run for the economic benefit of the Georgia-South Carolina regional area. This area will be affected by the anticipated downsizing of the workforce at the Savannah River Site.

The funding provided for operating of the center is the first of three annual funding allocations. The conferees agree that this three-year funding will serve as the total amount of operating funds provided for the center, and that the center should be self-sustaining by the time those funds are expended.

Accounting procedures for Department of Energy funds (sec. 3151)

The Senate bill contained a provision (sec. 3151) that would require the Department of Energy to account more fully for the use of its funds. This accounting would be done on a fiscal year basis, notwithstanding that the funds appropriated to the Department of Energy, pursuant to title XXXI for national security programs, are available for obligation until expended.

The House amendment contained a similar provision (sec. 3151).

The House recedes with an amendment that would clarify that this provision would apply to the funds authorized to be appropriated pursuant to title XXXI only and not to other funds of the Department.

DOE continues to have large uncanceled balances in all national security programs and continues to retain funds in excess of those required to complete close-out of construction projects in construction project line items. The conferees are concerned that in the current constrained defense budget environment, the Department may not be making maximum use of its funds, or is requesting more funds than are necessary to meet its obligations. This provisions would assist the conferees and the Department in tracking the use of funds for national security programs.

Approval for certain nuclear weapons activities (sec. 3152)

The Senate bill contained a provision (sec. 3152) that would amend section 179 of title 10, United States Code, to include, as an additional responsibility of the Nuclear Weapons Council, coordination and approval of activities conducted by the Department of Energy associated with the study, development, production, and retirement of nuclear warheads.

The House amendment contained a similar provision (sec. 3152). The House provision would also require the Nuclear Weapons

Council to conduct an annual review of operations of the Council, the projects approved by the Council, and the activities carried out by the Department of Energy. The results of the review would be discussed in an annual report to the Secretary of Energy, a copy of which would be provided to the congressional defense committees. The report would cover the preceding fiscal year and would be submitted prior to the preparation of the budget request for the next fiscal year.

The Senate recedes with an amendment that would clarify that the report is required to be submitted to the congressional defense committees at the same time the President's budget request is submitted to Congress.

Study of feasibility of conducting certain activities at the Nevada Test Site, Nevada (sec. 3153)

The Senate bill contained a provision (sec. 3153) that would require the Secretary of Energy to study a wide range of alternative uses for the Nevada Test Site.

The House amendment contained a similar provision (sec. 3153).

The House recedes.

Report on waste streams generated by nuclear weapons production cycle (sec. 3154)

The House amendment contained a provision (sec. 3154) that would direct the Secretary of Energy to analyze and describe all waste streams generated during each step of the complete cycle of production and disposition of nuclear weapons components.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would direct the Secretary to analyze the waste streams that were generated before 1992 when the Department of Energy was actually producing nuclear weapons. The DOE has not produced any nuclear weapons for several years, has no plans to resume production of any existing nuclear weapons, and has no plans to design or produce any new weapon. Thus, such a review can only consider past production activities. The report must be submitted no later than March 31, 1996.

Communication of restricted data and formerly restricted data (sec. 3155)

The House amendment contained a provision (sec. 3155) that would amend subsection (f) of section 142 of the Atomic Energy Act of 1954 to clarify that restricted data which are exchanged with a member state of the Commonwealth of Independent States, pursuant to a bilateral agreement, need not also be released publicly.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would repeal subsection 142 f. of the Atomic Energy Act and allow the Department of Energy and the Department of Defense to release restricted data or formerly restricted data pursuant to cooperative agreements. The provision would amend section 144 of the Atomic Energy Act to allow DOE and DOD to release the data, as necessary, to further fissile material and other weapons material control and accountability programs; to support atomic weapons control and accountability; for treaty verification; and to assist in establishing a uniform international system of classification.

All releases of restricted or formerly restricted data would be made through agreements for cooperation entered into pursuant to section 123 of the Atomic Energy Act. In addition, the provision would waive the period of notice to Congress required by section 123 d. of the Atomic Energy Act, until

December 31, 1995, for agreements entered into pursuant to the new authority.

The conferees note that, in the past, agreements for cooperation under the Atomic Energy Act have been managed by the executive branch in a cumbersome fashion so that they take an extraordinarily long time to complete. The conferees provide for a streamlined section 123 process with the inclusion of procedural waivers. In turn, the conferees urge DOE and DOD to shorten the length of time necessary to enter into these agreements. The conferees hope that most of the time needed to enter into these agreements would be spent on actual negotiations with the country involved and not on protracted reviews. Close coordination among all parties concerned should help alleviate some of the long bureaucratic delays that section 123 agreements have suffered in the past.

The conferees understand that situations involving the release of restricted or formerly restricted data may require fast action. These new agreements could be very valuable, particularly in areas such as emergency response actions dealing with uncontrolled nuclear weapons or materials, or accident response. The conferees hope that situations in which fast action is required would be contemplated and addressed in these new agreements.

Designation of Marilyn Lloyd Scholarship and Fellowship Program (sec. 3156)

The Senate bill contained a provision (sec. 3138) that would authorize \$1.0 million for the Department of Energy environmental scholarship program established by section 3132 of the National Defense Authorization Act for Fiscal Years 1992 and 1993.

The House amendment contained a provision (sec. 3156) that would designate the scholarship program the "Marilyn Lloyd Scholarship and Fellowship Program" in honor of the congresswoman from the third district of Tennessee, who was the original sponsor of the scholarship and fellowship program, and her enduring commitment to higher education in the scientific and technical fields.

The conferees agree to include both provisions.

Report on economic redevelopment and conversion activities resulting from reconfiguration of Department of Energy nuclear weapons complex (sec. 3157)

The House amendment contained a provision (sec. 3157) that would require the Secretary of Energy to submit to Congress information regarding economic redevelopment and conversion activities that may result from reconfiguration of the Department's nuclear weapons complex.

The Senate bill contained no similar provision.

The Senate recedes with a technical amendment.

Office of Fissile Materials Disposition (sec. 3158)

The Senate bill contained a provision (sec. 3155) that would amend the Department of Energy Organization Act to establish, within DOE, an Office of Fissile Materials Disposition. This provision would make permanent the fissile materials project office established by the Secretary of Energy.

The House amendment contained no similar provision.

The House recedes.

Extension of authority to loan personnel and facilities at Idaho National Engineering Laboratory (sec. 3159)

The Senate bill contained a provision (sec. 3156) that would amend section 3133 of the

National Defense Authorization Act for Fiscal Year 1993 to extend the loaned executive program at the Idaho National Engineering Laboratory until 1997, at which time the program will terminate.

The House amendment contained no similar provision.

The House recedes.

Elimination of requirement for five-year plan for defense nuclear facilities (sec. 3160)

The Senate bill contained a provision (sec. 3157) that would amend section 3135 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 by eliminating Department of Energy defense nuclear facilities from the annual five-year planning requirement.

The House amendment contained no similar provision.

The House recedes with an amendment that would amend section 3153 of the National Defense Authorization Act for Fiscal Year 1994, which directs the Secretary of Energy, for public participation, to prepare annual environmental management reports. The amendment would require the Secretary of Energy to provide for public participation generally in planning the activities of the Office of Environmental Restoration and Waste Management.

The five-year plan included an opportunity for public participation in environmental program planning and preparation of the plan. This element of the five-year plan will now be included in the annual environmental management reports.

The new report will supersede the five-year plan for Department of Energy defense facilities beginning in fiscal year 1995. The provision would not terminate the requirement to submit an annual five-year plan at DOE facilities other than defense facilities. Those facilities would not be included in the new reporting requirement.

Authority for appointment of certain scientific, engineering, and technical personnel (sec. 3161)

The Senate bill contained a provision (sec. 3158) that would allow the Secretary of Energy to hire and pay, without regard to civil service laws, up to 200 scientific, engineering, and technical personnel whose duties would relate to safety at Department of Energy defense nuclear facilities.

The House amendment contained no similar facilities.

The House recedes with an amendment. The amendment would expand the scope of the review conducted by the Office of Personnel Management (OPM) to include whether the rate of pay is appropriate to the qualifications and responsibilities of the individuals hired. In addition, the provision would require the Department to reimburse the Office of Personnel Management for the costs incurred by OPM in performing the required periodic reviews. The amendment would also limit the number of people that the Department may hire during the first year to 100.

The amendment would also require the Administrator of the Environmental Protection Agency (EPA) to consult with the Secretary and to issue a report to Congress after the fiftieth person is hired under this authority. The conferees are concerned that some of the people hired under this new authority may be already employed at a site listed on the national priorities list (NPL), which is established pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act. Some conferees are concerned about the effect of such hiring on such sites. They expressed concern that the Secretary,

in using this authority, might delay the work at NPL sites. Therefore, the conferees would require the Administrator of EPA and the Secretary to assess in this report whether the appointments made under this authority have caused serious problems at any NPL site, including:

- (a) significant delay or disruption of an environmental remedial action project;
- (b) significant cost escalation of personnel for the remediation project; or
- (c) significantly increased shortages or critical personnel.

If the Secretary and the Administrator find that these problems have indeed arisen as a result of this authority, they would be required to report jointly to Congress their plan to:

- (a) reduce the rate of hiring under the authority provided under this section;
- (b) solicit personnel from sources other than NPL sites; or
- (c) provide any other effective alternative.

The report must be submitted to the Congress no later than 30 days after appointment of the fiftieth person under the authority provided by this section. The Secretary would be prohibited from making additional appointments under the authority of this section until the report is issued. In order to comply with the time constraints required by this section, the Secretary shall continuously monitor all persons appointed under this authority, record their previous places of employment and any NPL sites on which they were engaged at the time of their appointment under this authority, and provide this information to the Administrator on an ongoing basis.

The conferees direct the Secretary of Energy to submit a second report to Congress describing the use of the authority in fiscal year 1995. In this report, the Secretary should set forth the number of persons hired using the authority, their rates of pay, a general description of their duties and responsibilities including responsibilities associated with overseeing the DOE contractors, any problems associated with finding qualified individuals or with exercising the authority, and plans for use of the authority in fiscal years 1996 and 1997.

Use of funds for computer declassification system (sec. 3162)

The Senate bill contained a provision (sec. 3159) that would provide funds to assist the Department of Energy in supporting the Department's declassification productivity initiative.

The House amendment contained no similar provision.

The House recedes with a technical amendment that would specify that the funds are to support the initiation of a computer-assisted declassification process.

Safety and oversight and enforcement at defense nuclear facilities (sec. 3163)

The Senate bill contained a provision (sec. 3160) that would direct the Secretary of Energy to take appropriate actions to maintain the integrity and independence of the internal nuclear safety oversight function at the Department of Energy.

The House amendment contained no similar provision.

The House recedes with an amendment that would delete the findings in the Senate provision.

Budget justification documents

The conferees are dismayed with the poor quality of the Department of Energy's budget justification documents. In many instances, the information is inaccurate or incomplete. In other instances, the descriptive

summaries are so general that it is difficult or impossible to identify the true nature of the program. There are also instances in which a number of projects are combined in the descriptive summary and a large total amount is displayed so that it is not possible to identify the funds requested for any of the individual projects. Finally, descriptions of projects are sometimes combined in ways that make it impossible to understand the project or where the project will be carried out. The conferees believe that it is imperative that the Department improve the quality of the budget documents and are willing to work with the Department to achieve that goal.

Nevada Test Site

The DOE amended budget request contained \$338.9 million for operating expenses for weapons testing. This amount included \$180.0 million for infrastructure at the Nevada Test Site (NTS), \$6.5 million for Marshall Islands/dose reconstruction, and \$152.4 million for experimentation. The experimentation request was to support activities related to stockpile stewardship.

The conferees agree to transfer the funds requested for experimentation from the weapons testing program to the core research and development account. These funds are shown on the funding tables as stockpile stewardship. This transfer is consistent with the directions to DOE in the National Defense Authorization Act for Fiscal Year 1994. This funding supports experimentation conducted under the stockpile stewardship, and does not support underground nuclear tests. Of the \$152.4 million in the stockpile stewardship line, approximately \$39.0 million will be allocated to the NTS to allow it to carry out activities in support of the stockpile stewardship program. The balance will be allocated to the laboratories to support their activities in support of the stockpile stewardship program.

The conferees agree to provide \$165.0 million for operating expenses for infrastructure activities related to the NTS. This reduction is due to the availability of prior-year funds.

The conferees note that the NTS is a large and unique federal facility for which the conferees believe there are many possible alternative uses. Elsewhere in this act, the conferees recommend \$4.5 million for the Department of Defense to use the NTS as a demonstration site for the environmentally-sound demilitarization of large rocket motors and other high-energetic explosives.

The National Defense Authorization Act for Fiscal Years 1992 and 1993 directed the Secretary of Energy to study the solar energy potential of the NTS. The "Nevada Test Site Solar Feasibility Study" is now complete. DOE found the NTS to be "a significant solar resource that can, in turn, provide important employment, local economic development and even export potential if developed." The Nevada Solar Enterprise Zone Task Force was created to implement the study. According to the study, as little as seven percent of the land area of the NTS would be necessary to generate the power equivalent of 10 large coal or nuclear power plants. Thus, the bulk of the NTS would remain available for any of the potential uses that might be identified in the alternative use study required by section 3153 of this act. The conferees agree that the Department of Energy may use \$10.0 million from funds available for worker and community transition activities to begin to implement the work of the task force and the recommendations contained in the solar energy study.

Section 3153 of this act would require a study of other possible uses for and activities

at the NTS. Alternative missions will enable NTS to maintain, at reduced cost, the infrastructure and personnel necessary to maintain a capability to resume testing, if necessary, in advance of a Comprehensive Test Ban Treaty (CTBT). Presumably, even under a CTBT, some level of readiness to test would be maintained at the NTS. Thus, DOE must focus on dual-use initiatives if this capability is to be maintained. The future of the NTS clearly lies in its potential for many and diverse uses, not just those focused on maintaining a nuclear weapons testing capability.

Funding for stockpile stewardship

The conferees are troubled that the Department of Energy did not request sufficient funds for fiscal year 1995 to support the stockpile stewardship plan developed by the Administration. This underfunding cannot continue without seriously undermining the Department's ability to fulfill its ongoing stewardship responsibilities. Therefore, the conferees direct the Department to request funds for fiscal year 1996 that are consistent with the stockpile stewardship program plan developed by the Administration and that will reverse the loss of nuclear competence at the laboratories.

Technology development

The conferees urge the Department of Energy to ensure that the funds allocated for research and development activities in support of the environmental restoration and waste management program are actually spent on needed research. More needs to be done to ensure that the scarce environmental research and development funds are used first, for research and, second, for research that addresses a priority need of the Department.

The conferees are particularly pleased with the newly-created joint research and development efforts that the DOE and the Department of Defense have initiated. The conferees look forward to more coordination in research and development between the two agencies.

Because the defense budget is decreasing, the environmental restoration and waste management programs will come under increasing budgetary constraints. The conferees believe that many dollars could be saved through the research, development, and demonstration of pollution prevention strategies, new waste characterization and treatment technologies, and remediation methodologies. The conferees urge the Secretary to fund the research and development program consistent with the Department's stated goal of dedicating 10 percent of the environmental budget to research and development.

Fissile material disposition

Disposition of excess weapons-grade fissile materials will continue to be a major challenge to the Department of Energy for the foreseeable future. Although all of the materials must be stored in a safe and secure manner for many years, the disposition of excess plutonium presents the most significant challenge. The conferees are disappointed that the Department did not include in its budget request a request for funding to deal with the many issues associated with the storage and disposition of these materials. The conferees recommend \$50.0 million for fissile materials disposition.

The conferees urge DOE to begin assessing in earnest the broad range of technologies, including reactor, advanced reactor, and non-reactor technologies, potentially available for the disposition of plutonium. The as-

essments should focus on the safe, permanent disposition of surplus weapons material independent of the disposition of civilian plutonium. Each of the possible disposition options present significant challenges.

The conferees also expect the Secretary to use such funds as are available and required to identify the Department's near-term requirements for the storage of fissile materials until the nation has determined a final disposition strategy. The conferees recognize that in fiscal year 1995, the Secretary must also devote significant resources from the fissile materials disposition budget to prepare and issue the environmental impact statement (EIS) necessary for compliance with the National Environmental Policy Act. The conferees urge the Secretary to prepare the EIS in as cost-efficient a manner as possible.

Russia too faces a challenge, similar to that of the United States, in storing and ultimately reducing its excess weapons materials. The conferees believe that to the maximum extent practicable, DOE should work with its Russian counterparts to ensure that the Russian weapons-grade fissile materials are stored in a safe, secure, and accountable manner. Recent news reports about small quantities of weapons-grade plutonium, apparently from Russia, being available for sale in Germany are most troublesome. The conferees urge the Office of Fissile Materials Disposition to coordinate its activities with the DOE Office of Nonproliferation and National Security and other relevant offices and agencies in addressing areas of mutual concern with Russia.

The conferees note that the DOE weapons laboratories have established very successful and productive relationships with various Russian laboratories and urge DOE to expand on this success.

Material control and accounting

The conferees have consistently urged both the Department of Energy and the Department of Defense to develop an accurate accounting of all weapons-grade fissile and special nuclear materials in Russia and the other nations of the Commonwealth of Independent States (CIS). The conferees strongly believe that obtaining an accurate inventory of such materials in the CIS is a fundamental step in establishing an effective non-proliferation regime. The conferees recognize that a bilateral exchange of nuclear weapons stockpile data, including restricted data and formerly restricted data, between the United States and the nuclear states of the CIS will likely be necessary to establish such an accounting. The conferees agree to clarify and expand the authority of the President to provide such data in section 3155 of this act.

Elsewhere in this statement of the managers, the conferees direct the Department of Energy to work with Russia to explore options for excess weapons-grade fissile material disposition and to ensure that Russian weapons-grade fissile materials are stored in a safe, secure, and accountable manner. After discussions with DOE officials, the conferees understand that the Office of Nonproliferation and National Security will manage the Department's activities with Russia in these areas.

The conferees urge the Secretary to make available to the Office of Nonproliferation and National Security funds and resources required to ensure rapid progress in establishing a complete and accurate accounting of all weapons-grade fissile and special nuclear materials in the CIS. The conferees note that the DOE weapons laboratories have established very successful and productive relationships with various Russian laboratories and urge DOE to expand on this

success. The conferees also encourage DOE to consider reprogramming actions, as appropriate, to support these efforts. The Office of Nonproliferation and National Security should coordinate its activities with the Department's Office of Fissile Materials Disposition, other DOE offices, the DOE laboratories, and relevant federal agencies.

Finally, the conferees note that title XII of this act authorizes funds for the cooperative threat reduction program that could be used to support the control and accounting of fissile materials in the CIS. The conferees direct the Secretary of Energy to consult with the Secretaries of State and Defense to determine the most effective use of the funds provided in title XII for fiscal year 1995 and prior years to advance material control and accounting objectives.

Naval nuclear propulsion program

The U.S. naval nuclear propulsion program, a joint program of the Department of Energy and the Department of the Navy, has recently achieved a major milestone—nuclear-powered surface ships and submarines have just steamed their 100 millionth mile on nuclear power without a single nuclear accident or harm to the public or the environment. This is a remarkable achievement, and the conferees congratulate the men and women of the naval reactors program for their dedication and exemplary work.

LEGISLATIVE PROVISIONS NOT ADOPTED

General reduction in authorization of appropriations

The Senate bill contained a provision (sec. 3105) that would generally reduce the amount authorized to be appropriated for national security programs at the Department of Energy by \$220.0 million. This reduction was offset by the use of prior-year funds that were available because DOE failed to submit the five-year budget plan required by section 3144 of the National Defense Authorization Act for Fiscal Years 1990 and 1991. Section 3139 of the National Defense Authorization Act for Fiscal Year 1994 prohibited the Department of Energy from obligating more than 95 percent of the funds authorized to be appropriated for fiscal year 1994 until the five-year plan was submitted. The plan was due with the President's budget request for fiscal year 1995 in January 1994.

The House amendment contained no similar provision.

The Senate recedes. The conferees agree that this general reduction is no longer necessary. On July 21, 1994, the Secretary of Energy transmitted the five-year budget plan for fiscal year 1995 and beyond.

Limitation on use of funds for special access programs

The Senate bill contained a provision (sec. 3135) that would prohibit 80 percent of the funds authorized to be appropriated to the Department of Energy for fiscal year 1995 from being obligated for special or limited access programs until the Secretary submitted to Congress the report required by section 93 of the Atomic Energy Act of 1954 (42 U.S.C. 2122a).

The House amendment contained a similar provision (sec. 3139) that would prevent obligation of any funds for special or limited access programs until the required report was submitted.

The conferees agree to delete both provisions because the Secretary of Energy has submitted the required report.

Solar energy activities at Nevada Test Site, Nevada

The Senate bill contained a provision (sec. 3141) that would authorize \$10.0 million for

use at the Nevada Test Site for solar energy activities.

The House amendment contained no similar provision.

The House recedes.

Nuclear Weapons Council membership

The Senate bill contained a provision (sec. 3154) that would add an additional senior representative of the Department of Energy to the membership of the Nuclear Weapons Council.

The House amendment contained no similar provision.

The Senate recedes.

The Senate provision was intended to reinforce the role of the Under Secretary of Energy in ensuring a strong defense program at the Department of Energy. The Senate was concerned that the DOE nuclear weapons program has suffered from lack of attention and planning by senior Department managers. The Senate conferees hoped that the Under Secretary, by his senior position within the Department and with expanded authority, would become an advocate of the defense programs within DOE. The Senate conferees believed that his membership on the Nuclear Weapons Council would serve to both reinforce the role of the defense programs within the Department of Energy and enable greater participation with the Department of Energy and enable greater participation with the Department of Defense and the Joint Chiefs of Staff in maintaining a safe and strong nuclear deterrent.

The Secretary of Energy has recently reaffirmed her commitment to the defense programs at the Department of Energy and to the overall role of the Department in matters relating to national security, such as non-proliferation and fissile materials control and disposition. The conferees look forward to working with the Secretary in ensuring that the Department has a robust defense program in a reduced budget environment. The conferees believe that, while more difficult to achieve, maintaining defense competencies using fewer resources than were available in the past is necessary and possible.

Conditions on contracts between the Federal Government and certain lessees and transferees of Department of Energy property

The Senate bill contained a provision (sec. 3161) that would prevent the Department of Energy management and operating contractors from taking unfair advantage of commercial information gained through their relationships with subcontractors when the management and operating contractors are engaging in a commercial venture utilizing former DOE facilities.

The House amendment contained no similar provision.

The Senate recedes.

The Senate provision originated in the contractual relationship between a DOE management and operating contractor (M&O) at a DOE facility and one of its subcontractors. Because the M&O contractor performed audit, inspection, and quality control functions for DOE on the subcontractor's products, the M&O contractor was given access to the subcontractor's plant and to proprietary and technical data, trade secrets, and commercial and financial information that it would not have had except for its status as an M&O contractor.

DOE is closing the particular facility because it no longer needs it. DOE anticipates that when it stops using the facility, it will be leased, pursuant to sections 3154 and 3155 of the National Defense Authorization Act

for Fiscal Year 1994, to the local community, which will then sublet the facility to the M&O contractor. The former M&O contractor proposes to manufacture the same type of product as the subcontractor and compete with the subcontractor. The M&O would lease and use equipment at the former DOE facility that was used in developing the manufacturing process for the product made by the subcontractor. The product is manufactured at facilities owned by the subcontractor.

The Senate conferees were concerned that the former M&O contractor might unfairly use information acquired from the subcontractor to compete against the subcontractor. The Senate provision would permit federal agencies to require former M&O contractors who propose or bid on federal agency procurement to certify that they have not used, in the preparation of their proposal or bid, any information or data of the federal government or another entity that have not been released or otherwise made generally available for the preparation of bids or proposals.

Based on the representations made to the conferees that the Secretary of Energy already has the necessary statutory and regulatory authority to protect appropriately the rights and interests of subcontractors, the conferees agree that the Senate provision is no longer necessary. The conferees rely equally on the assurance made to the conferees by the Secretary of Energy that DOE will continue to work with the M&O contractor and the subcontractor to develop mutually acceptable and appropriate protective mechanisms. The conferees believe that the Secretary should secure an agreement between the subcontractor and the M&O contractor, substantially equal in force to confidentiality agreements commonly used elsewhere in industry, that the contractor and each of the managers and employees of the contractor will not use, in any manner, proprietary information, trade secrets, or other cost, commercial, or financial information acquired from the subcontractor solely as a result of the relationship between the M&O contractor and the subcontractor. These agreements should also specifically prevent the use of such information in the preparation, submission, or negotiation of a bid or offer to any federal agency for similar products. The conferees believe that the agreement should endure for a term sufficiently long to protect the subcontractor. The conferees direct the Secretary to work with the M&O contractor and the subcontractor to reach the agreement before closure of the DOE facility.

The conferees will follow the situation closely. The conferees remain concerned about the potential for unfair use of government and third-party information that was obtained by a former M&O contractor solely by virtue of that special status, and will continue to evaluate the need for legislation. The conferees believe that the principles of procurement integrity and fairness are generally adequate to prevent the M&O contractor from gaining unfair competitive advantage when bidding to supply similar or related products to DOE or to any other federal agency.

The conferees direct the Secretary to report to the congressional defense committees by January 1, 1995, on the resolution of this issue.

Limitation on use of funds for new construction projects

The House amendment contained a provision (sec. 3138) that would prohibit the Secretary of Energy from obligating or expending funds appropriated for a construction

project for which funds were requested for the first time in fiscal year 1995, until the Secretary has completed a conceptual design for that project.

The Senate bill contained no similar provision.

The House recedes. Of the two projects to which this provision would have applied, the conferees have indicated elsewhere within this statement of the managers that the Department may not expend funds authorized to be appropriated on one of them until the Secretary has completed the conceptual design, and the conferees did not agree to authorize funds for the other project.

Prohibition on prefinancing

The House amendment contained a provision (sec. 3140) that would prohibit the Secretary of Energy from budgeting funds to retain Department personnel in the event that Congress allows a lapse in funding authority between fiscal years. The Department refers to this practice as "prefinancing."

The Senate bill contained no similar provision.

The House recedes.

The conferees note, however, that while all government agencies can retain essential personnel in the event of a lapse in funding authority, only the Department of Energy actually budgets for such a contingency. The conferees agree that the merits of prefinancing need to be re-examined, and that the Armed Services Committees of the Senate and House of Representatives will address this issue in hearings next year.

The conferees are further concerned that there does not appear to be a consistent rationale or methodology for budgeting for prefinancing. Prefinancing should not be a "catch-all" category for otherwise unexplainable uncoded obligations. The conferees urge the Department to review its prefinancing policy while preparing the fiscal year 1996 budget request.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Authorization (sec. 3201)

The Senate bill contained a provision (sec. 3201) that would provide \$17.933 million for the Defense Nuclear Facilities Safety Board.

The House amendment contained a provision (sec. 3201) that would provide \$18.0 million for the Board.

The House recedes.

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Authorized uses of stockpile funds (sec. 3301)

The Senate bill contained a provision (sec. 3302) that would authorize the stockpile manager to obligate \$54.2 million from the National Defense Stockpile Transaction Fund during fiscal year 1995 for the authorized uses of funds under section 9(b)(2) of the Strategic and Critical Materials Stock Piling Act.

The House amendment contained no similar provision.

The House recedes.

Rotation of materials to prevent technological obsolescence (sec. 3302)

The Senate bill contained a provision (sec. 3304) that would amend section 6(a)(4) of the Stock Piling Act to allow for modernization and rotation of materials in the stockpile to prevent technological obsolescence.

The House amendment contained no similar provision.

The House recedes.

Extension of limitation on authority to dispose of chromium ferro and manganese ferro (sec. 3303)

The House amendment contained a provision (sec. 3301) that would prohibit the disposal of chromium ferro and manganese ferro from the National Defense Stockpile until the President certifies to Congress that there is a reliable domestic source for the adequate and timely production of these materials, and such source can be called upon in times of a national emergency or a significant mobilization of the armed forces.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would delay the current authority to dispose of chromium ferro and manganese ferro from the stockpile until October 1, 1995.

Limitations on authority to dispose of zinc (sec. 3304)

The House amendment contained a provision (sec. 3304) that would prohibit the disposal of zinc from the National Defense Stockpile unless the President certifies to Congress that any such proposal would not cause any undue disruption of the usual markets of producers, processors, and consumers of zinc.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would prohibit the disposal of zinc from the National Defense Stockpile to anyone outside the federal government prior to April 1, 1995. In order for the Stockpile manager to dispose of zinc after April 1, 1995, the Stockpile manager would have to submit a revised Annual Materials Plan for fiscal year 1995 to the Congress not later than February 15, 1995 that describes any such proposed disposal. This revised Annual Materials Plan would have to include the views of the Market Impact Committee regarding the market impact of any such disposal.

Limitations on the disposal of chromite and manganese ores (sec. 3305)

The House amendment contained a provision (sec. 3303) that would require the Stockpile manager to give a right of first refusal to domestic ferroalloy upgraders on any disposals of chromite and manganese ores of metallurgical grade from the stockpile during fiscal year 1995.

The Senate bill contained no similar provision.

The Senate recedes.

Report on domestic production of high purity electrolytic chromium metal (sec. 3306)

The House amendment contained a provision (sec. 3305) that would require the conversion of low carbon ferro chromium held in the National Defense Stockpile into high purity electrolytic chromium metal.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to enter into an agreement with the President of the National Academy of Sciences under which the Academy would prepare a report regarding the production of high purity electrolytic chromium metal in the United States.

LEGISLATIVE PROVISIONS NOT ADOPTED

Transfer from National Defense Stockpile Transaction Fund

The Senate bill contained a provision (sec. 305) that would authorize, to the extent provided in appropriations acts, the transfer of not more than \$250.0 million from the National Defense Stockpile Transaction Fund

to the operation and maintenance accounts for fiscal year 1995. This figure represents an increase of \$100.0 million above the amount proposed for transfer in the budget request.

The House amendment contained no similar provision.

The Senate recedes. The conferees conclude that authorizing the transfer of funds from the National Defense Stockpile Transaction Fund in anticipation of sales of materials could create pressure on the Stockpile manager to sell excess materials in order to generate revenues for such transfers. The conferees agree that the decision to sell excess materials from the stockpile should be based on market and stockpile management considerations and not on the need to generate revenues.

Disposal of obsolete and excess materials contained in the National Defense Stockpile

The Senate bill contained a provision (sec. 3301) that would authorize disposal of two materials (aluminum and tungsten) from the National Defense Stockpile that were determined to be excess to the stockpile requirements recommended by the Department of Defense in the 1992 Report on National Defense Stockpile Requirements.

The House amendment contained no similar provision.

The Senate recedes.

Rejection of change in stockpiling principles

The House amendment contained a provision (sec. 3302) that would repeal sections 3311 and 3314 of the National Defense Authorization Act for Fiscal Year 1994 concerning stockpiling principles.

The Senate bill contained no similar provision.

The House recedes. The conferees expect the next stockpile requirements report, to be submitted to the Congress by January 15, 1995 under section 14 of the Stock Piling Act, to contain a complete and thorough discussion of the stockpiling principles proposed by the Department of Defense, and to cover the full range of conflict scenarios on which the stockpile requirements are based. In addition, the conferees request that the next stockpile requirements report also contain an analysis of the capabilities of the U.S. domestic sources of strategic and critical materials and a current analysis of the U.S. dependence on, and reliability of, foreign sources for strategic and critical materials.

Repeal of advisory committee requirement

The Senate bill contained a provision (sec. 3303) 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 amendment contained no similar provision.

The Senate recedes.

TITLE XXXIV—CIVIL DEFENSE

Authorization of appropriations (sec. 3401)

The budget request contained \$129.658 million to carry out the Federal Civil Defense Act of 1950.

The Senate bill contained a provision (sec. 3401) that would authorize the requested amount.

The House amendment contained a provision (sec. 3401) that would authorize Relief and Emergency Assistance Act.

The Senate recedes.

Restatement of federal civil defense authorities in Robert T. Stafford Disaster Relief and Emergency Assistance Act (secs. 3411 and 3412)

The House amendment contained a provision (sec. 3402) that would repeal the Civil

Defense Act of 1950 (section 2251 et seq. of title 50 App., United States Code) and place its authorities into the Robert T. Stafford Disaster Relief and Emergency Assistance Act (section 5121 et seq. of title 42, United States Code).

The Senate bill contained no similar provision.

The Senate recedes with a technical amendment.

The conferees understand that the Office of Management and Budget will transfer the civil defense program (i.e., the emergency preparedness program) and other portions of the Federal Emergency Management Agency budget now included in the 050 budget function to a domestic discretionary budget account because these programs no longer have a defense emphasis. This transfer will be incorporated into the President's fiscal year 1996 budget request.

TITLE XXXV—NAVAL PETROLEUM RESERVES

Authorization of appropriations (sec. 3501)

The House amendment contained a provision (sec. 3501) that would authorize funds for activities at the Naval Petroleum Reserves for fiscal year 1995.

The Senate bill contained no similar provision.

The Senate recedes.

Price requirement on sale of certain petroleum during fiscal year 1995 (sec. 3502)

The House amendment contained a provision (sec. 3502) that would establish pricing for sale of products from the Naval Petroleum Reserve.

The Senate bill contained no similar provision.

The Senate recedes with a technical amendment that would clarify that 10 U.S.C. 7430(b)(2)(B), the minimum price for Naval Petroleum Reserves 1, 2, and 3 petroleum sold during fiscal year 1995, does not apply. The only statutory minimum price in fiscal year 1995 will be 90 percent of the local market price of comparable petroleum prescribed in section 7430(b)(2)(A).

Extension of existing contract at Naval Petroleum Reserves (sec. 3503)

The conferees agree to a provision that would allow the Department of Energy to extend the current operating contract at the Naval Petroleum Reserve Number 1 at Elk Hills, California for an additional two years. The conferees are very concerned about the future of this facility, the Department of Energy's plans for management of the facility, and opportunities for reducing its operating costs.

In the statement of the managers accompanying the National Defense Authorization Act for Fiscal Year 1994 (H. Rept. 103-357), the conferees requested a report by May 1, 1994, that would analyze a variety of management options for Elk Hills. The Department of Energy only submitted the requested report on August 2, 1994. In the meantime, the Department has also embarked on an effort to substantially change the management of the Elk Hills facility without analyzing other possible options and without considering the possibility of competition.

The conferees believe there are several potential management options that would reduce costs and achieve maximum value and benefit to the government. While the conferees do not recommend a particular option for the operation and management of the Elk Hills facility, they strongly believe that the Department should fully analyze all possible options before making a change in current

operations. The conferees also strongly believe that any change in the operation or management of the Elk Hills facility should be accomplished using competitive procedures, to the extent practical.

This provision would allow the Department of Energy additional time to review fully all possible options before entering into any new management contract for the Elk Hills facility. The Armed Services Committees of the Senate and House of Representatives plan to hold hearings in 1995 on the DOE management options under consideration and the recommendations of the National Academy of Public Administration to ensure that the best interests of the government are fully protected.

TITLE XXXVI—PANAMA CANAL COMMISSION

Panama Canal Commission (secs. 3601-3605)

The Senate bill contained provisions (secs. 3501-3505) that would authorize expenditures from the Panama Canal Revolving Fund for the operations and maintenance of the Panama Canal. They would also authorize the Panama Canal Commission to reimburse eligible employees for the cost of dependent schooling at facilities in the United States in the same manner as is now authorized for the cost of dependent students attending non-Department of Defense dependent schools in Panama. Finally, the provisions would authorize Panamanian U.S. government employees, who are eligible under current law for special immigration benefits, to apply for immigration prior to the effective date of their retirement.

The House amendment contained no similar provisions. A separate House bill contained provisions essentially identical to those in the Senate bill.

The House recedes. The Panama Canal operates on a self-sustaining basis, utilizing tolls and revenues paid by canal users. Appropriated funds not utilized for the operation and maintenance of the canal.

From the Committee on Armed Services, for consideration of the entire Senate bill and the entire House amendment, and modifications committed to conference:

RONALD V. DELLUMS,
G.V. MONTGOMERY,
PAT SCHROEDER,
EARL HUTTO,
IKE SKELTON,
DAVE MCCURDY,
MARILYN LOYD,
NORMAN SISISKY,
JOHN M. SPRATT,
SOLOMON P. ORTIZ,
H. MARTIN LANCASTER,
LANE EVANS,
JAMES H. BILBRAY,
JOHN S. TANNER,
GLEN BROWDER,
MARTIN T. MEEHAN,
FLOYD SPENCE,
DUNCAN HUNTER,
JOHN R. KASICH,
HERBERT H. BATEMAN,
CURT WELDON,
JON KYL,
RONALD K. MACHTLEY,
JIM SAXTON,

As additional conferees from the Labor Committee on Education and Labor, for consideration of sections 337, 346-47, 643, 924, 1051, and 1082 of the Senate bill and sections 351-54, 1133, 1136, 1138, and 1151 of the House amendment, and modifications committed to conference:

WILLIAM D. FORD,
WILLIAM L. CLAY,

PAT WILLIAMS,
WILLIAM F. GOODLING,
STEVE GUNDERSON,

As additional conferees from the Committee on Energy and Commerce, for consideration of sections 142, 324, 708, 2821(e)(3), 2849, 3151, 3155, 3157-58, 3160, and 3201 of the Senate bill and sections 1055, 3201, and 3502 of the House amendment, and modifications committed to conference:

JOHN D. DINGELL,
PHIL SHARP,
AL SWIFT,
CARLOS J. MOORHEAD,
MIKE BILIRAKIS,

Provided, Mr. Waxman is appointed in lieu of Mr. Swift and Mr. Billey is appointed in lieu of Mr. Bilirakis solely for the consideration of section 708 of the Senate bill:

HENRY A. WAXMAN,
TOM BILLEY,

As additional conferees from the Committee on Foreign Affairs, for consideration of sections 221-22, 225, 241, 251, 354, 823, 1012, 1013(b), 1014, 1015(a), 1016-18, 1021(a), 1021(b), 1022-23, 1024(c), 1031-32, 1041, 1065, 1070, 1074, 1078-79, 1088, 1092, and 1097 of the Senate bill and sections 1011(a), 1022-25, 1038, 1041, 1043, 1046-49, 1052, 1054, 1058-60, 1201-14, and 1401-04 of the House amendment, and modifications committed to conference:

LEE H. HAMILTON,
SAM GEJDESON,
TOM LANTOS,
BILL GOODLING,

As additional conferees from the Committee on Government Operations, for consideration of sections 824, 2812(c), 2827, and 3161 of the Senate bill and modifications committed to conference:

JOHN CONYERS, JR.,
E. TOWNS,
MIKE SYNAR,
BILL CLINGER,

As additional conferees from the Committee on Merchant Marine and Fisheries, for consideration of sections 357, 601, 654, 2206, 2825, 3134, and 3501-05 of the Senate bill and sections 522-23, 527, 531, 601-02, 1137, and 3134 of the House amendment, and modifications committed to conference:

GERRY E. STUDDS,
WILLIAM J. HUGHES,
BILLY TAUZIN,

As additional conferees from the Committee on Natural Resources, for consideration of sections 2853 of the House amendments, and modifications committed to conference:

GEORGE MILLER,
BRUCE F. VENTO,
NEIL ABERCROMBIE,

As additional conferees from the Committee on Post Office and Civil Service, for consideration of sections 331-334, 346, 636, 901, 1080, 1087, 1090, and 3158 of the Senate bill and sections 165, 351, 375, 1031, and 2816 of the House amendments, and modifications committed to conference:

WILLIAM CLAY,
FRANK MCCLOSKEY,
ELEANOR H. NORTON,
JOHN MYERS,
CONSTANCE A. MORELLA,

As additional conferees from the Committee on Public Works and Transportation, for consideration of sections 324, 1086, and 2827 of the Senate bill and section 3402 of the House amendment, and modifications committed to conference:

NORMAN Y. MINETA,
DOUGLAS APPLEGATE,
JAMES A. TRAFICANT, Jr.,
BUD SHUSTER,
BILL CLINGER,

Provided that Mr. Duncan is appointed in lieu of Mr. Clinger solely for the consideration of section 2827 of the Senate bill:

JOHN J. DUNCAN, Jr.,

As additional conferees from the Committee on Science, Space, and Technology, for consideration of sections 232-33, 243, 249, and 3141 of the Senate bill and sections 211(a), 211(b), 216(a), 216(b), 216(c), 216(e), 217-18, 223(a), 1112-15, and 3141 of the House amendment, and modifications committed to conference:

GEORGE E. BROWN, Jr.,

TIM VALENTINE,

BOBBY SCOTT,

As additional conferees from the Committee on Veterans' Affairs, for consideration of section 641 of the Senate bill and modifications committed to conference:

G.V. MONTGOMERY,

JIM SLATTERY,

DOUGLAS APPLGATE,

BOB STUMP,

MIKE BILIRAKIS,

Managers on the Part of the House.

SAM NUNN,

JIM EXON,

CARL LEVIN,

TED KENNEDY,

JEFF BINGAMAN,

JOHN GLENN,

RICHARD SHELBY,

ROBERT C. BYRD,

BOB GRAHAM,

CHUCK ROBB,

JOSEPH I. LIEBERMAN,

RICHARD H. BRYAN,

STROM THURMOND,

JOHN WARNER,

WILLIAM S. COHEN,

TRENT LOTT,

DAN COATS,

BOB SMITH,

LAUCH FAIRCLOTH,

KAY BAILEY HUTCHISON,

Managers on the Part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FIELDS of Louisiana (at the request of Mr. GEPHARDT), for today, on account of official business.

Mr. FALEOMAVAEGA (at the request of Mr. GEPHARDT), for today, on account of official business.

Mr. BARTON of Texas (at the request of Mr. MICHEL), for today, on account of attending a funeral.

SPECIAL ORDERS GRANTED

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

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

Mr. GINGRICH, for 5 minutes, today.

Mr. DREIER, for 5 minutes today.

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

Mr. DERRICK, for 5 minutes, today.

Mr. COOPER, for 5 minutes, today.

Mr. HOAGLAND, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

Mr. HOYER, for 5 minutes, today.

Mr. NEAL of North Carolina, for 5 minutes, today.

The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. LAROCCO, for 5 minutes, today.

EXTENSION OF REMARKS

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

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

Mr. CALLAHAN.

Mr. GOODLING.

Mr. DELAY.

Mr. FAWELL.

Mr. KING.

Mr. SAXON.

Mr. GRAMS.

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

Mr. GEJDNENSON.

Mr. JACOBS.

Mr. BONIOR.

Mr. LEVIN.

Mr. ROSE.

Mrs. CLAYTON.

Mr. DURBIN.

Mr. RAHALL in two instances.

Mr. ANDREWS of New Jersey.

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

Mr. TAUZIN.

Mr. MEEHAN.

Mr. MCDERMOTT.

Mr. CAMP.

Mr. BILBRAY.

Mr. BERMAN.

Mr. PACKARD.

Mr. SOLOMON.

Mr. FRANKS of New Jersey.

Mr. WYDEN.

Ms. BROWN of Florida.

Ms. DELAURO.

Mr. MENENDEZ.

Mr. SHAW.

Mr. TORRES.

Mr. RANGEL.

Mr. STARK.

Mr. EVERETT.

Mr. BURTON in three instances.

Mrs. MALONEY.

Ms. VELÁZQUEZ.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1426. An act to provide for the maintenance of dams located on Indian lands by the Bureau of Indian Affairs or through contracts with Indian tribes;

H.R. 1933. An act to authorize appropriations for the Martin Luther King, Jr. Federal Holiday Commission, to extend such Commission, and to support the planning and performance of national service opportunities in conjunction with the Federal legal holiday honoring the birthday of Martin Luther King, Jr.;

H.R. 2243. An act to amend the Federal Trade Commission Act to extend the authorization of appropriations in such act, and for other purposes;

H.R. 4277. An act to establish the Social Security Administration as an independent agency and to make other improvements in the Old-Age, Survivor, and Disability Insurance Program;

H.R. 4426. An act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1995, and making supplemental appropriations for such programs for the fiscal year ending September 30, 1994, and for other purposes;

H.R. 4453. An act making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes;

H.R. 4506. An act making appropriations for energy and water development for the fiscal year ending September 30, 1995, and for other purposes;

H.J. Res. 131. Joint resolution designating December 7 of each year as "National Pearl Harbor Remembrance Day"; and

H.J. Res. 175. Joint resolution designating October 1994 as "Italian-American Heritage and Culture Month."

BILLS PRESENTED TO THE PRESIDENT

Mr. ROSE, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 1631. An act to amend title 11, District of Columbia Code, to increase the maximum amount in controversy permitted for cases under the jurisdiction of the Small Claims and Conciliation Branch of the Superior Court of the District of Columbia.

H.R. 2739. An act to amend the Airport and Airway Improvement Act of 1982 to authorize appropriations for fiscal years 1994, 1995, and 1996, and for other purposes.

H.R. 4429. An act to authorize the transfer of naval vessels to certain foreign countries.

ADJOURNMENT

Mr. COLLINS of Georgia. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 6 minutes p.m.), under its previous order, the House adjourned until Tuesday, August 16, 1994, at 10:30 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

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

3684. A letter from the Assistant Secretary for Legislative Affairs, Department of State,

transmitting a report on military expenditures for countries receiving U.S. assistance; to the Committee on Appropriations.

3685. A letter from the Comptroller General, General Accounting Office, transmitting a compilation of historical information and statistics regarding rescissions proposed by the executive branch and rescissions enacted by the Congress; to the Committee on Appropriations.

3686. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to the People's Republic of China, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

3687. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance [LOA] to Korea for defense articles and services (Transmittal No. 94-47), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

3688. A letter from the Acting director, Defense Security Assistance Agency, transmitting notice concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance [LOA] to Thailand for defense articles and services (Transmittal No. 94-46), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

3689. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance [LOA] to Turkey for defense articles and services (Transmittal No. 94-44), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

3690. A letter from the Assistant Secretary of Legislative Affairs, Department of State, transmitting a copy of the Secretary's determination and justification to exercise the authority granted him under section 451 of the Foreign Assistance Act of 1961, as amended, authorizing funds to support the Tanzanian participation in peacekeeping in Liberia and conflict resolution in Rwanda, pursuant to 22 U.S.C. 2261(a)(2); to the Committee on Foreign Affairs.

3691. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the texts of the International Labor Organization Convention No. 174 and Recommendation No. 181 adopted at its 80th session at Geneva; to the Committee on Foreign Affairs.

3692. A letter from the Chairman, U.S. International Trade Commission, transmitting the 45th report on the operation of the U.S. trade agreements program during 1993, pursuant to 19 U.S.C. 2213(b); to the Committee on Ways and Means.

3693. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the obligation of certain funds; jointly, to the Committees on Appropriations and Foreign Affairs.

3694. A letter from the Secretary of the Interior, transmitting his views regarding H.R. 3433; jointly, to the Committee on Natural Resources, Ways and Means, and Government Operations.

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. CONYERS: Committee on Government Operations. H.R. 3600. A bill to ensure individual and family security through health care coverage for all Americans in a manner that contains the rate of growth in health care costs and promotes responsible health insurance practices, to promote choice in health care, and to ensure and protect the health care of all Americans; with amendments (Rept. 103-601, Pt. 5). Ordered to be printed.

Mr. DE LA GARZA: Committee on Agriculture. H.R. 2927. A bill to amend the Plant Variety Protection Act to make such Act consistent with the International Convention for the Protection of New Varieties of Plants of March 19, 1991, to which the United States is a signatory, and for other purposes; with an amendment (Rept. 103-699). Referred to the Committee of the Whole House on the State of the Union.

Mr. DE LA GARZA: Committee on Agriculture. S. 2099. An act to establish the Northern Great Plains Rural Development Commission, and for other purposes (Rept. 103-700). Referred to the Committee of the Whole House on the State of the Union.

Mr. DELLUMS: Committee of Conference. Conference report on S. 2182. An act to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, for military construction, and for defense programs of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes (Rept. 103-701). Ordered to be printed.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X the following action was taken by the Speaker:

Referral to the Committee on Government Operations of H.R. 2680 extended for a period ending not later than August 16, 1994.

The Committee on Government Operations discharged from further consideration of H.R. 4263; H.R. 4263 referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. ROSE:

H.R. 4945. A bill to establish the Library of Congress Revolving Fund, and for other purposes; to the Committee on House Administration.

By Mr. SANGMEISTER:

H.R. 4946. A bill to establish the Midewin National Tallgrass Prairie in the State of Illinois, and for other purposes; jointly, to the Committees on Armed Services, Agriculture, and Energy and Commerce.

By Mr. BRYANT:

H.R. 4947. A bill to amend title 28, United States Code, to establish additional requirements regarding appointment of an independent counsel; to the Committee on the Judiciary.

By Mr. BACHUS of Alabama (for himself, Mr. BEVILL, Mr. BROWDER, Mr. CALLAHAN, Mr. CRAMER, Mr. EVERETT, Mr. HILLIARD, Mr. MONTGOMERY, Mr. ROWLAND, and Mr. HUTTO):

H.R. 4948. A bill to designate Building No. 137 of the Tuscaloosa Veterans' Medical Cen-

ter in Tuscaloosa, AL, as the "Claude Harris, Jr. Building"; to the Committee on Veterans' Affairs.

By Mr. FRANKS of New Jersey (for himself, Mr. MEEHAN, Mr. GALLO, and Mr. DELAY):

H.R. 4949. A bill to amend title 5, United States Code, to reform Federal administrative procedures and improve the regulatory process; to the Committee on the Judiciary.

By Mr. GEJDENSON (for himself, Mr. ROTH, Ms. CANTWELL, Mr. JOHNSTON of Florida, Mr. BEREUTER, Mrs. MEYERS of Kansas, Mr. FINGERHUT, Mr. ENGEL, Mr. WYNN, Mr. OBERSTAR, and Mr. SCHUMER):

H.R. 4950. A bill to extend the authorities of the Overseas Private Investment Corporation, and for other purposes; to the Committee on Foreign Affairs.

By Mr. KIM:

H.R. 4951. A bill to amend the Clean Air Act to provide that no Federal implementation plan need be promulgated by the Environmental Protection Agency upon the failure of a State implementation plan to attain certain attainment deadlines which have been superseded by the 1990 amendments to the Clean Air Act, and for other purposes; to the Committee on Energy and Commerce.

H.R. 4952. A bill to amend the Clean Air Act to provide that certain requirements in effect prior to the 1990 amendments to the Clean Air Act shall cease to apply, and for other purposes; to the Committee on Energy and Commerce.

H.R. 4953. A bill to amend the Clean Air Act to prohibit the Environmental Protection Agency from promulgating a Federal implementation plan prior to the disapproval of State implementation plan revisions required pursuant to the Clean Air Act Amendments of 1990, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. MALONEY:

H.R. 4954. A bill to amend the Fair Housing Act to provide sanctions for the filing of certain complaints; to the Committee on the Judiciary.

By Mrs. MALONEY (for herself, Mrs. LOWEY, Mr. NADLER, Mr. WAXMAN, Mr. SAXTON, Mr. PASTOR, and Mr. COOPER):

H.R. 4955. A bill to amend title 5, United States Code, and the National Security Act of 1947 to require disclosure under the Freedom of Information Act of information regarding certain individuals who participated in Nazi war crimes during the period in which the United States was involved in World War II; jointly, to the Committees on Government Operations, the Judiciary, and Intelligence (Permanent Select).

By Mr. NEAL of North Carolina (for himself, Mr. MCCOLLUM, Mr. LAFALCE, Mr. FRANK of Massachusetts, Mr. LAROCCO, Mr. DOOLEY, Mr. RIDGE, Mr. BAKER of Louisiana, and Mr. KING):

H.R. 4956. A bill to create an open and competitive marketplace for financial services which ensures the safety and soundness of the Nation's financial system as well as the availability of innovative financial products and services for consumers, business, and government at the lowest possible cost, and for other purposes; jointly, to the Committees on Banking, Finance and Urban Affairs, and Energy and Commerce.

By Mr. RAHALL (for himself, Mr. BORSKI, Mr. DEFAZIO, Mr. COPPERSMITH, Mr. COSTELLO, and Mr. DE LUGO):

H.R. 4957. A bill to amend the Railway Labor Act concerning the applicability of requirements of that act to U.S. air carriers

and flight crews engaged in flight operations outside the United States; to the Committee on Public Works and Transportation.

By Mr. ROSE:

H.R. 4958. A bill to amend title 3 of the United States Code to provide immunity from suit for the President of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. TAUZIN (for himself, Mr. STUDDS, Mr. LIPINSKI, Mr. FIELDS of Texas, and Mr. COBLE) (all by request):

H.R. 4959. A bill to reduce the economic burden on U.S.-flagged merchant vessels by streamlining certain regulatory requirements, by expanding the delegation of the performance of marine safety functions to third parties, and by broadening the Coast Guard's marine safety authority, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. WYDEN:

H.R. 4960. A bill to provide health care quality safeguards for consumers of health care insurance and health care products and services; to the Committee on Energy and Commerce.

By Mr. LAROCCO:

H.R. 4961. A bill to establish the Coeur d'Alene Basin Restoration Corporation and authorize the Corporation to undertake all actions necessary for the cleanup of mining wastes and the restoration of natural resources in the watershed encompassing the Coeur d'Alene River, Coeur d'Alene Lake, and its tributaries, and the Spokane River in northern Idaho and western Washington; jointly, to the Committees on Natural Resources, Energy and Commerce, and Public Works and Transportation.

H.R. 4962. A bill to amend the Federal Water Pollution Control Act relating to the Coeur d'Alene Basin Management Conference; jointly, to the Committees on Public Works and Transportation, Natural Resources, Merchant Marine and Fisheries, and Energy and Commerce.

By Ms. MARGOLIES-MEZVINSKY:

H.R. 4963. A bill to clarify that the expenses of administering the Old Age, Survivors, and Disability Insurance Programs are not included in the budget of the U.S. Government, and for other purposes; jointly, to the Committees on Ways and Means, Government Operations, and Rules.

By Mr. MENENDEZ (for himself, Mr. FROST, Mr. FOGLETTA, Mr. HASTINGS, Mrs. MEEK of Florida, Mr. EHLERS, Ms. KAPTUR, Mr. DE LUGO, Mr. FARR, Mr. ENGEL, and Ms. WOOLSEY):

H.R. 4964. A bill to provide grants for demonstration projects to coordinate the administration of services to needy families with children; jointly, to the Committees on Ways and Means, Agriculture, Education and Labor, Energy and Commerce, and Banking, Finance and Urban Affairs.

By Mr. OWENS:

H.R. 4965. A bill to encourage serious negotiations between the major league baseball players and the owners of major league baseball in order to prevent a strike by the players or a lockout by the owners so that the fans will be able to enjoy the remainder of the baseball season, the playoffs, and the World Series; to the Committee on the Judiciary.

By Mr. FRANKS of New Jersey (for himself, Mr. MEEHAN, Mr. GALLO, Mr. QUINN, Mr. OLVER, Mr. ACKERMAN, Mr. LIPINSKI, Mr. HINCHEY, Mr. TORKILDSEN, Mrs. KENNELLY, Mr. McNULTY, Mr. BLUTE, Mr. MACHTLEY,

Mr. REED, Mr. EVANS, Mr. KLINK, Mr. KASICH, Mr. FINGERHUT, Mrs. JOHNSON of Connecticut, Mr. SWETT, and Mr. COYNE):

H.J. Res. 402. Joint resolution to designate the week beginning March 12, 1995, as "National Manufacturing Week"; to the Committee on Post Office and Civil Service.

By Mr. RAHALL (for himself, Mr. DINGELL, Mr. DEFAZIO, Ms. KAPTUR, Mrs. BYRNE, Mr. MICHEL, Ms. DANNER, Mr. HOKE, Mr. KILDEE, Mr. FINGERHUT, Mr. COX, Ms. MCKINNEY, and Mr. KNOLLENBERG):

H. Con. Res. 282. Concurrent resolution expressing the sense of the Congress concerning the ban on the use of United States passports in Lebanon; to the Committee on Foreign Affairs.

By Mr. GIBBONS:

H. Res. 518. Resolution returning to the Senate the Senate amendments to the bill H.R. 4554; considered and agreed to.

By Mr. DORNAN (for himself, Mr. DOOLITTLE, Mr. SMITH of New Jersey, Mr. GINGRICH, Mr. CALVERT, Mr. HYDE, Mr. DELAY, Mr. ARMEY, Mr. MCCOLLUM, Mr. BARTLETT of Maryland, Mr. GOSS, Mr. PACKARD, Mr. CRANE, Mr. FIELDS of Texas, Mr. BALLENGER, Mr. KIM, Mr. BURTON of Indiana, Mr. SOLOMON, Mr. BUNNING, Mr. STEARNS, Mr. GOODLATTE, Mr. STUMP, Mr. LIVINGSTON, Mr. DUNCAN, Mr. MCKEON, Mr. TALENT, Mr. ROYCE, Mr. HANSEN, and Mr. SUNDQUIST):

H. Res. 519. Resolution expressing the sense of the House of Representatives regarding religious intolerance; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

458. By the SPEAKER: Memorial of the Legislature of the State of California, relative to the Main San Gabriel Groundwater Basin; to the Committee on Natural Resources.

459. Also, memorial of the Legislature of the State of California, relative to COBRA benefits; jointly, to the Committees on Energy and Commerce, Ways and Means, and Education and Labor.

ADDITIONAL SPONSORS

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

H.R. 127: Mr. GEJDENSON, Mr. PASTOR, Mr. FORD of Michigan, Mr. SABO, Mr. GALLEGLY, Mr. YATES, and Mr. DIXON.

H.R. 193: Mr. BONILLA, Mr. BUYER, Mr. CHAPMAN, Mr. COLLINS of Georgia, Mr. DICK- EY, Ms. DUNN, Mr. EHLERS, Mr. GINGRICH, Mr. GOODLING, Mr. GUNDERSON, Mr. HALL of Texas, Mr. HOEKSTRA, Mr. INGLIS of South Carolina, Mr. ISTOOK, Mr. SAM JOHNSON, Mr. KASICH, Mr. MCCOLLUM, Mr. MCKEON, Mr. SCHIFF, Mr. SHAYS, Mr. SHUSTER, Mr. STEN- HOLM, Mr. TAYLOR of North Carolina, Mr. THOMAS of California, Mr. VOLKMER, Mr. HOKE, Mr. HOUGHTON, Mr. SCHAEFER, Mr. TALENT, and Mr. ZELIFF.

H.R. 291: Mr. BURTON of Indiana, Mr. JOHN- SON of Georgia, and Mr. GINGRICH.

H.R. 326: Mr. WASHINGTON, Ms. WATERS, and Mr. EDWARDS of California.

H.R. 654: Mr. MATSUI and Mr. EHLERS.

H.R. 1172: Mr. EVANS.

H.R. 1737: Mr. WAXMAN.

H.R. 2019: Mr. BROWN of California.

H.R. 2043: Mr. MARTINEZ.

H.R. 2059: Mr. DOOLITTLE.

H.R. 2424: Mr. BROWN of Ohio.

H.R. 3062: Mr. DOOLITTLE.

H.R. 3064: Mr. MINGE and Mr. PACKARD.

H.R. 3251: Mr. SHAYS and Mr. ZELIFF.

H.R. 3407: Mr. TORKILDSEN.

H.R. 3705: Mr. BAESLER and Mrs. UNSOELD.

H.R. 3990: Ms. MARGOLIES-MEZVINSKY.

H.R. 4051: Mr. MEEHAN.

H.R. 4056: Mr. SARPALIUS, Mr. BACHUS of Alabama, and Mr. LEVIN.

H.R. 4095: Mr. HAYES.

H.R. 4118: Mr. HALL of Texas.

H.R. 4316: Mr. HINCHEY.

H.R. 4345: Mr. SANTORUM.

H.R. 4412: Mr. HAYES.

H.R. 4413: Mr. SKELTON.

H.R. 4474: Mr. ANDREWS of New Jersey, Mr. HOLDEN, Mr. COX, Mr. RAMSTAD, and Mr. TALENT.

H.R. 4477: Mr. HAYES, Mr. MAZZOLI, Mr. JACOBS, Mr. BLUTE, Mr. SMITH of Oregon, Mr. CLAY, Mr. DARDEN, Mrs. LLOYD, Mr. UNDERWOOD, Mr. MURPHY, Mr. CLEMENT, Mr. ROTH, Mr. HUTCHINSON, Mr. MORAN, and Mr. BAKER of Louisiana.

H.R. 4610: Mr. EVANS, Mr. PARKER, Mr. BOUCHER, Mr. DICKEY, Mr. CRAMER, and Mr. BACHUS of Alabama.

H.R. 4702: Mr. MORAN, Mrs. MORELLA, and Mrs. ROUKEMA.

H.R. 4708: Mr. FOGLETTA.

H.R. 4791: Mr. FRANKS of New Jersey, Mr. PACKARD, and Mr. FIELDS of Texas.

H.R. 4826: Mr. KINGSTON, Mr. EMERSON, Mr. HANSEN, Mr. KOLBE, and Mr. LEVY.

H.R. 4828: Mr. BARRETT of Wisconsin, Mr. BLUTE, Ms. LOWEY, Mr. DEUTSCH, Mr. FRANK of Massachusetts, Ms. SCHENK, and Mr. THORNTON.

H.R. 4831: Mr. GINGRICH.

H.R. 4841: Mr. OLVER and Mr. YATES.

H.J. Res. 365: Mr. CONYERS, Mr. BLILEY, and Mr. GENE GREEN of Texas.

H.J. Res. 369: Mr. HEFNER, Mr. GORDON, and Mr. HOBSON.

H.J. Res. 385: Mr. LANTOS, Ms. DELAURIO, and Mr. SMITH of Oregon.

H.J. Res. 397: Mr. DE LUGO, Mr. DIAZ- BALART, Mr. ORTIZ, Ms. VELAZQUEZ, Mr. RICHARDSON, Mr. LAFALCE, Mr. ROMERO- BARCELO, Ms. ROYBAL-ALLARD, Mr. NEAL of Massachusetts, Mr. FAZIO, Mr. SERRANO, Mr. KOPETSKI, Mr. LIPINSKI, Mr. SARPALIUS, Mr. FILNER, Mr. BERMAN, Mrs. MINK of Hawaii, Mr. DE LA GARZA, and Mr. MCDERMOTT.

H. Con. Res. 249: Mr. GILMAN, Mr. HAST- INGS, Mr. JOHNSON of South Dakota, Mr. PRICE of North Carolina, Mr. GUNDERSON, Mr. PORTER, Mr. ROSE, Ms. FURSE, Mr. MACHTLEY, and Mr. LIPINSKI.

H. Con. Res. 254: Mr. WAXMAN.

H. Con. Res. 274: Mr. TOWNS and Mr. DIN- GELL.

H. Con. Res. 276: Mr. JOHNSON of South Da- kota, Mr. WALKER, Mr. MEEHAN, Mrs. JOHN- SON of Connecticut, Mrs. MINK of Hawaii, Mr. FIELDS of Texas, Mr. PRICE of North Caro- lina, Mr. BEILENSON, Mr. LAROCCO, Mr. LIGHTFOOT, Mr. MCHUGH, Mrs. ROUKEMA, Mr. BEREUTER, Mr. CAMP, Mr. KLECZKA, Mr. KIL- DEE, Mr. WALSH, Mr. WAXMAN, Mr. MINGE, Mr. VISLOSKEY, Mr. COSTELLO, Mr. LEACH, Mrs. LLOYD, Ms. PELOSI, Ms. FURSE, Mr. STENHOLM, Ms. WOOLSEY, Mr. LEVY, Mr. BROWN of California, and Mr. SCHUMER.

H. Res. 424: Mr. HUTTO and Mr. LIPINSKI.

H. Res. 473: Mr. BARRETT of Wisconsin.

DISCHARGE PETITIONS—
ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

- Petition 12 by Mr. TRAFICANT on H.R. 3261; Andrew Jacobs, Jr.
- Petition 22 by Mr. INHOFE on House Resolution 409; Bob Stump.
- Petition 23 by Mr. TAUZIN on H.R. 3875; Chet Edwards.

Petition 25 by Mr. CONDIT on House Resolution 489; Ernest J. Istook, Jr., Richard K. Arney, Jack Quinn, Howard Coble, Karen L. Thurman, Thomas E. Petri, Richard H. Baker, Tim Valentine, David Minge, Bill Barrett, James T. Walsh, Dean A. Gallo, James C. Greenwood, Thomas J. Bliley, Jr., Jerry Lewis, Bill McCollum, C.W. Bill Young, James A. Leach, Peter T. King, Nick Smith, John Linder, William F. Goodling, Edward R. Royce, Jim McCrery, Floyd Spence, Dave Camp, Jack Fields, Rick Lazio,

Curt Weldon, Jim Saxton, Robert K. Dornan, Newt Gingrich, and Helen Delich Bentley.

Petition 26 by Mrs. FOWLER on House Resolution 472; Bob Goodlatte, Hamilton Fish, Jr., Jim McCrery, Peter G. Torkildsen, Craig Thomas, Michael D. Crapo, Roscoe G. Bartlett, Curt Weldon, John L. Mica, Joe Knollenberg, Dana Rohrabacher, Stephen E. Buyer, Thomas W. Ewing, Dan Schaefer, Cass Ballenger, Arthur Ravenel, Jr., John Boehner, Thomas J. Bliley, Jr., Jim Kolbe, Jim Saxton, and Vernon J. Ehlers.

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