HOUSE OF REPRESENTATIVES—*Wednesday, December 13, 1995*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. TAYLOR of North Carolina].

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
December 13, 1995.

I hereby designate the Honorable CHARLES H. TAYLOR to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

In our best moments, O God, we are aware that Your Word points the way to the purposes of life—those standards of peace and justice and fairness and freedom that should be the heritage of all. Yet we know too that we are expected to use the abilities that we have received to conceive and design programs that bring righteousness to people and to extend the gifts of living to our communities and to our world. As You have entrusted to us this responsibility, O God, so give us the wisdom and the grace to be good messengers of Your Word and discerning stewards of all Your gifts. In Your name, we pray. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Ohio [Mr. TRAFICANT] come forward and lead the House in the Pledge of Allegiance.

Mr. TRAFICANT led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 15 1-minutes per each side.

SOME FRIENDLY ADVICE FOR THE DEMOCRATS

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

Mr. ARMEY. Mr. Speaker, last week the contest for California's 15th Congressional District was a national test of whether Americans had grown weary of this Congress' effort to balance the budget, reform welfare, and save Medicare from bankruptcy. One Democrat political consultant said, "This is a test run, the sample for the campaigns of next year."

This morning you would need a magnifying glass to find the results of what was only days ago a special election of national significance. Maybe it is because the Democrats ended up losing a seat they held for decades after waging one of the most negative campaigns in recent memory.

I have some friendly advice for my colleagues on the other side of the aisle. Stop the character assassination. Stop basing your campaigns on fear and fiction. Stop the boiler room operations that call senior citizens at night to scare them into voting Democrat.

Instead, tell people what you stand for. If my colleagues believe a bigger Federal Government is the key to prosperity, make their case.

If you think the proper role of government is to redistribute income through the tax system, make your case. I know that most Americans may not agree with that point of view in this day and age, but at least it makes for a honest public debate.

Tom Campbell told the voters of California what he stood for. He told them he wanted to come here to help balance the budget for the first time in 30 years and to save Medicare for the next generation. In the end, the people rejected the hatred and the negative attacks, and voted for a positive vision of the future. Do your party and the Nation a favor, and learn from his success.

PRESIDENT CLINTON, STAND STRONG ON MEDICAID COVERAGE FOR THOSE WHO ARE ENTITLED TO IT

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

Mr. PALLONE. Mr. Speaker, Democrats favor a balanced budget, but they also want to make sure the priorities such as Medicare, Medicaid, the environment, and education are protected during these budget negotiations. The President drew the line last week when he vetoed the Republican budget bill and unveiled a new plan of his own, but one of the things that President Clinton stressed is that we must have a Federal guarantee of Medicaid coverage for those low-income Americans, pregnant women, children, the disabled, who right now do have health care coverage under Medicaid.

Mr. Speaker, during these budget negotiations one of the most important things that must happen is that we guarantee health care for those low-income citizens. The Republicans' plan to eliminate that guarantee, and send money to the States in a block grant and give them the discretion to decide who will be eligible for Medicaid, and whether anyone, or what categories of people would be eligible for Medicaid is certainly the wrong way to go, and I want to commend the President and ask him to stand strong on the notion that we must guarantee Medicaid coverage for those who are entitled to it today.

STILL NO EXIT STRATEGY

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

Ms. DUNN of Washington. Mr. Speaker, yesterday I returned from Bosnia. Even a short visit left me with two powerful reactions. Seeing Sarajevo evoked a strong emotional response. The devastation is indescribable; it is surreal. Anyone seeing that firsthand would want to help end the suffering. The people want peace.

My second reaction was analytical. As a Member of Congress, my job is to try to strip away the emotion and ask legitimate questions so I can analyze the President's decision to deploy ground troops.

Here is what I found: First, we have no clear mission; second, the expectations of our troops are all over the map, some even expect our troops to be assigned the deadly task of finding 6 million land mines; and third, we still have no exit strategy at all.

Mr. Speaker, this is troubling beyond words. Our troops are being placed between warring factions on the unrealistic assumption that peace will suddenly break out in the next 12 months after centuries of fighting.

□ 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.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

I implore the President, before signing an agreement in Paris, please define the mission, clarify the expectations, and develop a credible exit strategy. It is the least that should be done for the troops we are committing to this impossible task.

WHY WE NEED TO GET INVOLVED IN BOSNIA

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

Mr. RICHARDSON. Mr. Speaker, why get involved in Bosnia? The answer is that America's interests, values, and leadership are at stake. But we should ask the question, "What if we don't?" Then we surrender our leadership role. And we must ask the question, "Are we still prepared to lead?"

Mr. Speaker, our troops are going to enforce a peace, not start a war. There are risks, but manageable risks.

What if we do not? NATO will be destroyed. Is it worth preserving? Yes. Balkan stability is important for Greece and Turkey. And what about Eastern Europe? What if Russia gets strong again and poses threats to Eastern Europe? How are they going to feel if we vote no today?

What happens if we do not vote with the President? War will break out again. There will be genocide, rapes, Srebrenicas.

Mr. Speaker, this is not a popular issue, and the President should not be accused of politics. This is a risk. This is America's moral leadership, and we should do the right thing and support our troops and support the President.

GINGRICH'S WAY IS NOT THE AMERICAN WAY

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

Ms. DELAURO. Mr. Speaker, we all remember last month when Speaker GINGRICH closed down the Government because he did not like his seats on Air Force One. Well, here we go again.

Yesterday, an aide to Speaker GINGRICH says that Mr. GINGRICH is prepared to shut down the Government again, if he does not get his way on the budget. The problem is that GINGRICH's way is not the American way.

America does not support the Gingrich budget priorities. The American people do not want a balanced budget which devastates Medicare, education, and the environment, in order to finance a massive tax break to the wealthy.

So, Mr. Speaker, spare us the theatrics and give the American people an early Christmas present: a balanced budget which reflects our priorities, not yours.

CBO'S NEW PLOY: RABBITS POPPING OUT OF A HAT

(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, when it comes to the budget, Congress has seen it all: smoke, mirrors. We have read lips. We have even dated Rosy Scenario around here.

But now there is a new ploy. Rabbits, Mr. Speaker. The Congressional Budget Office just announced that they have found $130 billion, $130 billion that just popped up like a rabbit out of the hat.

Now let us see if this adds up. We have a $5 trillion national debt, $300 billion annual budget deficits, and a Congressional Budget Office that at the very last minute just happens to find $130 billion that has been overlooked.

Beam me up, Mr. Speaker. Someone is inhaling around here all right. Someone is definitely inhaling. I say if they are going to find $130 billion and pull it out of a hat like a rabbit, why do we not just hire David Copperfield, Congress, and furlough all these workers at the Congressional Budget Office?

I yield back the balance of these ploys.

GET YOUR HANDS OUT OF OUR POCKETS

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

Mr. UNDERWOOD. Mr. Speaker, H.R. 2539, the ICC Termination Act of 1995, which passed the House and Senate and is now in conference committee, has as its noble purpose the deregulation of the trucking and rail industries. The shipping industry remains regulated, and for offshore areas like Guam, our consumers remain a captive market for the shipping lines.

Buried deep in the details of H.R. 2539, in the Senate version, is a provision that would raid the wallets of consumers in Guam and other offshore areas. The shipping companies cut some sort of deal to allow, by statute, rates to increase by 7.5 percent every year for these port to port movements. They created a loophole to allow the rates to be increased in a zone of reasonableness, which is so wide you can drive a ship through it.

The shipping companies are not hurting for profits in the captive domestic offshore markets. They are literally rolling in dough. They charge four times more for a shipment to Guam than they do to Japan.

Shame on the American President Lines, Sealand, and Matson. They should get their hands out of our pockets.

KEEP THE FEDERAL GOVERNMENT OPEN THROUGH THE HOLIDAY SEASON

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

Ms. JACKSON-LEE. Mr. Speaker, chestnuts roasting on an open fire, "Silent Night" humming in the background, and families embracing and loving during this holiday season. However, the Republican majority says no to all of that because they want to force another Government shutdown on the backs of working Americans. This will happen because of the Republicans' harsh refusal to stop the cuts of $270 billion in Medicare and the $182 billion cut of Medicaid. It is the American safety net for our children and seniors, and yet the Republicans want to force 9 million children and seniors off of a good health care. The Democratic budget plan, however, does continue to guarantee health care for our children, the elderly, and the disabled.

I would say to my colleagues, Mr. Speaker, that that is truly the spirit of this approaching season, and I would say to my colleagues again, Mr. Speaker, that we need to understand that the American people want to have the spirit of this holiday season to reflect on the least of those.

Might I add as well, Mr. Speaker, that the election held in California yesterday did not show that the Democrats lost. It is just that the Republican candidate that ran was prochoice and progun control—Democratic issues—and I would imagine he would also vote for the American children to have good health care.

Let us stop the cuts in Medicare and Medicaid. Let us make this season what it is. It is the season of giving and sharing, it is the season for all Americans. It is not what the Republican majority wants to do—cutting good health care for the elderly, the disabled, and our poor children.

Mr. Speaker, I urge my colleagues across the aisle to do the right and responsible thing and keep the Federal Government open. This is no time to let working people pay the price for petty partisan politics.

Let's pass another clean continuing resolution, if necessary, and work toward a balanced budget that is not built on the backs of the average, hard working Americans. A budget that protects the things we value: Medicare, Medicaid, education, and our environment.

Leaders in the other body have already agreed that there should not be another Government shutdown. We in the House need to join them in that agreement.

Mr. Speaker, don't be responsible for forcing thousands of decent, hard working people to wallow in doubt and uncertainty during what should be a

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joyous season. Don't make the American people pay because the Republican majority has not finished the budget work that should have been completed by them in October.

THE CRUEL REPUBLICAN AGENDA

(Ms. BROWN of Florida asked and was given permission to address the House for 1 minute.)

Ms. BROWN of Florida. Mr. Speaker, the Republicans are now threatening to shut down the Government unless President Clinton signs on to the Republican plan to abandon our Nation's poorest, sickest, and most disabled citizens by repealing Medicaid.

This cruel Republican agenda will hurt children, veterans, pregnant women, and seniors. Two-thirds of Florida's nursing home residents get help from Medicaid. Almost a million children in Florida get emergency health care from Medicaid every year. These seniors, these children, and many of Florida's 2 million veterans may look to Medicaid in the next few years and find that they are out of luck.

When it comes to family values, the Republican Party talks the talk but they certainly do not walk the walk. And this budget proves it.

□ 1015

REPUBLICANS SHOULD SUPPORT A BALANCED BUDGET THAT PROTECTS THE ENVIRONMENT

(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, in the continuing budget resolution agreement last month, the Republicans and the President committed to a balanced budget that "must protect the environment," but the current Republican budget plan declares war on the environment. It gives away millions to mining companies in the West. It allows massive timber harvesting in the Tongass National Forest and oil drilling in the Arctic National Wildlife Refuge. The Republican plan guts the EPA's budget for enforcing our clean air and clean water laws and for continuing the cleanup of the Housatonic and Connecticut Rivers in my district, all this to give billions in tax breaks to the already wealthy who do not need them. Not a very good trade, Mr. Speaker.

Republicans should live up to their agreement and support a balanced budget that protects the environment, rather than sacrificing it.

EXTREME REPUBLICAN AGENDA

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

Mr. GENE GREEN of Texas. Mr. Speaker, on Friday, legislation temporarily funding the Government expires, and hundreds of thousands of Government workers may be given another paid vacation. Last month this cost us $800 million. Speaker GINGRICH and House Republicans have decided they want to use the threat of a Government shutdown as a leverage in the ongoing budget battle, flatly dismissing the importance of keeping many of our crucial programs up and running.

Let us make it absolutely clear the Republicans cannot force these mean-spirited cuts on the American people by holding the Government shutdown over our heads. They have targeted such programs as education cuts that help children, the COPS Program to help my Houston community hire over 375 new police officers, and veterans programs, which will result in 600 fewer VA medical center beds, 203,000 fewer inpatient visits, and 430,000 fewer outpatient visits at VA medical centers.

The American people do not want a Government shutdown. Let us extend this continuing resolution and finish the job we should have completed 2 months ago. Let us not hold another shutdown over our citizens' heads to try to pass these bills.

CALIFORNIANS AGREE WITH REPUBLICAN REFORMS

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

Mr. WELDON of Florida. Mr. Speaker, I rise this morning to talk about the results of an election in California that was held yesterday in a Democrat district where a Republican won by almost a 2 to 1 margin. Clearly, the people in that district, a Democrat district, understand that we are not cutting Medicare, we are slowing the rate of growth of Medicare, and they clearly understand that it is extremely important that the situation here in Washington has to change. We cannot continue to have runaway spending, runaway growth of programs. We have to balance our budget, and we have to balance our budget now.

In sending Tom Campbell to the U.S. Congress, the people of that Democrat district are saying the Democrats are not going to get the job done, they are going to continue to spend, we are going to continue to have deficits, and that we really do need to continue this change, this revolution that began in November 1994.

There will be one more voting with us beginning in a few days, and the people in California say they agree with what we are doing.

TRIAL AND SENTENCING OF WEI JINGSHENG IS GROSS VIOLATION OF IDEALS OF DEMOCRACY AND FREEDOM

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

Mr. KENNEDY of Massachusetts. Mr. Speaker, it took a Chinese court less than 6 hours on Wednesday to convict 1995 Nobel Peace Prize nominee Wei Jingsheng of conspiring to subvert the Government. He was sentenced to 14 years in the gulag, following Henry Wu.

The trial and sentencing of Wei Jingsheng is a gross violation of the core ideals of democracy and freedom. In April 1994 Wei disappeared in the Beijing bureaucracy. For 19 months he was not allowed to communicate with his family, with legal counsel, or with his colleagues. In December 1995 Wei had only a few days to prepare a trial and obtain a lawyer.

The only crime that Wei had committed was calling for democracy and human rights in China. Despite international pressure and opposition, people in China continue to be detained and sentenced for standing up for their fundamental rights.

I applaud Wei's courage and strength to speak out in opposition to the tyranny of his government. I appeal to the Government of China to release this man, guilty only of believing in freedom and democracy. And I call on the President of the United States to continue to press for the release of Wei Jingsheng, and not to relent until he is freed.

REPUBLICANS STAND WITH THE AMERICAN PEOPLE FOR A BALANCED BUDGET AND LIMITED GOVERNMENT

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

Mr. PAXON. Mr. Speaker, the Democrats have tried to make an election in California a referendum on our Republican agenda of a balanced budget and limited government.

Their tactic was simple.

Offer a campaign of obstruction—devoid of ideas.

Mr. Speaker, I'm proud to report they failed miserably.

And they failed in a district that's been held by their party for 20 years.

There were two winners in yesterday's election:

Obviously Tom Campbell, but equally important, the American people. They won because we proved that you cannot win an election by screaming about what you are against—you must proclaim what you are for.

The truth is, Mr. Speaker, we won yesterday and we've been winning all year.

We started the 104th Congress with 230 Republicans. We now have 236.

We have five new Republicans—who like millions of Americans, left the Democrats because they have no ideas and no hope for the future.

We are going to continue to win Mr. Speaker, adding 20 to 30 seats to our majority because we stand with the American people for a balanced budget and limited Government while Democrats have no ideas and stand for nothing.

ANOTHER CLINTON FOREIGN POLICY MISTAKE AND TRAGEDY

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

Mr. FUNDERBURK. Mr. Speaker, last night I heard our Ambassador to the United Nations tell Americans that there is a "moral imperative" to send our soldiers into Bosnia. All I can say to the Ambassador is, your administration displays mighty selective morality.

The same officials who are now beating the war drums in Bosnia saw no such moral imperative in Kuwait, Panama, Cambodia, and Vietnam. In the last two cases millions died in wars which make Bosnia's troubles look like a picnic. Mrs. Albright, Bill Clinton, and Strobe Talbot were silent in seven languages when Vietnamese Communists forced their entire ethnic Chinese population into the sea. You heard not one word from them when Moscow and Beijing locked tens of millions away in the gulag. So their words today are hollow.

Mark it down, Christmastime 1995: the beginning of another Clinton foreign policy mistake and tragedy. I stand with the people in opposition to ground troops being in Bosnia.

EPA SECRETARY O'LEARY, A "MATERIAL GIRL"

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

Mr. TIAHRT. Mr. Speaker, the President has a "Material Girl" in his Cabinet. Secretary O'Leary has leased the very same plane that Madonna used for a trip to South Africa. She took 51 of her staff and she took 68 guests, and they all got in first class and flew down to South Africa at a cost to the taxpayers of $560,000.

Vice President GORE tried to defend this terrible waste of taxpayers' money by saying she is creating all these jobs in America and that there are lots of contracts being written. The truth is there are only signed letters of intent; no jobs, no contracts. This is just the tip of the iceberg.

The Department of Energy has terrible mismanagement. Vice President GORE himself, in the National Performance Review, says the environmental management is 40 percent inefficient and it is going to cost taxpayers $70 billion over the next 30 years. We need to do something about this. It is time to turn the lights out at the Department of Energy and it is time for Secretary O'Leary to resign.

CONGRATULATIONS TO TOM CAMPBELL AND THE NEW MAJORITY

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

Mr. BAKER of California. Mr. Speaker, what a beautiful day it is, because in California last night, despite 9 inches of rain, we had another Republican victory. I just want to congratulate Tom Campbell for his tremendous victory by over 23 points in an election that was supposed to be a Democrat victory, but was, instead, a victory for the new order here in the House.

Mr. Speaker, the victory was the American people saying, "We want to go back to the basics. We don't want," in Ben Franklin's words, in George Washington's words, "any more foreign entanglements." That means, Mr. President, get out of Bosnia. We do not want a government that continues to spend beyond its means. The American people in the 15th Congressional District in California said, "Balance the Federal budget."

Mr. Speaker, the elderly are not stingy in California. They want the Medicare system to be preserved and protected, not only for themselves but for future generations. Pass the Medicare reform, pass the free market reforms, not more government control and constraint. The American people in California are well ahead of us. Congratulations, Mr. Tom Campbell. Congratulations, new majority.

UPCOMING DEMOCRAT RETIREMENTS?

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

Mr. KINGSTON. Mr. Speaker, today, I anticipate a number of Democrat retirements because of Haley Barbour's offer. The offer, as Members of the House know, is for $1 million for any member of the public, including Members of the Democrat Party, who can prove that Republicans, in fact, do cut Medicare.

What is so interesting about this, Mr. Speaker, is that just about every Democrat we have heard this year says Republicans are going to cut Medicare. Since they have an outside income limitation, they will all have to retire to get their $1 million check. I do not think that is what Mr. Barbour intended, but it could be a very nice consequence of this generous offer.

I am confident that Democrat Members will be just flocking over to the NRCC today to meet with Mr. Barbour and collect their $1 million, because time after time from this well right here, Mr. Speaker, they have told the American people, including their own mothers and fathers, that Republicans are cutting Medicare. Well, now it is time to put their money where their mouth is and go get their $1 million, Democrats. In case they cannot get it, we will continue to try to get them to help us on Medicare reform, because we need to preserve and protect it, instead of demagoguing it.

THE OUTCOME OF CALIFORNIA'S 15TH DISTRICT SPECIAL ELECTION

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

Mr. HERGER. Mr. Speaker, I rise today to commend the voters of California for looking behind the outrageous smear campaign run by the Democrats for California's 15th District special election. My colleagues across the aisle are in desperate straits these days and they, unfortunately, have resorted to desperate tactics. Nevertheless, California voters yesterday cast a strong vote for fiscal responsibility, for straight talk on the problems our country faces, and for a new vision.

Make no mistake, Tom Campbell won on the issues. His impressive victory reaffirms my belief that the big truth beats the big lie any day of the week, especially on election day. I would like to welcome Tom as the 236th member of the Republican Conference. I look forward to working with him to truly address the concerns of all Americans.

CALIFORNIANS SEE THE TRUTH ABOUT REPUBLICAN REFORMS

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

Mr. HOKE. Mr. Speaker, where are our friends this morning from the other side of the aisle? Where is the celebrating that they expected to be taking place? It was not 6 weeks ago that the head of the Democratic Congressional Campaign Committee, the gentleman from Texas [Mr. FROST], said, "And we will, we do, expect to win in California." Did they have a bad day yesterday? Did they have a bad night? Was it a bad week? Has it been a bad year? Is it going to be a bad decade? I think it is, because the American people have spoken.

Maybe the media will wake up. Maybe the media will tell the truth. Twenty-three points, was that close? Is

that a close election? Twenty-three points in what was supposedly going to be a Democratic victory. Why is it? Because the American people are too smart to be demagogued on this stuff. They are too smart to believe the pack of half-truths and distortions and untruths that are being fed to them. They will not buy it. They will not stand for it. They have spoken. Today we have something very great to celebrate in California.

□ 1030

SUPPORT OUR TROOPS IN BOSNIA

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

Mr. HASTINGS of Florida. Mr. Speaker, I came here to talk about Bosnia, but in response to my friend let me remind him that one election does not necessarily a majority make.

I congratulate the Republicans for their victory, but there are going to be some more, and in Florida we are going to have one evermore big-time fight. The question keeps being asked around here, what is the United States stake in Bosnia and why does the United States participation make a difference.

Let me answer through the words of Adm. Snuffy Smith. "The question is about United States leadership in the world," he said. "If we don't go in, our credibility goes to rock bottom. The next time when vital United States interests are engaged, are our allies and friends going to be with us? Probably not. If we don't go in there, there will be more killing, the war can spread. Do not underestimate the volatility of the Balkans."

This gentleman is the commander in charge of our troops. Our troops are ready and well-trained. Let us support the United States troops that are being deployed to Bosnia.

FRIVOLOUS CHARGES CLOUD DEBATE ON REAL ISSUES

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

Mr. STEARNS. Mr. Speaker, let me first of all congratulate my colleague Tom Campbell from California for his stunning victory in California. He and I came in together in 1988 and I am just very pleased to have him return here to Congress.

Former Speaker Sam Rayburn quipped, "A jackass can kick a barn down, but it takes a carpenter to build one."

Well, the truth of Mr. Rayburn's words has never been more apparent as it is today. The donkeys are kicking at the barn doors, but we have a carpenter trying to work, trying to build a better form of government, and that carpenter is NEWT GINGRICH, our Speaker.

Despite all their efforts to the contrary, they are trying to offer these frivolous charges. Instead of working on the difficult issues ahead, they trump up another bogus ethics charge against the Speaker.

They, in fact, have fabricated a total of 65 charges against the Speaker. All but one of these charges have been dismissed. The remaining charge simply pertains to a technical section of the IRS code. In time it will be resolved.

The Democrats' attempt in the Campbell election to demonize the Speaker has not worked. I call on all our Members to welcome Tom Campbell again in to our fold.

REPUBLICAN BUDGET CUTS HEALTH CARE TO PAY FOR TAX BREAKS TO WELL OFF

(Ms. MCKINNEY asked and was given permission to address the House for 1 minute.)

Ms. MCKINNEY. Mr. Speaker, one only has to examine the priorities in the Gingrich budget to understand for whom the Republican Party stands. The $500 billion in corporate welfare is going untouched while seniors, pregnant women, and the disabled are expected to absorb $433 billion in health care cuts.

And yes, these are health care cuts because Medicare and Medicaid spending will not keep pace with medical inflation. When you consider that Medicare and Medicaid care for the oldest and sickest people in our society, any reductions that do not keep pace with medical inflation are cuts, plain and simple.

So now, Mr. Haley Barbour, please send your million dollars to Grady Hospital in Atlanta, with an explanation that the Gingrich budget does not cut Medicare and Medicaid to pay for tax breaks to the well off.

DISPOSING OF SENATE AMENDMENT 115 TO H.R. 1868, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1996

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 296 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 296

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 1868) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1996, and for other purposes, with the Senate amendment numbered 115 thereto, and to consider in the House the motion printed in section 2 of this resolution. The Senate amendment and the motion shall be considered as read. All points of order against the motion are waived. The motion shall be debatable for one hour equally divided and controlled by the proponent and an opponent. The previous question shall be considered as ordered on that motion to final adoption without intervening motion or demand for division of the question.

SEC. 2. The motion to dispose of the amendment of the Senate numbered 115 is as follows:

Mr. Callahan (or his designee) moves that the House recede from its amendment to the amendment of the Senate numbered 115, and concur therein with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

"Authorization of Population Planning

"SEC. 518A. Section 526 of this Act shall not apply to funds made available in this Act for population planning activities or other population assistance pursuant to section 104(b) of the Foreign Assistance Act or any other provision of law, or to funds made available in title IV of this Act as a contribution to the United Nations Population Fund (UNFPA).".

The SPEAKER pro tempore (Mr. KINGSTON). The gentleman from Florida [Mr. GOSS] is recognized for 1 hour.

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

Mr. Speaker, this rule provides for a motion—to be offered by Foreign Operations Appropriations Subcommittee Chairman CALLAHAN or his designee—to dispose of the remaining amendment in disagreement to the conference report on H.R. 1868. This is a straightforward and fair rule, providing for an hour of debate and an up-or-down vote on the motion. As you recall, the House passed the Foreign Operations conference report on October 31. This legislation makes tremendous improvements in the way we allocate our limited tax dollars to overseas interests. H.R. 1868 significantly reduces total foreign aid spending, and it takes steps to shrink the Government bureaucracy that has funded many wasteful and duplicative foreign aid projects. The Senate has also passed the conference report for H.R. 1868—and for the past 7 weeks, the two Chambers have been trying to resolve a single disagreement over Senate amendment No. 115, concerning funding for population planning.

Mr. Speaker, the House has voted four times in favor of its position on this issue. Each time the Senate has disagreed. Chairman CALLAHAN's motion would make the population planning funds in the bill subject to authorization—or a later waiver—allowing the ultimate decision on population planning policy to be made in the foreign aid authorization bill, which is after all, the appropriate place for it. Chairman CALLAHAN's notion is a reasonable effort to move beyond the stalemate and finally pave the way for

the foreign operations bill to be sent to the President's desk.

Mr. Speaker, in light of the recent visit by Israeli Prime Minister Peres, I would also note that the funding for the Middle East peace process is contained in this bill. The negotiations are at a critical phase, and despite the tragic assassination of Prime Minister Rabin, there is real hope that further progress towards a lasting peace can be made. I urge my colleagues to support this rule.

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

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to commend my colleague from Florida [Mr. GOSS] for bringing this resolution to the floor.

House Resolution 296 is a rule which provides for the offering of a motion to dispose of the one amendment reported in disagreement by the conferees on the fiscal 1996, foreign operations appropriations bill.

As my colleague from Florida has ably described, this rule provides 1 hour general debate, equally divided between the proponent and an opponent of the motion.

The motion to be offered under this rule would require funds for the population planning activities of AID, and for the U.S. contribution to the U.N. Population Fund, to be authorized before they could be obligated.

Though the House has already passed the conference agreement and this morning's debate is over one narrow related issue, I want to take the opportunity to again thank Mr. CALLAHAN, the chairman of the Foreign Operations Appropriations Subcommittee, for the emphasis he placed on children throughout this appropriations process. I am pleased that the final conference agreement has paid special attention to children's programs such as child survival, UNICEF, and basic education.

While the conference report did not include many earmarks, there was a strong recommendation that UNICEF would receive $100 million. In response to my question during the Rules Committee hearing last night, Mr. CALLAHAN again reaffirmed the desire of the conferees that UNICEF should receive the recommended $100 million. I appreciate Mr. CALLAHAN's continued support on this matter.

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

Mr. GOSS. Mr. Speaker, I would advise the distinguished gentleman from Ohio that I have no requests for time, and I will reserve my time. If he has no requests, I would be prepared to yield back the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, if one ever wanted an example of why this Congress has failed to pass its appropriation bills on time, necessitating plunging the country into a needless Government shutdown and silly political arguments about continuing resolutions, this bill, and the way it is being handled today, is a spectacular example.

First of all, in terms of scheduling, we were told this bill was going to be up this afternoon. Now with virtually no notice to the committee, we find it on the floor.

Second, we are told on this side of the aisle that the committee intended to offer a compromise proposal which contained compromise language. Instead, what we get is the most confrontational approach that could possibly be taken, virtually assuring that this turkey is going to go nowhere.

Now, we have a serious problem in this country. The problem is that this Congress has not finished a number of appropriation bills, and because of that, we face an imminent Government shutdown again on the 15th of this month.

I had thought that the proper way to address that problem would be to try to find ways to compromise out these bills so that you can get more of them signed by the President and reduce the lack of performance on the part of this Congress.

We have already had the Foreign Operations bill tied up for over 2 months because Republicans in the House have not been able to agree with the Republicans in the Senate on what to do on family planning. Now the wizards who put together this strategy this morning are now saying, "Well, I'll tell you what we're going to do. What we're going to do is to send over, not compromise language to the Senate, but language which shuts down all family planning funds internationally."

What is more, this rule proposes to make in order an amendment on international programs which the House already turned down on domestic programs by a vote of 221–207.

Obviously family planning programs are important within the borders of the United States, but they are even more important on a substantive basis internationally because population growth in many countries around the world is flatly out of control, and if we do not find a way to rationally reduce that curve, that upward curve, we are going to have an even greater hunger problem, an even greater environmental problem, an even greater problem of social disruption than you have today in many parts of the world. Yet today the wizards who proposed this language are saying the way out of it is to send over to the Senate language you know they will not accept in 100 years.

□ 1045

There is not a chance of a snowball in you know where that this language is going to be approved by the Senate, and yet the House, at a time when we ought to be working out ways to compromise our differences is in essence throwing a "Hail Mary" to the Senate knowing full well that the Senate is not going to swallow it. That is not a constructive way to do business.

This rule is going to inflame the situation. This approach is going to inflame the situation. It is going to make it much harder to pass a bill than it has been to date, and I see absolutely no constructive purpose whatsoever for proceeding in this manner.

Now, I think my record shows that whether this House has been controlled by Republicans or Democrats I have tried to help further the passage of this legislation in a bipartisan way, but the approach that is being taken here this morning is tactically idiotic, and I would urge the Members of the majority, if you are interested in finding any way at all to reconcile your differences with Members of your own party in the other body, you ought not to be doing this this morning.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. WILSON].

Mr. WILSON. Mr. Speaker, Members, I agree largely with the points that the gentleman from Wisconsin made concerning procedure.

But just addressing the merits of this legislation as it is currently drafted would mean it would eliminate all family planning funds that the United States provides all over the world. Now, I remember our colleague, our ex-colleague, Mr. Lehman from Florida, one late night we were doing a markup, and he remarked that if you took the family planning money out of the foreign operations bill you might as well not have a foreign operations bill, because there is nothing more important in Third World countries bettering their standard of living than family planning. This would eliminate family planning for all of the Third World countries that have enormous birth rates and thereby hinder their economic growth and hinder their hope for prosperity and their hope for a better way of life.

Finally, I would just like to say, in my opinion, this will actually slow down the progress of this legislation, because we absolutely know we are certain that the Senate will not accept it, and we are certain that if the Senate did accept it that is would be vetoed. So to me it is sort of an exercise in futility without any logical purpose.

So, therefore, I would urge a vote against the rule.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

I would like to ask the gentleman from Alabama [Mr. CALLAHAN] a question or two. I understand that the legislation before us today is simply to

address one issue. However, I wish to clarify one aspect of the conference report, the funding level for UNICEF and for basic education.

The gentleman has been a leader with respect to children with this particular subcommittee appropriation bill, and I know that there has been some very strong language that has gone back and forth in the committee report, and one of the things that was put in the conference committee report that was pretty firm in both the Senate and House, that UNICEF would get $100 million and that basic education would get a substantial appropriation of about $108 million, as I remember, and I just want to ask you: Is it still your intention to push for that?

Mr. CALLAHAN. If the gentleman will yield, certainly, it is my full intention to support both. I had not heard before our conversation just yesterday that there might be a plan under foot to do otherwise. But the bill very clearly states that it is the intent to send $100 million to UNICEF and $108 million for child education.

Mr. HALL of Ohio. I thank the gentleman for his assurance. I appreciate very much his support.

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

GENERAL LEAVE

Mr. GOSS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 296, the resolution now under consideration.

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

There was no objection.

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

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 241, nays 178, not voting 13, as follows:

[Roll No. 849]

YEAS—241

Allard	Bartlett	Bonilla
Archer	Barton	Bono
Armey	Bass	Browder
Bachus	Bateman	Brownback
Baker (CA)	Bereuter	Bryant (TN)
Baker (LA)	Bilbray	Bunn
Ballenger	Bilirakis	Bunning
Barcia	Bliley	Burr
Barr	Blute	Burton
Barrett (NE)	Boehner	Buyer
Callahan	Hayes	Parker
Calvert	Hayworth	Paxon
Camp	Hefley	Peterson (MN)
Canady	Heineman	Petri
Castle	Herger	Pombo
Chabot	Hilleary	Portman
Chambliss	Hoekstra	Poshard
Chenoweth	Hoke	Pryce
Christensen	Holden	Quillen
Chrysler	Hostettler	Quinn
Clinger	Houghton	Radanovich
Coble	Hunter	Regula
Coburn	Hutchinson	Riggs
Collins (GA)	Hyde	Roberts
Combest	Inglis	Rogers
Cooley	Istook	Rohrabacher
Costello	Johnson, Sam	Ros-Lehtinen
Cox	Jones	Royce
Crane	Kanjorski	Salmon
Crapo	Kasich	Sanford
Cremeans	Kelly	Saxton
Cubin	Kildee	Scarborough
Cunningham	Kim	Schaefer
Danner	King	Schiff
Davis	Kingston	Seastrand
de la Garza	Klink	Sensenbrenner
Deal	Knollenberg	Shadegg
DeLay	Kolbe	Shaw
Diaz-Balart	LaFalce	Shuster
Dickey	LaHood	Skeen
Doolittle	Largent	Skelton
Dornan	Latham	Smith (MI)
Doyle	LaTourette	Smith (NJ)
Dreier	Laughlin	Smith (TX)
Duncan	Lazio	Smith (WA)
Dunn	Leach	Solomon
Ehlers	Lewis (KY)	Souder
Ehrlich	Lightfoot	Spence
Emerson	Linder	Stearns
English	Livingston	Stenholm
Ensign	LoBiondo	Stump
Everett	Longley	Stupak
Ewing	Lucas	Talent
Fawell	Manzullo	Tate
Fields (TX)	Martini	Tauzin
Flanagan	Mascara	Taylor (MS)
Foley	McCollum	Taylor (NC)
Forbes	McCrery	Tejeda
Fowler	McDade	Thomas
Fox	McHugh	Thornberry
Franks (NJ)	McIntosh	Tiahrt
Frelinghuysen	McKeon	Upton
Frisa	Metcalf	Volkmer
Funderburk	Mica	Vucanovich
Gallegly	Miller (FL)	Waldholtz
Ganske	Molinari	Walker
Gekas	Mollohan	Walsh
Gilchrest	Montgomery	Wamp
Gillmor	Moorhead	Watts (OK)
Gilman	Murtha	Weldon (FL)
Goodlatte	Myers	Weldon (PA)
Goodling	Myrick	Weller
Goss	Nethercutt	White
Graham	Neumann	Whitfield
Gunderson	Ney	Wicker
Gutknecht	Norwood	Wolf
Hall (TX)	Nussle	Young (AK)
Hancock	Ortiz	Young (FL)
Hansen	Orton	Zeliff
Hastert	Oxley	
Hastings (WA)	Packard	

NAYS—178

Abercrombie	Clayton	Evans
Ackerman	Clement	Farr
Andrews	Clyburn	Fattah
Baesler	Coleman	Fazio
Baldacci	Collins (IL)	Fields (LA)
Barrett (WI)	Collins (MI)	Filner
Becerra	Condit	Flake
Beilenson	Conyers	Foglietta
Bentsen	Coyne	Ford
Berman	Cramer	Frank (MA)
Bevill	DeFazio	Franks (CT)
Bishop	DeLauro	Frost
Boehlert	Dellums	Furse
Bonior	Deutsch	Gejdenson
Borski	Dicks	Gephardt
Boucher	Dingell	Geren
Brown (CA)	Dixon	Gibbons
Brown (FL)	Doggett	Gonzalez
Bryant (TX)	Dooley	Gordon
Cardin	Durbin	Green
Chapman	Edwards	Greenwood
Clay	Eshoo	Gutierrez
Hall (OH)	McHale	Sanders
Hamilton	McKinney	Sawyer
Harman	McNulty	Schroeder
Hastings (FL)	Meehan	Schumer
Hefner	Meek	Scott
Hilliard	Menendez	Serrano
Hinchey	Meyers	Shays
Hobson	Miller (CA)	Sisisky
Horn	Minge	Skaggs
Hoyer	Mink	Slaughter
Jackson-Lee	Moakley	Spratt
Jacobs	Moran	Stark
Jefferson	Nadler	Stokes
Johnson (CT)	Neal	Studds
Johnson (SD)	Oberstar	Tanner
Johnson, E. B.	Obey	Thompson
Johnston	Owens	Thornton
Kaptur	Pallone	Thurman
Kennedy (MA)	Pastor	Torkildsen
Kennedy (RI)	Payne (NJ)	Torres
Kennelly	Payne (VA)	Torricelli
Kleczka	Pelosi	Towns
Klug	Peterson (FL)	Traficant
Lantos	Pickett	Visclosky
Levin	Pomeroy	Ward
Lewis (GA)	Porter	Waters
Lincoln	Rahall	Watt (NC)
Lipinski	Ramstad	Waxman
Lofgren	Rangel	Williams
Lowey	Reed	Wilson
Luther	Richardson	Wise
Maloney	Rivers	Woolsey
Manton	Roemer	Wyden
Markey	Rose	Wynn
Martinez	Roukema	Yates
Matsui	Roybal-Allard	Zimmer
McCarthy	Rush	
McDermott	Sabo	

NOT VOTING—13

Brewster	Mfume	Tucker
Brown (OH)	Morella	Velazquez
Engel	Olver	Vento
Lewis (CA)	Roth	
McInnis	Stockman	

□ 1111

Messrs. FROST, BOEHLERT, SHAYS, and HOBSON changed their vote from "yea" to "nay."

Ms. DANNER and Mr. LAFALCE changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. CALLAHAN. Mr. Speaker, pursuant to House Resolution 296, I call up from the Speaker's table the bill (H.R. 1868) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1996, and for other purposes, with the Senate amendment numbered 115 thereto, and to consider the motion printed in section 2 of the resolution.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. KINGSTON). The Clerk will designate the Senate amendment.

The text of the Senate amendment is as follows:

Senate amendment 115:

Page 44, line 19, after "lizations" insert: ":*Provided*, That in determining eligibility for assistance from funds appropriated to carry out section 104 of the Foreign Assistance Act of 1961, nongovernmental and multilateral organizations shall not be subjected to requirements more restrictive than the requirements applicable to foreign governments for such assistance: *Provided further*, That none of the funds made available under

this Act may be used to lobby for or against abortion".

MOTION OFFERED BY MR. CALLAHAN

Mr. CALLAHAN. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. CALLAHAN moves that the House recede from its amendment to the amendment of the Senate numbered 115, and concur therein with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert:

"Authorization of Population Planning

"Sec. 518A. Section 526 of this Act shall not apply to funds made available in this Act for population planning activities or other population assistance pursuant to section 104(b) of the Foreign Assistance Act or any other provision of law, or to funds made available in title IV of this Act as a contribution to the United Nations Population Fund (UNFPA).".

The SPEAKER pro tempore. Pursuant to House Resolution 296, the gentleman from Alabama [Mr. CALLAHAN] will be recognized for 30 minutes, and a Member opposed, the gentleman from Texas [Mr. WILSON], will be recognized for 30 minutes.

The Chair recognizes the gentleman from Alabama [Mr. CALLAHAN].

□ 1115

GENERAL LEAVE

Mr. CALLAHAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the disposition of Senate amendment number 115, and that I be permitted to include tabular and extraneous material.

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

There was no objection.

Mr. CALLAHAN. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker. I do not want to take any more time on this matter than what is necessary. We have already had this matter, population assistance and abortion, before the House four times previously this year. I want to be sure, however, that all Members understand what the motion does and does not do.

The motion provided for by the rule does not cut population funding. It freezes obligations under the fiscal 1996 bill for population funding until it has been authorized or a further waiver of the statutory authorization requirement has been enacted. It does not halt the hundreds of millions of dollars of population funding from prior year bills that has not yet been spent.

This motion does not ask the Senate to agree to enact a funding cutoff for foreign private groups that decline to comply with the Mexico City policy restrictions. The Senate does not have the votes to do that.

Mr. Speaker, I want the Members to be aware of another proposal that I offered to the Senate managers of the foreign assistance bill several weeks ago.

Mr. Speaker, as the Members may be aware, we have had various differences with the Senate on this proposition. As a matter of fact, the original bill that was sent to the Senate came back with 193 amendments. We were able to resolve 192 of the differences between the House and Senate. The only one that could not be resolved is the issue on abortion. We have tried, and tried with frustration, to look at a possible way to pass the foreign operations bill for 1996, to satisfy those that are concerned about abortion worldwide, that are concerned about planned parenthood, to no avail. We simply have been unable to get the votes in the Senate to make this reality come true for the 1996 foreign operations bill.

We are in a situation now that we will send another bill to the Senate and ask that they, with their great wisdom, find a way to pass something that can pass through the Senate and that also can be acceptable to the House. I, for example, have offered what I think was a reasonable compromise to the pro-life forces in the House, and that was to cut the funding capability of any organization to 50 percent of its 1995 level until they sign the Mexico City policy language. In my opinion, that is a fair resolve in this House of compromise.

If we do not get something to the Senate and get something from the Senate that we can concur on, that will satisfy us, we are not going to have a 1996 appropriation bill for foreign operations.

Instead, we are going to be dealing in a continuing resolution, a CR that more than likely will not include any protection for those of us that are concerned about abortion worldwide. A CR may not protect anything that has to do with child survival. We could lose many things, including the prohibition of USAID from moving into a Taj Mahal downtown and paying each month hundreds of thousands of dollars in unnecessary rent. A CR will not reduce funding to USAID. It will not cut the funding that we were successful in passing through this House, unless we get something realistic that both sides can work with.

In a sense, Mr. Speaker, I chastise those Members of Congress who are so hell-bent and determined to have their way that they are interfering, in my opinion, with the due process and with the compromise that this body must occasionally represent.

Mr. Speaker, this measure is another vehicle going back to the Senate. We do not expect the Senate to accept it. I would not think that the President would sign the bill if the Senate passed it, so it is futile, in a sense, to think that we are going to enact this legislation with this language in here, but it is the only opportunity we have to send this train back to the Senate and ask them to look at it and to take into account those of us who are concerned about abortion being funded or encouraged by any American moneys.

I want Members to be aware of another proposal that I offered to the Senate managers of the foreign assistance bill several weeks ago. I suggested that they accept what I call an incentive program for private groups to accept the Mexico City policy language.

Under my proposal, which is not in this rule, all groups which now receive A.I.D. population money could continue to receive up to 50 percent of current funding. However, there would be no funding limits on foreign private groups which agreed to comply with Mexico City principles. That would be the incentive for many is not most population assistance providers to sign on to the Mexico City principles again, as they did prior to 1993.

I recognize that the gentleman from New Jersey opposes the approach that I just described. Yet another pro-life Members of this body and the Senate continue to express interest in it. I just wanted the House to know that many of us have been working on a compromise that will enable us to send this appropriations bill to the President for his signature.

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

Mr. WILSON. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, again we are here because the committee has still not finished its work. We are here because there are still six appropriation bills which have not yet crossed the finish line and become law. The foreign operations bill which we are discussing today is one of those bills. We are going to be in a big fight over whether or not we should pass the CR come Friday, a continuing resolution to prevent the Government from closing down. And we are going to be in that fight because we have not yet finished our appropriations work. I would think that under those circumstances what we would be looking for is ways to find compromise between the House and Senate so we can move more of these bills forward.

That is what I very much want to do on this bill, but this language, as the gentleman who just spoke clearly indicated, this language has no chance whatsoever of being accepted by the Senate or becoming law. So my question is, why on earth should we do this?

Mr. Speaker, this proposal meets somebody's strategic idea that what we have to do is send another piece of legislation to the Senate which we know will not pass. I think all that does is to harden each side, rather than make each side more flexible. I would point out, the practical effect of this strategy is to ask 221 Members of this House from both sides of the aisle who voted against this proposition on the Labor-HEW bill to vote for it today.

What this proposition essentially does is to eliminate all international

family planning money. This is not an abortion issue. I support efforts, for instance, to shut off funding for the U.N. population program if it continues to operate in China. I agree with the gentleman from New Jersey [Mr. SMITH] on that issue. However, I do not agree with, and I do not think most Members of this House do, and I know that many Members on the Republican side of the aisle do not agree with the idea of eliminating all authority for any family planning programs internationally.

The following Members voted against this amendment when it was offered by the gentleman from Louisiana, Mr. LIVINGSTON, from the HEW bill. I am going to read everybody's name:

Messrs. ABERCROMBIE, ACKERMAN, BAESLER, BALDACCI, BARRETT of Wisconsin, BASS, BECERRA, BEILENSON, BENTSEN, BEREUTER, BERMAN, BILBRAY, BISHOP, BLUTE, BOEHLERT, BONIOR, BORSKI, BOUCHER, BROWDER, and BROWN TIOF CALIFORNIA, MS. BROWN of Florida, Messrs. BROWN of Ohio, BRYANT of Texas, CARDIN, CASTLE, CHAPMAN, and CLAY, Ms. CLAYTON, Messrs. CLEMENT, CLINGER, CLYBURN, and COLEMAN, Mrs. COLLINS of Illinois, Miss COLLINS of Michigan, Messrs. CONDIT, CONYERS, COYNE, and CRAMER, Ms. DANNER, Mr. DAVIS, and Mr. DE LA GARZA.

I am reading now the names of all Members of the House who voted against this proposition last time: Mr. DEFAZIO, Ms. DELAURO, Messrs. DELLUMS, DEUTSCH, DICKS, DINGELL, DIXON, DOGGETT, DOOLEY, and DOYLE, Ms. DUNN of Washington, Messrs. DURBIN, EDWARDS, EHRLICH, and ENGLE, Ms. ESHOO, Messrs. EVANS, FARR, FATTAH, FAWELL, FAZIO of California, FIELDS of Louisiana, FILNER, FLAKE, FOGLIETTA, FOLEY, and FORD, Mrs. FOWLER, Messrs. FRANK of Massachusetts, FRANKS of Connecticut, FRANKS of New Jersey, FRELINGHUYSEN, and FROST.

Continuing reading the names of all Members who voted against this last time:

Ms. FURSE, Messrs. GANSKE, GEJDENSON, GEKAS, GEPHARDT, PETE GEREN of Texas, GIBBONS, GILCHREST, GILMAN, GONZALEZ, GORDON, GENE GREEN of Texas, GREENWOOD, GUNDERSON, GUTIERREZ, and HAMILTON, Ms. HARMAN, Messrs. HASTINGS of Florida, HEFNER, HILLIARD, HINCHEY, HOBSON, HORN, HOUGHTON, and HOYER, Ms. JACKSON-LEE, Mr. JACOBS, Mr. JEFFERSON, Mrs. JOHNSON of Connecticut, Mr. JOHNSON of South Dakota, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SAM JOHNSON of Texas, Mr. JOHNSTON of Florida, and Mr. KANJORKSI, Ms. KAPTUR, Mrs. KELLY, Mr. KENNEDY of Massachusetts, Mr. KENNEDY of Rhode Island, Mrs. KENNELLY, Messrs. KLECZKA, KLINK, KLUG, KOLBE, LANTOS, LAZIO of New York, LEACH, LEVIN, LEWIS of California, and LEWIS of Georgia, Mrs. LINCOLN, Ms. LOFGREN, Mr. LONGLEY, Mrs. LOWEY, Mr. LUTHER, Mrs. MALONEY, Messrs. MARKEY, MARTINEZ, MARTINI, and MATSUI, Ms. MCCARTHY, Messrs. MCDERMOTT, MCHALE, and MCINNIS, Ms. MCKINNEY, Mr. MCNULTY, Mr. MEEHAN, Mrs. MEEK of Florida, Mr. MENENDEZ, Mrs. MEYERS of Kansas, Messrs. MFUME, MILLER of California, MINETA, and MINGE, Mrs. MINK of Hawaii, Ms. MOLINARI, Mr. MORAN, and Mrs. MORELLA.

Continuing to read the names of all Members who voted against this proposition the last time:

Messrs. NADLER, NEAL, OBEY, OLVER, OWENS, PALLONE, PASTOR, PAYNE of New Jersey, and PAYNE of Virginia, Ms. PELOSI, Messrs. PETERSON of Florida, PICKETT, POMEROY, and PORTER, Ms. PRYCE, Messrs. RAMSTAD, RANGEL, REED, REGULA, RICHARDSON, and RIGGS, Ms. RIVERS, Mr. ROEMER, Mr. ROSE, Mrs. ROUKEMA, Ms. ROYBAL-ALLARD, Messrs. RUSH, SABO, SANDERS, SAWYER, and SCHIFF, Mrs. SCHROEDER, Messrs. SCHUMER, SCOTT, SERRANO, SHAW, SHAYS, SISISKY, and SKAGGS, Ms. SLAUGHTER, Messrs. SPRATT, STARK, STOKES, STUDDS, TANNER, THOMAS, THOMPSON, THORNTON, TORKILDSEN, TORRES, TORRICELLI, TOWNS, TRAFICANT, and UPTON, Ms. VELÁZQUEZ Messrs. VENTO, VISCLOSKY, and WARD, Ms. WATERS, Messrs. WATT of North Carolina, WAXMAN, WHITE, WILLIAMS, WILSON, and WISE, Ms. WOOLSEY, Messrs. WYDEN, WYNN, YATES, ZELIFF, and ZIMMER.

All of those Members voted against this proposition when the gentleman from Louisiana [Mr. LIVINGSTON] offered language which in essence cut off funding for all family planning domestically.

Mr. Speaker, I would submit that cutting off all family planning funds for international programs is even worse, because if you do, you know that that will disarm us in our ability to try to do something about uncontrolled population growth in many sectors of the world. If you are for compromise, you ought to be looking for compromise language. You should not swallow language which the manager of the bill himself indicates has no chance whatsoever of becoming law. All that is going to do is guarantee that we have to have a continuing resolution for this bill. I do not think we ought to be doing that. We ought to be trying to find ways to pass this bill.

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

Mr. Speaker, I might say that this does not deny funding to Planned Parenthood or to any of the agencies. It just simply says what we have heard over and over again in this House: that the Committee on Appropriations ought not to be authorizing items, so we have appropriated the money in this bill. We just simply say that until such time as the Congress of the United States authorizes it through an authorization bill, that the money cannot be spent.

Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana [Mr. LIVINGSTON], the chairman of our committee.

□ 1130

Mr. LIVINGSTON. Mr. Speaker, I was glad to see the chart from the gentleman from Wisconsin once again. In fact, that chart is looking better every day. All those black lines mean that the appropriations bills are working their way through the process.

It may take a little bit longer than we might have hoped, but they are getting there and that chart is going to be complete someday, hopefully within the next week. We will find out at Christmastime, either this Christmas or next Christmas, as to whether or not the chart is complete.

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

Mr. LIVINGSTON. I yield to the gentleman from Wisconsin.

Mr. OBEY. I would be happy to buy the gentleman the biggest scotch in town if all of those bills are passed by Christmas.

Mr. LIVINGSTON. We will see.

Actually the fact is the administration is negotiating, of course, with the Congress to see whether or not we can come to a package deal and complete business on all of these appropriations bills. I want to ask the gentleman's indulgence and allow me to draw the lines to complete the chart when the package is complete.

The point is, though, that we have indeed passed seven entire appropriations subcommittee bills and they have been signed into law. The eighth, the Commerce-Justice-State bill, goes to the President today for his signature or his veto. The VA–HUD bill, the Foreign Ops bill which is on the floor today and the Interior bill are all working their way through various processes and should be complete by, if not the end of this week, certainly by the end of next week, we hope.

The District of Columbia bill, likewise, has one or two issues in conference that remain to be dealt with. I think that that bill will be on the floor very shortly.

So the only bill that really is far from passage, and that is because the other party as filibustering it in the Senate, is the Labor-HHS bill.

We are working our way through these bills. This bill unfortunately has been to the floor twice before. This is the third time. This is a conference report that has been hung up on the issue of abortion. We have come to an impasse. The Senate does not want to adopt the language that the House has offered. So we have offered some new language which we hope they will consider and which we hope that they will adopt. They may or may not. But we have to move the process forward.

In the spirit of doing exactly that, I would ask all of our Members to join

with us, pass this bill one more time, get it to the Senate and let them work their will and hopefully let us get this bill to the President for his signature.

There has been some disagreement on exactly what the language was that disallowed funding for family planning, international family planning. I would say in response to what the gentleman from Wisconsin said that that amendment really had little to do with this provision. This deals with UNFPA, U.N. family planning operations, and all it does is freeze the money in place. It says the money is there but that the money will be frozen until such time as the authorization bill is passed.

Frankly, it would be better if the issue of abortion were handled in the authorization bills. Because it is policy that should be handled by the authorization bills. And so what this does is to remove the issue of abortion and transfer it to the place it belongs, to the authorization committees for them to consider, for them to assess the policy ramifications and for them to ultimately pass the law.

This is an attempt to take abortion out of the appropriations process and say to the authorizers, you do the job, and let us not hang up the appropriations bills in this House and in the Senate up any longer so that we can get the country's business done and so that we can get the functions of government funded and so that we do not have to waste any more time and be here at Christmastime.

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

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

Mr. WILSON. I was just going to ask the chairman if he understands and remembers that it has been 10 years since we had an authorization bill on foreign aid.

Mr. LIVINGSTON. Reclaiming my time, the gentleman has reminded me that it has been a very long time, but I am very hopeful and optimistic that we are going to pass one this year or certainly within the next 3 months. Certainly before the gentleman retires.

Mr. WILSON. I hope so.

Mr. LIVINGSTON. And we do not want him to retire, we hope he decides to stay around, but if that is his decision, I hope that by the time he retires, he will have confidence and knowledge that the Foreign Affairs authorization bill has been passed by both Houses and enacted into law so he can take that with him back to Texas.

Mr. WILSON. I thank the gentleman.

Mr. LIVINGSTON. Mr. Speaker, I urge all my colleagues to vote for this bill.

Mr. WILSON. Mr. Speaker, I yield 5 minutes to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Speaker, I rise in strong opposition to this amendment because it will effectively eliminate funding for international family planning. Our colleagues on the far right continue to hold up this bill with their extreme legislative agenda. This has got to stop. Let us pass this bill.

After all, this amendment is just another way to masquerade the issue and stop all family planning funding. Let us stop it and let us get this bill passed today.

Our chairman, the gentleman from Alabama [Mr. CALLAHAN], has crafted an excellent foreign aid bill. This extreme language, I say to the chairman, is preventing this critical bill from being enacted.

Let me tell my colleagues exactly what is happening here. Our anti-choice colleagues have attempted to place restrictions on the international family planning programs in this bill, despite the fact that abortion funding overseas has been prohibited since 1973. Their restrictions have been rejected by the Senate three times. We have heard the message loud and clear.

Now their solution to the Senate's refusal to accept their extreme restrictions is to do something even more extreme, to eliminate the programs altogether.

This bill is already 2½ months late, and rather than offer a true compromise or simply accept that their restrictions have failed 3 times, our colleagues on the right now offer an amendment that they know both the Senate and the administration will reject.

Why do they insist on wasting our time with this? This is the fourth time that we have voted on this appropriations bill. Why do they continue to play politics with a bill that contains funding for so many vital programs throughout the world?

Their amendment will effectively end one of the most important forms of aid that we provide to other countries, family planning assistance. The amendment exempts the family planning program, and only the family planning program, from the waiver in the bill that allows funds to be appropriated even though the foreign aid authorization bill has not passed.

What our colleagues have not told you is that the foreign aid authorization bill has not passed in a dozen years, and I know the chairman is optimistic. The Senate has already indicated that it will not pass the authorization bill this year.

The reality is, it could be years before an authorization bill is signed into law. We know that. In the meantime, we will have failed to fund vital family planning programs throughout the world.

No one can deny that the need for family planning services in developing countries is urgent. The aid we provide is valuable and worthwhile.

The world's population is growing at an unprecedented rate. In 40 years our planet's population will more than double. As a responsible world leader, the United States must do more to deter the environmental, political and health consequences of this explosive growth.

Let us not forget what family planning assistance means to women around the world. Complications of pregnancy, childbirth, unsafe abortion are the leading killers of women of reproductive age. One million women die each year as a result of reproductive health problems. Each year 250,000 women die from unsafe abortions. Only 20 to 35 percent of women in Africa and Asia receive prenatal care. Five hundred million married women want contraceptives but cannot obtain them. Most of these disabilities and deaths could be prevented.

This amendment will stop us from continuing our fight against these tragedies. Simply put, this amendment will end our family planning programs. Period. that is what it would do.

I urge my colleagues, once again, oppose this amendment. We cannot let them eliminate international family planning. There is too much at stake. Let us pass this excellent appropriations bill. Let us take off this extreme amendment. Let us not vote on this again. We need this bill.

I again salute the chairman on this outstanding bill. Let us pass it here today. Let us not bow to the right that continues to tack on the extreme amendments. Let us not do it. Let us join and pass this bill today.

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

Responding to the kind gentlewoman from New York, let me thank her for her help during this past year or so, too, and to tell her that I am optimistic that the Senate is going to bring up the authorization bill either today or tomorrow under a unanimous-consent agreement.

I think for the first time in the 10 years that they have not been able to pass a bill, they are finally going to have a bill that passes the House and the Senate and goes to conference. This is the argument that we always hear, those of us who are appropriators: Do not authorize, do not authorize, you are appropriators.

In this bill, we appropriate the money. What we simply say is it cannot be spent until it is authorized by the proper committee.

Mrs. LOWEY. If the gentleman will yield, let me just say that I am happy the holidays are coming and we all have wishes. I do wish the authorization bill would pass as well as you do but it has not passed in 12 years and I would rather deal with fact rather than fiction, although I wish you and the authorization bill well.

Mr. CALLAHAN. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. KNOLLENBERG], a member of the subcommittee.

Mr. KNOLLENBERG. Mr. Speaker, I thank the gentleman for yielding me the time and appreciate his leadership on this issue.

Incidentally, and this is not so incidentally, I rise in strong support for this conference report and for its passage. But I do want to refer to, first of all, the chart that the gentleman from Wisconsin [Mr. OBEY] brought out. I do like the looks of that chart. It is getting better.

It is because we are working a lot harder to get to a point of success. None of this is very easy. The chairman referred to the fact that we had 193 amendments in the conference committee. We completed and agreed upon 192. The one remaining, of course, is the one we are dealing with today.

This language, I think, ensures that any expenditure of funds for population planning or the UNFPA must be, as has been pointed out here, specifically authorized by this body, which has not been done.

Somebody on the other side made the comment about it has not been done in 10 years. Well, that is not to say it should not be done. I think it should be. We have an opportunity perhaps where that will take place.

We have to be able to debate these things or we will not get anywhere. So maybe this is, in the eyes of the gentlewoman from New York, an extraneous matter, should be done away with, forgotten about, so we can pass this beautiful bill. Well, it is important to a lot of us. It is worth debate. It is something that we want to carry on and come to some conclusion, a successful conclusion.

I would not suggest to you that it is guaranteed, as the gentleman from Wisconsin [Mr. OBEY] stated, that the Senate will just let this thing float and die. We do not know that yet entirely. There is some idea here that may be beginning to impress them, that there is perhaps more to this and we can come to a conclusion that will satisfy everybody.

As I have said many times before, I strongly support this conference report. It balances fiscal restraint and the needs of foreign policy, and it reflects the reasoned compromise and considerable cooperation that did take place between all of the Members from both sides in committee and also in the conference committee. It deserves bipartisan support.

I think we are at a point now where we can get to a position of passing a bill that is in dire need of being passed. I agree with the sense of urgency but I do not agree that this is an unimportant matter. It is very important to may of us, and it does allow for the continuation of funding at the appropriate time for the specific family planning ideas. It just has to be authorized.

H.R. 1868 allows us to continue to remain active in world events while it reflects our budgetary constraints, and you all know that. This conference report reflects, I believe, what is best for this body. We will send it to the Senate. They will make their decision. I support this conference report and urge all of my colleagues to vote for it.

Mrs. LOWEY. Mr. Speaker, will the gentleman yield?

Mr. KNOLLENBERG. I yield to the gentlewoman from New York.

Mrs. LOWEY. Mr. Speaker, I just want to reassure the gentleman from Michigan that I respect your views on the issues of abortion, just as I respect the views of every one of my colleagues. I just think it is so unfortunate that every appropriations bill is tied up in abortion. I do wish we could isolate that issue, have a real debate, and move this appropriations bill now.

Mr. WILSON. Mr. Speaker, I yield 2 minutes to the gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. I thank the gentleman for yielding me the time.

Mr. Speaker, I think we should be very clear. This amendment is simply a way to freeze the family planning funds. This amendment targets only family planning, that portion of the legislation.

Family planning works. No one wants abortion to be the only way to control pregnancy. Family planning gets us beyond abortion. It allows people to control the size of their families and thereby control their economies. Family planning is absolutely profamily.

□ 1145

It is truly the most pro-family thing we can do, because it allows families to make the decisions. It is so ridiculous. You know, if I asked my constituents, many, many of them say to me, "You know the greatest problem in this world is over population," over population because of use of resources, because of the stress it puts on communities, overpopulation is a great threat.

Family planning allows us to move beyond. Family planning is one of the greatest parts of getting us to peace and prosperity internationally, because it allows families to decide on how many children they are having. So we really need to defeat this anti-family amendment.

I urge my colleagues to do that.

Mr. CALLAHAN. Mr. Speaker, I yield 3 minutes to the gentlewoman from Nevada [Mrs. VUCANOVICH], a member of the Committee on Appropriations.

Mrs. VUCANOVICH. Mr. Speaker, I thank the gentleman for yielding. Mr. Speaker, the House has voted four times to support the pro-life provisions which would ensure that international family planning assistance will be abortion neutral. The first provision prohibits tax dollars from being used by the United Nations Population Fund—which currently helps manage China's brutal one-child-per-one-family policy unless it ceases family planning activities in the People's Republic of China or unless China's family planning activities in China cease to be coercive.

The second provision would ensure that none of the moneys sent to the UNPF may be used to fund any private, nongovernmental, or multilateral organizations that directly or through a subcontractor perform abortions in any foreign country—except to save the life of the mother or in cases of rape or incest.

Now some may claim that this is a gag rule on family planning assistance. However, this is not the case. Abortion is not considered a family planning method and should not be promoted as one, especially by the United States. Recently, the State Department decided that the promotion of abortion should be a priority in advancing U.S. population-control efforts. This is unacceptable to the millions of Americans who do not view abortion as a legitimate method of family planning and do not support Federal funding of abortion except to save the life of the mother or in cases of rape or incest.

The Callahan motion does not eliminate or even reduce the appropriations for population assistance but will leave the appropriations levels in H.R. 1868 intact. However it will delay the use of these appropriated funds until these expenditures are authorized. It will also delink pro-life issues from other important provisions such as aid to Israel, child survival programs and other foreign aid programs.

I urge my colleagues Mr. Speaker to support this motion and allow this important legislation to move forward and fund vital foreign aid programs.

Mr. WILSON. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Speaker, in the 19th century at the height of the Industrial Revolution, there arose a political group which frankly was opposed to the change and progress of the Industrial Revolution. They were known as the Luddites. The Luddites would try to wreck the machinery of the Industrial Revolution to stop the change that was taking place. They objected to it, and they used violence and terrorism for that purpose. Theirs was a mindless opposition to the reality of change, a resistance to accepting the world as it existed.

What we hear on the floor today is the same mentality when it comes to family planning, a mindless opposition to family planning from groups which characterize themselves as pro-life. Anyone who has taken the time to study the issue understands that the greatest world threats to our children are nuclear proliferation and overpopulation.

Take a look at the expanding population in continents around the world,

whether in Asia, Africa, South America. You will find that those expanding populations not only create human suffering for the people living there, but they, in fact, lead to environmental disasters which visit themselves on the entire world as well as to military confrontations which ultimately drag the United States and other civilized nations into the vortex of the conflict. Overpopulation is a major problem.

What we are doing with this motion today is literally shutting down America's commitment to family planning around the world. We are not talking about abortion. I hold in my hand a penny, one penny; not one penny is being spent of Federal money to fund abortions in any country of the world. You would never know that from this debate. You would think we were setting out to fund abortions and the prolife people wanted to stop it. It has nothing to do with it. Not a penny of Federal funds are being used for that purpose. What we are doing, in closing down this $450 million of family planning is adding to degradation and personal disaster around the world and, sadly, adding to the likelihood that move abortion will result.

Several years ago I traveled with Congressman Mike Synar to Bangladesh, one of the poorest countries in the world. Far away in a distant, dusty village we met a 19-year-old woman holding a baby. It was her third child. Through an interpreter she told us with great pride it would be her last child. Because of world health efforts which the United States supported, her children were healthy, and she did not have to bear any more children and through family planning efforts, that we spend pennies on, she was able to control the size of her family.

She and so many other women around the world, given a chance for their own personal dignity, will be denied that chance because of this terrible motion. I urge my colleagues, do not give in to this extremism. Oppose this motion.

Mr. CALLAHAN. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Speaker, I rise in support of the Callahan motion, which represents yet another sincere attempt by Chairman CALLAHAN to seek a compromise approach to this issue on which so many of us feel so very strongly.

As most of my colleagues know, I have been a very strong supporter of the pro-life Mexico City policy which is designed to protect innocent unborn children around the world by barring United States family planning funds to foreign organizations that perform or promote abortion overseas. The House has voted four times, four times, in favor of that legislation this year. It should be clear by now, Mr. Speaker, that one way or the other pro-lifers will not stand by. We will not allow the abortion industry to get an infusion of literally hundreds of millions of dollars in foreign aid for the promotion of the killing of unborn children in other lands or by lobbying to bring down their statutes.

More than 95, closer to 100, countries of the world have pro-life statutes, and these nongovernmental organizations, some, not all, get into these countries, begin networking, and they have been working aggressively to bring down those pro-life statutes.

I do not think the U.S. taxpayer should be making these organizations the dominant force in these capitals around the world. Family planning, yes; abortion promotion, and abortion performance except in the cases of rape, incest, and life of the mother, which is what the original language had in it, they are the exception; but family planning, yes; abortion, no.

I would also remind Members that I have been a very strong supporter of linking UNFPA funding, U.N. Population Fund, to withdrawal of UNFPA from the program in China where forced abortion is commonplace and prevalent and where the UNFPA has been the dominant cheerleader for the population program in Beijing, in the People's Republica of China. Again, if the Senate or the White House will not budge on this at this time, pro-lifers are not going to cave.

We will allow the money, we will push the money for family planning, but will not allow it to be used in any way, shape, or form for the promotion of abortion or for promoting this coercion in the People's Republican of China. The pro-life Members are willing to support this motion which deletes these two provision, but says we have got the wait until the authorizers take it up and then the bill will pass, I believe, and will be signed. Otherwise, we go back. We put the language back into the appropriations bill. That is fine with me.

If the Senate will not budge, we stay here until hell freezes over, because unborn children are precious and the women in the People's Republic of China, who have been victimized by the brutality of that program are precious as well.

I absolutely and categorically reject those who stand on the floor and say we are stopping all family planning funding. During the many years that the Mexico City program was in effect, 350 plus nongovernmental organizations, more NGO's than we had the money to fund, accepted the Mexico City clauses of no abortion promotion and got their money for family planning in Bangladesh, in Africa, in Central America. Planned Parenthood, Western Hemisphere, got, if I remember correctly, about $10 million when they agreed they would no longer be promoting abortion. They got their money to stay on point, and that is family planning, not abortion.

We are insisting on very modest language that says we are not going to be in the business of promoting abortion or performing it except in those very rare cases. We are not going to allow these organizations to be lobbying to bring down these anti-abortion statutes around the globe.

The family planning money will then flow. Nobody will object to it, and condoms and some of the other things that are disseminated will go out without any impediment, but we will not be in the business of empowering the abortion industry.

Vote for the Callahan motion.

Mr. WILSON. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY. Mr. Speaker, I thank the gentleman for yielding me this time.

This amendment is a gross misuse of the political process to thwart the will of the American people who overwhelmingly support family planning in this country and around the world.

Once again, the new majority is attempting to put the radical right's agenda ahead of good government and global responsibility. It is clear that their actions show little concern for women's health, pre and postnatal care, health and nutrition for children, families, and stabilizing global population, and the problems that flow from it, including the massive increases recently in refugees.

The Callahan measure would make it illegal to appropriate funds for international family planning programs unless they are authorized. We need to vote to save international family planning programs. We need to vote to protect families, children, and women around the world. We need to defeat this politically motivated action by anti-family, anti-women Members here. It goes against everything this country agreed upon, and I might add, 187 other countries agreed upon at the International Conference for Women in Beijing.

Supporting international family planning programs is socially responsible, fiscally sound, and it serves our national purposes.

Vote to support women and families around the world. Defeat the Callahan motion.

Mr. CALLAHAN. Mr. Speaker, so eloquent is the gentleman from Illinois and so knowledgeable of this subject is the gentleman from Illinois, it would be immoral to deny him any restriction on time.

Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. HYDE], but remind him that we are down to about 5 minutes.

Mr. HYDE. Mr. Speaker, I suggest the gentleman correct the RECORD when it comes around for his extravagance in introducing me.

You know, when you get in this debate, you have to expect to be called names, and I have been called some wonderful names, some colorful names. Today it was mindless Luddite, and, you know, you can play that game. I would call people who think abortion is a good idea or an acceptable idea, or something the American taxpayer ought to pay for, I would not call them mindless, but I might call them heartless. I might call them unthinking. But I do not want to get into that game.

I want to just try to talk a little reality here. Family planning is not abortion, and abortion is not family planning, and when you link the two together you have got real problems, because many of us do not want to have American tax dollars go to pay for killing unborn children even if they are in Bangladesh or if they are in Toledo. We think human life ought to be special and ought to be sacred, and killing it, exterminating it, however you do it, is wrong and ought not to be paid for with tax dollars. That is what the struggle is about, and we are entitled to access to the political process to try and make our point.

But when misstatements are made, we have to wonder who is being mindless. For example, family planning flourishes under our program. Forty percent of all the dollars that are spent worldwide on family planning come from the United States and did under Reagan and Bush.

□ 1200

It is simply two organizations that will not accept the money because they want to continue promoting abortion. So there are 300-some organizations that are happy to take our family planning money. Meanwhile around the world family planning, properly understood, which is either helping someone to get pregnant or keeping them from getting pregnant; it is not exterminating the pregnancy once it has occurred, and that is what my colleagues are talking about, and we are asking those gentlemen from Mount Olympus across the rotunda to please understand we are for family planning, we are for foreign aid. It is abortion we are not for. We think that is despicable, we think it is wrong, and we do not think tax dollars ought to go pay for it.

So overpopulation; we have heard two speakers bemoan that as one of the great problems in the world. I suggest that is an unsophisticated look at a serious problem. Density is what we should look at, how many people per square mile. There are countries on the globe with a higher density than many of these countries that have overpopulation problems and yet a high standard of living. Japan, Switzerland, Holland have high density, high standard of living. Maybe it is something more than the number of people, maybe it is the economy, maybe it is the kind of government, maybe it is society. But that is a rather superficial look at the problem of overpopulation.

The money is fungible. If we give the money to the International Planned Parenthood of London, and they say, "We're going to spend our money on abortion and not your money," that is a bookkeeping transaction and does not fool anybody.

So I suggest that we stand fast, we continue to tell the gentleman and gentleladies across the rotunda we do not want to fund abortion.

Mr. WILSON. Mr. Speaker, please let the RECORD reflect that this gentleman has not called the gentleman from Illinois [Mr. HYDE] any names.

Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Speaker, I certainly want to express my respect for my chairman, for the gentleman from New Jersey, and of course for my wonderful colleague, the gentleman from Illinois [Mr. HYDE].

Mr. Speaker, the language of this proposed amendment is simply not going to fly. We know, everyone knows, that the Senate will not accept this approach. Even if they did, the President would veto the bill. We are wasting our time, we are tying up the House, we are tying up this legislation. We are delaying programs that ought to be going forward, we are delaying our commitment to Camp David that we have always observed, and I think it is totally disingenuous to say, as some on the opposite side are saying that our side is delaying the bill. They are delaying the bill.

Mr. Speaker, my colleague from Illinois just said family planning is not abortion. That is exactly right. It is against current law to spend any U.S. funds for abortion, and those of us who are arguing this matter are supporters of family planning, and not supporters of abortion. To hold all family planning funding hostage to legislative language that will not be agreed to by the Senate or by the President is to hold this entire bill hostage. And, to hold up other bills over this issue is to hold those bills hostage as well.

Mr. Speaker, we do not fund abortion. We have never funded abortion. I have always supported the Hyde amendment both domestically and internationally.

This issue is not going to be resolved with this proposal. This issue is simply delaying this entire bill from going forward, and it seems to me that we should defeat this proposal and strip all language on both sides of this issue out of this bill, and let the legislation go forward and become law.

Mr. CALLAHAN. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. WELDON].

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman from Alabama for yielding this time to me, and I applaud the subcommittee chairman for this amendment. I think it is a very reasonable approach to dealing with this problem.

There are a lot of things that go on up here in Washington, and it is, I believe, very hard for the American public to keep a watch on everything. One of the amazing things that has gone on up here in Washington is immediately after this President was inaugurated he started funneling a lot of foreign aid dollars into programs that promote abortion on an international scale, and the American people, in this environment that we are in of huge deficits, a huge national debt, I believe clearly do not want taxpayer dollars being used for this kind of a purpose.

The gentleman from Alabama [Mr. CALLAHAN] has come up with a very reasonable approach. He is saying that we can continue to give these organizations money but that the ones that are actively out there promoting abortion, particularly the forced abortion like we have in China, which I would imagine 99 percent of Americans find reprehensible, and it is amazing that this administration would want to pump money into those kinds of organizations. It is saying that we will not do that unless the authorizing committee actually authorizes this.

Now our colleagues on the other side of the aisle who like to put money into these kinds of programs know that they can never get authorizing language for something like this, so they are going to fight this tooth and nail, but I think it is a very reasonable approach in the part of the committee, the subcommittee chairman. I applaud him for coming up with this solution to the problem.

We need to get this bill through. I support the bill. I support all my colleagues who would stand up and rise in support of this bill, and it is a good solution to the problem.

Mr. WILSON. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Speaker, this is unfortunate that this debate has gone along these lines with linkages that should not be made. We should not be discussing family planning dash abortion. This is a family planning issue. And we are talking about no international funds can be appropriated to any international societies unless an authorization bill is passed. Well, we have not had an authorization bill for a number of years, and if my colleagues want this amendment passed, it should be attached to the authorization bill.

But this is unfortunate, that we have to be doing this, because for years and years people around this world understood that the way to deal with population problems, health problems, children who are born into families where they are not wanted, is through family

planning, and to do this today means we do not realize that family planning works, and eliminating this aid would hurt countless families throughout the world and increase the number of unintended pregnancies.

We do not want abortions; we want pregnancies not to happen. Countless women around this world have no access to health care screening and do not have information on how to plan a family, how to avoid an unwanted pregnancy. Denying U.S. funds for these services does not make sense. It is an arbitrary denial, dealing with something that we all, as world citizens, should be dealing with.

Mr. Speaker, right here I have a statement of the administration's policy. We are all trying to deal with legislation, we all know we should be going forward and not getting into these kinds of discussions, and the administration says:

If the previous House-passed language on population contained in section 518 and the substitute language were dropped, the Secretary of State would recommend that the President sign the bill.

One more problem eliminated, and we could go for it. We really should not be debating the way we are today. We should just be getting on with the business of the House.

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

Mr. WILSON. Mr. Speaker, I yield 2 minutes to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Speaker, I rise in opposition to the Callahan motion. This motion is worse than the original amendment—it would prohibit any funding for family planning until the foreign aid authorization bill is approved—legislation which historically has not been enacted into law. Thus, this motion effectively kills all family planning funding for the rest of this fiscal year.

One point must be reiterated in this debate—this amendment attempts to address a nonissue—foreign aid dollars do not currently pay for any abortions and never have. For 20 years, foreign aid policy and law has clearly stated that U.S. funds cannot be used to pay for abortion services or to lobby on the issue.

What this amendment does do is kill family planning programs—resulting in more abortions.

Mr. Speaker, this foreign aid bill already includes drastic cuts in funding for population assistance overseas. The Callahan motion will further endanger women's health and will deny women and couples access to family planning information. It will increase, not reduce, abortions.

Mr. Speaker, I urge my colleagues to join me in opposing this motion.

Mr. WILSON. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE. Mr. Speaker, I am not here to call anyone any names. I think this is a debate that really is for world health. Family planning is good health. It is good for the world's families. It is instructive that over the years this type of family planning has saved more lives, and it has done so because the world's women and families have been eligible for family planning education. It is good health.

Mr. Speaker, we do not need to encourage these misstatements that have been offered about the facts that family planning is promoting abortion and forced abortions in China. Mr. Speaker, I have gone on record saying that the atrocities in China should not be tolerated. None of us are accepting of that.

But with this legislation, it would be illegal to appropriate funds for international family planning programs. That is all, that is the bottom line, of what their policy does help implement world family planning.

Organizations like International Planned Parenthood offer health care screening and information on family planning. Denying funds to organizations like International Planned Parenthood is nonsensical. This language would implement an international gag rule. The people that would be suffering would be millions of women and families across this world. One million women die each year as a result of reproductive health problems.

I started out saying this is a health bill, we want to support family planning because it is good health. This debate has nothing to do with abortion and current law which, as we all know, prohibits for the last 20 years the use of U.S. funds for abortion. It is time to err on the side of families, women, and good health.

Defeat this legislation. We want to keep what the law says, good health, good family planning, and support for our world's family of women and our world's families. In this season of caring and giving, Mr. Speaker, can we do any less?

Mr. Speaker, I rise in opposition to this motion which would eliminate all funding for international family planning organizations. This motion exempts family planning programs from the waiver in the bill that permits appropriations for foreign aid programs without passage of the foreign aid authorization bill, a bill that has not been passed in 12 years.

In other words, it would be illegal to appropriate funds for international family planning programs—and only international family programs—until the passage of the stalled foreign aid authorization bill. This new tactic by my antifamily colleagues is even more drastic than the restrictions they have been attempting to impose on the bill. This new approach will effectively kill the international family planning programs at issue by denying them funding.

Organizations like International Planned Parenthood offer basic health care screening and information on family planning. Denying funds to organizations like International Planned Parenthood is nonsensical. This language would implement an international gag rule.

With the world's population growing at an unprecedented rate, one of the most important forms of aid that we provide to other countries is family planning assistance. As a world leader, the United States must work to reduce the complications of pregnancy, childbirth, and unsafe abortions, which are the leading killers of women of reproductive age throughout the Third World. One million women die each year as a result of reproductive health problems.

But this debate has nothing to do with abortion itself. Current law prohibits—and has for 20 years—the use of U.S. funds for abortion. Foreign aid policy and law clearly states that U.S. funds may not be used to pay for abortion procedures or to lobby on the issue.

Thus, the proposed motion would simply eliminate funding for legal, and essential, health and family planning services—not abortion. Legitimate and effective international health organizations would be prohibited from providing valuable and desperately needed family planning information to women around the globe. I urge my colleagues to defeat this dangerous motion.

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

□ 1215

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding time to me, and for the gentleman's leadership on this issue.

Mr. Speaker, I rise in complete respect, as our chairman knows, for his leadership on our Foreign Operations Subcommittee. As a member of that subcommittee, I have seen him shepherd our bill through many storms. We have this one remaining obstacle.

As Members know, we have gone back and forth and back and forth on the issue of family planning in this bill. Frankly, I do not see any reason for us to have to go through this, because this controversy is based on a false premise, the premise that $1 in this bill would be spent to fund abortions. That funding is not allowed by U.S. law, and we do not need any language to further prohibit it.

Let us all say that we all agree in this Congress that we abhor, we abhor the family planning methods used in China. I mention that issue because I see my colleague, the gentleman from New Jersey, rising, and I know that issue is a bone of contention in this bill, but shouldn't be in this Congress. We all agree that it is a gross violation of human rights for the women, indeed, for the families, the people of China, to have to be subjected to China's family planning methods. The practices are atrocious and I will not go into them, except to say that no funding from this bill supports the China program.

With that in mind, Mr. Speaker, that first, none of the funds would be used

for abortion, and second, that none of the funds will be used to support the family planning program which we all abhor in China, the question arises: Why are we holding the poorest of the poor people in the world who depend on family planning funds that are provided in this bill hostage to the Chinese regime's policy.

Mr. Speaker, I call this, with all due respect to my colleague, the gentleman from Albama [Mr. CALLAHAN], our distinguished chairman, the make matters worse amendment. We had a situation which was a challenge to us about funding for family planning. We have been fighting that fight. Many people who support family planning but do not support every medical option available to women to terminate a pregnancy support us in oposition to this rule. I am very pleased that staunch anti-choice Members, and I do not say that as a badge of honor, oppose this amendment. The gentleman from Ohio, TONY HALL, and I have been on opposite sides of the choice issue, and he voted against the rule on this bill because of the restrictions it places on family planning. Restrictions that are not per se in the bill, but restrictions which are by way of procedure. If we do not get the funding through this bill now and if we have to wait for an authorization at the end of the session, as we are, waiting to go out for the holidays, what will happen to the family planning funds that are so desperately needed so very soon for so many people in the world?

That is why I call this the make matters worse amendment. It tries to resolve a conflict that I do not think should be there in the first place, because we all agree that China's policy is abhorrent and none of our funds should go to it. And because we all know that there is no funding for abortion allowed under United States law. So why can we not come to a sensible conclusion which enables as to fund family planning?

Mr. SMITH of New Jersey. Mr. Chairman, will the gentlewoman yield?

Ms. PELOSI. I am pleased to yield to my colleague, the gentleman from New Jersey [Mr. SMITH], because although we differ on the issue of choice, he has been a champion on funding for child survival issues and the like; but as a tactic, I think the way that the chairman has decided to proceed on this will present huge obstacles to getting our family planning money out there when it is needed.

Mr. SMITH of New Jersey. Mr. Speaker, I thank the gentlewoman for yielding. We do work together on a number of other issues, but unfortunately, on this one we have a difference.

Let me reiterate, and make this so very clear to everyone who may be listening to this debate, that we will provide family planning funds, as we did during the Reagan and Bush years when we provided in excess of 40 percent of all the subsidies globally for family planning, but we did it in a way that did not promote or perform abortions. That is the key.

Ms. PELOSI. Reclaiming my time and in conclusion, Mr. Speaker, let me say, if Members abhor abortion, as we all do, they should support family planning and vote against this amendment.

Mr. CALLAHAN. Mr. Speaker, I yield the balance of my time to the gentleman from California [Mr. DORNAN].

The SPEAKER pro tempore (Mr. GOODLATTE). The gentleman from California [Mr. DORNAN] is recognized for 3 minutes.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. DORNAN. I yield to the gentleman from Missouri [Mr. VOLKMER], the conscience of the minority party, who is pro-family, pro-defense, and pro-second amendment.

Mr. VOLKMER. Mr. Speaker, I would like to announce that I rise in favor of the motion of the gentleman from Alabama, in strong support of it, and I urge the House to adopt this motion.

Mr. DORNAN. Mr. Speaker, I hope as Missouri goes, so goes the House.

Mr. Speaker, I also rise in support of what the gentleman from Alabama [Mr. CALLAHAN] is trying to do, and with great respect for human rights voices like the gentlewoman from California [Ms. PELOSI], on the other side of the aisle, and to try and clarify here for the 1,300,000 audience that watches this on C–SPAN that would think we are debating two different issues here today. Everybody suddenly gets up and says they are all against abortion.

Now, a gentleman on the minority side from Illinois held up a penny, so I will hold up a penny. All pennies today are Lincoln pennies. Lincoln, our greatest President from the State of the gentlemen from Illinois, Mr. HYDE and Mr. DURBIN, finally came to realize that the greatest evil in our country since its founding was slavery. We now have great religious leaders all over the world talking about the culture of death in the womb, of the elderly, of the infirm, of the physically challenged.

Since our country first met with the House of Representatives 206 years and 9 months ago, two enormous evils have confronted us: slavery and the taking of innocent life through abortion. There is a benchmark in this House as of November 1: 139 people a few on my side of the aisle, stood up and said that execution-style coup de grace to the base of the skull, removing the brains, partial birth abortion, was OK. Those in the medical profession that do nothing but abort, nothing but abort, and in the other Chamber one of our lady Senators objected to us calling them abortionists instead of doctors. If that is all they do, they are not doctors in this Member's eyes, they are abortionists. So we start with a benchmark of 139 who find even a coup-de-grace abortion OK.

Now we have this group that stands up and says: "I am against abortion, but do not listen to the pro-lifers on this side or that side of the aisle." Money is fungible, down to a penny. If we free up money with all sorts of U.S. restrictions and we know they are not going to be obeyed, then it is going to drive abortion and the political undermining of the laws, and the majority of the 185 nations in the U.N., over 100, will have their laws undermined by these people who are driven almost as a religious conviction about abortion.

Mr. Speaker, Dr. James Timothy McMahon, who with Dr. Haskell worked out partial birth abortion, is buried near my parents in Holy Cross Cemetery in Culver City. I visited that cemetery Sunday. He renounced his whole life to abortion. Money is fungible; listen to the pro-lifers.

Mr. SPENCE. Mr. Speaker, I wish to commend my colleagues on the Foreign Operations Appropriations Subcommittee for their work on this year's Foreign Operations Appropriations Act (H.R. 2666). On balance, H.R. 2666 moves us in the right direction as we seek to come to grips with the role of the United States in the post-cold war world.

However, I rise to express my opposition to a specific provision adopted by the conference that would impose a moratorium on the use of antipersonnel landmines by the U.S. military.

This provision does nothing to address the problem that led to its adoption—namely, the tens of thousands of unexploded non-self-destructing landmines that are taking a tragic toll on civilian noncombatants around the world. Instead, it unilaterally bars the United States from using a legitimate weapon in combat for defensive purposes while other nations are not similarly restricted.

Even the administration, which has made a global ban on the use of antipersonnel landmines one of its foreign policy objectives, is vigorously opposed to this moratorium. No less an authority than the Chairman of the Joint Chiefs of Staff, General Shalikashvili, has noted that "antipersonnel landmines will be required by U.S. forces for safe defense in the foreseeable future" and that a prohibition on their use would place American forces at risk.

General Shalikashvili expressed his concerns in a letter to me on September 12. I find his arguments logical and persuasive, and request at this point that a copy of his letter be inserted in the RECORD.

Landmines are an integral part of current U.S. war-fighting doctrine and an important economy of force multiplier. They played a critical role in defending our troops during the decisive final stage of the Persian Gulf war by protecting General Schwartzkopf's forces as they closed in to defeat Saddam Hussein's army deep within Iraqi territory.

The U.S. military uses antipersonnel landmines in strict accordance with the international laws of armed conflict. This moratorium would place unreasonable and unprecedented restrictions on the use of a lawful weapon.

Other countries, most notably China and Russia, have made it clear that they consider landmines to be an integral part of their overall military posture, and have refused to forswear their use.

In summary, a unilateral moratorium on antipersonnel landmines use by the United States will diminish U.S. ability to conduct ground combat operations. It would put our soldiers at greater risk and require increased expenditures to maintain an equivalent level of battlefield protection. The potential cost of this moratorium is likely to be measured not only in dollars, but in American soldiers' lives.

We should all oppose this moratorium, and should instead continue to ensure that we provide our fighting men and women in uniform the tools they need to accomplish the missions they are called upon to perform.

THE CHAIRMAN, JOINT CHIEFS OF STAFF,
Washington, DC, September 12, 1995.

Hon. FLOYD SPENCE,
Chairman, Committee on National Security, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I solicit your support on the topic of landmines during the forthcoming FY96 Authorization Bill Conference. The proposed legislation in the Senate bill would ban use of anti-personnel landmines by US forces except in narrowly defined scenarios. I have significant concerns because, as written, American personnel would be placed at risk.

The proposed legislation, beginning 3 years after enactment, would prohibit the use for 1 year of anti-personnel landmines by US forces, except in marked and guarded minefields along internationally recognized national borders and demilitarized zones.

The legislation would effectively prohibit the use of all self-destructing mine systems because they employ a combination of anti-tank and anti-personnel mines. Self-destructing anti-personnel mines represent approximately 65 percent of the US total anti-personnel mine inventory. Mines were an indispensable component of the coalition's ability to conduct the maneuver warfare that made such an important contribution to victory in DESERT STORM. Significantly, mines secured the right flank of General Schwarzkopf's ground offensive in western Iraq.

I wish to emphasize that mines used by US Armed Forces self-destruct a short period of time after emplacement with a high degree of reliability and do not pose a significant humanitarian problem. Restricting anti-personnel landmines to "internationally recognized national borders" and demilitarized zones effectively prohibits their use by US forces in most combat scenarios. Defensive minefields around sensitive military installations such as Naval Station Guantanamo Bay, Cuba, would also be precluded. US forces are heavily dependent upon such minefields for security.

The US military strongly opposes the illegal and irresponsible use of these mines and is a proponent of humanitarian demining activities to alleviate suffering caused by them. However, anti-personnel landmines will be required by US forces for safe defense in the foreseeable future. Congress and the American people expect us to fight and win conflicts with minimum casualties. That goal requires the retention of the capabilities provided by the advanced, self-destructing mine systems which would be prohibited under the proposed legislation.

While I wholeheartedly support US leadership in the long-term goal of anti-personnel landmine elimination, unilateral actions which needlessly place our forces at risk now will not induce good behavior from irresponsible combatants. As practical solutions are pursued, our priorities must be to maintain warfighting superiority while concurrently protecting the safety of US service men and women. I consider this to be a critical force protection issue and request your support to defeat the proposed legislation.

Sincerely,

JOHN M. SHALIKASHVILI,
Chairman.

The SPEAKER pro tempore. All time has expired. Pursuant to House Resolution 296, the previous question is ordered.

The question is on the motion offered by the gentleman from Alabama [Mr. CALLAHAN].

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 226, nays 201, not voting 5, as follows:

[Roll No. 850]

YEAS—226

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bevill
Bilirakis
Billey
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Costello
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Doyle
Dreier
Duncan
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fields (TX)
Flanagan
Forbes
Fox
Frisa
Funderburk
Gallegly
Geren
Gillmor
Goodlatte
Goodling
Goss
Graham
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hoekstra
Hoke
Holden
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson, Sam
Jones
Kanjorski
Kasich
Kildee
Kim
King
Kingston
Klink
Knollenberg
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manton
Manzullo
Mascara
McCollum
McCrery
McDade
McHugh
McIntosh
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Mollohan
Montgomery
Moorhead
Murtha
Myers
Myrick
Neumann
Ney
Norwood
Nussle
Oberstar
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pombo
Portman
Poshard
Quillen
Quinn
Radanovich
Rahall
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Rush
Salmon
Sanford
Saxton
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thornberry
Tiahrt
Traficant
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff

NAYS—201

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barrett (WI)
Bass
Becerra
Beilenson
Bentsen
Berman
Bilbray
Bishop
Blute
Boehlert
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Bryant (TX)
Cardin
Castle
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Coyne
Cramer
Danner
Davis
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Dunn
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fawell
Fazio
Fields (LA)
Filner
Flake
Foglietta
Foley
Ford
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frost
Furse
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Gordon
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hobson
Horn
Houghton
Hoyer
Jackson-Lee
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kleczka
Klug
Kolbe
Lantos
Lazio
Leach
Levin
Lewis (GA)
Lincoln
Lofgren
Longley
Lowey
Luther
Maloney
Markey
Martinez
Martini
Matsui
McCarthy
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Meyers
Miller (CA)
Minge
Mink
Moakley
Molinari
Moran
Morella
Nadler
Neal
Nethercutt
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Porter
Pryce
Ramstad
Rangel
Reed
Richardson
Rivers
Rose
Roukema
Roybal-Allard
Sabo
Sanders
Sawyer
Schiff
Schroeder
Schumer
Scott
Serrano
Shays
Sisisky
Skaggs
Slaughter
Smith (TX)
Spratt

Stark	Torricelli	White
Stokes	Towns	Williams
Studds	Upton	Wilson
Thomas	Vento	Wise
Thompson	Visclosky	Woolsey
Thornton	Ward	Wyden
Thurman	Waters	Wynn
Torkildsen	Watt (NC)	Yates
Torres	Waxman	Zimmer

NOT VOTING—5

Brown (OH)	Mfume	Velazquez
McInnis	Tucker	

□ 1243

The Clerk announced the following pair:

On this vote:

Mr. McInnis for, with Mr. Brown of Ohio against.

Mr. LAZIO of New York and Ms. DUNN of Washington changed their vote from "yea" to "nay."

Mr. EWING and Mr. KILDEE changed their vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HERGER. Mr. Speaker, on Wednesday, December 13 on rollcall vote No. 850, H.R. 1868, the conference report making appropriations for Foreign operations for fiscal year 1996, I was inadvertently recorded as a "yes" vote.

PERSONAL EXPLANATION

Mr. SMITH of Texas. Mr. Speaker, on Wednesday, December 13, I was recorded as voting "no" on the motion offered by Mr. CALLAHAN disposing of Senate amendment 115 to H.R. 1868, the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1996. I intended to support this amendment and offer this Extension of Remarks to reflect my support for this motion.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST FURTHER CONFERENCE REPORT ON H.R. 1977, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

Mrs. WALDHOLTZ, from the Committee on Rules, submitted a privileged report (Rept. No. 104–403) on the resolution (H. Res. 301) waiving points of order against the further conference report to accompany the bill (H.R. 1977) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON FARMINGTON RIVER PURSUANT TO WILD AND SCENIC RIVERS ACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. LAHOOD) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Resources:

To the Congress of the United States:

I take pleasure in transmitting the enclosed report for the Farmington River in the States of Massachusetts and Connecticut. The report and my recommendations are in response to the provisions of the Wild and Scenic Rivers Act, Public Law 90–542, as amended. The Farmington River Study was authorized by Public Law 99–590.

The study was conducted by the National Park Service, with invaluable assistance from a congressionally mandated study committee. The National Park Service determined that the 11-mile study segment in Massachusetts and the 14-mile study segment in Connecticut were eligible for designation based upon their free-flowing character and recreational, fish, wildlife and historic values.

The 14-mile Connecticut segment of the river has already been designated as a Wild and Scenic River pursuant to Public Law 103–313, August 26, 1994. The purpose of this transmittal is to inform the Congress that, although eligible for designation, I do not recommend that the Massachusetts segment be designated at this time due to lack of support by the towns adjoining it. If at some future date the towns should change their position and the river has retained its present characteristics, the Congress could reconsider the issue. Also, for 3 years from the date of this transmittal, the Massachusetts segment will remain subject to section 7(b) of the Wild and Scenic Rivers Act. Section 7(b) prohibits licensing of projects by the Federal Energy Regulatory Commission and Federal or federally assisted water resource development projects that would have a direct and adverse effect on the values for which the river might be designated. Finally, the report includes the Upper Farmington River Management Plan that is referenced in Public Law 103–313 as the plan by which the designated river will be managed.

The plan demonstrated a true partnership effort of the type that we believe will be increasingly necessary if we are to have affordable protection of our environment in the future.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *December 13, 1995.*

□ 1245

WAIVING THE PROVISIONS OF CLAUSE 4(b) OF HOUSE RULE XI AGAINST CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM THE COMMITTEE ON RULES

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 297 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 297

Resolved, That the requirement of clause 4(b) of rule XI for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported from that committee for the remainder of the first session of the One Hundred Fourth congress providing for consideration or disposition of any of the following measures:

(1) A bill making general appropriations for the fiscal year ending September 30, 1996, any amendment thereto, any conference report thereon, or any amendment reported in disagreement from a conference thereon.

(2) A bill or joint resolution that includes provisions making further continuing appropriations for the fiscal year 1996, any amendment thereto, any conference report thereon, or any amendment reported in disagreement from a conference thereon.

(3) A bill or joint resolution that includes provisions increasing or waiving (for a temporary period or otherwise) the public debt limit under section 3101(b) of title 31, United States Code, any amendment thereto, any conference report thereon, or any amendment reported in disagreement from a conference thereon.

(4) A bill to provide for a balanced budget by 2002, any amendment thereto, any conference report thereon, or any amendment reported in disagreement from a conference thereon.

(5) A bill or resolution relating to the deployment of United States Armed Forces in and around the territory of the Republic of Bosnia and Herzegovina, any amendment thereto, any conference report thereon, or any amendment reported in disagreement from a conference thereon.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from New York [Mr. SOLOMON] is recognized for 1 hour.

Mr. SOLOMON. Mr Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts [Mr. MOAKLEY], I know he is going to support this rule which will get all of our Members home by Christmas, pending which I yield myself such time as I may consume.

Mr. Speaker, during the consideration of the resolution, all time yielded, of course, is for debate only.

Mr. Speaker, this rule is similar to rules we granted prior to the Thanksgiving recess for the consideration of general appropriations bills, continuing appropriations resolutions, the debt limit bill, and the Balance Budget Act.

In this instance, we would be waiving clause 4(b) of rule XI, which requires a

two-thirds vote for the same day consideration of special rules reported from this committee, for rules that deal with bills, resolutions, amendments, and conference reports dealing with five separate matters:

First, general appropriations bills; second, continuing appropriations measures; third, debt limit measures; fourth, the Balanced Budget Act; and fifth, measures relating to United States troops in Bosnia.

At the request of the minority leadership, we have dropped two provisions from an earlier draft that would have waived the layover requirement for all conference reports and created special suspension days on days other than Mondays and Tuesdays.

As Members may be aware, there is already a standing House rule that permits the same day consideration of special rules for any matter during the last 3 days of a session. But that rule is not activated until we have adopted a sine die adjournment resolution since that is the only way we can determine with certainly which are the final days of a session.

Mr. Speaker, I would like to refer to this rule as the "family friendly, holiday get-away rule" since we are attempting to expedite the business of this House so that Members can return as soon as possible to their districts and families for their holiday celebrations.

We still have several appropriations matters to complete action on as well as the Balanced Budget Act which is now the subject of negotiations between the Congress and the White House.

The expedited consideration of a possible rule relating to the deployment of United States troops in Bosnia was included in this rule. We anticipate bringing such a rule to the floor today that will make in order up to three measures on Bosnia. This rule permits those measures to be considered today.

The Senate is considering three different measures as well today. It is important that both Houses act today since tomorrow is the signing of the Paris peace agreement in Paris.

Finally, Mr. Speaker, I want to point out that the minority on the Rules Committee expressed the hope that there would be ample time available to see any emergency matters that we do the same-day rules on so that Members can study them before voting—both on the rules and the bills they make in order. We think that is a reasonable request and will do all in our power to see that this emergency authority is not abused.

With that assurance, Mr. Speaker, this rule was adopted by unanimous voice vote in the Rules Committee. I urge that the House follow suit by adopting this rule to permit us to get on with out business in an expeditious fashion.

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

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

Mr. Speaker, I thank my colleague from New York for yielding me the customary half hour and I yield myself such time as I may consume.

Mr. Speaker, I rise in reluctant opposition to this rule.

I am sorry we have to do this rule in the first place. I am sorry my Republican colleagues have not finished the appropriations bills. I am sorry that they spent so much time on the contract on America instead of on the business of the House that the Federal Government actually shut down for 6 days.

But as Walter Cronkite used to say, "That's the way it is." It is the middle of December and five appropriations bills still have not even gotten to the President.

Those appropriations bills are probably Congress' most serious responsibility and I am certainly willing to help my Republican colleagues get them done. But Mr. Speaker, this rule is far too dangerous in fact it is already being misused.

I have just been told that the Rules Committee will be meeting this afternoon to consider a very serious, very far-reaching profound Bosnia resolution that very few people have seen.

Mr. Speaker, we are talking about American lives. We are talking about American national security. We are talking about an awesome responsibility, the responsibility to authorize the President to commit our troops to the peacekeeping effort in Bosnia. This responsibility absolutely must be borne with the gravity and solemn consideration it deserves.

But, Mr. Speaker, the legislation that Members will be asked to vote on, later today, legislation to give the President this authority, has just been written. Mr. Speaker, that is absolutely inexcusable.

And, Mr. Speaker, to make matters worse, the reason we are doing this rule is simply because my Republican colleagues are disastrously behind in the appropriations cycle. This work needs to get done and it needs to get done now. In fact it needed to get done 3 months ago. But not at this price.

Mr. Speaker, I urge my colleagues to oppose this dangerous rule. For matters of this importance, thoughtful, responsible legislating should take precedence over speed.

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

Mr. SOLOMON. Mr. Speaker, I urge Members to come over and vote for this very fair rule.

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

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 230, nays 186, not voting 16, as follows:

[Roll No. 851]

YEAS—230

Allard	Flanagan	McCollum
Archer	Foley	McCrery
Armey	Forbes	McDade
Bachus	Fowler	McHugh
Baker (CA)	Fox	McIntosh
Baker (LA)	Franks (CT)	McKeon
Barr	Frelinghuysen	Metcalf
Barrett (NE)	Frisa	Meyers
Bartlett	Funderburk	Mica
Barton	Ganske	Miller (FL)
Bass	Gekas	Molinari
Bateman	Gilchrest	Montgomery
Bereuter	Gillmor	Moorhead
Bilbray	Gilman	Morella
Bilirakis	Goodlatte	Myers
Billey	Goodling	Myrick
Blute	Gordon	Nethercutt
Boehlert	Goss	Neumann
Boehner	Graham	Ney
Bonilla	Greenwood	Norwood
Brownback	Gunderson	Nussle
Bryant (TN)	Gutknecht	Oxley
Bunn	Hall (TX)	Packard
Bunning	Hancock	Parker
Burr	Hansen	Paxon
Burton	Hastert	Petri
Buyer	Hastings (WA)	Pombo
Callahan	Hayworth	Porter
Calvert	Hefley	Portman
Camp	Heineman	Pryce
Canady	Herger	Quillen
Castle	Hilleary	Quinn
Chabot	Hobson	Radanovich
Chambliss	Hoekstra	Ramstad
Chenoweth	Hoke	Regula
Christensen	Horn	Riggs
Chrysler	Houghton	Roberts
Clinger	Hunter	Rogers
Coble	Hutchinson	Rohrabacher
Coburn	Hyde	Ros-Lehtinen
Collins (GA)	Inglis	Roth
Combest	Istook	Roukema
Condit	Johnson (CT)	Royce
Cooley	Johnson, Sam	Salmon
Cox	Jones	Sanford
Crane	Kasich	Saxton
Crapo	Kelly	Scarborough
Cremeans	Kim	Schaefer
Cubin	King	Seastrand
Cunningham	Kingston	Sensenbrenner
Davis	Klug	Shadegg
de la Garza	Knollenberg	Shaw
Deal	Kolbe	Shays
DeLay	LaHood	Shuster
Diaz-Balart	Largent	Skeen
Dickey	Latham	Smith (MI)
Doolittle	LaTourette	Smith (NJ)
Dornan	Laughlin	Smith (TX)
Dreier	Lazio	Smith (WA)
Duncan	Leach	Solomon
Dunn	Lewis (CA)	Souder
Ehlers	Lewis (KY)	Spence
Ehrlich	Lightfoot	Stearns
Emerson	Linder	Stenholm
English	Livingston	Stump
Ensign	LoBiondo	Talent
Everett	Longley	Tate
Ewing	Lucas	Tauzin
Fawell	Manzullo	Taylor (NC)
Fields (TX)	Martini	Thomas

Thornberry	Walker	Wicker
Tiahrt	Walsh	Wolf
Torkildsen	Wamp	Young (AK)
Traficant	Watts (OK)	Young (FL)
Upton	Weldon (FL)	Zeliff
Vucanovich	Weldon (PA)	Zimmer
Waldholtz	Weller	

NAYS—186

Abercrombie	Gejdenson	Obey
Ackerman	Gephardt	Olver
Andrews	Geren	Ortiz
Baesler	Gibbons	Orton
Baldacci	Gonzalez	Owens
Barcia	Green	Pallone
Barrett (WI)	Gutierrez	Pastor
Becerra	Hall (OH)	Payne (NJ)
Bellenson	Hamilton	Payne (VA)
Bentsen	Harman	Pelosi
Berman	Hastings (FL)	Peterson (FL)
Bevill	Hefner	Peterson (MN)
Bishop	Hilliard	Pickett
Bonior	Hinchey	Pomeroy
Bono	Holden	Poshard
Borski	Hoyer	Rahall
Boucher	Jackson-Lee	Rangel
Brewster	Jacobs	Reed
Browder	Jefferson	Richardson
Brown (CA)	Johnson (SD)	Rivers
Brown (FL)	Johnson, E. B.	Roemer
Bryant (TX)	Kanjorski	Rose
Cardin	Kaptur	Roybal-Allard
Chapman	Kennedy (MA)	Rush
Clay	Kennedy (RI)	Sabo
Clayton	Kennelly	Sanders
Clement	Kildee	Sawyer
Clyburn	Kleczka	Schroeder
Coleman	Klink	Schumer
Collins (IL)	LaFalce	Scott
Collins (MI)	Lantos	Serrano
Conyers	Levin	Sisisky
Costello	Lewis (GA)	Skaggs
Coyne	Lincoln	Skelton
Cramer	Lipinski	Slaughter
Danner	Lofgren	Spratt
DeFazio	Lowey	Stark
DeLauro	Luther	Stokes
Dellums	Maloney	Studds
Deutsch	Manton	Stupak
Dicks	Markey	Tanner
Dingell	Martinez	Taylor (MS)
Dixon	Mascara	Tejeda
Doggett	Matsui	Thompson
Dooley	McCarthy	Thornton
Doyle	McDermott	Thurman
Durbin	McHale	Torres
Edwards	McKinney	Torricelli
Engel	McNulty	Towns
Eshoo	Meehan	Vento
Evans	Meek	Visclosky
Farr	Menendez	Volkmer
Fattah	Miller (CA)	Ward
Fazio	Minge	Waters
Fields (LA)	Mink	Watt (NC)
Filner	Moakley	Waxman
Flake	Mollohan	Williams
Foglietta	Moran	Wise
Ford	Murtha	Woolsey
Frank (MA)	Nadler	Wyden
Frost	Neal	Wynn
Furse	Oberstar	Yates

NOT VOTING—16

Ballenger	Johnston	Velazquez
Brown (OH)	McInnis	White
Franks (NJ)	Mfume	Whitfield
Gallegly	Schiff	Wilson
Hayes	Stockman	
Hostettler	Tucker	

□ 1317

Mr. DIXON and Mr. MCNULTY changed their vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BALLENGER. Mr. Speaker, on December 13, 1995, I was unavoidably detained and missed rollcall vote No. 851, the adoption of House Resolution 297, a rule to permit the House to adopt, by a simple majority, rules for certain legislation on the same day that they are reported by the Rules Committee. Had I been present for vote No. 851, I would have voted "aye."

WAIVING POINTS OF ORDER AGAINST FURTHER CONFERENCE REPORT ON H.R. 1977, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

Ms. PRYCE. Mr. Speaker, by direction of the Committee on Rules and pursuant to House Resolution 297, I call up House Resolution 301 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 301

Resolved. That upon adoption of this resolution it shall be in order to consider the further conference report to accompany the bill (H.R. 1977) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996 and for other purposes. All points of order against the conference report and against its consideration are waived.

The conference report shall be considered as read.

The SPEAKER pro tempore (Mr. LAHOOD). The gentlewoman from Ohio [Ms. PRYCE] is recognized for 1 hour.

Ms. PRYCE. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my good friend, the distinguished gentleman from California [Mr. BEILENSON], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only.

GENERAL LEAVE

Ms. PRYCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the legislation under consideration.

The SPEAKER pro tempore. Is their objection to the request of the gentlewoman from Ohio?

There was no objection.

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

Mr. Speaker, I am pleased to bring to the floor today this rule providing for the consideration of the further conference report on H.R. 1977, the Department of the Interior and related agencies appropriations bill for fiscal year 1996. This is a simple, fair rule which waives all points of order against the conference report, and against its consideration.

The blanket waiver includes a waiver of clause 2 of rule XX, as well as a waiver of clause 3 of rule XXVIII, which will permit the House to discuss provisions which may exceed the scope of differences between the House and the Senate.

Under the normal rules of the House, we will have one hour of debate on the conference report itself, in addition to the minority's traditional right to offer a motion to recommit, with or without instructions.

Mr. Speaker, despite recent press reports to the contrary, we are making progress toward completing our work on the thirteen regular appropriations bills. Seven of the thirteen bills have thus far been enacted into law, and passing this bill, and this rule today will bring us one step closer to our goal of balancing the Federal budget and avoiding any unnecessary shutdown of the Federal Government.

Clearly, the task of finishing all of the spending bills on time has not been easy, and the Interior appropriations bill is certainly no exception. Issues related to the development and stewardship of America's natural resources often spark great controversy, as we have seen with regard to mining patents and the management of national forests with this particular piece of legislation.

But, under the leadership of my friend and colleague from Ohio, Mr. REGULA, who is the distinguished chairman of the Interior Subcommittee, the conferees have reached a new a hopefully final agreement on these two very sensitive issues.

First, the conference report continues the existing moratorium on issuing mining patents, and there is no trigger that would cancel the moratorium. Any repeal would be contained in separate mining law reform legislation. In addition, the conference agreement extends the schedule for processing grandfathered applications from 2 to 5 years.

Second, with regard to the Tongass National Forest, it is my understanding that the conference agreement actually lowers the annual harvest ceiling in the forest's current management plan, and maintains the size of the current timber base for 2 years.

I would also add, Mr. Speaker, that in response to the administration's request, conferees restored a significant amount of funding for Indian-related programs. The conference agreement restores a total of $137 million to these programs, which is $27 million above the administration's request.

Other than these modifications, the conference report is essentially unchanged. It still provides funding for the core programs and missions of the agencies covered by this legislation, including funding to operate the National Park System and all of our public lands, and for the health care and education needs of native Americans.

Overall, total spending in this year's conference agreement is more than one billion dollars less than the amount provided in last year's legislation. That is the fiscally responsible thing to do, and I commend Chairman REGULA and members of the Appropriations Committee for crafting a bill that honors our commitment to the American people to achieving meaningful deficit reduction and a limited, but effective Federal Government.

In closing Mr. Speaker, I believe it is only fair and proper that we do everything we can to move the budget and appropriations process forward—not only to keep the Government up and running, but to give future generations of Americans the kind of financial stability and economic prosperity that can only come from a balanced Federal budget.

Finally, Mr. Speaker, House Resolution 301 is the customary rule granted by the Rules Committee this year for conference reports on general appropriations bills, and it is entirely appropriate for this debate. The Rules Committee reported this rule by unanimous voice vote earlier today. I urge my colleagues to adopt the rule and to pass the conference report without any further delay.

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

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

Mr. Speaker, we oppose this rule and the measure it makes in order, the conference report on Interior appropriations for fiscal year 1996. As Members know, this is the third time this conference report has been brought to the House floor. Our good friend, the gentleman from Ohio [Mr. REGULA], has our greatest respect for the difficult and time-consuming process he has had to endure from the beginning with this bill, but unfortunately, this legislation remains highly objectionable to many of us. Although the new conference report finally extends the moratorium on processing new mining patents for the duration of the fiscal year, as the House has called for through repeated votes, it contains questionable provisions for processing some 370 claims that had reached a certain stage in the patenting process.

On the other issue the conferees were specifically directed to address, the Tongass National Forest, the conference report clearly fails to respond to the House's direction. The new provision would increase timber harvests from an average 315 million board feet annually to 418 million board feet, which is the same amount that would have occurred under the previous version of this legislation.

The rule before us waives all points of order against the conference report and against its consideration. One major reason why the conference report needs such a rule is that it contains numerous violations of clause 2 of rule XXI, the rule that prohibits legislation, that is, policy matters, in an appropriations bill. We acknowledge that it is very difficult to avoid violating rule XXI entirely in an appropriations bill, but the Committee on Rules usually tries, or we did try, at least, in previous Congresses to minimize the extent to which appropriations bills contain policy matters. Not only did those efforts prevent flagrant intrusions on the jurisdiction of the authorizing committees, but they also kept appropriations bills from getting bogged down in disagreements over issues that are unrelated to the amount of funding being provided to government agencies.

This rule, however, sanctions the use of the appropriations process to make far-reaching changes in policies governing the use of our Nation's resources. It makes it possible for the House to consider a bill that the Los Angeles Times has said is "swollen with hidden attacks on the public lands, national parks, and the environment."

Many egregious provisions that were contained in the original conference report remain in the new version. For example, the conference report removes the Mojave preserve in California from the protection of the National Park Service by prohibiting the Park Service from spending more than $1 on it in 1996. New report language accompanying the conference report allows the National Park Service to use a half million dollars to develop a management plan for the east Mohave area which is an increase over the second version of the conference report, but the legislation itself would still shift authority for the area back to the Bureau of Land Management, whose rules are much more lenient than are the Park Service's on mining, grazing, dirt biking, and other potentially detrimental activities.

It prohibits adding new species of plants and animals to the Endangered Species Act list, despite clear scientific evidence that hundreds of species awaiting listing are headed toward extinction. It cripples a joint Forest Service-BLM ecosystem management project for the Columbia River Basin in the Northwest, a project that was intended to allow a sustainable flow of timber from that region. This provision threatens the protection of salmon and other critical species and guarantees continued court battles over logging in that region. It places a moratorium on the development of Federal energy efficiency standards, and it delays implementation of the Interior Department's new grazing regulations.

In addition, this latest version adds a brandnew provision waiving certain environmental laws to expedite the construction of a telescope and supporting infrastructure on Mount Graham on the Coronado National Forest in Arizona, a site that contains rare and valuable ecological resources.

In addition to all these troubling provisions, the conference report endangers resource protection by reducing spending for many critical activities. The conference report cuts spending on the Interior Department and related agencies as a whole by 10 percent from this year's level, but within that reduction are much more severe cuts in many valuable programs, including wildlife protection, energy conservation, land acquisition, support for the arts and humanities, and support for native Americans, despite the modest increase in the new version for that issue.

Mr. Speaker, these are programs that do an enormous amount of good for our Nation for a relatively small sum, and they ought to be sustained at adequate levels. These are also programs that are strongly supported by the American people. I recently sent a survey to my own constituents asking them to chose what they would cut from a list of virtually everything the Federal Government spends money on.

In response, and there were about 20,000 voters in our area who responded, and even though they wanted us to cut spending in many other areas, a full 87 percent, Mr. Speaker, 87 percent of the respondents opposed cutting spending on national parks, forests, and wildlife refuges. Eighty percent opposed cutting spending on environmental protection, 78 percent opposed cutting energy conservation and other energy research programs, and 59 percent opposed cutting Federal support for the arts and humanities. I have little doubt that if the same questions were asked almost anywhere else in the country, the results would be close to the ones that I received.

Defenders of these cuts, Mr. Speaker, say they are necessary to help balance the budget, but in fact, the $1.4 billion cut this bill makes from last year's level of spending is necessary only in the sense that the majority's budget plan needs it to help pay for the defense appropriations bill's additional $7 billion in spending that Pentagon officials themselves say they do not want or need.

□ 1330

It is necessary only because the majority's budget plan needs it to help pay for a 7-year, $245 billion tax cut that the vast majority of Americans believe should not be provided until the Federal budget is actually balanced.

The real significance of this legislation is not its contribution to reducing the Federal budget deficit but rather its contribution to the comprehensive assault on environmental protection that has been launched by the Republican leadership in the House. When this legislation is viewed in the context of other antienvironmental measures the House has already passed, its negative impacts are even more apparent.

This conference report follows House passage of several so-called regulatory reform bills, the Contract With America bills that would cripple Federal regulatory agencies' ability to implement and enforce environmental protection laws.

It follows House passage of the amendments to the Clean Water Act that would permit more water pollution and allow the destruction of more than half the Nation's remaining wetlands.

It follows enactment of a provision included in the fiscal 1995 rescission bill which already has dramatically increased logging in national forests.

It follows House passage of an appropriations bill that cuts funding dramatically for the Environmental Protection Agency.

It follows House passage of the budget reconciliation bill that would open the Arctic National Wildlife Refuge to oil and gas drilling, and would provide special deals for industries that want to use the natural resources that belong to all Americans—mining, ranching, timber, and oil and gas interests—and special deals for concessionaires in our national parks.

Mr. Speaker, to repeat, the conference report this rule makes in order is severely flawed. It fails to provide the necessary funding and safeguards for our Nation's natural resources that the American people overwhelmingly want us to provide.

I urge Members to vote "no" on the rule and "no" on the conference report.

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

Ms. PRYCE. Mr. Speaker, I continue to reserve the balance of my time.

Mr. BEILENSON. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Massachusetts [Mr. MOAKLEY], the ranking member of the Committee on Rules.

Mr. MOAKLEY. Mr. Speaker, I thank the gentleman from California for yielding me the time.

Mr. Speaker, I rise in opposition to this rule. And, Mr. Speaker, every single Member of this House who voted for a constitutional amendment to balance the budget should oppose this rule.

Now is the time for Members who voted to balance the budget, no matter what the cost no matter how painful, to show that they mean what they say. Now is the time for my Republican colleagues to show that they can live within their own budget.

Because, Mr. Speaker, this bill is a budget buster. This bill will cost $21 million more than my Republican colleagues said this country could afford. It is $21 million over budget and $21 million over the 602b allocation.

Mr. Speaker, I want to state for the RECORD that never, in the history of Democratic control of the House did we waive the 602b requirement on an appropriations conference report. Every single one of our appropriations conference reports stayed well within its limits. I wonder why my Republican colleagues cannot do the same and I wonder how on Earth they can vote for this rule.

I urge my colleagues to defeat this rule. If you voted to balance the budget, now is your chance to do so.

Mr. BEILENSON. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Illinois [Mr. YATES], the ranking member of the Appropriations Subcommittee.

Mr. YATES. Mr. Speaker, I thank the gentleman for yielding me the time, and I want to congratulate him upon a magnificent and accurate statement of what this bill contains and why it should be defeated.

But I rise, Mr. Speaker, to read from a book review that appeared in the Washington Post last August on a book that is entitled "The Making of a Conservative Environmentalist":

In 1992, an American-Canadian agency charged with overseeing the health of the Great Lakes surprised the White House, never mind governors in 8 States bordering the lakes, by making a radical proposal. Convinced that the toxic by-products of chlorine-based industrial compounds were harming wildlife and perhaps poisoning people, the panel called for phasing out one of the basic chemical feedstocks of modern manufacturing straight elemental chlorine.

One might assume that the man behind such a noble gambit was a learned statesman and veteran environmentalist. Hardly. The recommendation's main champion was Gordon K. Durnil, the panel's American chairman, a Rush Limbaugh-loving conservative Republican from Indiana.

Here was a plain, middle-aged guy who freely admits that before being appointed by George Bush in 1989 to the International Joint Commission, a little-known but influential oversight agency that watches the Great Lakes—

He had done little. Those last few words are mine, but I go back to the quote.

In fact, Mr. Durnil acknowledges in "The Making of a Conservative Environmentalist" that he possessed absolutely no qualifications for one of the continent's senior environmental posts, other than having served as Republican Party chairman in Indiana and cultivated a close political friendship with former Vice President Dan Quayle.

How could such a naif advance one of the single boldest environmental policy ideas of the 1990s? The answer, we are told, is a simple tale of personal discovery. A Midwestern party operative late in life suddenly awakens to find truth in the popular concern for the safety of the earth. The message is that someone as conventional and as conservative as Mr. Durnil can latch on to one of the great social transformations of the American century, then so can every other Republican in the country.

The fact that they have not, particularly this year when Republican leaders in the House and the Senate are desperately trying to unravel 25 years of environmental regulation, has Mr. Durnil in a gentlemanly lather—

And so forth. It continues.

The reason I read that, of course, Mr. Speaker, is the fact that Mr. Durnil would have been very much upset by the attack that our bill makes upon the natural resources of our country.

A third more of our ancient forests are being cut in this bill than were authorized for cutting in the previous bill. The Indian people have not received the kind of funding that they should have received, in spite of the fact that additional funds were made available in the last session of the conference committee. Environmental damage is being done to our forests, to our streams, to our parks, to every other natural resource.

I would urge, Mr. Speaker, that the rule be defeated, and if the rule is not defeated, that the bill then be defeated.

Ms. PRYCE. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Ohio [Mr. REGULA], the chairman of the subcommittee.

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

Mr. REGULA. I yield to the gentleman from Illinois.

Mr. YATES. I might say that Mr. Durnil could very well come from Ohio as well as from Indiana.

Mr. REGULA. Mr. Speaker, a lot of conservative environmentalists come from Ohio.

Mr. YATES. That is true. I wonder why they are not on the committee.

Mr. REGULA. I think one of them chairs it.

Mr. Speaker, I am intrigued by the gentleman from Massachusetts complaining that we are spending too much money. It is the new math that we have in Washington, DC, as near as I can figure out, since this bill is $1.3 billion less than in 1995. It is about a 10-percent reduction from 1995 funding. It is responsive to the movement to a balanced budget.

We have had to make tough decisions, of course. But as I have said previously, we divided the responsibilities into three parts: The must-do's, the need-to-do's, and the nice-to-do's.

The must-do's we took care of. We kept the parks at level funding, the forests at level funding and operations. The Smithsonian, the National Gallery, the Kennedy Center, the things that the people enjoy, that they want to use, are nearly level-funded.

Certainly, in order to save $1.3 billion, we had to eliminate or substantially downsize some other activities. But I simply point out again that in terms of the budget and the deficit reduction which I think the American people very much want to see, this bill is extremely responsible. I do not think that in any way it is environmentally detrimental.

It responds to the motion to recommit. We have made adjustments on the mining issue of the moratorium. We have made adjustments on Tongass. All the parties involved and both sides worked on the language, and I will address that more in the general debate.

On the matter of the Indians, we have added $50 million, $25 million for health services, $25 million for tribal priorities. In fact, this is more than the administration requested. They wanted something like $125 million over the Senate level. We are at about $111 million over the Senate level.

So I think we have a very responsible bill here. I hope that the Members will support the rule, I hope that the Members will support the bill, and that the administration will sign it.

There are 130,000 employees that are directly affected by this bill, and what a great gift we could give them by passing this excellent, responsible bill that has been developed with a lot of give-and-take, so that those 130,000 employees would know on Friday that

their jobs would be secure, that they can go out and open the gates to the parks, to the forests, to the Smithsonian, to the fish and wildlife facilities.

If Members are concerned about the environment, the way to support the environmental issues is to vote for this bill so the funding will be available to these dedicated people who do truly take care of the environment as they provide the services in the Department of the Interior, to the cultural institutions, to the Department of Energy.

I would strongly urge the Members to support the rule and support the bill. I think, given the restraints that we had on the funding levels, that we have done a responsible job of meeting the needs of this Nation.

Mr. BEILENSON. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Wisconsin [Mr. OBEY], the ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I think every Member of the House needs to know that if you vote for this rule today and if you vote for this bill today, you will be voting to bust the budget.

Just a week ago, on December 5, the gentleman from Louisiana [Mr. LIVINGSTON] filed on behalf of the Committee on Appropriations the Report on Budget Allocations Between Subcommittees as required by 602 of the Budget Act. That act sets the ceiling above which no appropriation bill may go without being subjected to being knocked off the floor by a point of order lodged by any Member.

Yet 1 week after they did that, and just a few short days before we are going to confront the need for a continuing resolution, or else see the Government shut down because the Speaker of the House is still at this point talking about using the leverage of the continuing resolution to force settlement of the overall budget issues, in the long-range budget talks that are now taking place, after being told that that is important enough to shut the Government down to get to a balanced budget, we are being asked to pass a proposition here today which busts the budget.

□ 1345

The filing by the committee on December 5 indicated that the ceiling for spending in this bill would be $12,213,000,000 in budget authority. The ceiling reported in this bill, 8 days later, is $12,234,476,000. That means it is $21.5 million above the allowable ceiling.

Now, we tried on three different occasions to get the committee to adopt a different 602 allocation to make room for additional funding in this and other bills. We were turned down by the majority in the committee, and yet today we are being asked to put that limitation aside.

I would ask Members of the House on both sides of the aisle, how many times do you remember having the gentleman from Pennsylvania [Mr. WALKER] come to the House floor and berate the then majority Democratic Party for waiving budget rules when they brought rules to the floor under which appropriation bills would be debated? the answer is time and time and time again we were told by the gentleman from Pennsylvania and many others that we were waiving the Budget Act. Now, today, we are being asked not only to waive the Budget Act, but to waive spending ceilings within that budget.

If you take a look at the history of this House on regular appropriation bills, you will find that it ha been a rare experience, indeed, when we were asked on a regular appropriation bill to waive those ceilings. It just seems to me that when we are facing a situation which may lead again to a Government shutdown, it is a very odd thing, indeed, for the committee to ask us to bust the budget ceiling to the tune of $21.5 billion. I do not think that is the orderly way to proceed. A much better way to proceed would have been to adjust those 602 allocations so that we are behaving as we are supposed to behave in a situation like this.

I also make the point this rule will allow us to proceed to consideration of a bill which allows for a significant increase in timber cutting in the Tongass Forest, one of a handful of temperate rain forests in the entire world, and yet this bill is going to accelerate that cutting. I do not believe we ought to do that. I do not think most persons concerned with preserving the environment think we ought to do that, certainly not in this appropriation bill.

So I would urge both on environmental grounds and because this bill breaks the very budget ceilings which were imposed on us just 8 days ago by the majority party, I would urge Members to vote "no" on the rule.

Ms. PRYCE. Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana [Mr. LIVINGSTON], the distinguished chairman of the Committee on Appropriations.

Mr. LIVINGSTON. Mr. Speaker, I listened attentively to my friend from Wisconsin who, throughout this last year, has been complaining that we have not been spending enough money on one program or another, on babies, on children, on old people, on Indians. The gentleman from Illinois sitting over there wants to help the Indians. In fact, the administration wanted to help the Indians, too. They wanted at the outset of the conference $110 million above the Senate level to help the Indians.

This bill provides, I think, $137 million for the Indians above the Senate level. This bill provides more than the administration asked for them, and still the administration is threatening to veto it because now they still say there is not enough money for the Indians.

The gentleman from Illinois is opposing it because there is not enough money for the Indians. The gentleman from Wisconsin has opposed this bill because we are not spending enough money. He is not here arguing against the bill. He is just saying, well, we technically exceeded our budget allocations. Well, we did, in trying to accommodate his side, in trying to accommodate his administration, and we can cure the technicality, we can rearrange the budget allocations. In fact, we are in the process of working on that, and that is a technical glitch, and technically we are in error.

But do not say that we are not spending enough money and then attack us because we spent too much money. It does not make sense. But that is the position of the gentleman from Wisconsin.

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

Mr. LIVINGSTON. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, that is not the position of the gentleman from Wisconsin. The position of the gentleman from Wisconsin is that if we have budget ceilings, we ought to live by them. But in my view, as you know, I tried twice or three times in the committee to try to adjust those ceilings in the proper way so that we could get that money from another place. I do not believe in busting the budget in order to fund the Interior bill. What I do believe is bills that are too high should be brought down to make room for the spending in this bill. I do not believe in spending $7 billion more than the White House asked on the military budget and then also exceeding the spending authority in this bill.

Mr. LIVINGSTON. Reclaiming my time, Mr. Speaker, the gentleman knows the Defense budget has been enacted into law. I think it called for spending about $400 million less than we spent last year, even though the administration wanted $700 million less than we appropriated, and he still wanted to send the troops to Bosnia. But the Defense bill is not before us.

The gentleman is technically correct. I concede the gentleman's technical assertion. He is absolutely technically correct, but substantively we are giving him more money than he asked for in the first place. This is a ridiculous objection.

I urge adoption of the rule.

Mr. FARR. Mr. Speaker, I rise today to speak in opposition to the Interior appropriations conference report for fiscal year 1996. One of the main reasons for my opposition is the severe cuts to the National Endowment for the Arts and the National Endowment for the Humanities. For a modest investment of $162

million, the preservation of our cultural resources outweigh the small cost to the government each year.

Recently, this Republican Congress proposed the elimination of Federal funding for these institutions. The purpose of these agencies is to provide support for arts organizations. In turn, these groups offer the community many activities such as plays, festivals, and seminars that cannot occur without Federal assistance. Furthermore, no arts organizations receive grants from the NEA or the NEH without providing matching funds.

On July 17, the House voted to approve the fiscal year 1996 Interior appropriations bill which cut Federal funding to the National Endowment for the Arts by 40 percent, leaving only $99 million. There were three amendments to the bill which would have cut all funding to the endowment and thus, completely phase out the agency at the end of this year. Fortunately, bipartisan efforts defeated the amendments.

However, in this era of Federal budget constraints, every Federal program, whether it is worthy or not, is subject to cuts. While we must work toward a balanced budget, we must not make indiscriminate and arbitrary cuts in the NEA budget. Recently, Chairman Jane Alexander has had to implement a 47 percent reduction of staff. Because of these reductions, the number of applications will have to be significantly cut and viable arts organizations will be hurt.

During my tenure in the California legislature, I continually met with business leaders who supported the arts. I believe that support for the arts is essential and contributes to our economic edge. The same hands that mold clay or play the piano can also program computers and start new businesses. It is our creativity which must be nurtured from an early age. We cannot afford to abolish the NEA and the NEH. It is an investment in our future.

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

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

The previous question was ordered.

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

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

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

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

The Sergeant at Arms will notify Members.

The vote was taken by electronic device, and there were—yeas 231, nays 188, not voting 13, as follows:

[Roll No. 852]

YEAS—231

Allard	Armey	Baker (CA)
Archer	Bachus	Baker (LA)
Ballenger	Gilchrest	Nethercutt
Barr	Gillmor	Neumann
Barrett (NE)	Gilman	Ney
Bartlett	Goodlatte	Norwood
Barton	Goodling	Nussle
Bass	Gordon	Oxley
Bateman	Goss	Packard
Bereuter	Graham	Parker
Bilbray	Greenwood	Paxon
Bilirakis	Gunderson	Petri
Bliley	Gutknecht	Pombo
Blute	Hancock	Porter
Boehlert	Hansen	Portman
Boehner	Hastert	Pryce
Bonilla	Hastings (WA)	Quillen
Bono	Hayes	Quinn
Brownback	Hayworth	Radanovich
Bryant (TN)	Hefley	Ramstad
Bunn	Heineman	Regula
Bunning	Herger	Riggs
Burr	Hilleary	Roberts
Burton	Hobson	Rogers
Callahan	Hoekstra	Rohrabacher
Calvert	Hoke	Ros-Lehtinen
Camp	Horn	Roth
Canady	Hostettler	Roukema
Castle	Houghton	Royce
Chabot	Hunter	Salmon
Chambliss	Hutchinson	Sanford
Chenoweth	Hyde	Saxton
Christensen	Inglis	Scarborough
Chrysler	Istook	Schaefer
Clinger	Johnson (CT)	Schiff
Coble	Johnson, Sam	Seastrand
Coburn	Jones	Sensenbrenner
Collins (GA)	Kasich	Shadegg
Combest	Kelly	Shaw
Cooley	Kim	Shays
Cox	King	Shuster
Crane	Kingston	Skeen
Crapo	Klug	Smith (MI)
Cremeans	Knollenberg	Smith (TX)
Cubin	Kolbe	Smith (WA)
Cunningham	LaHood	Solomon
Davis	Largent	Souder
Deal	Latham	Spence
DeLay	LaTourette	Stearns
Diaz-Balart	Laughlin	Stockman
Doolittle	Lazio	Stump
Dornan	Leach	Talent
Dreier	Lewis (CA)	Tate
Duncan	Lewis (KY)	Taylor (NC)
Dunn	Lightfoot	Thomas
Ehlers	Linder	Thornberry
Ehrlich	Livingston	Tiahrt
Emerson	LoBiondo	Torkildsen
English	Longley	Traficant
Ensign	Lucas	Upton
Everett	Manzullo	Vucanovich
Ewing	Martini	Waldholtz
Fawell	McCollum	Walker
Fields (TX)	McCrery	Walsh
Flanagan	McDade	Wamp
Foley	McHugh	Watts (OK)
Forbes	McIntosh	Weldon (FL)
Fowler	McKeon	Weldon (PA)
Fox	Metcalf	Weller
Franks (CT)	Meyers	White
Franks (NJ)	Mica	Whitfield
Frelinghuysen	Miller (FL)	Wicker
Frisa	Molinari	Wolf
Funderburk	Moorhead	Young (AK)
Gallegly	Morella	Young (FL)
Ganske	Myers	Zeliff
Gekas	Myrick	Zimmer

NAYS—188

Abercrombie	Brown (FL)	DeFazio
Ackerman	Bryant (TX)	DeLauro
Andrews	Cardin	Dellums
Baesler	Chapman	Deutsch
Baldacci	Clay	Dicks
Barcia	Clayton	Dingell
Barrett (WI)	Clement	Dixon
Becerra	Clyburn	Doggett
Beilenson	Coleman	Dooley
Bentsen	Collins (IL)	Doyle
Berman	Collins (MI)	Durbin
Bevill	Condit	Edwards
Bishop	Conyers	Engel
Bonior	Costello	Eshoo
Borski	Coyne	Evans
Boucher	Cramer	Farr
Browder	Danner	Fattah
Brown (CA)	de la Garza	Fazio
Fields (LA)	Lofgren	Richardson
Filner	Lowey	Rivers
Flake	Luther	Roemer
Foglietta	Maloney	Rose
Ford	Manton	Roybal-Allard
Frank (MA)	Markey	Rush
Frost	Martinez	Sabo
Furse	Mascara	Sanders
Gejdenson	Matsui	Sawyer
Gephardt	McCarthy	Schroeder
Geren	McDermott	Schumer
Gibbons	McHale	Scott
Gonzalez	McKinney	Serrano
Green	McNulty	Skaggs
Gutierrez	Meehan	Skelton
Hall (OH)	Meek	Slaughter
Hall (TX)	Miller (CA)	Spratt
Hamilton	Minge	Stark
Harman	Mink	Stenholm
Hastings (FL)	Moakley	Stokes
Hefner	Mollohan	Studds
Hilliard	Montgomery	Stupak
Hinchey	Moran	Tanner
Holden	Murtha	Taylor (MS)
Hoyer	Nadler	Tejeda
Jackson-Lee	Neal	Thompson
Jacobs	Oberstar	Thornton
Jefferson	Obey	Thurman
Johnson (SD)	Olver	Torres
Johnson, E. B.	Ortiz	Torricelli
Johnston	Orton	Towns
Kanjorski	Owens	Vento
Kaptur	Pallone	Visclosky
Kennedy (MA)	Pastor	Volkmer
Kennedy (RI)	Payne (NJ)	Ward
Kennelly	Payne (VA)	Waters
Kildee	Pelosi	Watt (NC)
Kleczka	Peterson (FL)	Waxman
Klink	Peterson (MN)	Williams
LaFalce	Pickett	Wise
Lantos	Pomeroy	Woolsey
Levin	Poshard	Wyden
Lewis (GA)	Rahall	Wynn
Lincoln	Rangel	Yates
Lipinski	Reed	

NOT VOTING—13

Brewster	Menendez	Tucker
Brown (OH)	Mfume	Velazquez
Buyer	Sisisky	Wilson
Dickey	Smith (NJ)	
McInnis	Tauzin	

□ 1413

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

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1745, UTAH PUBLIC LANDS MANAGEMENT ACT OF 1995

Ms. PRYCE, from the Committee on Rules, submitted a privileged report (Rept. No. 104–404) on the resolution (H. Res. 303) providing for the consideration of the bill (H.R. 1745) to designate certain public lands in the State of Utah as wilderness, and for other purposes, which was referred to the House Calendar and ordered to be printed.

□ 1415

CONFERENCE REPORT ON H.R. 1977, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

Mr. REGULA. Mr. Speaker, pursuant to House Resolution 301, I call up the conference report on the bill (H.R. 1977)

making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes.

The Clerk read the title of the bill.

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

(For conference report and statement, see proceedings of the House of December 12, 1995 at page H14288.)

The SPEAKER pro tempore. The gentleman from Ohio [Mr. REGULA] will be recognized for 30 minutes, and the gentleman from Illinois [Mr. YATES] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Ohio [Mr. REGULA].

GENERAL LEAVE

Mr. REGULA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

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

There was no objection.

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

Mr. Speaker and my colleagues, this is the conference report on Interior. As my colleagues know, it was recommitted once on the question of the moratorium on mining, and the second time on the mining issue and also on the Tongass timber program.

Mr. Speaker, the questions on mining and the Tongass, I will address, but let me say at the outset I think what we have is a very fair bill. For example, we had dozens and dozens of requests from Members for various things that might impact in their districts, and the number on the Democratic side that we responded to is actually a few more than on the Republican side. We made an effort to respond on the merits of the issues without regard to partisanship, and I would hope that my colleagues on the minority side would support this legislation. I think likewise that the majority Members should do the same, and I think, as I explain what we made in the way of changes, that my colleagues will understand we have responded to the concerns of the Members.

Also I think it is very important that we get this bill down to the President, and I would hope he would sign it. There are 130,000 employees who are waiting and hoping that this legislation will become law so they can get on with the job of managing the parks, keeping the gates open for the public to enjoy these wonderful facilities; likewise in managing our forests, our public lands, the grazing lands, the fish and wildlife facilities, the Smithsonian, the National Gallery. Many of my colleagues probably had their visitors here experience the fact that the doors were closed on the Smithsonian, the National Gallery, the Kennedy Center during the period of time, the 5 days or so, that we did not have funding, and, if we can get this conference report passed in the House and the Senate, get it to the President, I think to examine the merits of the bill, that the executive branch, the President, will recognize that we have been as fair as possible, that we have addressed the problems.

I want to say also at the outset that there is some talk about a budget buster. That has got to be the new math in this town, because this bill is $1.3 billion under 1995 in budget authority. It is about 10 percent below 1995, and it causes some tough decisions, but if we are to get to a balanced budget in 7 years, we have to look at each expenditure and say can we do this more efficiently, and we have tried to apply the policies of total quality management to the responsibilities that we have.

Let me address the issues that caused the recommittal, the first being the Tongass, the rain forest in the State of Alaska. A statement was made during the debate on the rule that actually we were increasing the cut. Exactly the opposite is happening. In the modified language, which I might say was worked over and agreed to by both sides of this issue on the Tongass, we reduced the allowable cut from 450 million board feet to 418 million board feet in the Tongass, so this is a reduction of the amount that can be allowed as far as cutting the timber. The practical matter is that the money in the bill, because of reduced funding, is only enough to allow for about 310 million board feet, and the same will likely be true in the 1997 bill. So, as far as the amount of cut that is allowed, it is substantially below what had been allowed prior to this time, so I think that is one of the ways we responded to those who have a concern for the Tongass.

Second, we removed the sufficiency language. Sufficiency language insulates actions from the courts from the requirements for environmental evaluation, and in the original bill that was language that was placed in there by the other body. We remove that so that the cuts in the Tongass, with one exception, are subject to all the rules, regulations, the actions of the courts, the Environmental Protection Agency, the endangered species law, the whole 9 yards, and therefore I think for those who are concerned about the environmental impacts, Mr. Speaker, we have made every effort to insure that environmental concerns are addressed. The one sale has already gone through all this, and we would allow that sale to be transferred to another buyer.

We have also allowed the planning process by the Forest Service to continue. They can go forward in their planning process to determine what should be the allowable cut and how it should be handled in the future, and that plan, we would hope, would be developed in the next several months. We give the Department a totally free hand in the planning process.

We removed the language concerning the Goshawk and permanently prohibiting establishing certain habitat conservable areas. The administration strongly objected to this permanent provision and it has been deleted.

I think on balance what we have done in the Tongass represents a very good compromise between those who are concerned about providing the jobs in Alaska, allowing a cut, and those who want to protect the environment, protect this forest, and as I said earlier, this represents a compromise among the interested parties.

On the mining issue, which was also part of the motion to recommit, we removed the triggers that would lift the moratorium so what we have is a moratorium with no triggers. We also provide that the Department of Interior, or BLM, has a 5-year period to process the grandfathered patents, and I know that is of an interest to those who have concern about the mining proposals. But, the moratorium that has been in place in the 1995 bill remains in place in the 1996 bill, and I think this is the important fact that I want to convey to all members:

We responded to the motion to recommit exactly as has been requested in that motion. It also provides that the Secretary of Interior should give us a report in the year as to what success they are having in getting the grandfather patents in which people have a proprietary interest effectuated or out to the applicants.

On the question of the Indians, I know the gentleman from Wisconsin, the minority leader on the Committee on Appropriations, was concerned about adequate funding for the Indians, and we had a request from the administration. Actually they requested $110 million over the Senate level. We end up here with $11 million. We have added $50 million from the second conference report to this one, $25 for tribal priorities. This allows the Indian tribes to use these funds in the way that will best serve their individual tribes and the people that are members thereof, and we put $25 million in Indian health, recognizing again that this is extremely important as we discharge our responsibility. One of the treaty obligations, the really true major obligations we have under the treaties, one is to provide health services, and the second is to provide education, and we have addressed those, and we have added the $50 million.

We have some other changes in the conference report. They are not big items, and I would be happy to address those in response to any questions. One of these would be requested by the Department of Interior, to allow them to work out agreements in cooperation with other levels of government. Also,

a requirement that limits the log exports for an additional period of time in the Western States, and most of the other changes were agreed on, but I think the important thing I want to impress on the Members is that we responded to the motion to recommit. On the Tongass, on the mining moratorium, we responded in a way in which I think those who are interested parties will tell the Members during this debate that they are very well pleased with what we have been able to do, and the bill itself, I believe, responds, given the fiscal constraints we had, very effectively in meeting the needs of the people.

So I would hope that we can get this passed and get on with it. our responsibilities, and we can say to those 130,000 employees, "We know your job is important, we know the public depends on you to provide the services in the parks, the forests and so on, and we want to let you know that we are behind you by supporting this legislation."

Mr. Speaker, I ask unanimous consent that the RECORD include a table on the various accounts in the bill, as agreed to by the conference managers.

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

There was no objection.

The table on the various accounts in the bill is as follows:

FY 1996 INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 1977)

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I - DEPARTMENT OF THE INTERIOR						
Bureau of Land Management						
Management of lands and resources	597,236,000	616,547,000	570,017,000	563,936,000	568,062,000	-29,174,000
Fire protection	114,748,000	114,763,000	.....	.....	.....	-114,748,000
Emergency Department of the Interior firefighting fund	121,176,000	131,482,000	.....	.....	.....	-121,176,000
Wildland fire management	.....	.....	235,924,000	240,159,000	235,924,000	+235,924,000
Central hazmat account	13,409,000	14,024,000	10,000,000	10,000,000	10,000,000	-3,409,000
Construction and access	12,068,000	3,019,000	2,515,000	2,615,000	3,115,000	-8,953,000
Payments in lieu of taxes	101,409,000	113,911,000	111,409,000	100,000,000	101,500,000	+91,000
Land acquisition	14,757,000	24,473,000	8,500,000	10,550,000	12,800,000	-1,957,000
Oregon and California grant lands	97,364,000	112,752,000	91,387,000	95,364,000	93,379,000	-3,985,000
Range improvements (indefinite)	10,350,000	9,113,000	9,113,000	9,113,000	9,113,000	-1,237,000
Service charges, deposits, and forfeitures (indefinite)	8,883,000	8,993,000	8,993,000	8,993,000	8,993,000	+110,000
Miscellaneous trust funds (indefinite)	7,605,000	7,605,000	7,605,000	7,605,000	7,605,000	.....
Total, Bureau of Land Management	1,099,005,000	1,156,682,000	1,055,463,000	1,048,335,000	1,050,491,000	-48,514,000
United States Fish and Wildlife Service						
Resource management	511,334,000	535,018,000	497,150,000	501,478,000	497,943,000	-13,391,000
Construction	53,768,000	34,095,000	26,355,000	38,775,000	37,655,000	-16,113,000
Natural resource damage assessment and restoration fund	6,687,000	6,700,000	6,019,000	4,000,000	4,000,000	-2,687,000
Land acquisition	67,141,000	62,912,000	14,100,000	32,031,000	36,900,000	-30,241,000
Cooperative endangered species conservation fund	8,983,000	38,000,000	8,085,000	8,085,000	8,085,000	-898,000
National wildlife refuge fund	11,977,000	11,371,000	10,779,000	10,779,000	10,779,000	-1,198,000
Rewards and operations	1,167,000	1,169,000	600,000	600,000	600,000	-567,000
North American wetlands conservation fund	8,983,000	12,000,000	4,500,000	6,750,000	6,750,000	-2,233,000
Lahonton Valley and Pyramid Lake fish and wildlife fund	.....	152,000	152,000	152,000	152,000	+152,000
Rhinoceros and tiger conservation fund	.....	400,000	200,000	200,000	200,000	+200,000
Wildlife conservation and appreciation fund	998,000	1,000,000	998,000	800,000	800,000	-198,000
Total, United States Fish and Wildlife Service	671,038,000	702,817,000	568,938,000	603,650,000	603,864,000	-67,174,000
Natural Resources Science Agency						
Research, inventories, and surveys	162,041,000	172,696,000	.....	145,965,000	.....	-162,041,000
National Park Service						
Operation of the national park system	1,077,900,000	1,157,738,000	1,088,249,000	1,092,265,000	1,083,151,000	+5,251,000
National recreation and preservation	42,941,000	39,305,000	35,725,000	38,094,000	37,649,000	-5,292,000
Historic preservation fund	41,421,000	43,000,000	37,934,000	38,312,000	36,212,000	-5,209,000
Construction	167,688,000	179,883,000	114,868,000	116,480,000	143,225,000	-24,463,000
Urban park and recreation fund	6,000	2,300,000	.....	.....	.....	-6,000
Land and water conservation fund (rescission of contract authority)	-30,000,000	-30,000,000	-30,000,000	-30,000,000	-30,000,000	.....
Land acquisition and state assistance	87,373,000	82,696,000	14,300,000	45,187,000	49,100,000	-38,273,000
Crime Trust Fund	.....	15,200,000	.....	.....	.....	.....
Total, National Park Service (net)	1,387,329,000	1,490,122,000	1,261,076,000	1,300,338,000	1,319,337,000	-67,992,000
United States Geological Survey						
Surveys, investigations, and research	571,462,000	586,369,000	686,944,000	577,503,000	730,503,000	+159,041,000
Minerals Management Service						
Royalty and offshore minerals management	188,181,000	193,348,000	186,556,000	182,169,000	182,994,000	-5,187,000
Oil spill research	6,440,000	7,892,000	6,440,000	6,440,000	6,440,000	.....
Total, Minerals Management Service	194,621,000	201,240,000	192,996,000	188,609,000	189,434,000	-5,187,000
Bureau of Mines						
Mines and minerals	152,427,000	132,507,000	87,000,000	128,007,000	64,000,000	-88,427,000
Office of Surface Mining Reclamation and Enforcement						
Regulation and technology	109,795,000	107,152,000	92,751,000	95,470,000	95,470,000	-14,325,000
Receipts from performance bond forfeitures (indefinite)	1,189,000	501,000	500,000	500,000	500,000	-689,000
Subtotal	110,984,000	107,653,000	93,251,000	95,970,000	95,970,000	-15,014,000
Abandoned mine reclamation fund (definite, trust fund)	182,423,000	185,120,000	176,327,000	170,441,000	173,887,000	-8,536,000
Total, Office of Surface Mining Reclamation and Enforcement	293,407,000	292,773,000	269,578,000	266,411,000	269,857,000	-23,550,000

FY 1996 INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 1977) — continued

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
Bureau of Indian Affairs						
Operation of Indian programs	1,519,012,000	1,609,842,000	1,509,828,000	1,261,234,000	1,384,434,000	-134,578,000
Construction	120,450,000	125,424,000	98,033,000	107,333,000	100,833,000	-19,617,000
Indian land and water claim settlements and miscellaneous payments to Indians	77,096,000	151,025,000	75,145,000	82,745,000	80,645,000	+3,549,000
Navajo rehabilitation trust fund	1,996,000	.....	.....	.....	.....	-1,996,000
Technical assistance of Indian enterprises	1,966,000	1,966,000	.....	900,000	500,000	-1,466,000
Indian direct loan program account	779,000	.....	.....	.....	.....	-779,000
(Limitation on direct loans)	(10,890,000)	.....	.....	.....	.....	(-10,890,000)
Indian guaranteed loan program account	9,671,000	9,684,000	.....	7,700,000	5,000,000	-4,671,000
(Limitation on guaranteed loans)	(46,900,000)	(70,100,000)	.....	(50,680,000)	(35,914,000)	(-10,986,000)
Total, Bureau of Indian Affairs	1,730,970,000	1,897,941,000	1,682,806,000	1,459,912,000	1,571,412,000	-159,558,000
Territorial and International Affairs						
Assistance to territories	50,481,000	41,512,000	24,685,000	40,468,000	37,468,000	-13,013,000
Northern Mariana Islands Covenant	27,720,000	27,720,000	27,720,000	27,720,000	27,720,000	.....
Subtotal	78,201,000	69,232,000	52,405,000	68,188,000	65,188,000	-13,013,000
Trust Territory of the Pacific Islands	19,800,000	.....	.....	.....	.....	-19,800,000
Compact of Free Association	13,574,000	10,038,000	14,618,000	10,038,000	10,038,000	-3,536,000
Mandatory payments	10,000,000	14,900,000	14,900,000	14,900,000	14,900,000	+4,900,000
Subtotal	23,574,000	24,938,000	29,518,000	24,938,000	24,938,000	+1,364,000
Total, Territorial and International Affairs	121,575,000	94,170,000	81,923,000	93,126,000	90,126,000	-31,449,000
Departmental Offices						
Departmental management	62,479,000	64,772,000	53,919,000	57,796,000	57,796,000	-4,683,000
Office of the Solicitor	34,608,000	35,361,000	34,608,000	34,608,000	34,608,000	.....
Office of Inspector General	23,939,000	25,485,000	23,939,000	23,939,000	23,939,000	.....
Construction Management	1,996,000	2,000,000	.....	500,000	500,000	-1,496,000
National Indian Gaming Commission	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	.....
Office of Special Trustee for American Indians	.....	.....	.....	16,338,000	16,338,000	+16,338,000
Total, Departmental Offices	124,022,000	128,618,000	113,466,000	134,181,000	134,181,000	+10,159,000
Total, title I, Department of the Interior:						
New budget (obligational) authority (net)	6,507,897,000	6,855,935,000	6,000,190,000	5,946,037,000	6,023,205,000	-484,692,000
Appropriations	(6,537,897,000)	(6,870,735,000)	(6,030,190,000)	(5,976,037,000)	(6,053,205,000)	(-484,692,000)
Rescission	(-30,000,000)	(-30,000,000)	(-30,000,000)	(-30,000,000)	(-30,000,000)	.....
Crime trust fund	.....	(15,200,000)	.....	.....	.....	.....
(Limitation on direct loans)	(10,890,000)	.....	.....	.....	.....	(-10,890,000)
(Limitation on guaranteed loans)	(46,900,000)	(70,100,000)	.....	(50,680,000)	(35,914,000)	(-10,986,000)
TITLE II - RELATED AGENCIES						
DEPARTMENT OF AGRICULTURE						
Forest Service						
Forest research	193,748,000	203,796,000	182,000,000	177,000,000	178,000,000	-15,748,000
State and private forestry	154,268,000	187,459,000	129,551,000	136,794,000	136,794,000	-17,474,000
Emergency pest suppression fund	17,000,000	.....	.....	.....	.....	-17,000,000
International forestry	4,987,000	10,000,000	.....	.....	.....	-4,987,000
National forest system	1,328,893,000	1,348,755,000	1,266,688,000	1,247,543,000	1,256,253,000	-72,640,000
Forest Service fire protection	159,285,000	164,285,000	.....	.....	.....	-159,285,000
Emergency Forest Service firefighting fund	226,200,000	239,000,000	.....	.....	.....	-226,200,000
Emergency appropriations	450,000,000	.....	.....	.....	.....	-450,000,000
Wildland Fire Management	.....	.....	385,485,000	381,485,000	385,485,000	+385,485,000
Construction	199,215,000	192,338,000	120,000,000	186,888,000	163,500,000	-35,715,000
Timber receipts transfer to general fund (indefinite)	(-44,769,000)	(-44,548,000)	(-44,548,000)	(-44,548,000)	(-44,548,000)	(+221,000)
Timber purchaser credits	(50,000,000)	(50,000,000)	(50,000,000)	(50,000,000)	(50,000,000)	.....
Land acquisition	63,882,000	65,311,000	14,600,000	41,167,000	41,200,000	-22,682,000
Acquisition of lands for national forests, special acts	1,250,000	1,317,000	1,069,000	1,069,000	1,069,000	-181,000
Acquisition of lands to complete land exchanges (indefinite)	210,000	210,000	210,000	210,000	210,000	.....
Range betterment fund (indefinite)	4,575,000	3,976,000	3,976,000	3,976,000	3,976,000	-599,000
Gifts, donations and bequests for forest and rangeland research	89,000	92,000	92,000	92,000	92,000	+3,000
Total, Forest Service	2,803,602,000	2,416,539,000	2,103,671,000	2,176,224,000	2,166,579,000	-637,023,000
DEPARTMENT OF ENERGY						
Clean coal technology	-337,879,000	-155,019,000	.....	.....	.....	+337,879,000
Fossil energy research and development	423,701,000	436,508,000	379,524,000	376,181,000	417,169,000	-6,532,000
(By transfer)	(17,000,000)	.....	.....	.....	.....	(-17,000,000)
Alternative fuels production (indefinite)	-3,900,000	-2,400,000	-2,400,000	-2,400,000	-2,400,000	+1,500,000
Naval petroleum and oil shale reserves	187,048,000	101,028,000	151,028,000	136,028,000	148,786,000	-38,262,000
Energy conservation	755,751,000	923,561,000	556,371,000	576,976,000	553,293,000	-202,458,000
Biomass Energy Development (transfer)	.....	-16,000,000	-16,000,000	-16,000,000	-16,000,000	-16,000,000

FY 1996 INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 1977) — continued

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
Economic regulation	12,413,000	10,500,000	6,297,000	8,038,000	6,297,000	-6,116,000
Emergency preparedness	8,233,000	8,219,000	.....	.....	.....	-8,233,000
Strategic Petroleum Reserve	135,954,000	25,689,000	.....	.....	.....	-135,954,000
(By transfer)	(90,764,000)	(187,000,000)	(187,000,000)	(187,000,000)	(187,000,000)	(+96,236,000)
Energy Information Administration	84,566,000	84,689,000	79,766,000	64,766,000	72,266,000	-12,300,000
Total, Department of Energy	1,265,887,000	1,416,775,000	1,154,586,000	1,143,589,000	1,179,411,000	-86,476,000
DEPARTMENT OF HEALTH AND HUMAN SERVICES						
Indian Health Service						
Indian health services	1,709,780,000	1,816,350,000	1,725,792,000	1,815,373,000	1,747,842,000	+38,062,000
Indian health facilities	253,282,000	242,672,000	236,975,000	151,227,000	238,958,000	-14,324,000
Total, Indian Health Service	1,963,062,000	2,059,022,000	1,962,767,000	1,966,600,000	1,986,800,000	+23,738,000
DEPARTMENT OF EDUCATION						
Office of Elementary and Secondary Education						
Indian education	81,341,000	84,785,000	52,500,000	54,660,000	52,500,000	-28,841,000
OTHER RELATED AGENCIES						
Office of Navajo and Hopi Indian Relocation						
Salaries and expenses	24,888,000	26,345,000	21,345,000	20,345,000	20,345,000	-4,543,000
Institute of American Indian and Alaska Native Culture and Arts Development						
Payment to the Institute	11,213,000	19,846,000	5,500,000	5,500,000	5,500,000	-5,713,000
Smithsonian Institution						
Salaries and expenses	313,853,000	329,800,000	309,471,000	307,988,000	308,188,000	-5,665,000
Construction and improvements, National Zoological Park	3,042,000	4,950,000	3,000,000	3,250,000	3,250,000	+208,000
Repair and restoration of buildings	23,954,000	34,000,000	24,954,000	33,954,000	33,954,000	+10,000,000
Construction	21,857,000	38,700,000	12,950,000	27,700,000	27,700,000	+5,843,000
Total, Smithsonian Institution	362,706,000	407,450,000	350,375,000	372,892,000	373,092,000	+10,386,000
National Gallery of Art						
Salaries and expenses	52,902,000	54,566,000	51,315,000	51,844,000	51,844,000	-1,058,000
Repair, restoration and renovation of buildings	4,016,000	9,885,000	5,500,000	7,385,000	6,442,000	+2,426,000
Total, National Gallery of Art	56,918,000	64,451,000	56,815,000	59,229,000	58,286,000	+1,368,000
John F. Kennedy Center for the Performing Arts						
Operations and maintenance	10,323,000	10,373,000	9,800,000	10,323,000	10,323,000	.....
Construction	8,983,000	9,000,000	8,983,000	8,983,000	8,983,000	.....
Total, John F. Kennedy Center for the Performing Arts	19,306,000	19,373,000	18,783,000	19,306,000	19,306,000	.....
Woodrow Wilson International Center for Scholars						
Salaries and expenses	8,878,000	10,070,000	5,140,000	6,537,000	5,840,000	-3,038,000
National Foundation on the Arts and the Humanities						
National Endowment for the Arts						
Grants and administration	133,846,000	143,675,000	82,259,000	88,765,000	82,259,000	-51,587,000
Matching grants	28,512,000	28,725,000	17,235,000	21,235,000	17,235,000	-11,277,000
Total, National Endowment for the Arts	162,358,000	172,400,000	99,494,000	110,000,000	99,494,000	-62,864,000
National Endowment for the Humanities						
Grants and administration	146,131,000	156,087,000	82,469,000	94,000,000	94,000,000	-52,131,000
Matching grants	25,913,000	25,913,000	17,025,000	16,000,000	16,000,000	-9,913,000
Total, National Endowment for the Humanities	172,044,000	182,000,000	99,494,000	110,000,000	110,000,000	-62,044,000
Institute of Museum Services						
Grants and administration	28,715,000	29,800,000	21,000,000	21,000,000	21,000,000	-7,715,000
Total, National Foundation on the Arts and the Humanities	363,117,000	384,200,000	219,988,000	241,000,000	230,494,000	-132,623,000
Commission of Fine Arts						
Salaries and expenses	834,000	879,000	834,000	834,000	834,000	.....
National Capital Arts and Cultural Affairs						
Grants	7,500,000	6,941,000	6,000,000	6,000,000	6,000,000	-1,500,000
Advisory Council on Historic Preservation						
Salaries and expenses	2,947,000	3,063,000	3,063,000	2,500,000	2,500,000	-447,000

FY 1996 INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 1977) — continued

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
National Capital Planning Commission						
Salaries and expenses	5,655,000	6,000,000	5,090,000	5,090,000	5,090,000	-565,000
Franklin Delano Roosevelt Memorial Commission						
Salaries and expenses	48,000	147,000	48,000	147,000	147,000	+99,000
Pennsylvania Avenue Development Corporation						
Salaries and expenses	2,738,000	3,043,000	2,000,000			-2,738,000
Public development	4,084,000	2,445,000				-4,084,000
Land acquisition and development fund		1,388,000				
Total, Pennsylvania Avenue Development Corporation	6,822,000	6,876,000	2,000,000			-6,822,000
United States Holocaust Memorial Council						
Holocaust Memorial Council	26,609,000	28,707,000	28,707,000	26,609,000	28,707,000	+2,098,000
Total, title II, Related Agencies	7,011,333,000	6,961,469,000	5,997,212,000	6,107,062,000	6,141,431,000	-869,902,000
(Timber receipts transfer to general fund, indefinite)	(-44,769,000)	(-44,548,000)	(-44,548,000)	(-44,548,000)	(-44,548,000)	(+221,000)
(Timber purchaser credits)	(50,000,000)	(50,000,000)	(50,000,000)	(50,000,000)	(50,000,000)	
TITLE III - GENERAL REDUCTION						
General reduction, Energy conservation			-12,799,000			
Grand total:						
New budget (obligational) authority (net)	13,519,230,000	13,817,404,000	11,984,603,000	12,053,099,000	12,164,636,000	-1,354,594,000
Appropriations	(13,549,230,000)	(13,832,204,000)	(12,027,402,000)	(12,083,099,000)	(12,194,636,000)	(-1,354,594,000)
Rescission	(-30,000,000)	(-30,000,000)	(-30,000,000)	(-30,000,000)	(-30,000,000)	
Crime trust fund		(15,200,000)				
(Timber receipts transfer to general fund, indefinite)	(-44,769,000)	(-44,548,000)	(-44,548,000)	(-44,548,000)	(-44,548,000)	(+221,000)
(Timber purchaser credits)	(50,000,000)	(50,000,000)	(50,000,000)	(50,000,000)	(50,000,000)	
(By transfer)	(107,764,000)	(187,000,000)	(187,000,000)	(187,000,000)	(187,000,000)	(+79,236,000)
TITLE I - DEPARTMENT OF THE INTERIOR						
Bureau of Land Management	1,099,005,000	1,156,682,000	1,055,463,000	1,048,335,000	1,050,491,000	-48,514,000
United States Fish and Wildlife Service	671,038,000	702,817,000	568,938,000	603,650,000	603,864,000	-67,174,000
National Biological Service	162,041,000	172,696,000		145,965,000		-162,041,000
National Park Service	1,387,329,000	1,490,122,000	1,261,076,000	1,300,338,000	1,319,337,000	-67,992,000
United States Geological Survey	571,462,000	586,369,000	686,944,000	577,503,000	730,503,000	+159,041,000
Minerals Management Service	194,621,000	201,240,000	192,996,000	188,609,000	189,434,000	-5,187,000
Bureau of Mines	152,427,000	132,507,000	87,000,000	128,007,000	64,000,000	-88,427,000
Office of Surface Mining Reclamation and Enforcement	293,407,000	292,773,000	269,578,000	266,411,000	269,857,000	-23,550,000
Bureau of Indian Affairs	1,730,970,000	1,897,941,000	1,682,806,000	1,459,912,000	1,571,412,000	-159,558,000
Territorial and International Affairs	121,575,000	94,170,000	81,923,000	93,126,000	90,126,000	-31,449,000
Departmental Offices	124,022,000	128,618,000	113,466,000	134,181,000	134,181,000	+10,159,000
Total, Title I - Department of the Interior	6,507,897,000	6,855,935,000	6,000,190,000	5,946,037,000	6,023,205,000	-484,692,000
TITLE II - RELATED AGENCIES						
Forest Service	2,803,602,000	2,416,539,000	2,103,671,000	2,176,224,000	2,166,579,000	-637,023,000
Department of Energy	1,265,887,000	1,416,775,000	1,154,586,000	1,143,589,000	1,179,411,000	-86,476,000
Indian Health Service	1,963,062,000	2,059,022,000	1,962,767,000	1,966,600,000	1,986,800,000	+23,738,000
Indian Education	81,341,000	84,785,000	52,500,000	54,660,000	52,500,000	-28,841,000
Office of Navajo and Hopi Indian Relocation	24,888,000	26,345,000	21,345,000	20,345,000	20,345,000	-4,543,000
Institute of American Indian and Alaska Native Culture and Arts Development	11,213,000	19,846,000	5,500,000	5,500,000	5,500,000	-5,713,000
Smithsonian Institution	362,706,000	407,450,000	350,375,000	372,892,000	373,092,000	+10,386,000
National Gallery of Art	56,918,000	64,451,000	56,815,000	59,229,000	58,286,000	+1,368,000
John F. Kennedy Center for the Performing Arts	19,306,000	19,373,000	18,783,000	19,306,000	19,306,000	
Woodrow Wilson International Center for Scholars	8,878,000	10,070,000	5,140,000	6,537,000	5,840,000	-3,038,000
National Endowment for the Arts	162,358,000	172,400,000	99,494,000	110,000,000	99,494,000	-62,864,000
National Endowment for the Humanities	172,044,000	182,000,000	99,494,000	110,000,000	110,000,000	-62,044,000
Institute of Museum Services	28,715,000	29,800,000	21,000,000	21,000,000	21,000,000	-7,715,000
Commission of Fine Arts	834,000	879,000	834,000	834,000	834,000	
National Capital Arts and Cultural Affairs	7,500,000	6,941,000	6,000,000	6,000,000	6,000,000	-1,500,000
Advisory Council on Historic Preservation	2,947,000	3,063,000	3,063,000	2,500,000	2,500,000	-447,000
National Capital Planning Commission	5,655,000	6,000,000	5,090,000	5,090,000	5,090,000	-565,000
Franklin Delano Roosevelt Memorial Commission	48,000	147,000	48,000	147,000	147,000	+99,000
Pennsylvania Avenue Development Corporation	6,822,000	6,876,000	2,000,000			-6,822,000
Holocaust Memorial Council	26,609,000	28,707,000	28,707,000	26,609,000	28,707,000	+2,098,000
Total, Title II - Related Agencies	7,011,333,000	6,961,469,000	5,997,212,000	6,107,062,000	6,141,431,000	-869,902,000
TITLE III - GENERAL REDUCTION						
General reduction, Energy conservation			-12,799,000			
Grand total	13,519,230,000	13,817,404,000	11,984,603,000	12,053,099,000	12,164,636,000	-1,354,594,000

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

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

My good friend, the gentleman from Ohio [Mr. REGULA], has done as good a job as one can do with the assets that were at hand, a reasonable job, but it still is a very, very bad bill, and I intend to vote against it. He said that the conferees had responded to the motions of the House by making appropriate changes to Tongass and mining. The mining change does restore the moratorium, but the change to Tongass is so small as to be infinitesimal, and it still will be environmentally unsound.

Mr. Speaker, the song asks where have all the flowers gone, and the poem asks where are the snows of yesteryear. I ask where are all the Republican moderates going? Will the Republicans reject a bill that is as environmentally disgraceful as the previous bill? It appears that the Republican leadership has pressured their moderate members to swallow hard and support this bill, and that is too bad because this bill is not worthy of their support, nor is it worthy of the support of any of us in the House.

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The conference report before us still puts our precious natural resources at grave risk. This conference report mandates the Forest Service implement the discredited alternative P management plan in the Tongass National Forest in Alaska, and this bad plan is not forced upon the Forest Service for 1 year, but it mandates alternative P be employed as well in fiscal year 1997.

I think most Members now know that alternative P is a radical forest management plan that was rejected by the Forest Service and rejected by the Governor of Alaska because it would wreak ecological havoc on the Tongass. Currently the Forest Service allows 310 million board feet of timber to be cut from the Tongass each year. Alternative P does not recognize that limitation, although my good friend, the gentleman from Ohio, indicated that the funds that are made available for the cut in this year will only allow a cut of 310 million board feet. Nevertheless, the spurs will be put to the Forest Service, the whip will be lashed upon its employees to exceed the 310 million board feet, because alternative P puts that pressure upon them.

In addition, the Tongass provisions are fiscally irresponsible. The Tongass is a notorious below-cost forest. In the last 3 years the Government lost $102 million in timber sales there. If the timber harvest increases, the loss to the taxpayers increases. It will go up dramatically. What is more, this conference report also contains sufficiency language concerning which my good friend, the gentleman from Ohio, spoke. It is aimed at overturning the 9th Circuit Court ruling that blocks the sale of 280 million board feet of timber. If this sufficiency language is approved, no environmental laws will be in effect for the large sale, the large sale for which the sufficiency language is placed in the bill.

That means, Mr. Speaker, the Endangered Species Act is dismissed, the National Environmental Policy Act is waived, the Clean Water Act is ignored, and all other applicable laws are considered irrelevant. In addition, this sufficiency language prevents all citizens, environmentalists and private landowners alike, from exercising their right for a fair hearing before the courts.

If we do not recommit this conference report, we will be rejecting the judgment of the Forest Service. We will be putting a great forest at risk, and we will be setting a dangerous legal precedent.

Mr. Speaker, I intend to offer a motion to recommit at the appropriate time, and I hope that motion may be sustained, with the help of the moderate Republicans, again.

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

Mr. REGULA. Mr. Speaker, I yield 4 minutes and 30 seconds to the gentleman from Arizona [Mr. KOLBE], a member of the subcommittee.

Mr. KOLBE. Mr. Speaker, I rise in strong support of the Interior appropriations conference report. This $12.1 billion appropriations bill is the result of a lot of hard work, and yes, a lot of compromise. As we know, this bill has been recommitted twice because of concerns that have been expressed regarding two of the provisions that have already been mentioned here today, the mining patent moratorium and statutory language regarding the Tongass National Forest. But those two issues have been resolved after a lot of tough negotiations. Now it is time we pass this important legislation and send it to the President.

Putting together a workable budget for the Department of the Interior, the Department of Energy, the Forest Service, and numerous other independent agencies under this subcommittee's jurisdiction has not been an easy one. There have been a lot of roadblocks. Some of them have been legitimate, some of them frivolous. But here we are with a conference report that is fair, it is fiscally conservative, and I think it represents an excellent starting point for the 7-year journey toward a balanced budget that both the Congress and the President have now committed themselves to doing.

The gentleman from Ohio [Mr. REGULA], chairman of the committee, has informed us of the various provisions that are in this bill. I just want to reemphasize a couple of them. We have attempted to place an emphasis on preserving natural and cultural resources, the maintenance of scientific and research functions, our commitment to the health and educational needs of Native Americans. The conference report also ensures that adequate resources are allocated for our Nation's public parks and, our crown jewels, our National Park System. In fact, in an era of decreasing budgets, this bill actually contains an increase in the operational account of the National Park Service. This is going to prove invaluable to the management of America's parks. Contrary to some published reports, the subcommittee never, never considered or even contemplated closing any of our Nation's parks.

I have spoken previously about some of the projects and programs in this report. A couple, though, deserve to be highlighted again. An important and much needed initiative is the recreational fee demonstration program. This innovative program will give the National Park Service, the Bureau of Land Management, the U.S. Fish and Wildlife Service, the Forest Service, the opportunity to establish a 1-year pilot program that allows these land management agencies to charge and utilize onsite recreational use and access fees. The conference report directs each agency to establish up to 50 demonstration sites where broad fee authorities are established.

The best aspect of this program is that the bulk of the fees that are collected stay at the site which collects them. Allowing 80 percent of the fees that are collected to be used in that particular park is a way to give park managers an incentive to collect fees and make visitor driven improvements.

Another important aspect of this conference report is the level of funding for the Bureau of Indian Affairs. Is it as much as the House initially provided? No. Compromises did have to be made. I think the level of funding proposed in this report is fair and it goes a long way to providing the necessary infrastructure services our tribal communities depend upon.

Under this bill, the BIA will receive $1.3 billion in fiscal year 1996. This represents an additional $25 million we added during the third conference for the tribal priority allocation program. It will now have $653 million in fiscal year 1996. That is $111 million above what the Senate had proposed. Conferees also added another $25 million to the Indian Health Service Account, bringing their 1996 funding level to $1.747 billion.

In addition to the preceding, the conference report contains a provision which is vitally important to the astrophysical community and certainly to the State of Arizona. This provision will allow the Mt. Graham Observatory project to continue construction of the world's largest ground-based telescope,

the large binocular telescope. This legislative clarification was needed because of constant and often frivolous lawsuits that have beset the project, even though Congress spoke clearly on this matter when it passed the Arizona-Idaho Wilderness Act in 1988, authorizing the construction of these three telescopes.

I want to thank the chairman of the committee, Senator GORTON, and all my colleagues on the conference committee for supporting this effort. Mr. Speaker, the conference report provides a sound and fiscally conservative blueprint for the continued management of our public lands. As stewards of these lands, it is incumbent upon us to ensure that they are preserved for future generations to enjoy. Let us stop the demagoguing and political posturing. It is a good bill, it is one that merits our support. Let us send it to the President. Support this conference report and let us defeat any motion to recommit.

Mr. YATES. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Colorado [Mr. SKAGGS], a member of our subcommittee.

Mr. SKAGGS. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, as we begin debate on this conference report, the third time we have had a conference report on this measure, I want to join my other colleagues in both paying my respect and expressing my affection toward our chairman, the gentleman from Ohio [Mr. REGULA], even as I express my dislike for his bill. I suspect that perhaps the chairman would rather have affection for his bill, rather than for him. But be that as it may, we are back again for the third time on this particular measure, and the Republican leadership's third try for an acceptable conference report on this important appropriations bill.

The first two times this bill was brought to the floor, the House did the right thing. We rejected the conference report and told the conferees to go back and try again. It was the right thing to do because neither of those conference reports deserved to pass.

This version is not quite so bad, but it still falls short, in my opinion, and I cannot support it. The Republican leadership would not let the conferees even try to improve many of the funding provisions in the previous conference report. While this version does provide somewhat more funding for native American programs, which I endorse heartily, the other provisions remain unchanged. The report still has all of the previous version's antienvironmental riders, like the ban on any new listings under the Endangered Species Act.

The report does a much better job dealing with a moratorium on bargain basement sales of mineral lands. But as the ranking member, the gentleman from Illinois, has already pointed out, what about Tongass? The previous report called for increased timbering, including in areas that the Forest Service wants to put off limits in order to protect fish and wildlife, and would make permanent some of the temporary restrictions on protecting habitat that were misguidedly included in the rescissions bill earlier this year. This conference report with respect to Tongass is almost as bad, and on this point alone, if for no other reason, we should send it back so we may try again.

Regarding the National Endowment for the Arts, the conferees voted again to retain the so-called Helms language. That is a sad decision, and it should not be accepted.

In short, Mr. Speaker, this third conference report still is a bad bill, still deserves to be defeated. We should not pass it. If we do, the President should veto it and we should sustain that veto.

Mr. REGULA. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Alaska [Mr. YOUNG], chairman of the Committee on Resources.

Mr. YOUNG of Alaska. Mr. Speaker, I would ask, where are the timber jobs of yesteryear? We asked where the flowers were and where the moderate Republicans are, but where are the timber jobs of yesteryear? The gentleman from Illinois [Mr. YATES] had the privilege of serving at one time as the chairman, and knows full good and well, he voted for the Tongass agreement to allow us, in fact, to have a sound economy, yet leaving over 15 million acres in southeast Alaska out of the mutiple-use timber base.

Good fiction never dies, especially fiction about the Tongass Forest that is being spread on this floor today. I can hardly believe my ears. Such a distinguished gentleman saying this would destroy the last standing rain forest of the great southeast Alaska, when there are 15 million acres already off limits to logging, and he has twice voted in this Congress to do so.

But we have lost 42 percent of our timber workers since the last act of this Congress on the Tongass in 1990.

This bill, as I suggested to the conference and the gentleman from Ohio [Mr. REGULA], is not everything I would want. In fact, this Tongass issue is truly a red herring. All we are asking in this agreement is to freeze a land base of 1.7 million acres, the amount of land agreed to in 1990 that would be available for timber over a 100-year period. The amendment says that the land base can no longer be taken away. And remember, we have 15 million acres of land available for wildlife and old growth habitat today. We are talking about a very small, tiny land base for timber.

Harvesting does not change, in fact, what can be harvested, does not increase at all under the provision. It does not tell the Forest Service what they can do, other than the fact it says "You can no longer take away any of that land base that we made available in two previous acts of Congress."

This, in fact, is further than I would have gone, but my senior Senator in fact has agreed to this. He sits on the conference. I am going to suggest, this conference report must pass.

I listened to the gentleman from Maryland [Mr. HOYER] yesterday saying "We can solve these problems if we just send the appropriation bills to the President." We are going to do that today. We will send him a bill that should be signed, a bill that does take care of the problem, a bill, in fact, that does keep a moratorium on mining, which the gentleman wishes to do. That is what he wanted.

This is good legislation, but I again would like to put to rest this constant misinformation, this constant fiction about the Tongass National Forest. We are talking about 1.7 million acres available for harvest but not cut, and we are talking about 15 million acres of rain forest unavailable for logging, 15 million acres for the future generations to study those great old trees and watch them become gray and fall down. We have already done that. Let us vote for this conference report. This is good legislation. Let us support the chairman.

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Mr. YATES. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York [Ms. SLAUGHTER].

Ms. SLAUGHTER. Mr. Speaker, today I rise in opposition to H.R. 1977, the Department of Interior appropriations for fiscal year 1996. As my colleagues all know, this is now the third time the House has considered this measure. Twice before, we sent it back to conferees and demanded that they place a moratorium on the sale of Federal lands for as little as $2.50 an acre. Today, we have a third try at the Interior conference report which could stop this giveaway temporarily, but still contains some dangerous provisions.

When I look at the conference provisions to eliminate the Bureau of Mines, I am dismayed that Congress is rushing to dismantle the agency. As a child in Harlan County, KY, I was aware of mine disasters regularly occurring with great loss of life. Mining is considered the most dangerous of jobs. It took President Franklin Roosevelt to care enough about working people to intervene and impose worker safety standards.

Now, deciding that businesses know better, the 104th Congress has already crippled worker safety programs in the Labor Department. Under this legislation today, we will approve eliminating the Bureau of Mines, and accept a vague promise that health and safety

research will be transferred to the Energy Department; itself slated to be demolished.

Another grave mistake in this conference report is the destruction of the NEA. When I see provisions to slash funding for the arts, I cannot understand the sense of this Congress to phase out an agency which costs about 64 cents a year per taxpayer and yields $3.4 billion a year in tax revenue. I urge my colleagues to realize how much economic growth results from a modest investment in the arts.

Just last week, an article in the New York Times described the annual storytelling festival held in Jonesborough, TN, which drew crowds from all 50 States and generated over $5 million in economic activity.

All across the country, cities and convention centers are forming partnerships with arts councils and museums, realizing the revenue possibilities with increased tourism.

In October, the White House Conference on Travel and Tourism devoted a day long session to cultural tourism, and the conference overwhelmingly agreed that arts and museum attractions were vital to any city's competition for tourists.

Besides the economic reasons to support the arts, we have to realize the arts' impact on our children's education. In a recent survey of public elementary and secondary schools conducted by the Department of Education, teachers and administrators viewed the arts, music, and creative writing as essential to a child's education. If we vote today to approve these cuts to the NEA, the educational and economic impact to our cities would be greater than we could ever imagine.

Mr. Speaker, a vote for the Interior appropriations bill sends a message that we approve of clearcutting and logging; that we accept rolling back protection for mine workers; and that we feel secure sacrificing Federal support for our Nation's cultural programs. Vote against this bill.

Mr. REGULA. Mr. Speaker, I yield 3½ minutes to the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Mr. Speaker, I rise in support of this conference report. We did not get it right the first two times. We have made some significant improvements this time.

Once again I want to extend my appreciation to Chairman REGULA, who did truly Herculean work in brokering this compromise. For weeks he engaged in a sort of shuttle diplomacy that would put Henry Kissinger to shame. He has my deepest appreciation.

We have heard a lot about the moratorium on the mining. That is a plus, because that moratorium is in this legislation. And I believe the language on the Tongass National Forest in this bill is a reasonable compromise. Certainly I would prefer that the bill have no Tongass provision at all, but I believe we needed to reach an agreement to move this appropriation forward, and it is a fair compromise.

The compromise removes the sufficiency language that would have insulated alternative P from legal challenges. That is an important victory for the environment.

The compromise removes the prohibition against setting up habitat conservation areas. That is an important victory for the environment.

The compromise removes the constraints on future planting in the Tongass, allowing science to determine the content of future forest management plans. That, too, is an important victory for the environment.

These are all important advances that will protect the forest from excessive logging and permit science to be the basis for future planning.

I want to emphasize that nothing in this bill in any way limits the ability of the Forest Service to make decisions about the future of the Tongass, including reducing the timber acreage or timber sale quantity. Science, that means peer review science conducted in line with standard scientific procedures. Science will determine those figures.

The managers' language makes clear that the Forest Service is empowered to continue with its planning, including filing a final environmental impact statement and record of decision.

The only limitation is that no revisions can be implemented before September 30, 1997. So this is a reasonable compromise.

And my good colleague and friend from Illinois with whom I worked closely on this issue has asked, where have the moderates gone? The moderates have gone into the conference room to sit down with all the players to work out something that makes sense, that protects the environment and gets us the progress we want. Those who oppose this conference report should consider the alternative, and that alternative is not very friendly to anyone, most likely a continuing resolution with lower funding and more restrictions. We do not want that.

I urge my colleagues to support this conference report, and I thank the distinguished gentleman from Ohio [Mr. REGULA], the chairman, He deserves our praise.

Mr. YATES. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Speaker, this is one of the clearest cut, so to speak, examples of corporate welfare that we see padded in our Federal budget.

What we have here is plain and simple, a recognition that while this bill goes about cutting a program to provide low-income people and moderate-income people weatherization funds which are cut by 47 percent, in the same bill we go back in and provide subsidies to the biggest lumber companies in this country, of hundreds of millions of dollars to go in so that they can cut down virgin trees in our most pristine areas of our national forests.

We use Forest Service employees to go in and identify trees, that then the big companies come in cut the trees down, take the trees over to Japan, they mulch them up into fiberboard, we bring them back, buy them in the United States, build our homes with Japanese-supported improvements on our own trees, and then what we do is send the bill to the American taxpayer.

We sit here on the House floor and watch time and time again while the Republican Party stands up and condemns black women on welfare, and yet when it comes to corporate welfare, all of a sudden they lose their tongues.

It is time for this country to come to grips with where the money goes in the Federal budget, whether or not we are willing to stand up to those that have and want more, or whether or not we want to provide a meager opportunity to those that are struggling to put their house in order and to try to be part of the American dream.

I think that this bill demonstrates when we start throwing hundreds of millions of dollars at the Tongass, the Tongass, the most pristine and most beautiful place that I have ever been in the United States of America, and we are extending the amount of land that the Tongass has to be allowed to be cut down by our lumber companies by a third in this bill.

Why would we possibly destroy America's forests and not come to grips with the cost to the American taxpayer?

Mr. REGULA. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. LEWIS], a member of the full committee.

Mr. LEWIS of California. Mr. Speaker, I very much appreciate my colleague yielding me the time.

I want to say to Chairman REGULA and his subcommittee members and staff that I know it has been a very difficult process finally putting this conference report together. I think the kind of work that has been done by our chairman in connection with making compromises can best be illustrated by pointing to a very serious problems that relates to the work that is being done in the California desert.

As all of your know, the last Congress, we spent many hours on this floor debating the future of the California desert. No small part of that debate centered around the fact that some of us were concerned that the Park Service was being asked to become the new managers of a region that they had very little experience in managing. The Park Service by statute is a single use agency. The desert, however, is unique area that for generations has a long and successful history of multiple use management.

I was very much concerned about the National Park Service's ability to handle these responsibilities. Indeed, we

have learned in recent months that they need a good deal more preparation for that management.

Let me share with my colleagues an unfortunate problem that developed recently. The Park Service, in classic form, decided to run their new responsibilities at the Mojave Preserve in a single purpose fashion. In doing so, they essentially excluded many volunteer wildlife organizations that had been very helpful in managing the California desert. The California Department of Fish and Game was excluded as were volunteers from the Society for the Conservation of Bighorn Sheep. These volunteers have worked for years to build a fantastic success story in dealing with the bighorn sheep. Unfortunately, the Park Service excluded them from the Mojave Preserve. As a direct result of Park Service mismanagement, water guzzlers that were voluntarily developed in conjunction with the Bureau of Land Management and the California Department of Fish and Game to help build up our bighorn sheep population malfunctioned. As a result of restricted access by the Park Service, 38 bighorn sheep were killed.

What that really means is our efforts to build that herd up to some 2,000 animals by the year 2000 probably has been undermined because of frankly a lack of experience on managing a multipurpose area.

There is absolutely no doubt that this bill begins to meet that challenge by directing the Park Service to rethink where they have been, come forward with a management plan that will recognize the traditional multiple uses of the Mojave region so that we can save the wildlife success stories that we have had in the eastern Mojave Desert.

Mr. YATES. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, this bill started out terrible and it is slowly getting better. I think maybe the third time is the charm, although I still do not support it because I still believe it is a bad bill that undercuts essential American efforts, it is still environmentally unsound, although incrementally getting better thanks to the efforts of Democrats, being joined by a few moderate Republicans.

However, this bill still savages the National Endowment for the Humanities and the National Endowment for the Arts and still contains language that on its own merit, the Helms language, would not pass even this Congress because it is unconstitutional. But the bill is getting better.

I want to commend both sides for adding funds for Native Americans. Frankly the Democrats embarrassed the Republicans into putting this additional money in here and even though it is not enough, it improves the bill.

I want to take a moment now, however, to mention a matter of great importance to my constituents in Montana and also other Americans. The Senate is going to place in the report, Senate committee report, language which, although it does not have the force of law, is very disturbing. The Senate report language represents an attempt to discourage the efforts of our Secretary of Agriculture to protect the best wild places left in the northern Rocky Mountains in Montana.

Secretary Glickman, a number of weeks ago, announced his intention to issue a directive which will protect the wildest remaining roadless lands in Montana. Those are lands, by the way, which just a year and some ago this House voted overwhelmingly to place in wilderness.

In the last session of Congress, the House voted to place 1.7 million acres of Montana's wildest remaining roadless lands in wilderness. Secretary Glickman is determined, on behalf of President Clinton, to follow the intention of that Congress in which 308 members voted to provide ultimate protection to those wild lands.

Those lands are now under threat. They are under threat from oil and gas leasing, they are under threat from green harvest, most particularly under threat from the salvage sale because of the bill that was supported, sadly, by a majority in this House and Senate.

□ 1500

Those areas are now under threat of being roaded, blasted and gouged. Secretary Glickman has announced his intention to issue an order protecting those areas under his discretion as Secretary of Agriculture until finally both the House and Senate can move, as the House did, alone, in the last Congress.

The Senate report language, in effect, asks the Secretary of Agriculture not to do that, asks that development go ahead in this the last best place of America.

I simply want the RECORD to show that in the last Congress by a vote of almost 3 to 1. This House voted that those areas receive the ultimate protection of wilderness and I am convinced that this Congress might do no less if it had the opportunity.

Mr. REGULA. Mr. Speaker, I yield 2 minutes to the gentleman from West Virginia [Mr. RAHALL].

Mr. RAHALL. Mr. Speaker, as the old saying goes,three times is a charm. This is the third time this body is considering the conference report on the fiscal year 1996 Interior appropriation.

And, by golly, this time they have finally got it right, at least, as right as they'll ever get it in terms of maintaining the moratorium on the issuance of mining claim patents.

This version of the conference agreement basically extends the moratorium on the Interior Department issuing mining claim patents that was in place during fiscal year 1995.

In recognition that some patent applications are far enough along the process where the right to a patent may have vested, as with the fiscal year 1995 moratorium, the pending language grandfathers those claims.

While I would prefer to see no patents issued, I cannot quarrel with this grandfather provision as it is aimed at protecting the taxpayer from expensive takings claims.

I also would prefer not to see language in the moratorium requiring an expedited processing of the grandfathered claims. Frankly, the deadline set in the legislation will be impossible for the Department to meet so I do not place a great deal of weight on it.

I am going to support this conference agreement. I am not enthused about the Tongass provision or the Mount Graham telescope language.

I strongly support the designation of Yellowstone National Park as a world heritage site in danger, and note that the conferees simply wrote report language against this proposal. This report language does not carry the weight of law.

And finally, if I had my preference, the appropriations for the Office of Surface Mining and the National Park Service would be a lot different than what is contained in this bill.

However, in light of the fact that the conferees have finally addressed the important issue of mining claim patents in a suitable fashion, and that we must provide funding for the many important programs within the Interior Department, I intend to support this conference agreement although not the bill I would have written, but then rarely is a bill so written.

Mr. Speaker, I do strongly commend the gentleman from Ohio [Mr. REGULA], the subcommittee chairman, as well as the ranking member, the gentleman from Illinois [Mr. YATES], for their years and years of dedicated effort to try to enact true mining law reform, and absent that we have had to go along with this moratorium as it exists, and as it exists in this particular bill, I will support it.

Mr. YATES. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I yield myself this time to bring to the attention of the House the letter I have just received from the Executive Office of the President, OMB, dated December 13, 1995, relating to H.R. 1977, the Department of Interior and related agencies appropriations bill, and I quote:

This statement of administration policy provides the administration's views on H.R. 1977, the Department of the Interior and related agencies appropriations bill, FY 1996, as approved in conference December 12, 1995.

In the November 6, 1995, statement of administration policy to the House, the administration identified the most troublesome provisions in the original conference report with the goal of arriving at a bill that serves specific vital interests and that could be signed by the President.

Regrettably, the third conference report does not adequately address the significant funding shortfalls and objectionable legislative riders. If the bill, as approved by the third conference, were it presented to the President, he would veto it. With few exceptions, the issues that were identified in the November 6 statement of administration policy remain serious problems and are described below.

And there are three pages of objections.

Mr. Speaker, I am including the full statement of administration policy as a part of the RECORD at this point.

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, December 13, 1995.

STATEMENT OF ADMINISTRATION POLICY

(This statement has been coordinated by OMB with the concerned agencies.)

H.R. 1977—DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, FY 1996

Sponsors: Livingston (R) Louisiana; Regula (R) (Ohio).

This Statement of Administration Policy provides the Administration's views on H.R. 1977, the Department of the Interior and Related Agencies Appropriations Bill, FY 1996, as approved in conference on December 12, 1995. Your consideration of the Administration's views would be appreciated.

In the November 6, 1995, Statement of Administration Policy to the House, the Administration identified the most troublesome provisions in the original conference report with the goal of arriving at a bill that serves specific, vital interests and that could be signed by the President.

Regrettably, the third conference report does not adequately address the significant funding shortfalls and objectionable legislative riders. If the bill, as approved by the third conference, were presented to the President, he would veto it. With few exceptions, the issues that were identified in the November 6th Statement of Administration Policy remain serious problems and are described below.

Funding Issues

While the Administration appreciates the $50 million in funding restored for the Bureau of Indian Affairs and the Indian Health Service, this additional funding falls short of the levels needed to maintain these important programs. In addition, the third conference has done nothing to restore funds for the Department of Energy's (DOE's) energy conservation programs.

The Bureau of Indian Affairs (BIA) budget has been increased in the third conference $25 million above the previous conference level. That would still leave the program $111 million short of the House mark and $159 million below the FY 1995 enacted level. The most significant effect of this action remains the crippling reductions targeted at tribal priority allocation programs, which support essential tribal government, law enforcement, housing improvement, general assistance, Indian child welfare, adult vocational training, road maintenance, and other basic reservation services. The Administration's view is that funding must be restored more substantially for these programs.

DOE's energy conservation programs are still funded at a net level of $536 million. There has been no increase from the first or second conference levels. This funding level is $187 million, or 26 percent, below the net FY 1995 enacted level of $723 million, and 38 percent below the President's request. Funding for these programs must be restored significantly in order to reach acceptable levels.

In addition to the satisfactory resolution of the language issues addressed below, the President will not sign an Interior appropriations bill unless funding for these programs is significantly restored without harming in other high-priority programs or unless there is an overall agreement between the Congress and the Administration on budget priorities that addresses the Administration's fundamental concerns about spending priorities both in this bill and elsewhere.

Language Issues

The conference committee has made few changes to the numerous legislative riders in the bill that the Administration finds seriously objectionable. Except for the continuation of the existing mining patent moratorium, the riders that were cited in the November 6th Statement of Administration Policy has not been significantly improved in the third conference. These provisions are so seriously flawed that the Administration sees no way to remedy them, short of removing them altogether. The most serious problems are:

The Tongass (Alaska) forest management provisions. These provisions would dictate the use of the current forest plan for FY 1996 and FY 1997, require unsustainable timber sale levels, and not allow the plan to be updated during this period;

The Interior Columbia River Basin provision. This provision would continue to impede implementation of the comprehensive plan for management of public lands by prohibiting the publication of the final Environmental Impact Statement or Record of Decision and limiting the contents to exclude information on fisheries and watersheds, although it would extend by 90 days the due date for the assessment project. The provision would risk a return to legal gridlock on timber harvesting, grazing, mining, and other economically desirable activities;

Bill language that provides $500,000 from available funds for the National Park Service (NPS) to develop the Mojave National Preserve's management plan. This provision would still limit funding to $1 for NPS land management operations within the Preserve, while providing $599,000 for operational funding to be managed by the Bureau of Land Management (BLM). Report language adopted by the third conference calling for more studies by the Park Service, and prohibiting any transfer of funds to NPS to augment operations, does not change the fact that the Preserve would be starved of funding, and the purposes of the California Desert Act would be undercut; and

No change in language from the first conference in a rider to make permanent the protocol for identification of marbled murrelet nests that was included in the FY 1995 rescission bill, thereby eliminating normal flexibility to use new scientific information as it develops.

In addition, the Administration has previously expressed concern about other legislative riders, including the moratorium of future listings and critical habitat designations under the Endangered Species Act, the Department of Energy efficiency standards one-year moratorium, and the provision affecting the Lummi Tribe and seven other self-governance tribes in Washington State.

An additional funding issue concerns the severe cuts (nearly 40 percent) to the National Endowment for the Arts (NEA) and the National Endowment for the Humanities (NEH). These significantly reduced funding levels would jeopardize NEA's and NEH's ability to continue to provide important cultural, educational, and artistic programs for communities across America.

Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I rise in opposition to this Interior appropriation bill. Unfortunately, what has occurred here as we have marched through 3 months of off and on floor consideration of this Interior appropriation is that the House has on two occasions, on one occasion by over a 2-to-1 vote, sent this back to conference because of the mining patent problems, has sent it back to conference because of the Tongass language, and not only has the conference not dealt effectively with those issues, they have made some cosmetic changes in terms of them, but the substance and thrust of them, the effect that they would have in terms of the policy initiatives, remains intact, that it is and remains intact in terms of its micromanagement and, of course, according to the mineral rights and patents of the various claims that were filed before 1994. The effect is to make the effect of having a moratorium on mining patients null and void in this insofar as anything that occurred before September 30, 1994. That is probably the ball game. That is the ball game in terms of what is going on.

In the Tongass, the national forest bill modified the language but the levels of timber, 418 million board feet out of the Tongass, is exactly what the language was before. It may be modified in some respects, but it has the same effect.

Worst than that, Mr. Speaker, it seems like this measure has become a moving target, this particular legislation, and I lament that it has become a moving target to attach any legislative matters that the Republican majority thinks that they need to get done, they do not want to have considered or voted on the floor in an up-or-down vote and debated in an open way.

We have maintained log exports from the Northwest, regulations limiting log exports from the Pacific Northwest is set aside. There is authorizing law; a designation of the Vancouver national historic site, an issue that is being and should be considered in the resources authorizing committee. It has changes in the Columbia River Basin assessment. It has new National Park Service authorities. It has managers' language in terms of what the park service may do with regard to the protection of Yellowstone, one of the crown jewels of the National Park System in terms of how we can protect the areas around it because there is development in terms of goldmining and that is going to affect the watersheds and this national park. This legislation bars protection or action to monitor.

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And so apparently that is of paramount concern to the new majority to protect that degradation of Yellowstone National Park in this legislation.

It talks about wilderness designation and limiting such designation to law. I always thought we legislated wilderness designation. Apparently, at best this measure is the redundant reiteration of the self-evident with regard to what we do with wilderness designation, but I do not know what the language does, or its purpose.

Far more, it goes on to keep all the other riders and limitations preventing the Secretary to exercise his stewardship responsibilities with regard to grazing, preventing the Secretary from trying to attain the recordation of roads and the degradation of the environment.

This bill deserves to be defeated once more today because it has grown worse, not better, in the bad faith effort on the part of the Republican majority party. Today they point to the date and the pressure to enact funding for the departments and agencies in this measure, but the basis for not acting to pass this measure in October or November have not changed. The mining provisions have not changed, the Tongass timber language retains all the limits on the ability to reasonably regulate grazing, road rights of ways and the Endanged Species Act persist in this measure and to add insult to injury the measure piles on new riders and limits—it was not right in September, October, or November and even this crock of December does not justify and warrant passing an appropriation that has grown worst with age not better.

Mr. REGULA. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana [Mr. LIVINGSTON], the distinguished chairman of the full committee.

Mr. LIVINGSTON. Mr. Speaker, I want to thank my friend, the gentleman from Ohio, for his incredible patience in working this bill through. This is the third time we have tried to get this through the House, and as the gentleman who preceded me in the well has vigorously pointed out, some people are never going to be satisfied with this bill. He is not, and there will be others who will vote against it.

But we have massaged this bill under the leadership of the gentleman from Ohio. He has worked with the environmentalists. He has worked with the people in the West who are concerned about mining. He has worked with the people in Alaska who are concerned about the Tongass and the environmentalists who are concerned about the same issue on the other side. We have worked with people concerned about the Mohave Desert, and one issue after another, and we have brought them together in the spirit of compromise. That is the legislative process.

The Senate and the House have come together, Republicans and Democrats have come together to agree. Liberals and conservatives, environmentalists and other people who may not consider themselves quite within the environmental mode, all of these people have come together, and today is the day.

The bill did not pass the first time, because one group or another was unhappy. The bill did not pass the second time because other people were unhappy. Today, for crying out loud, let us pass this bill. Send it to the Senate and send it to the President for his signature, yes, for his signature. I know he is threatening a veto, as the gentleman from Illinois has pointed out, but he threatened a veto on the defense bill, too, and he ended up letting that become law.

This is as good a bill as we can get. We have got all the interests competing. We have worked, we have massaged, and we have tried to mold this bill and satisfy everyone's concerns. It is a reasonable bill. It is a good bill. The President of the United States should sign it into law.

I urge the adoption of this conference report.

Mr. Speaker, earlier the technical 602(b) violation was discussed. I just want to make clear the committee is well within its overall 602 allocation. This particular subcommittee's subdivision however is in technical violation of the so-called 602(b) at this time. The committee has not had an opportunity to revise its latest allocation to shift the necessary funds into the Interior subcommittee. In order to make this new conference report comply with the allocation we will have to shift some $22 million in budget authority and some $36 million in outlays. Even with this shift in funds the committee's domestic allocation would still be some $2.1 billion in budget authority below the ceiling and some $570 million in outlays below the ceilings.

The committee has always stayed within its overall allocation, and will redirect the funds accordingly.

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

Mr. Speaker, Members, my colleagues, this is a good bill. We have addressed your concerns. You have heard the gentleman from New York [Mr. BOEHLERT] speak and the gentleman from Alaska [Mr. YOUNG] who had some differences on the Tongass and on mining, and they both agreed that this represents a reasonable compromise, as was clearly pointed out by the chairman.

I would just point out, also, that in terms of the Tongass, we have reduced the cut from 450 million board feet to 418 and as a practical matter, it will be about 310.

Likewise, we have addressed the mining concerns. The issues that were in the recommittals, I think, have been very thoroughly addressed, and this is quite evident by the fact that the people who have an interest on both sides have spoken in favor of this bill.

Also, I would address the question the President raises in his message about not enough money is being spent. Well, obviously earlier we heard that it was a budget buster. Now, I think that message is a bit in conflict. The truth of the matter is it is a responsible bill, and it does reduce spending, but it uses the funds available in a very prudent way.

As far as the Bureau of Indian Affairs, we have addressed the needs of education, of health. We are actually above the President's request in one of his last statements.

Overall I think that we have a very good bill. I think it is important we get this down to the White House, and I hope that they would sign this so that the 130,000 people that serve all of us in the parks and forests can get on with the job and serve the American people in the way that they would like.

Let me strongly urge the members on both sides to reject the recommittal motion which will be again on the Tongass. We have already, as you have heard from other speakers, we have addressed the problems in the Tongass. Let us reject the recommittal motion and pass the bill.

Mr. FAZIO. Mr. Speaker, once again, I cannot support this Interior appropriations conference agreement, It is a bad deal. Not only are the mining provisions a sham, but once again the bill is a back door attempt to repeal the California Desert Protection Act.

In addition to retaining the $1 limit on the Park Service budget to manage the Mojave Preserve, this version goes even further by capping their planning money as well. While this third attempt provides a nominal increase to $500,000 in planning money, it does nothing to restore the protections needed to ensure the park is properly maintained.

When Congress passed the California Desert Protection Act, it placed much of California's desert wilderness under the jurisdiction of the National Park Service. This provided much greater environmental protection than previously afforded under the Bureau of Land Management.

Last year the National Park Service improved visitor services, resource protection, and law enforcement in the Mojave resulting in significantly increased visitation and revenues for the surrounding communities. During the 14 years that the BLM managed the Mojave as a national scenic area, open pit mining, motorcycle races, and general environmental degradation led to widespread protest.

I understand my good friend and colleague Mr. LEWIS' concern that the Park Service not become overzealous in its oversight of the preserve. However, even the local chamber of commerce has conceded that the new management of the park has enhanced tourism and made the Mojave more enjoyable for everyone. They endorse the changes made by the California Desert Protection Act and oppose the language in this appropriations measure. Not only is the BLM funding level for the preserve inadequate in this measure—a mere $600,000—but the Park Service's ability to devise a plan to manage the preserve in

the future is severely restricted both in dollars and in time. Unless a plan is devised in the next few months, management of the Mojave will in all probability stay in BLM clutches.

I urge my colleagues to once again send the message on this measure that major policy changes affecting the environment—regarding both mining and the Mojave—should be conducted through an open and deliberative legislative process, not shortcutted through the appropriations bills. Vote "no" on the Interior appropriations conference report.

Mr. MARKEY. Mr. Speaker, I rise in strong opposition to the conference report on Interior and related agencies appropriations.

There are a number of reasons to oppose this ill-conceived legislation, and I have discussed some of them in previous debates on this bill. Today, I would like to focus on one shortcoming that is particularly disturbing about the legislation, and that is its failure to provide adequate funding for energy efficiency programs at the Energy Department.

DOE's efficiency programs support the development of new energy efficient technologies that prevent pollution, create jobs, make our economy more competitive, and save consumers precious dollars. Unfortunately, the Republican majority has elected to slash funding for our energy efficiency efforts by 28 percent from the fiscal year 1995 enacted budget.

Of particular concern is the nearly 50 percent cut in low-income weatherization assistance. This program leverages over $100 million in outside money, enabling low-income Americans to better handle winter and summer energy costs. Because of these debilitating cuts, many thousand fewer homes will become energy efficient this year.

President Clinton has vowed to veto the fiscal year 1996 Interior appropriations bill if and when a conference report clears the Congress. A recent statement of administration policy on the Interior bill stated that, "Funding for [energy efficiency] programs must be restored significantly in order to reach acceptable levels." I strongly encourage the President to stand firm on his commitment to energy efficiency as a solution which protects the environment and helps the economy.

The President is quite right to criticize this legislation for failing to adequately fund the energy conservation programs within the DOE. The level of funding in H.R. 1977 is inadequate to carry on the important work of these programs.

Many House Members continue to support the President's position on this matter. I urge defeat of the conference report and request that the attached letter to the President, which was signed by 68 House Members, be included in the RECORD.

CONGRESS OF THE UNITED STATES,
Washington, DC, December 6, 1995.

Re H.R. 1977—energy conservation programs

Hon. WILLIAM J. CLINTON,
The President, The White House

DEAR MR. PRESIDENT: We want to take this opportunity to strongly endorse the Statements of Administration Policy of November 7, 1995 and October 19, 1995, in which you indicated that the Department of Interior and Related Agencies Appropriations Bill for Fiscal Year 1996 (H.R. 1977) should and would be vetoed for a variety of reasons. We share your concern that this legislation does not adequately fund the energy conservation programs within the Department of Energy (DOE).

The funding level for these programs of $553 million is identical to the first conference report funding level and remains $215 million (or 28 percent) below fiscal year 1995 appropriations and 38 percent below your budget request.

We believe that this level of funding is inadequate to carry on the important work of these programs. As you know, DOE's energy conservation programs help every American by saving consumers precious dollars, making the economy more efficient and internationally competitive, and improving the environment by preventing pollution. These programs largely work with the private sector to develop and deploy new and more efficient technologies, as well as saving energy on the local level through state energy conservation programs (SECP) and low-income weatherization. We concur with OMB Director Alice Rivlin's statement that "funding for these programs must also be restored significantly to reach acceptable levels."

The approximately 50 percent reduction in funding for low-income weatherization and SECP is of special concern to us. Many thousand fewer homes will receive economically empowering energy efficiency improvements this winter because of the proposed Congressional cuts.

We applaud your continuing leadership in this area and stand ready to support you in insisting on a strong federal energy efficiency program.

Sincerely,

Edward J. Markey; Sidney R. Yates; Frank Pallone, Jr.; Martin Olav Sabo; Barney Frank; John D. Dingell; Joe Moakley; Vic Fazio; Ronald V. Dellums; John W. Olver; Jerrold Nadler; Patrick J. Kennedy; Lucille Roybal-Allard; Bernard Sanders; Dale E. Kildee; Alcee Hastings; Sam Farr; James P. Moran; Earl Hilliard; Maurice Hinchey; Jim McDermott; Robert T. Matsui; Harry Johnston II; James A. Traficant; Carolyn Maloney; Nita M. Lowey; Ike Skelton; Charles E. Schumer; Thomas J. Manton; John Lewis; William Clay; José Serrano; Anthony C. Beilenson; Lane Evans; Gerry E. Studds; Sam Gejdenson; Jack Reed; Nydia Velazquez; Ed Towns; John Conyers; Richard E. Neal; George E. Brown, Jr.; Rosa DeLauro; Ed Pastor; Peter DeFazio; David E. Skaggs; Sherrod Brown; Eliot Engel; Tom Barrett; Bill Richardson; Elizabeth Furse; Sander Levin; Henry Waxman; George Miller; James Oberstar; Ron Wyden; Louis Stokes; Louise Slaughter; Lynn Rivers; Bruce Vento; Earl Pomeroy; Barbara Kennelly; Major Owens; Patricia Schroeder; David R. Obey; Benjamin L. Cardin; David Bonior; Tim Johnson.

Mr. MILLER of California. Mr. Speaker, I rise in strong opposition to this conference report.

There are many reasons to vote against this report, and there are lots of reasons for the President to veto this bill, which he certainly will in its present form.

Let me focus on just one of the important reasons why Members should vote against the conference report and that is because of the language which will lead to increased Federal spending and accelerated logging in the Tongass National Forest.

On November 15, the House voted 230 to 199 to instruct the conferees to drop the Tongass logging rider from this legislation. They haven't done that. What they have done instead is to return to the floor with a cosmetic coverup of more taxpayer subsidies for clearcutting this rainforest.

As one of the architects of the Tongass Timber Reform Act of 1990, I can assure you that this rider is offensive to the goal of that act, which was to modernize forest management. This rider tries to turn the clock back to the days when subsidized clearcutting took priority over all other uses of the forest.

The Tongass rider requires that an outdated, scientifically discredited draft timber plan shall govern management of the National Forest for the next 2 years. What that means is that logging is authorized at a rate of 418 million board feet per year, 100 million board feet over the historic average. Even though the Forest Service already has a solid scientific basis and has rejected this plan as allowing an unsustainable, environmentally destructive rate of harvest, the rider would impose the plan by congressional edict for 2 years.

To add further insult, the rider has sufficiency language which is intended to overturn environmental lawsuits applying to existing sales.

Even at current rates of logging, the Tongass has the Nation's most heavily subsidized timber program. According to GAO, between 1992 and 1994, the cash flow deficit to the Treasury was $102 million. If we adopt this rider, losses to the Treasury could increase by another $18 million annually.

And what are we getting for the taxpayer's money? We're taking 400-year-old trees from the rainforest and turning them into pulp. I don't recall that provision being in the Republican Contract With America.

I do recall that during the timber salvage sale debate on the rescissions bill last March, Members were told that the amendment jointly applied to dead, dying, and burnt trees. What has happened is that we got a lot more than we were told about, including cutting of healthy, green old-growth timber in the Northwest.

Don't get fooled again. Vote against this conference report.

Mrs. SMITH of Washington. Mr. Speaker, I rise in support of this conference report. While this bill contains many important elements for natural resource dependent communities, I want to highlight one very important provision that was included in the conference committee yesterday by Senator GORTON.

This provision calls for the National Park Service to extend the lease at Pearson Airpark in the city of Vancouver past the year 2002. This is a key element in my legislation (H.R. 2172) to create the Fort Vancouver National Historic Reserve. While I anticipate that my legislation will pass the House next year, I am supportive of efforts to expedite the process with respect to Pearson Airpark. The designation of the Fort Vancouver National Historic Reserve will, of course, go through the normal authorizing process.

It was important to expedite the extension of the lease to give the city of Vancouver and the M.J. Murdock trust the certainty they need to forge ahead with the construction of the Murdock Aviation Museum. This will be a

Smithsonian quality museum that will highlight the rich aviation history in the city of Vancouver. This legislation will go a long way to making this museum a reality.

I urge my colleagues to support this conference report.

Mr. SMITH of Texas. Mr. Speaker, I am pleased to rise in strong support of the conference report on the Department of the Interior Appropriations Act. This appropriations bill contains a moratorium on new listings of endangered or threatened species or new designations of critical habitat under the Endangered Species Act. This moratorium is based on my Farm, Ranch and Homestead Protection Act.

The Endangered Species Act has destroyed the rights of hardworking, taxpaying American families for the sake of blind cave spiders, fairy shrimp, and golden-cheeked warblers. Until Congress reauthorizes the Endangered Species Act to balance the rights of landowners and common sense with environmental concerns, we must protect American landowners by putting regulators on a leash. This amendment would extend the regulatory moratorium on listing of endangered or threatened species or designation of critical habitat until Congress reauthorizes the Endangered Species Act.

Miss COLLINS of Michigan. Mr. Speaker, we must recognize mining subsidies for what they are—corporate welfare. In light of the several extremist appropriation bills put before this Congress, cutting back essential programs that improve the quality of life for all Americans; we cannot spend another tax dollar to give big businesses a free ride. This Congress cannot with a clear conscience, stop assisting mothers with buying milk for their infants; while at the same time giving away more than $15 billion worth of publicly owned minerals. How can we claim not to find the funds to protect elderly citizens from going into complete poverty because of out of pocket medical expenses, yet we can give away precious minerals at bargain basement prices?

To eliminate programs that meet human needs and that provide tangible results, under the guise of conserving Government funds, without terminating wasteful programs such as mining subsidies, is hypocritical. This is yet another example of the butchery of social and environmental progress, while corporate welfare is being spared the budget ax. To allow this hypocrisy is not only fiscally irresponsible, it is unforgivable. The American voters will not forget.

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

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

The SPEAKER pro tempore (Mr. LAHOOD). Without objection the previous question is ordered on the conference report.

There was no objection.

MOTION TO RECOMMIT OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the conference report?

Mr. YATES. Mr. Speaker, very much.

The SPEAKER pro tempore. The clerk will report the motion.

The clerk read as follows:

Mr. YATES moves to recommit the conference report on the bill H.R. 1977 to the committee of conference with instructions to the managers on the part of the House to insist on the House position on the amendment of the Senate numbered 108. In order to protect the Tongass National Forest from increased timber harvests.

□ 1515

The SPEAKER pro tempore (Mr. LAHOOD). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

Mr. YATES. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 187, nays 241, not voting 4, as follows:

[Roll No. 853]

YEAS—187

Abercrombie	Fattah	Markey
Ackerman	Fazio	Martinez
Andrews	Fields (LA)	Mascara
Baesler	Filner	Matsui
Baldacci	Flake	McCarthy
Barcia	Foglietta	McDermott
Barrett (WI)	Ford	McHale
Becerra	Frank (MA)	McKinney
Beilenson	Frost	McNulty
Bentsen	Furse	Meehan
Berman	Gejdenson	Meek
Bevill	Gephardt	Menendez
Bishop	Geren	Mfume
Bonior	Gibbons	Miller (CA)
Borski	Gonzalez	Minge
Boucher	Gordon	Mink
Browder	Green	Moakley
Brown (CA)	Gutierrez	Mollohan
Brown (FL)	Hall (OH)	Moran
Brown (OH)	Hamilton	Morella
Bryant (TX)	Harman	Murtha
Cardin	Hastings (FL)	Nadler
Chapman	Hefner	Neal
Clay	Hilliard	Oberstar
Clayton	Hinchey	Obey
Clement	Holden	Olver
Clyburn	Hoyer	Ortiz
Coleman	Jackson-Lee	Owens
Collins (IL)	Jacobs	Pallone
Collins (MI)	Jefferson	Pastor
Conyers	Johnson (SD)	Payne (NJ)
Costello	Johnson, E. B.	Payne (VA)
Coyne	Johnston	Pelosi
Cramer	Kanjorski	Peterson (FL)
Danner	Kaptur	Pomeroy
de la Garza	Kennedy (MA)	Poshard
DeFazio	Kennedy (RI)	Rahall
DeLauro	Kennelly	Rangel
Dellums	Kildee	Reed
Deutsch	Kleczka	Richardson
Dicks	Klink	Rivers
Dingell	LaFalce	Roemer
Dixon	Lantos	Rose
Doggett	Levin	Roybal-Allard
Dooley	Lewis (GA)	Rush
Doyle	Lincoln	Sabo
Durbin	Lipinski	Sanders
Engel	Lofgren	Sawyer
Eshoo	Lowey	Schroeder
Evans	Luther	Schumer
Farr	Maloney	Scott
Serrano	Thompson	Waters
Sisisky	Thornton	Watt (NC)
Skaggs	Thurman	Waxman
Skelton	Tiahrt	Williams
Slaughter	Torres	Wilson
Spratt	Torricelli	Wise
Stark	Towns	Woolsey
Stokes	Vento	Wyden
Studds	Visclosky	Wynn
Stupak	Volkmer	Yates
Tanner	Walsh	
Taylor (MS)	Ward	

NAYS—241

Allard	Frisa	Nethercutt
Archer	Funderburk	Neumann
Armey	Gallegly	Ney
Bachus	Ganske	Norwood
Baker (CA)	Gekas	Nussle
Baker (LA)	Gilchrest	Orton
Ballenger	Gillmor	Oxley
Barr	Gilman	Packard
Barrett (NE)	Goodlatte	Parker
Bartlett	Goodling	Paxon
Barton	Goss	Peterson (MN)
Bass	Graham	Petri
Bateman	Greenwood	Pickett
Bereuter	Gunderson	Pombo
Bilbray	Gutknecht	Porter
Bilirakis	Hall (TX)	Portman
Bliley	Hancock	Pryce
Blute	Hansen	Quillen
Boehlert	Hastert	Quinn
Boehner	Hastings (WA)	Radanovich
Bonilla	Hayes	Ramstad
Bono	Hayworth	Regula
Brewster	Hefley	Riggs
Brownback	Heineman	Roberts
Bryant (TN)	Herger	Rogers
Bunn	Hilleary	Rohrabacher
Bunning	Hobson	Ros-Lehtinen
Burr	Hoekstra	Roth
Burton	Hoke	Roukema
Buyer	Horn	Royce
Callahan	Hostettler	Salmon
Calvert	Houghton	Sanford
Camp	Hunter	Saxton
Canady	Hutchinson	Scarborough
Castle	Hyde	Schaefer
Chabot	Inglis	Schiff
Chambliss	Istook	Seastrand
Chenoweth	Johnson (CT)	Sensenbrenner
Christensen	Johnson, Sam	Shadegg
Chrysler	Jones	Shaw
Clinger	Kasich	Shays
Coble	Kelly	Shuster
Coburn	Kim	Skeen
Collins (GA)	King	Smith (MI)
Combest	Kingston	Smith (NJ)
Condit	Klug	Smith (TX)
Cooley	Knollenberg	Smith (WA)
Cox	Kolbe	Solomon
Crane	LaHood	Souder
Crapo	Largent	Spence
Cremeans	Latham	Stearns
Cubin	LaTourette	Stenholm
Cunningham	Laughlin	Stockman
Davis	Lazio	Stump
Deal	Leach	Talent
DeLay	Lewis (CA)	Tate
Diaz-Balart	Lewis (KY)	Tauzin
Dickey	Lightfoot	Taylor (NC)
Doolittle	Linder	Tejeda
Dornan	Livingston	Thomas
Dreier	LoBiondo	Thornberry
Duncan	Longley	Torkildsen
Dunn	Lucas	Traficant
Edwards	Manton	Upton
Ehlers	Manzullo	Vucanovich
Ehrlich	Martini	Walker
Emerson	McCollum	Wamp
English	McCrery	Watts (OK)
Ensign	McDade	Weldon (FL)
Everett	McHugh	Weldon (PA)
Ewing	McIntosh	Weller
Fawell	McKeon	White
Fields (TX)	Metcalf	Whitfield
Flanagan	Meyers	Wicker
Foley	Mica	Wolf
Forbes	Miller (FL)	Young (AK)
Fowler	Molinari	Young (FL)
Fox	Montgomery	Zeliff
Franks (CT)	Moorhead	Zimmer
Franks (NJ)	Myers	
Frelinghuysen	Myrick	

NOT VOTING—4

McInnis Velazquez
Tucker Waldholtz

□ 1535

The Clerk announced the following pair:

On this vote:

Ms. Velázquez for, with Mr. McInnis against.

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

Ms. WATERS and Messrs. FARR, BERMAN, CHAPMAN, and PETERSON of Florida, changed their vote from "nay" to "yea".

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the conference report.

Pursuant to the provisions of clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 244, nays 181, not voting 7, as follows:

[Roll No. 854]

YEAS—244

Allard Dickey Houghton
Archer Dicks Hunter
Armey Doolittle Hutchinson
Bachus Dornan Hyde
Baker (CA) Doyle Inglis
Baker (LA) Dreier Istook
Ballenger Duncan Johnson (CT)
Barr Dunn Johnson, Sam
Barrett (NE) Edwards Jones
Bartlett Ehlers Kasich
Barton Ehrlich Kelly
Bass Emerson Kim
Bateman English King
Bereuter Ensign Kingston
Bilbray Everett Klug
Bilirakis Ewing Knollenberg
Bishop Fawell Kolbe
Bliley Fields (TX) LaHood
Blute Flanagan Largent
Boehlert Foley Latham
Boehner Forbes LaTourette
Bonilla Fowler Laughlin
Bono Fox Lazio
Brewster Franks (CT) Leach
Brownback Franks (NJ) Lewis (CA)
Bryant (TN) Frelinghuysen Lewis (KY)
Bunn Frisa Lightfoot
Bunning Funderburk Lincoln
Burr Ganske Linder
Burton Gekas Livingston
Buyer Geren LoBiondo
Calvert Gilchrest Longley
Camp Gillmor Lucas
Canady Gilman Manzullo
Castle Goodlatte Martini
Chabot Goodling Mascara
Chambliss Gordon McCollum
Christensen Goss McCrery
Chrysler Graham McDade
Clinger Greenwood McHugh
Coble Gunderson McIntosh
Coburn Gutknecht McKeon
Collins (GA) Hall (TX) McNulty
Combest Hansen Metcalf
Cooley Hastert Meyers
Cox Hastings (WA) Mica
Crane Hayes Miller (FL)
Crapo Hefley Molinari
Cremeans Heineman Mollohan
Cunningham Herger Montgomery
Danner Hilleary Moorhead
Davis Hobson Murtha
Deal Hoekstra Myers
DeLay Hoke Myrick
Diaz-Balart Horn Neal
Nethercutt Royce Tate
Ney Salmon Tauzin
Norwood Sanford Taylor (NC)
Nussle Saxton Thomas
Orton Scarborough Thornberry
Oxley Schaefer Torkildsen
Packard Schiff Traficant
Parker Seastrand Upton
Paxon Shadegg Vucanovich
Pickett Shaw Walker
Pombo Shays Walsh
Porter Shuster Wamp
Portman Sisisky Watts (OK)
Pryce Skeen Weldon (FL)
Quillen Smith (MI) Weldon (PA)
Quinn Smith (NJ) Weller
Radanovich Smith (TX) White
Rahall Smith (WA) Whitfield
Ramstad Solomon Wicker
Reed Souder Wise
Regula Spence Wolf
Riggs Stearns Young (AK)
Roberts Stenholm Young (FL)
Rogers Stockman Zeliff
Rohrabacher Stump Zimmer
Ros-Lehtinen Talent
Roukema Tanner

NAYS—181

Abercrombie Gephardt Olver
Ackerman Gibbons Ortiz
Andrews Gonzalez Owens
Baesler Green Pallone
Baldacci Gutierrez Pastor
Barcia Hall (OH) Payne (NJ)
Barrett (WI) Hamilton Payne (VA)
Becerra Harman Pelosi
Bellenson Hastings (FL) Peterson (FL)
Bentsen Hayworth Peterson (MN)
Berman Hefner Petri
Bevill Hilliard Pomeroy
Bonior Hinchey Poshard
Borski Holden Rangel
Boucher Hostettler Richardson
Browder Hoyer Rivers
Brown (CA) Jackson-Lee Roemer
Brown (FL) Jacobs Rose
Brown (OH) Jefferson Roth
Bryant (TX) Johnson (SD) Roybal-Allard
Cardin Johnson, E. B. Rush
Chapman Johnston Sabo
Clay Kanjorski Sanders
Clayton Kaptur Sawyer
Clement Kennedy (MA) Schroeder
Clyburn Kennedy (RI) Schumer
Coleman Kennelly Scott
Collins (IL) Kildee Sensenbrenner
Collins (MI) Kleczka Serrano
Conditt Klink Skaggs
Conyers LaFalce Skelton
Costello Lantos Slaughter
Coyne Levin Spratt
Cramer Lewis (GA) Stark
Cubin Lipinski Stokes
de la Garza Lofgren Studds
DeFazio Lowey Stupak
DeLauro Luther Taylor (MS)
Dellums Maloney Tejeda
Deutsch Manton Thompson
Dingell Markey Thornton
Dixon Martinez Thurman
Doggett Matsui Tiahrt
Dooley McCarthy Torres
Durbin McDermott Torricelli
Engel McHale Towns
Eshoo McKinney Vento
Evans Meehan Visclosky
Farr Meek Volkmer
Fattah Menendez Ward
Fazio Mfume Waters
Fields (LA) Miller (CA) Watt (NC)
Filner Minge Waxman
Flake Mink Williams
Foglietta Moakley Wilson
Ford Moran Woolsey
Frank (MA) Morella Wyden
Frost Nadler Wynn
Furse Neumann Yates
Gallegly Oberstar
Gejdenson Obey

NOT VOTING—7

Callahan McInnis Waldholtz
Chenoweth Tucker
Hancock Velazquez

□ 1553

The Clerk announced the following pair:

On this vote:

Mr. McInnis for, with Ms. Velázquez against.

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsidered was laid on the table.

ANNOUNCEMENT ON AMENDMENTS TO THE COMPREHENSIVE ANTITERRORISM ACT

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

Mr. SOLOMON. Mr. Speaker, the Rules Committee may be meeting as soon as this Saturday, December 16, to grant a rule which may limit the amendments to be offered to H.R. 1710, the Comprehensive Antiterrorism Act of 1995.

Subject to the approval of the Rules Committee, this rule may include a provision limiting amendments to those specified in the rule. Any Member who desires to offer an amendment should submit 55 copies and a brief explanation of the amendment by 4 p.m. on Friday, December 15, to the Rules Committee, at room H–312 in the Capitol.

Amendments should be drafted to the text of the Hyde-Barr substitute, which has been printed in the CONGRESSIONAL RECORD of December 5, and which has also been introduced as a separate bill (H.R. 2703). The rule is likely to self-execute in the Hyde-Barr amendment as a new base text for H.R. 1710.

Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

FURTHER CONFERENCE REPORT ON H.R. 1530, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1996

Mr. SPENCE submitted the following conference report and statement on the bill (H.R. 1530) to authorize appropriations for fiscal year 1996 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:

REPORT ON RESOLUTION PROVIDING FOR DEBATE AND CONSIDERATION OF THREE MEASURES RELATING TO U.S. TROOP DEPLOYMENTS IN BOSNIA

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 104–405) on the resolution (H. Res. 304) providing for debate and for consideration of three measures relating to the deployment of U.S. Armed Forces in and around the territory of the Republic of Bosnia and Herzegovina, which was referred to the House Calendar and ordered to be printed.

PROVIDING FOR DEBATE AND CONSIDERATION OF THREE MEASURES RELATING TO UNITED STATES TROOP DEPLOYMENTS IN BOSNIA

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 304, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 304

Resolved, That upon the adoption of this resolution it shall be in order to debate the deployment of United States Armed Forces in and around the territory of the Republic of Bosnia and Herzegovina for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations.

SEC. 2. After debate pursuant to the first section of this resolution it shall be in order to consider in the House the bill (H.R. 2770) to prohibit Federal funds from being used for the deployment on the ground of United States Armed Forces in the Republic of Bosnia and Herzegovina as part of any peacekeeping operation, or as part of any implementation force. The bill shall be debatable for one hour equally divided and controlled by Representative Dornan of California and an opponent. The previous question shall be considered as ordered on the bill to final passage without intervening motion except one motion to recommit.

SEC. 3. After disposition of or postponement of further proceedings on H.R. 2770, it shall be in order to consider in the House the resolution (H. Res. 302) relating to the deployment of United States Armed Forces in and around the territory of the Republic of Bosnia and Herzegovina to enforce the peace agreement between the parties to the conflict in the Republic of Bosnia and Herzegovina. The resolution shall be debatable for one hour equally divided and controlled by Representative Buyer of Indiana and an opponent. The previous question shall be considered as ordered on the resolution to final adoption without intervening motion.

SEC. 4. After disposition of or postponement of further proceedings on House Resolution 302, it shall be in order to consider in the House a resolution relating to the deployment of United States Armed Forces in and around the territory of the Republic of Bosnia and Herzegovina offered by the Minority Leader or his designee. The resolution shall be debatable for one hour equally divided and controlled by the proponent and an opponent. The previous question shall be considered as ordered on the resolution to final adoption without intervening motion.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from New York [Mr. SOLOMON] is recognized for 1 hour.

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

Mr. Speaker, the rule before us is designed to enable the House to debate the President's policy of deploying American ground troops to Bosnia as part of a NATO peacekeeping contingent.

Because the peace agreement is scheduled to be signed in Paris tomorrow, and because the President has asked the Congress to vote on the deployment of U.S. troops before the peace agreement is signed, we are taking this unusual action of a same-day consideration, rulemaking this debate in order. It, therefore, can be legitimately argued this qualifies as an urgent or emergency matter on those grounds.

Having said that, however, I want to make clear that my own preference would have been that we not vote on anything today since the House has already twice expressed its overwhelming opposition to send American troops in Bosnia. That should have been sufficient. I seriously doubt that many minds have been changed since our last vote on November 17—less than a month ago.

However, it was the feeling of our conference, and of many Members on the other side of the aisle, that the House should vote again on the President's policy, because it was not officially and fully unveiled or presented, until after that last vote took place on this floor. That's an understandable argument for today's debate and votes, even if I don't happen to agree with it.

The rule before us will give the House ample time to both debate the President's Bosnia policy, and to vote on three distinct alternatives measures. Under the rule before us, there will first be 1 hour of general debate on the subject of deploying American troops to Bosnia, equally divided between the chairman and ranking minority member of the International Relations Committee.

Following that debate, the rule first makes it in order to consider in the House a bill introduced by Representative DORNAN of California, H.R. 2770, which prohibits the use of appropriated funds for deploying American troops to Bosnia. That bill will be debated for 1 hour, divided between Mr. DORNAN and an opponent. It will not be subject to amendment, but will be subject to one motion to recommit which may contain instructions.

Following the disposition of the Dornan bill, the House will consider a sense-of-the-House resolution, House Resolution 302, by Representative BUYER of Indiana. The Buyer resolution first calls attention to the previous two House votes in opposition to sending our troops to Bosnia, and the President's subsequent decision to do so anyway, notwithstanding those votes.

The resolution then reiterates, and this is important, the concerns and the opposition of the House to the President's policy, but goes on to express for American servicemen and women who will be deployed to Bosnia and calls for their full protection, and the supply of sufficient resources to carry out the mission.

The Buyer resolution will be debated in the House for 1 hour, and is not subject to amendment or to a motion to recommit.

Finally, the rule allows the minority leader or his designee to offer a resolution in the House on the subject of United States troop deployment to Bosnia, debatable under the same terms and conditions as the Buyer resolution.

Let me emphasize that we are talking about three, free-standing measures, each of which will have a separate vote, regardless of the outcome of votes on the other measures. This is not a king-of-the-hill or most-votes procedure. It is conceivable that all three measures could pass, that all three measures could be defeated, or that only one or two could pass.

The House will be able to work its will on all three.

Mr. Speaker, I know there will be some who will still criticize this process for one reason or another. It is not perfect, but it does allow for substantial debate on at least three options. I say "at least three options" since the minority is also protected in its right to offer a motion to recommit the Dornan bill with amendatory instructions subject to 10 minutes of debate. So, there could actually be four alternatives before the House today.

Mr. Speaker, the process will still be criticized by some, I suppose, because none of the measures has been reported for a committee or is subject to amendment.

But the President's Bosnia policy has been the subject of considerable hearings and discussions in several committees of the House and Senate, as well as the subject of the previous debates and votes on this floor which I have already referred to.

So, while this may not be a perfect process, I think it is still fair and open in giving this House the ample amount of debate time that many have asked for on the President's Bosnia policy, and the opportunity to choose among several alternatives in response to that policy. By the end of the day today, there should be no question as to where this House stands. I personally remain

adamantly opposed to the present policy of placing American troops in harm's way in a place where they are not wanted and do not belong.

□ 1600

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

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to commend my colleague from New York, Mr. SOLOMON, for bringing this resolution to the floor.

House Resolution 304 is a rule which would permit the consideration of three, free-standing bills in response to our commitment to use United States troops to bring peace to Bosnia and implement the Dayton peace accord. The three bills are H.R. 2770, introduced by Mr. DORNAN; House Resolution 302, introduced by Mr. BUYER and Mr. SKELTON, and a Democratic alternative, offered by the minority leader or his designee.

As my colleague from New York has ably described, this rule provides 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations. The rule further provides for 1 hour of debate for each of the other three proposals. No amendments are permitted.

I must express my disappointment with the process on this rule. We all knew that the President asked Congress for a vote of support for the troops. We have had weeks to plan this rule. However, not even 3 hours ago, key decisions had not been made on this process. Now we are debating this on this floor. As a matter of fact we just debated on the rule 15 minutes ago. This is a vital matter of war and peace. Ram-rodding this issue through the House on such a grave issue does a disservice to Members on both sides of this question.

Mr. Speaker, there are two issues of substance at stake here. The first issue is whether the United States will be a leader for world peace. We have an opportunity to bring peace to a turbulent region in Europe that has been ravaged by war for 4 years. Opportunities like this do not come about easily or often. We should seize the chance for peace while we have it.

The second issue is whether we will support our President and retain credibility in the international community. Or will we tie the hands of our President, embarrass ourselves, and let down our supporters and friends in Europe. President Clinton has taken a bold step for peace. We should back him up.

This past summer, I traveled to the former Yugoslavia and witnessed the terrible conditions there. When I visited refugees in Tuzla and Zenica, I saw many children that had not only lost their homes. They had lost hope. When I looked into the eyes of these children, I saw pain, confusion, and sadness. I found that many of these children had not been immunized or educated during the 4 years of the Bosnian war.

When I returned to America, I called Carol Bellamy, the executive director of UNICEF, and asked her to help implement a plan to immunize the children of Bosnia. She quickly pulled together a detailed proposal.

Two weeks ago, I was with President Clinton at the White House when he endorsed the proposal and he pledged funding. This humanitarian initiative is now going on. I compliment the President for supporting the children.

My constituents and I have a special reason for wanting the peace process to go forward. The treaty between the warring factions was negotiated at Wright-Patterson Air Force Base, which is partly in my district. We are proud of the role that we played in the crafting of this agreement.

Two days ago, the mayor of the city of Dayton and all the city commissioners signed a proclamation expressing pride and support for the men and women of our Armed Forces who are helping to implement the Dayton peace agreement. The resolution also calls on "all nations of the world to support the Dayton peace agreement."

I would like to insert the text of the proclamation in the RECORD.

The rule before us will give House Members an opportunity to support he President and peace. I regret that the rule did not make in order a proposal by Mr. KENNEDY that would have required our NATO allies to pick up the costs associated with this mission.

Mr. Speaker, our national security interests are at stake. I urge defeat of the Dornan bill, defeat of the Buyer/Skelton resolution, and support of the Democratic alternative.

Mr. Speaker, I include for the RECORD the proclamation to which I referred.

PROCLAMATION

Whereas, The Dayton Peace Agreement represents an opportunity for all parties within Bosnia and Herzegovina to work toward building a lasting peace for its people; and

Whereas, the last four years have yielded untold suffering of families and innocent victims who have lost homes, friends, and a way of life to the worst atrocities and war in Europe since World War II; and

Whereas, The Dayton Peace Agreement calls for free and democratic elections to be held throughout Bosnia and Herzegovina, and commits all parties, including Serbia and Croatia, to cooperate fully and abide by international humanitarian law; and

Whereas, The Dayton Peace Agreement also commits all parties in Bosnia and Herzegovina to respect the highest level of internationally recognized human rights; and

Whereas, The Dayton Peace Agreement acknowledges the need for international assistance to help the people of Bosnia and Herzegovina rebuild communities after the devastation of four years of war; and

Whereas, The Dayton Peace Agreement is testimony to the leadership that The United States and its allies must play not only to preserve peace, but to build peace in the world.

Now, therefore, be it resolved, that the City of Dayton Ohio, and its citizens commend all the parties in Bosnia and Herzegovina for courageously agreeing to peace for all its people; and

Be it further resolved, that the City of Dayton, where, through leadership of the United States and its allies, terms and conditions for a fair and just peace were forged, extends its hopes and prayers to the people of Bosnia and Herzegovina that their peace may be lasting and free; and

Be it further resolved, that the City of Dayton with pride and support wish the men and women well, of our armed forces, who will assist the North Atlantic Treaty Organization in implementing the Dayton Peace Agreement; and

Be it further resolved, that the City of Dayton commits to working with Sister Cites International in providing a network of cities to assist our counterparts in further building the peace in Bosnia and Herzegovina; and

Be it further resolved, that the City of Dayton encourages all nations of the world to support the Dayton Peace Agreement.

Signed and presented to the President of the United States, William J. Clinton, December 11, 1995.

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

Mr. SOLOMON. Mr. Speaker, I have to take exception to the statement of my very good friend, the gentleman from Ohio [Mr. HALL], that we are ramming these measures through the House.

My colleagues, let us be perfectly clear about it, the reason we are on this floor here today over my objections, I might add, because I do not think we should be here, period, is because President Clinton has asked Speaker GINGRICH to have this body take another vote on this issue before the Paris signing tomorrow. That is why we are here today. If it were not for that request, I can guarantee you that I would not have let this matter come before this body today.

Mr. Speaker, I yield 4 minutes to the gentleman from Florida [Mr. DIAZ-BALART], a very respected new member of the Committee on Rules.

Mr. DIAZ-BALART. Mr. Speaker, I will support this rule because it gives ample opportunity to the Congress to support the very serious question of the Bosnia intervention. In the last 2 weeks, in multiple discussions held with colleagues in this House about the imposition of the Clinton administration of the new Secretary General, Mr. Solana, of NATO, various colleagues have stated to me that that decision by the Clinton administration seriously and legitimately calls into question the foreign policy judgment of the administration.

Mr. Speaker, NATO of course is the military wing of the western alliance.

It was greatly responsible for maintaining the security of Europe throughout the cold war and, of course, today we are poised to intervene militarily in an armed conflict in Europe for the first time since World War II and in the Balkans under the military shield and utilizing the military structure of NATO for the first time in history.

Thus even though NATO was always important, it is perhaps even more important today. So who is the man who was named last week in Brussels as the new Secretary general, the head of NATO? Javier Solana is the foreign minister of the Spanish Socialist Workers party government. Mr. Solana opposed NATO with vehemence throughout the 1970's and the 1980's. As late as 1986, when a Socialist-sponsored referendum was held in Spain to determine whether it would remain in NATO, Mr. Solana, then culture minister in the Spanish Government, was one of the most outspoken opponents of Spain remaining in NATO.

He also opposed the presence of United States military bases on Spanish soil. As late as 1985, precisely on that subject of the presence of United States bases on Spanish soil, he I think somewhat contemptuously stated, and I quote, If need be, we will send a copy of the Spanish Constitution to Washington so they will know what a sovereign country is.

Until September 29, 1979, Mr. Solana was formerly a Marxist. That is the date that his party, the Socialist Workers Party, erased the word Marxist from its political program so as to help and win the next Spanish general election. Despite the opposition of almost all western Europe, the Clinton administration, Mr. Speaker, insisted upon Mr. Solana to be the new NATO Secretary General.

Much of the military and intelligence community of the NATO countries simply could not understand why the Clinton administration would insist on Solana as the new NATO head with other available candidates in contention such as Mr. Ruud Lubbers, former Dutch Prime Minister, who was endorsed by France and Germany and Great Britain and was always a dedicated supporter of NATO with exemplary security credentials.

The Clinton administration insisted on imposing the Spanish Socialist Solana as we prepare to use NATO to intervene militarily in Europe for the first time since World War II, despite the fact that the Spanish Government is being wracked by unprecedented corruption, despite the fact that Solana, while Spanish Foreign Minister, just ended a 6-month stint as chairman of the European Union and during that time named a buddy of his, Mr. Garcia Vargas, a former defense minister in the Spanish Cabinet, who was so personally affected by corruption, including illegal wiretapping that he had to resign from the Spanish Cabinet. Mr. Solana named him European Union Special Envoy to Basnia.

□ 1615

Most importantly, Mr. Speaker, despite the fact that Spain is not part of the military structure of NATO, that was the candidate, that Foreign Minister of that government that is not part of the military wing of NATO, was the imposition of the Clinton administration for Secretary General of NATO, and that is the administration that is now asking the American people and the Congress to trust it with respect to Bosnia. I think this debate is long overdue, Mr. Speaker.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to say before I yield to my friend, the gentleman from California [Mr. BEILENSON], that the chairman, the gentleman from New York [Mr. SOLOMON], took issue with the fact that I said that we were ramrodding this rule through this process. I say to the gentleman, I really believe that, Mr. SOLOMON, and I know that the gentleman is trying to react to the fact that the President is going to the peace signing tomorrow, but I must say that we have known about the fact that we wanted to have this debate, and it has been many weeks in coming, and what has happened is that we had a Committee on Rules in which we just passed a rule 20 minutes ago of which we have three amendments; not three amendments, three bills and one rule. Only one amendment has any teeth in it; it is the Dornan amendment, because in fact it is really law if it would pass. The other two are sense of Congress. But of the other two, one is changing, and probably as I am talking, the Skelton-Buyer amendment. At least it was changing as of 110 minutes ago. I just got the Democratic alternative, which to me as I read very quickly is I wish it could be stronger, and the fact is that it is being ramrodded, and it is a heck of a way to debate probably one of the more important issues that we re debating this whole year, is the commitment of troops.

So, it is being ramrodded. I realize the pressure that the chairman is under, but I must stick by my original comment, that this is a heck of a way to bring up a serious issue like this, and I very much object to it.

Mr. Speaker, I yield 7 minutes to the gentleman from California [Mr. BEILENSON], a very distinguished member of the Committee on Rules.

Mr. BEILENSON. Mr. Speaker, I thank the distinguished gentleman for yielding me such a generous amount of time.

Mr. Speaker, the rule before us provides for consideration of what is clearly one of the most significant foreign policy measures we shall take up in the foreseeable future, the measure dealing with congressional support, or disapproval, of the President's decision to send troops to Bosnia-Herzegovina to participate in the peacekeeping operation there. This is a decision we all hope will mark the beginning of the end of the tragic conflict.

With respect to the rule itself, our main concern in fashioning it was enough time be provided so that Members on both sides of the aisle and on all sides of the issue have an adequate opportunity to offer their arguments and to hear the opinions and arguments of other Members. We should have preferred more debate time, and many of us felt that a full day of debate was necessary for a measure of this significance. We do hope that every Member who has a desire to be heard during this important debate is given the opportunity to speak during the time that is provided under this rule.

Mr. Speaker, for almost 4 years now most Americans have been angered and sickened by the seemingly endless savagery and destruction being perpetrated in the lands that comprise the former Yugoslavia—and have urged and prayed that someone, somewhere, would try to put an end to the suffering.

Finally, after years of failure of the combatants themselves and of their neighbors in Europe to stop the fighting, the United States has stepped in and done what every decent and caring American has wanted.

We have asserted our leadership of NATO and participated in air strikes that sent an unmistakable signal for the first time that continued aggression would be punished forcefully, and we have asserted the moral authority that only the United States seems to represent to many people throughout the world and have brokered a peace treaty between the former combatants.

Finally there has been a cessation of hostilities; finally,a peace agreement has been approved by all the warring parties.

I hope one can assume, up to this point at least, virtually all Americans approve of and applaud what we have done. Yet many Americans are voicing unalterable opposition to sending any U.S. personnel to help enforce this newly achieved peace agreement, and even more are questioning the advisability of such further involvement by us in attempting to help keep this tragic conflagration from restarting.

That is an entirely proper and normal concern, it seems to me. In fact, it should be part of the debate that we have not really had since the end of the cold war, about what the international role of the United States should be, and when and where, and under what circumstances, we should use our Armed Forces other than to repel a direct attack upon our own Nation.

It has, understandably, been difficult since the end of the cold war to agree upon a role for the United States to play in world affairs. The threats to us, and to much of the rest of the free world, are certainly less obvious and less specific than they used to be. But it has become painfully clear over the past few years that concerted efforts to help bring about the results most of us in the United States would hope for seem unable to be brought about successfully without active involvement and, in fact, leadership from the United States.

Now we are faced with a peace agreement that was made possible by American-led NATO air strikes and American diplomacy, and one that all of the parties want American forces to help carry out. One could argue that it does not necessarily follow that we cannot now walk away from a truly hopeful situation that we were instrumental in creating, but if Americans really want us to do just that, it probably would have been better for us not to have tried to end the fighting in the first place.

Not everyone agrees, of course, but some of us like the idea that the world looks to us for leadership so long as we determine how, and when, and whether we should respond. In this case we are not faced with the situation confronted by the British, French, and other nations' troops under the banner of the United Nations, who have tried to enforce a peace on warring parties that required their being in the middle of an ongoing war.

The parties have now agreed to stop fighting, and our troops will be in the position, finally, of peacekeepers, rather than peacemakers, which was sadly the position in which the United States troops found themselves both in Somalia and in Lebanon. In this current case, too, the Pentagon itself is satisfied with the role our troops will play and the circumstances in which they will be deployed which represents a complete about-face from their position, quite a proper one it seems too, I think all of us over the past couple of years were against committing United States troops to Bosnia for war-fighting purposes.

If our military, which is far and away the most capable, best-trained, and best-equipped in the world, is ever to be deployed for purposes other than defending our own territory, this, it seems to many of us, is the best possible use.

We are proud of the fine men and women of our Armed Forces, and if we are ever to use them at all, we can think of no better way than that of honest peace-keeping in a situation where our presence, United States presence, literally will make all the difference.

There is no one here in Washington who wants us to be the policeman of the world, or solely responsible for enforcing the peace in Bosnia or anywhere else, but this is the kind of cooperative and multilateral effort that many Americans have, for many years now, called for and insisted upon, and it is being done under rules of engagement that provide that American troops will be under American command, and that they will have the authority to respond immediately, and with overwhelming force.

It may not be possible for us to define to our own satisfaction, and in advance, exactly when and in what capacity American troops should be used in this new and more complicated—if oftentimes less threatening—world than we used to face during the cold war, but we are a moral, and a caring, and a peace-seeking people; we take our ideals and beliefs seriously; and, when our involvement, with others, will stop the kind of terrible suffering that has been going on in this corner of Eastern Europe for 4 years now, common decency and concern for other human beings dictates that we do what we can.

President Clinton, in fact, offered a useful, pragmatic, and yet moral policy for this Nation to follow in the years immediately ahead, and I quote him, if I may, Mr. Speaker: "We cannot stop war for all time, but we can stop some wars. We cannot save all women and all children, but we can save many of them. We can't do everything, but we must do what we can."

This is something we can do, and it is something we must do, if we are to have any respect for ourselves and for this great Nation whose people we are privileged to represent.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentleman from Sanibel, FL [Mr. GOSS], a very distinguished member of the Committee on Rules who has been very much involved in this issue.

Mr. GOSS. Mr. Speaker, I thank the distinguished chairman of the Rules Committee from Glens Falls, Mr. SOLOMON, for yielding me this time.

Mr. Speaker, let me begin by saying that I support the rule to allow this critical debate to come to the floor. The rule provides for ample debate time especially since this body has debated and spoken clearly twice recently, and it provides for consideration of a range of motions, fairly representing—in my opinion—the broad range of views and conflicting positions held by Members of this body. There is no question that the President has used his authority to deploy troops—against the clear wishes of this House of Congress. Nevertheless, we must deal with the situation as it exists. It is a curious situation. Why is the President flying to Paris on December 13 when we are in budget crisis that threatens to shutdown Government Friday? Where do the President's priorities lie?

But Mr. Speaker, as we prepare to begin this debate that has national and international ramifications, I want to take a minute to talk about individuals—those I represent in southwest Florida and those who will be spending a cold winter in the hills of war-ravaged Bosnia under the Dayton agreement and the President's plan. This past weekend I held two town meetings, and the topic that evoked the sharpest response from my constituents at these meetings was Bosnia. Not Medicare, not the budget, but Bosnia. And the questions were direct and heartfelt and to the point: Why are we putting our young men and women on the ground in Bosnia? These were not political people asking political questions—these were honest folks demanding an answer.

I have listened to the President and his advisors and his spokesmen, and I still cannot find a convincing answer. I have yet to be convinced that the United States has a compelling reason to put people on the ground in Bosnia. I say "people," because these are individuals—sons and daughters—who will be put in harm's way. And it is not a country or an army that will suffer casualties and loss of life if things go wrong; it is those individual people.

In considering where to go from here, I cannot support a complete withdrawal of funds and support for the United States troops who are already on the ground in the former Yugoslavia. These men and women are wearing the uniform of the U.S. military and obeying orders, and we cannot leave them stranded in hostile territory. I would like to see them brought home, however, and I certainly will not give the President a blanket approval to continue as he sees fit. Because too many Americans have taken the time to tell me that they strongly disagree with the President's actions so far. In addition I have serious questions about the role of NATO in this operation, and the arrangements for burden sharing that have been put together. Our forces have been trained in conventional warfare, and are the best in the world—however, the greatest threat in Bosnia comes from unconventional sources. And I am concerned that when it comes time to withdraw our troops under the President's plan, extraction will be extremely difficult.

Finally, Mr. Speaker, I do want to draw attention to the parallel that many inside and outside the administration are drawing between the mission in Bosnia and the mission in Haiti. I think this is a good comparison, but not, I suspect, for the same reasons as the White House. It is a useful comparison because despite a virtual media blackout and attempts by the Clinton administration to spin the situation otherwise, the conditions in Haiti are deteriorating and could very well collapse as soon as our troops leave. We

are reminded that efforts at nation building are not as simple as they seem, and that internal problems of foreign countries spanning many generations cannot be solved by a year of occupation by the United States Armed Forces, especially in difficult terrain, harsh climate, and the dangerous atmosphere we know is Bosnia. And we are disarming in Haiti and rearming in Bosnia. I urge my colleagues to support the rule.

□ 1630

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. HASTINGS].

Mr. HASTINGS of Florida. Mr. Speaker, I thank my good friend, the gentleman from Ohio [Mr. HALL], for yielding time to me.

Mr. Speaker, I oppose this rule because it promotes wishy-washiness. The gentleman from New York, [Mr. SOLOMON], the chairman of the committee, has commented on the fact that we have had hearings in other committees. We have, but not about the particular language that we are getting ready to vote on. There have been no committee hearings in that regard. I have been to every hearing on the Committee on International Relations that was officially held concerning Bosnia. It does not permit any amendments, and then we are just seeing the language, as I speak. It is a work in progress. We do not have any idea what we are getting ready to vote on. This is political posturing in the extreme.

Mr. Speaker, we were sent here to lead, not to seek cover for our political, personal safety. What do we have with this rule? Cut off the troops. The other body just voted something like that. We voted on Hefley here on authorization. The other body just rejected that soundly, 77 to 22. Trash the President but support the troops. You all trash the President every day around here, so what else is new about that? Support the troops? But we have some reservations.

Is this leadership? We should support the President, any President, Republican or Democrat, when they deploy troops under their constitutional aegis, and we should promote and praise the troops that I saw when I was in Croatia this past weekend. These children are magnificent, and we should reject this rule. Here is why.

Let me quote, for those who keep asking, "What is the stake for the United States, and why does United States participation make a difference?" Admiral Leighton Smith, a four-star in charge of every American child in that theater, said:

> The question is about United States leadership in the world. If we don't go in, our credibility goes to rock bottom.

Let me repeat again what Admiral Leighton Smith said, in response to the question "What is the United States' stakes in Bosnia, and why does United States participation make a difference?" He said:

> The question is about United States leadership in the world. If we don't go in, our credibility goes to rock bottom. The next time, when vital U.S. interests are engaged, our allies and friends are not going to be with us. If we don't go in, there will be more killing and the war can spread. Do not underestimate the volatility of the Balkans.

What I saw in the way of destruction in Sarajevo, no man or woman in this body can say that we should not somehow or other, as the leader of the world, promote a period of decency and give peace a chance.

Reject this rule.

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

Mr. Speaker, I would say to my friend, the gentleman from Florida, ALCEE HASTINGS, who is leaving the floor there, and he is a good friend, but I have just about heard all I am going to hear on this. This bill is on this floor because the President asked for it to be here. Mr. Speaker, I would just as soon pull this rule. We do not need to debate this today. However, if you are going to continue trashing us, we might as well do that. Keep that in mind. We are bending over backwards to be fair, I want to tell the gentleman, and he can trust my sincerity in that.

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

Mr. SOLOMON. I yield 2 minutes to the gentleman from California.

Mr. DORNAN. Mr. Speaker, we have 97 people on the ground in Tuzla, 97, scouts, that is all. It snowed 2½ feet yesterday. There were 16 flights ready to go in, not big C–141's and certainly not C–5 Galaxies, Hercules, hard landing aircraft. One got in out of 16. I am waiting for a weather report right now. I do not think anybody got in today. It is snowing again.

I am the one who drove this, so we could have one more vote before we start the First Armored moving. I do not want this on the floor today after what I have just heard. I really do not. I want to give you time to study it all night.

Mr. HASTINGS of Florida. Mr. Speaker will the gentleman yield?

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

Mr. HASTINGS of Florida. Mr. Speaker, I will be very brief. I share with the gentleman from California [Mr. DORNAN] the concern about that snow. The weather or the elements there are the most serious threat to our troops, but you do not pick your theater when you are trying to preserve some kind of semblance of peace. It is going to be a difficult theater. No war is risk free, and nobody here knows that better than he does, I would say to the gentleman from California.

Mr. DORNAN. Mr. Speaker, I thank the gentleman for saying that. My problem is basically constitutional. I testified to this up at the Committee on Rules. Bless everybody's heart around here for loving our men and women in uniform going in harm's way.

I have spoken on this floor about the atrocities in Bosnia as much as anybody. I begged President Bush to do something, to hit those concentration camps with an air assault using Blackhawks with Cobra and Apache gunship support, and extract the people from the concentration camps. I did not want, and it is a rough word, but it is fair, I did not want the current President to dither away 3 years.

The other sides are not going to kill one another with three feet of snow. You cannot find your own land mines without landmarks, and I do not give Bill Clinton much advice, but if he wanted to be a hero with the First Armored Division, he could very easily, at Paris tomorrow, say:

> We are holding off the deployment because of the severe weather, and I am telling my young dads and moms in Europe that are on their way there, enjoy Christmas with your children and your wives. We will start moving on the 6th or 7th.

Imagine the cheer that would go up in the day rooms in Germany, which will probably have half a foot of snow, and nobody knows what the buildup in weather is going to be until Christmas. I just heard a European weather projection. They are predicting the worst weather since the winter of 1944 and 1945, which was the worst in 50 years, so I do not want this on the floor if we are going to have all this angst. Jerk it, and we can do it tomorrow, or better yet, Friday.

Mr. HALL of Ohio. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Speaker, I appreciate hearing my friend, the gentleman from Florida [Mr. HASTINGS], and his spirited comments a few moments ago. I would point out a phrase that he used: "No war is risk free." Mr. Speaker, this is not a war. We are told that our troops are being sent there as peacekeepers, but I am afraid and I will explain this further in debate on the general bill and during the amendments, why this is not an evenhanded, impartial peacekeeping operation, and how it may very well end up in a very high-risk situation as far as our troops are concerned.

I would also point out that the bill that the gentleman from Indiana [Mr. BUYER] and I put forth, and on which there will be a vote later this evening, is based upon hearings that we had in the Committee on National Security. We had numerous hearings there. What is in there, we took from the hearings the testimony and combined it into this bill that we have put forth as number 302.

I also wish to point out that early on November 11, I set forth some eight

conditions under which we could deploy troops to the country of Bosnia. I gave full expression of my concern in those eight conditions as of that moment. I tell this body, Mr. Speaker, that six of those conditions have been met, two have not been met.

As a result, I have chosen to be a principal cosponsor with my friend, the gentleman from Indiana, and I hope that when we reach that, that there will be a sizeable, sizeable vote in favor of it. I also will vote for this rule.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentleman from Greensboro, NC, Mr. HOWARD COBLE, a very distinguished Member of this body.

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

Mr. Speaker, I am fresh off the Christmas parade circuit back home. I rode in nine Christmas parades. While these parades are not scientific polls, they are accurate barometers of public opinion. The consistent theme I heard from thousands at these Christmas parades was twofold: Do not back down on your effort to balance the budget, and stay out of Bosnia.

I spoke with many of these constituents personally, Mr. Speaker. They oppose our presence in Bosnia, not because they are insensitive or uncaring about the problems that plague Bosnia, but rather because they view it as a lose-lose proposition for the United States.

The reasons for this conclusion are apparent: No vital national interest in Bosnia; fighting that has endured over the centuries there is not likely to cease with the presence of 20,000 American men and women on the ground; severe, unforgiving inclement weather in a country generously laced with land mines located Lord only knows where.

Our Bosnian operation, Mr. Speaker, in my opinion is a recipe for failure at its best, a recipe for disaster at its worst. The arms embargo should have been lifted months ago, but that cannot be corrected at this late date.

America cannot continue, Mr. Speaker, to be the world's peacekeeper eternally. American men and women should not be placed in harm's way at this time, and virtually nothing, Mr. Speaker, has been said about the enormous cost to the American taxpayer. It has been estimated at $2 billion. All of us know that is the low end. It will exceed probably $3 to $4 billion, money that we do not have.

Finally, Mr. Speaker, I reiterate the message of Christmas parade goers in the Sixth District of North Carolina: Stay out of Bosnia.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, this is the most important national security vote that we have cast since the Persian gulf war. We have to ask ourselves, and that is what we are doing, why is United States involvement in Bosnia in the national interest? There are three reasons:

First, America's values are at stake, and we can stop genocide and war in the Balkans.

Second, America's interests are at stake. We need a stable Europe, and Europe's stability is in danger if this war simmers.

Third, America's leadership is at stake. The peace agreement that we pushed, initialed, and fathered would collapse.

If we do not support the President on this issue, our credibility in other crisis areas, North Korea, the Middle East, Northern Ireland, and many other arenas will be eroded.

Mr. Speaker, over the last 4 years more than half of Bosnia' pre-war population has been murdered, starved, or driven from their homes. One million are homeless; one million. The people of Bosnia have witnessed Europe's worst human rights atrocities since the end of World War II: ethnic cleansings, mass executions, torture, rape. The only way to stop this killing for good is to make peace.

□ 1645

Our conscience demands that we seize this chance. America needs a strong Europe as our partner in fighting security threats from terrorism to proliferation of mass weapons of destruction, and Europe's stability is in danger if this war continues. Without United States participation, the peace agreement would literally collapse and the war would reignite and spread through Greece, Turkey, Macedonia. That is not in our interest. NATO would collapse literally.

Third, America's leadership brokered this cease-fire and brought the parties to Dayton to make peace. Now we have to take the lead in securing that peace.

This vote is not popular. My constituents let me know their views, too. But once in a while when national security and America's interests are at stake, we must take the tough votes. If we fail to keep our commitment in Bosnia, what is going to happen on North Korea and the nuclear issue? What are the North Koreans going to think? Or in containing Saddam Hussein in Iraq? Or in Northern Ireland and the Middle East where we are brokering peace?

If we fail to keep our commitment in Bosnia, the credibility of our leadership in Europe and around the world will suffer and with it our ability to protect America's interests.

Mr. Speaker, all of us here want to do the right thing. I cast no aspersions on any Members' motives. Therefore, we should do the right thing and support the President as we have done with President Bush in the Persian Gulf and other important national security votes.

Mr. SOLOMON. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, I thank the gentleman for yielding to the time.

Mr. Speaker, just like the statement of the gentleman from North Carolina about the numbers of his constituents who have registered there opposition to the deployment of troops in Bosnia, I am here to report to the Congress that the same is true in my district. Even the gentleman who just preceded me in the well acknowledged that of his constituents. The question that was posed to our people by the action of the President is: Should we support deployment of troops in Bosnia? The answer is no.

But the next question now has to be asked, since the president has decided once and for all, without looking back and without any chance of changing his mind, that the troops will be deployed. So the question now that the people must register there opinions on is as follows: Shall we abandon our troops in Bosnia? The answer to that is no.

I cannot vote under any circumstances to abandon our troops. Not to fund them? Unheard of. I cannot support that. Not to supply them with foods, materiel, ammunition, all the weapons that they require to do their mission? All the accoutrements of carrying on a peacekeeping mission? I will not be a party of not supplying all that is needed to our troops. I will not abandon our troops. I deplore the action of the President, but it is his decision and I will abide by that decision and support it, but know well that it is a tragedy about to unfold.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina [Mr. HEFNER].

Mr. HEFNER. Mr. Speaker, I take a back seat to no one in the House. For years I have fought, as chairman of Military Construction, for quality of life for our troops and for better living conditions. And I have served on the Defense Subcommittee for a lot of years with my good friend, the gentleman from Florida [Mr. YOUNG].

This is not a political argument. In my view we should not be trashing the President of the United States. This is the price that we pay for being who we are, the most powerful country on the face of the Earth, the only superpower that is left.

Our negotiators went to a part of the country where people had been fighting for 4 years, and we saw on our television screens the precious old grandmothers that were crying and trying to find their place and trying to get across the street to get water. We saw in the marketplace where they were being shelled, we saw the children with their limbs blown away. Total devastation. Something that would make any

honest human being cringe at the atrocities that were being committed on these human beings.

There people all came together, and our negotiators said, "We want you to come. You are tired of war, and we want you to come to Dayton, Ohio," in the great United States of America, in our chairman's home district. "We want you to come, and you are going to sit down and we are going to talk about trying to come to grips with this, because we are so tired of war. We have people being slaughtered."

The city of Sarajevo where we saw the beautiful winter games many years ago, the stadium now has now been turned into a cemetery, the buildings destroyed, people absolutely ravaged. Thousands have been buried in the skating rinks and the coliseum and all the places where we had the beautiful games. They have been turned into graveyards, and the stadium seats, the wood has been used to make coffins.

People were tired of war. So our negotiators said, "Would you come to Dayton, Ohio? We will sit down, we will try come to some kind of a peace accord." They came and they hammered out and all the parties signed on to a peace agreement.

Every other time we have been involved in a confrontation, we have fought our way in, we have gone in with guns blazing. This is different. It may not work. But is it not worth, for God's sakes, to go in with other countries to try to make some effort to establish peace and to police a peace process for these people that have been so devastated in the past few years?

I would hope and pray at this time close to Christmastime that we should talk about peace on Earth and good will to men, that we would bypass the political cheap shots and at least make an effort to establish some peace in a part of the world that has been so devastated by the havoc that has been perpetrated on these citizens for so many years.

I would hope that we would support our troops and our effort to proclaim peace on Earth and good will to men this time at Christmastime.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. COYNE].

Mr. COYNE. Mr. Speaker, I rise today to support the effort to try to keep the peace and to send troops to Bosnia as part of the peace agreement recently reached in Dayton.

The United States has committed troops to serve in Bosnia as part of the NATO peacekeeping force.

The United States has been able to broker a peace agreement in Dayton among the various factions in Bosnia. As the President stated in his address to the Nation November 27, America's mission will not be fighting a war. "It will be about helping the people of Bosnia to secure their own peace agreement."

The United States mission in Bosnia is limited, focused, and under the command of the American general.

This deployment of troops in the United States's national interest. The United States mediated the Dayton peace accord. If we want to be credible in future international negotiations, we must take the necessary steps to implement that which we have arranged. If we do not follow through in this instance, we will not have much credibility in any future negotiations.

Furthermore, the United States has a vital interest in maintaining stability in Europe. Instability in any part of that region can not only intensify but expand to include other countries as well. As we all know, events in Sarajevo earlier this century led to World War I and the eventual involvement of the United States in a very wide conflict. Only 20 years later, the United States was inescapably drawn into war in Europe again. And for most of the last 50 years, the United States has been involved in NATO because its national interests were threatened by the prospect of Soviet hegemony over Europe. Even today, when Soviet Union has collapsed, the United States has a powerful interest in promoting peace, democracy, and free trade within Europe and around the world.

It is important to point out that the emphasis in this deployment is peace—U.S. troops will be part of a peacekeeping force which is implementing a peace agreement made by the various warring factions. We will be administering a peace, not imposing one.

We now have an opportunity to make peace in a conflict which could—and I believe would—eventually widen and draw us into it. We must consider whether the eventual cost of standing idly by and allowing the war to continue might not eventually far exceed the cost of this peacekeeping mission.

We should also not forget that we are implementing a peace agreement which will end the continuing murder of innocent civilians. These crimes against humanity have been so horrible that the United Nations has established an international tribunal to investigate them. We can not claim to be a civilized nation if we turn our backs on torture and murder when we have the power in our hands to stop it.

In closing, I urge my colleagues to support the agreement in Dayton and support the U.S. military in its mission as a peacekeeping force in Bosnia.

Mr. SOLOMON. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Minnesota [Mr. RAMSTAD].

Mr. RAMSTAD. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, this past weekend in Friedberg, Germany, I visited our troops of the 1st Armored Division, U.S. Army, who are being deployed to Bosnia.

One young soldier who served in both Somalia and Haiti told me, "The Bosnian mission is so much harder to understand. We're going in as neutral peacekeepers but also to get the Bosnian Muslims armed. You can't have it both ways!"

Mr. Speaker, this young soldier points out the inherent contradiction in the Administration's Bosnia policy.

As Vice President GORE said on Meet the Press Sunday, "We're going to make sure it (referring to arming the Bosnian Muslims) gets done."

The President is putting 20,000 American lives in harm's way, as neutral peacekeepers, while simultaneously helping arm one of the combatants. You cannot have it both ways!

This past weekend, as part of the congressional fact finding mission to the Balkans, I also heard Admiral "Snuffy" Smith, IFOR Commander, say that he does not want to be involved in any way with equipping, arming or training the Bosnian Moslems. And he also said we're not neutral because the Serbs don't think we're neutral. After all, Mr. Speaker, we just bombed them into submission.

My overriding concern is that we are placing our troops in an untenable position and committing them to "mission impossible."

As Serbian President Milosevic told our delegation, "If the Bosnians are armed, peace will be endangered and the treaty will fail."

Mr. Speaker, the Dayton peace accord has a rigid formula on weaponry that, relatively speaking, ensures the Bosnian Moslems remain weak.

Therein lies the basic problem with the President's Bosnia policy. If a balance of power in the Balkans is not established, how in the world can we ever expect long-term peace and stability in the region?

Yes, we should lift the arms embargo. Yes, we should train and equip the Bosnian Moslems to defend themselves.

But, no, Mr. Speaker, not with 20,000 U.S. troops on Bosnia soil at the same time.

Let us establish the equilibrium of power in the Balkans by creating a stable military balance. But let us arm, equip and train the Bosnian Moslems in a neutral country and out of harm's way for 20,000 American troops.

Mr. Speaker, as we heard from every military officer on our recent trip to the Balkans, this is a very dangerous mission.

There are as many as 6 million land mines awaiting our troops in the snow where they are almost impossible to find.

Also, Bosnian Serb mortar and sniper positions are well-established. Our troops are being deployed primarily to Tuzla where 71 civilians were killed in a single mortar attack in May.

The mujahadeen—some 4,000 Islamic extremists—represent a real threat to our troops as well.

And as one commander put it, "The threat of guerrilla warfare with grenades is very real."

Mr. Speaker, our ambassador to Croatia told us that the biggest problem is Serb Sarajevo. He said, "We can expect big trouble if the Serbs there don't accept the peace agreement."

Yesterday, the Serbs in Sarajevo overwhelmingly rejected the agreement in a referendum.

As one Serb woman in Sarajevo told me, "I would rather kill myself than accept the new boundaries."

Mr. Speaker, I stand here with a heavy heart because I want to support our Commander in Chief on foreign policy matters, especially those involving U.S. troops.

However, Mr. Speaker, my first obligation is to our troops and their safety. I cannot and will not support a policy that is fundamentally flawed and inherently inconsistent.

But if our troops are deployed, as it now appears they will be, I will support them 100 percent and do everything I can to see than they return home safely and as soon as possible.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. SOLOMON. Mr. Speaker, I yield 30 seconds to the gentleman from Youngstown, OH [Mr. TRAFICANT].

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Ohio is recognized for 2½ minutes.

Mr. TRAFICANT. Mr. Speaker, we forgot about some of these cities. Maybe that is the way to start this debate. There are great problems in Bosnia. There are great problems in America.

I support the rule. I commend the chairman for bringing the rule forward. He is trying to help the President. The President asked for this vote. This is a nonbinding, after-the-fact vote. The President has already decided to send troops into Bosnia.

I oppose sending troops into Bosnia for the following reasons: First, our generals have told us that Bosnia does not pose a security threat to the United States of America. Second, Europe has adequate manpower and money to handle this problem.

And, ladies and gentleman, we have been subsidizing Europe for too long as it is. These countries just dial 911 and we send over our troops to fight their problems, whether or not they have the money and the personnel or not. Then we send a credit card with them, an American Express card.

□ 1700

I am opposed to sending our troops. If, in fact, Europe cannot contain this civil war and it would spread. I would then support ground troops. But I cannot at this point.

Let me also say this: The Constitution speaks to these issues. Everybody who continues to talk about the history of Vietnam should take a look at the debate that is occurring in the House here tonight. Vietnam started with some trainers, some consultants, some technicians. That is about what we have.

But I think it is time to look at the Constitution. The Constitution is explicit. The founders took great pains to debate one issue: No one person could ever place America and our troops at war. And the potential for hostilities here is very great, folks.

So I do not think we are sending peacekeepers over to Bosnia. I think we are sending over targets, with bull's-eyes on their backs, and I believe this is a flawed policy.

But what bothers me in America anymore, the people do not govern. If the people govern, the House of Representatives and the other body would not allow for a nonbinding, after-the-fact vote on placing troops in harm's way. I think this is a very bad move for us to make.

I am going to support the Dornan amendment, folks. I do not believe it will pass, and I will probably vote for every one of these nonbinding, after-the-fact, feel-good, kiss-your-sister types of votes here tonight. But it is not good policy, and the Congress of the United States should govern and the American people should govern, and right now, ladies and gentlemen, the American people do not govern anymore; governance comes from the White house.

Mr. SOLOMON. Mr. Speaker, I yield 30 seconds to the gentleman from Nebraska [Mr. BEREUTER], one of the very most distinguished members of the Committee on International Relations.

Mr. BEREUTER. Mr. Speaker, a few minutes ago one of our Members stood up and said that he was opposed to sending ground troops to Bosnia, but once and for all the President has made the decision, so he is not going to be involved in abandoning our troops. That is pure nonsense, and I am sorry to say it came from this side of the aisle. I am appalled to hear something like that.

It can be stipulated that everyone in this body supports our troops, but we have a constitutional responsibility. It is to serve as a check on this President or any other President from the inappropriate deployment of American troops abroad. That is what we are here discussing in the Bosnia resolution that follows.

We will support our troops. That is clear.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the very distinguished gentleman from Tennessee [Mr. DUNCAN].

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

Mr. Speaker, President Kennedy said in 1961 we must face the fact that the United States is neither omnipotent nor omniscient, that we are only 6 percent of the world's population, that we cannot impose our will upon the other 94 percent, that we cannot right every wrong or reverse each adversity, and that there cannot be an American solution to every world problem. Mr. Speaker, President Kennedy was right.

Twice in the last few days I have spoken on this floor to say something that I want to emphasize once again: There is absolutely no threat whatsoever to our national security because of what is going on in Bosnia.

Second, there is no vital United States interest in Bosnia, and we should never send young American soldiers to foreign battlefields or participate in any military adventure unless one of these conditions is unquestionably, unequivocally clear and certain. And there are many questions about, and much opposition to, our involvement in Bosnia.

I know that the pack mentality of those in our very liberal national news media has produced a drumbeat to try to gain support for this very ill-advised operation, but I really believe that this has much more to do with political correctness than it does with anything else. It is simply not politically fashionable today to be labeled as an isolationist. Yet someone who is not an isolationist and who wants good relations with and close ties to other nations still should be strongly against sending transportation to Bosnia.

First, Time magazine asked a few days ago on its cover the question: "Is Bosnia worth dying for?" It may be for Bosnians, but they should solve their own problems. It is not worth even one American life to temporarily stop this age-old conflict.

Second, even if by some miracle, for which I hope, we have no casualties, we still should oppose this mission.

We are $5 trillion in debt, Mr. Speaker, and almost everyone believes we will crash in a few years if we do not turn this around. Yet now we are going to spend billions we do not have in Bosnia, and we are going to, further, very seriously jeopardize the futures of our own children and grandchildren.

I feel sorry for the people in Bosnia. Humanitarian aid, yes; military aid, no. We can prove world leadership in many other ways.

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

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

Mr. Speaker, President Clinton ought to know that the American foreign policy has been to defend our democratic allies against external military attack that threatens the sovereignty of those nations that we are treaty-allied with or where America has a strong national interest that is threatened.

Mr. Speaker, there is no vital American national interest that would justify the taking of even one American life. President Clinton says we will

hurt our standing with our NATO allies.

Well, if that were true, I would say, "So what?" It is still not worth one American life.

But even that is not true, Mr. Speaker. I have worked with our NATO allies as a member of the North Atlantic Assembly, the political arm of NATO, for the last 17 years. I am the chairman of the political foreign affairs committee of that body, and I can tell you that they are shocked that we would even consider putting American troops in harm's way when there is only a European interest and no American interest there. That is why we should do everything in our power to stop President Clinton from putting those troops there.

Because he has made the decision, I do believe that we are going to have to support the Buyer amendment, the Buyer resolution, because it does say that we oppose the policy but we support our troops, and that is something that we absolutely must do.

So let us get on with it. Let us pass this rule and then take up the general debate on the bill.

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

The previous question was ordered.

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

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 357, nays 70, not voting 5, as follows:

[Roll No. 855]

YEAS—357

Abercrombie
Ackerman
Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bellenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Conyers
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLauro
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Flake
Flanagan
Foglietta
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
LoBiondo
Longley
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHugh
McIntosh
McKeon
McKinney
McNulty
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Nadler
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Oxley
Packard
Parker
Pastor
Paxon
Payne (VA)
Peterson (FL)
Petri
Pickett
Pombo
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Reed
Regula
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Studds
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torricelli
Traficant
Upton
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Watt (NC)
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Williams
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zeliff

NAYS—70

Andrews
Baldacci
Becerra
Brown (OH)
Bryant (TX)
Cardin
Clay
Collins (IL)
Collins (MI)
Costello
Coyne
DeFazio
Dellums
Deutsch
Durbin
Edwards
Engel
Fattah
Filner
Ford
Frank (MA)
Furse
Gejdenson
Gonzalez
Hall (OH)
Harman
Hefner
Jefferson
Johnson (SD)
Kennedy (MA)
Kennedy (RI)
Lantos
Livingston
Lofgren
Lowey
McHale
Meehan
Miller (CA)
Moran
Neal
Oberstar
Obey
Olver
Orton
Owens
Pallone
Payne (NJ)
Pelosi
Peterson (MN)
Pomeroy
Rangel
Richardson
Sanders
Sawyer
Schroeder
Schumer
Skaggs
Slaughter
Stark
Stokes
Stupak
Torres
Towns
Vento
Visclosky
Waters
Waxman
Weldon (PA)
Wyden
Zimmer

NOT VOTING—5

McInnis
Tucker
Velazquez
Waldholtz
Wilson

□ 1728

Messrs. NEAL of Massachusetts, JEFFERSON, and TOWNS changed their vote from "yea" to "nay."

Ms. ESHOO, Mr. QUILLEN, Mr. WATT of North Carolina, Ms. ROYBAL-ALLARD, Ms. WOOLSEY, Ms. BROWN of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. STUDDS, Mr. RUSH, and Mr. YATES changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

UNITED STATES TROOP DEPLOYMENTS IN BOSNIA

The SPEAKER pro tempore. Pursuant to the first section of House Resolution 304, it is now in order to debate the subject of the deployment of Armed Forces in Bosnia.

The gentleman from New York [Mr. GILMAN] will be recognized for 30 minutes, and the gentleman from Indiana [Mr. HAMILTON] will be recognized for 30 minutes.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

□ 1730

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

Mr. Speaker, we have come to this point in our debate over United States policy on Bosnia because the Clinton administration has resolutely declined to provide the necessary leadership.

In this campaign for President, Mr. Clinton stated that he favored using military force, if necessary, to ensure that food and other relief supplies could reach the desperate people of Bosnia. After his election in November 1992, President Clinton followed the lead of the United Nations and our European allies.

During that period, a number of us in the Congress sought to ease the suffering of the Bosnian Moslems by repealing the arms embargo that put them at such a terrible disadvantage.

Our legislation would have permitted the equipping and training of the Bosnians so that they could defend themselves.

The Government of Bosnia pleaded with our Government to do just that, to lift the immoral arms embargo the United Nations imposed with our Government's support.

In meetings with the President, again and again we strongly urged lifting the arms embargo, but the President did not act because our NATO allies opposed it.

The best we could obtain was enactment of legislation late last year that required our Nation to stop enforcing the embargo against other countries.

Had the arms embargo been lifted, we would not now be confronted with sending our troops to enforce a peace plan that raises more questions than it has answered.

Hundreds of our troops are now in Bosnia even as we speak. Thousands more will soon follow. Short of passing a law to cut off funds—which the Senate has declined to do—and which the President would veto anyway—we cannot prevent this deployment.

The administration has yet to convince the American people that we have a vital national interest in Bosnia that warrants the possible sacrifice of American lives there.

The American people have registered their overwhelming opposition to sending our forces on a mission whose purposes remain murky, and whose outcome is uncertain.

As the House debates the measures before it today, we must consider how to balance our opposition to the policy of deploying our forces to Bosnia with our support for the men and women who are being ordered into a real-life Mission Impossible.

In his speech to the Nation, the President stated that providing more than 20,000 American ground troops for the NATO implementation force is vital for the Bosnian peace plan to succeed.

The President stated that our mission would have realistic goals achievable in a definite period of time—1 year.

While the President has specified a time frame, he has not spelled out the criteria for success, or our options if those criteria are not met. There is an exit date, but no exit strategy.

The peace plan is complex and complicated. It states that our main military task will be to separate the warring factions from the lines of confrontation, and keep them behind boundaries that will partition Bosnia into two entities. If the factions do not comply, our troops are authorized to forcibly remove them. How does this differ from fighting a war, which the President has assured us is not our objective?

Justice Richard Goldstone, the Chief Prosecutor of the War Crimes Tribunal, has told us that there can be no peace in Bosnia without justice for the victims of war crimes.

The peace plan describes an elaborate framework for investigating and assigning responsibility for human rights abuses, but is silent on how its findings will be enforced. Will our troops be called upon to bring the guilty to justice? If not, who will?

The President has argued that failure to keep his commitment to send troops to Bosnia will undermine future United States leadership and NATO's credibility.

But what will happen if, when the year is up and the President prepares to withdraw our troops, our NATO allies object, saying that the mission is incomplete? Do we stay, or go anyway?

Mr. Speaker, the votes we cast today will long be remembered in the history books of our Nation. Our votes must reflect our best judgments of the risks that this mission entails, of the soundness of the policy behind it, the potential for success and the price of failure.

How many Members of Congress who voted for the Tonkin Gulf resolution in 1964 have since said that was the one vote they wished they could take back?

Mr. Speaker, let us hope that, in the months ahead, our colleagues do not say that they wish they could have back any of the votes they cast on this issue today.

Mr. HAMILTON. Mr. Speaker, I yield myself 7 minutes.

Mr. Speaker, this is an important debate for the House today. Putting American troops in harm's way is as serious a decision as government makes. It is a decision that should be made not only by the President, but also by the Congress, so it is good that we are having the debate.

I should say at the outset that my preference is that the House vote today to support the U.S. troops and the mission in Bosnia. I think that kind of a decision should be a collective judgment of the Congress and the President; and when the Congress shares responsibility, the decision is stronger, sounder, and better able to withstand the shifting political winds and circumstance.

Let me state, as briefly as I can, why I think the deployment of troops to Bosnia is worthwhile. First, I think it is quite clear that the United States participation is essential to peace. All of the parties here, the Muslims, the Croats, the Serbs, and so far as I know all the countries in the world, none in opposition, agree that without American leadership, there would be no peace agreement; that without American troop participation, the peace agreement would simply fall apart; and that without U.S. involvement, the killing would resume and the war risks spread.

I also think that U.S. interests are very much at stake here. The question of Bosnia is now bigger than Bosnia. It has become a key test of American leadership, and having brokered the peace agreement, we cannot walk away. Bosnia is a test of U.S. leadership in the world. If we do not go in, our credibility sinks and our reliability collapses.

This Dayton agreement is not perfect. Some say it is not just. But the president of Bosnia has it right: This peace agreement is more just than a continuation of the war, peace is better than more war.

Mr. Speaker, this agreement supports U.S. interests in many ways. it stops the killing, it maintains a single unitary Bosnia state, it protects human rights, it reunifies Sarajevo, it allows refugees to return, it obligates the parties to participate and cooperate fully with the War Crimes Tribunal, it certainly avoids more war, it strengthens and preserves NATO and maintains U.S. leadership in NATO.

I believe the mission is doable. The mission for IFOR will be limited with a clearly states military task. The mission will be NATO-led, operating under clear, unified command and control with robust rules of engagement. heavily armed, well-trained U.S. troops will take their orders from an American general who commands NATO. Its mission is limited and targeted.

The purpose of this limited military mission is to establish a stable and secure environment so that others, not IFOR, can do the important tasks of reconstruction and reconciliation.

It is important to recognize what the mission is not, and there must be no mission creep. Our troops must not deliver humanitarian assistance, they must not serve as a nation-building force, they must not be a police force, they must not be responsible for election security. Those are all important and even critical tasks, but they will be performed by the civilian component of the peace process, and the Europeans will play the leading role there and pick up most of the costs.

I believe, Mr. Speaker, that the risks here are shared and acceptable. There is not any doubt that the U.S. troops will face risks, but those risks are acceptable and the mission can be achieved.

The costs and risks of failing to act are far greater: war instead of peace, not only in Bosnia but possibly in Europe, a crippled NATO alliance, and the United States not leading but staying on the sidelines.

We do not bear these risks alone. We share these risks with our closest NATO allies. We supply one-third of the troops. NATO and other countries

provide the other two-thirds. I believe that there is no real alternative that has been enunciated by the opponents of the President's policy.

□ 1745

Mr. HAMILTON. So far as I can determine, those who oppose the present policy simply do not have an alternative. What would they have us do? how would they maintain U.S. leadership, U.S. credibility, and U.S. reliability? How would they stop the fighting? How would they aid the injured? How would they create stability? How old they provide hope?

I believe, in this situation, that the United States can make a difference. Americans are understandably conflicted about this mission, and they have every right to be skeptical and to demand answers to their concerns. They do not want the United States to become the world's policeman, and there are many conflict in the world where we are not involved. But where we can make a difference for peace, where our action can stop a war, where our action can stop the killing, where the costs and the risks are manageable, we should act.

Finally, the United States, and this may be the most important point of all, must remain, in the conduct of its American foreign policy, reliable and credible. When we come right down to it, foreign policy is all about reliability. The United States will only be taken seriously in the world if we are seen as reliable; if we are viewed as standing up to our commitments in Bosnia or elsewhere. If the United States does not participate in IFOR, the United States will not taken seriously, its standing in the world is weakened. The consequence then of not voting to support the policy in Bosnia is, in my view, to undermine U.S. security because we undermine the reliability and the credibility of U.S. foreign policy.

No one knows whether this effort will succeed. no one is satisfied with all aspects of the Dayton agreement. There are no guarantees. But I urge the Members to support the policy and, of course, to support the troops.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. ROHRABCHER] a member of the Committee on International Relations.

Mr. ROHRABACHER. I respectfully disagree with the gentleman from Indiana [Mr. HAMILTON]. We have advocated an alternative to this policy for years. We have had a policy in the United States of an arms embargo against the victims of aggression for all of these years. The years go on and on, and yet the architects of that failed policy, which brought genocide, which brought mass killings, which brought aggression, now those architects of that failed policy tell us we have to send our young people into the Balkans, and we have not had an alternative.

We have been advocating an alternative all along. The fact is the architects of that failed policy now want to deploy tens of thousands of young Americans into the bloody Balkans when they helped make the bloody Balkans, and they want to put then right in the heart of the conflict.

I will be supporting the Dornan bill, which is the only binding legislation that we have to choose from of the three bills that we will choose from today. The other bills, just for the public knowledge, are show bills. They will give Members a chance for cover. The bill offered by the gentleman from California [Mr. DORNAN] is the only one that will stop a deployment, if indeed, it was enacted into law.

I will have to let my fellow Members know what that means. The House of Representatives should understand that the vote that we will take that is going to take place will be characterized by the President, if the Dornan bill goes down, as support of his deployment of Americans into the Balkans. That is what he has done with the vote in the Senate.

When the Senate voted down the Hefley bill today, the White House said, "That was probably the strongest statement of support they could possibly make. Having voted overwhelmingly not to shut off funding, is in a sense supporting the President's judgement."

If my colleagues want it on their record that they voted for the Gulf of Tonkin resolution of the Balkans, go right ahead and vote against the bill offered by the gentleman from California. We do not want to send our young people into that meat grinder that has absolutely no goals in mind, just to have an American presence. That is insane.

Mr. HAMILTON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Tennessee [Mr. CLEMENT].

Mr. CLEMENT. Mr. Speaker, yesterday, in a very uplifting and inspiring address, Prime Minister Peres of Israel characterized the 20th century as the American Century. As the end of the 20th century approaches, Americans can look back and feel proud of what we have accomplished in the past 96 years. The United States has compiled a list of foreign policy successes which is unrivaled in the modern world, including squelching the threats of nazism and communism, and the recent strides made toward lasting peace in the Middle East, South Africa, and Northern Ireland. All of these successes share the same values—American values—on which this great country was built: freedom and democracy. Yes, this truly is the American Century.

Now, the United States has been called on again, not to make war, but to make peace. Peace in a place where many felt it would never be achieved. We have all seen the atrocities on television, the rapes and murders of innocent civilians. After 3½ years, the fighting in Bosnia has left 250,000 people dead and 2 million more homeless. Yet here we are, on the verge of a unilateral peace agreement in war-torn Bosnia which will be formally signed tomorrow in Paris. We should be proud as Americans that our country's leadership has made this settlement possible. Now that the leaders of Bosnia, Croatia, and Serbia have reached agreement on the principles of freedom and democracy, it is up to the United States to take the next step, and following through with our commitment to help enforce these peace provisions. Let us all pray that this peace agreement will be kept by all parties.

The political upheaval of the former Soviet Union has left the United States, and its democratic foundation, in a position of world leadership. We are the last superpower. With this leadership comes responsibilities, and helping to ensure the stability of Europe.

I find it reprehensible that when the dawn of peace in Central Europe is upon us and our troops are already risking their lives to forge out this peace in Bosnia's hilly and dangerous terrain, some of my colleagues wish to cut off funding to the American troops.

Congress has the opportunity to do the right thing. Support the President, support the troops, support American values, and support peace in Bosnia. My colleagues, it is time to give peace a chance. The American Century is far from over.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Kansas [Mrs. MEYERS].

Mrs. MEYERS of Kansas. Mr. Speaker, I rise to express strong concern about sending U.S. troops to Bosnia and in support of the Dornan amendment.

Mr. Speaker, I have said that I would not object to sending troops to Bosnia if we had a really rock-solid peace agreement, but we do not have a rock-solid peace agreement.

President Tudjman has signed for Croatia, but he had an agenda. They got Slavonia back. President Milosevic has signed for Serbia, but he also had an agenda. He wanted to end the embargo. The only one who has signed for Bosnia is President Izetbegovic. No one has spoken for the Bosnian Serbs; no one for the Bosnian Croats. I think that, in fact, Mladic has spoken against this agreement on behalf of the Bosnian Serbs.

The argument about not abandoning the troops in the field I think is just not valid. The troops are not there yet. We have maybe 100 troops in Tuzla. By this time 6 months from now, we will have thousands there. Now is the time to speak.

Mr. Speaker, this war and the Vietnam war were very different, but in

some ways, in one way at least, they are very similar. Do we never learn anything? We found out in Vietnam that we cannot and we should not fight a war that the American people do not support. I do not think that that support is here.

Finally, Mr. Speaker, I think we should look at what will we accomplish? I firmly believe that if we leave in a year, and I say if we leave in a year, the fighting will not only resume, but will be much more violent, because all the parties will have had a year to rearm and to develop supplies.

Mr. Speaker, I support the Dornan amendment.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. FARR].

Mr. FARR. Mr. Speaker, the debate here today is not about sending troops to Bosnia. Our troops are in Bosnia, and tomorrow more will go, and Friday even more will go. In fact, yesterday afternoon I was with many of my colleagues having lunch with those troops in Frankfurt, Germany, and what they asked is for us to support what they are doing.

Mr. Speaker, those troops are trained. They are prepared to go. They are eager to go. In fact, the ones I had lunch with said, "I want to do the job that I am trained for."

This debate here tonight is not about war in Bosnia. It is a debate about whether Americans will stand up to implement a peace plan—a peace plan that we led. The agreement was written in Dayton. This agreement is one of the most interesting contracts ever done in the modern world. It sets out a whole process for how the military aspects will be involved in the peace settlement; how to stabilize the region; how to enter into boundary disputes; how to prepare for elections; a new constitution is written.

It sets up a system of arbitration of differences and sets up a commission for human rights and petitioning that commission. It is how to deal with refugees and displaced persons, including just compensation for taken property. It sets up a commission to preserve the national monuments and sets up public corporations for Bosnia and Herzegovina.

It sets up a civilian implementation plan to transfer from war to civil governments; it sets up an international policy for police task forces.

Mr. Speaker, this is an agreement that is signed by all the leaders. This is a contract on how we get from here to there. And when it is over, we stabilize the Balkans. Sure, there is some risk. But we are in a world where leadership is about getting something done, and the United States has gotten something done. We have ended the war; peace has broken out.

Mr. Speaker, to walk away from this would be a travesty. All the generals that we talked to, and the admirals that are going to be involved in this, urged our delegation to support the troops. As Admiral Snuffy Smith, who is going to be in command, told us, "I'll tell you why I want you to support us. Because we're big, we're good, and we deliver. We'll get in, we'll get the job done, and we'll get out."

Twenty-eight nations are already involved in the IFOR process. It would be a travesty for our military to walk away from all of those other troops whose mothers and fathers are just as concerned as our mothers and fathers about their sons and daughters serving there.

Mr. Speaker, it would be a travesty for diplomacy. Every ambassador that we talked to said this is the right thing. This peace accord is amazing. It is a great document. We ought to be supporting.

Last, the Presidents whose countries are involved, whose citizens suffered the war, all stated, "We signed this document. We are going to implement it. We want it to work. We are sick and tired of war. We do not want it to continue. We want to be back in the nation of economic prosperity. We have the talent to do that. Give us the chance."

Let peace prevail. Support our troops. Reject the Dornan amendment.

Mr. GILMAN. Mr. Speaker, I yield 2½ minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Speaker, I have one North Star that my eyes are going to be fixed on during the next 3 hours, and that is what I will say to a young widow or Gold Star Mother or some young child who has lost their dad or their mom for the rest of their life.

There has been a lot of confusion around here in the last couple of hours. It appears that Clinton is on his way to Europe again. The plane takes off in about a minute from Andrews. He is going to be calling the Democratic cloakroom, or somewhere, regularly to see if this House is going to give him the power that he took unconstitutionally, without coming to the Senate or the U.S. House of Representatives for permission to do this.

I remember when the Vietnam war went down the tubes and the fight transferred from the jungles and the fields and the central highlands of Vietnam to the Halls of this Congress. I remember when liberal Democrats were on this floor saying that Johnson, and then Nixon, did not have the constitutional power to absorb 300 and 400 killed in action every week.

□ 1800

Every time I thought they are half right, I was suppressed by loyal Americans saying you must support the men in the field. The last speaker talked about the enthusiasm of our young men and now women who want to do the job they were trained to do.

How many people are left in this House who talked to the 18,000 Vietnamese-speaking Green Berets who John F. Kennedy sent to Vietnam in 1963, 1964 and 1965? They were over there because of his orders in 1961 and 1962. How many thought that they should be allowed to do the job then? Talk to some of the fighter pilots here like the gentleman from California, DUKE CUNNINGHAM, the gentleman from Texas SAM JOHNSON, and the gentleman from Florida, PETE PETERSON, on this side. Ask how they were not allowed to hit serious targets in Vietnam and paid for it with years out of their life and their friends dead.

This is going to be, as the man in the Speaker's chair said today, at the Republican conference the most important vote of 1995, maybe 1995–1996. Clinton does not have the constitutional authority to do this. We have not even properly debated the constitutionality of it, let alone the weather report that I am looking at at Tuzla, which is sickening to put our men in there. Ninety-seven people are on the ground only right now.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. GIBBONS], distinguished dean of the Florida delegation.

Mr. GIBBONS. Mr. Speaker, I have learned a few things in life. One of the things that sticks out I guess in all of our minds is that anything that is worth doing is not without risk, and certainly this mission is not without risk. But after long consideration, I rise to support the Hamilton resolution, support the mission and support the troops that are involved.

I was here on the House floor and voted for the Gulf of Tonkin resolution. This is not a Gulf of Tonkin resolution. The Gulf of Tonkin resolution was a thinly disguished declaration of war against the Vietnamese forces. We go this time to keep peace, not to make war. There is a plan. There is a large support from the nations of the world to support this plan. There is acquiescence by the leaders of the combatants involved. Nothing that we do is without risk. We are going to have some casualties, for which we will all feel very sorry. But we cannot sit here or stand here idly and not do anything. Too much is at stake.

I often think that World War II could have been avoided had there just been any resolve on the organized world community to resist the aggression that took place in the guise of Hitler and Mussolini and Tojo. In the beginning, we could have said no, if we had had the physical ability or the will to do it, but we did not and the world did not. That conflagration, that combat grew and grew and grew.

I do not know that what we are doing here today is similar, but if we fail to act, the fault will be on our part. There

is a time in which civilized people must act and must act together and must act in accordance with a plan. This is the best plan that we have come up with. I think it is time that we go ahead with it, facing the risk of facing the challenges that are there and be resolved to support our troops and to take whatever action is necessary in bringing about peace in that area of the world. If we do not, the fault will be on us. If we do, there will be plenty of other people to help claim whatever victory there is in all of this. But we must move. We must move together and we must move resolutely. Let us support our armed forces.

Mr. GILMAN. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia [Mr. BATEMAN].

Mr. BATEMAN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, like the gentleman from Tennessee, I was terribly moved yesterday as Prime Minister Peres extolled the United States of America for what it means to the entire world community. We all stood and applauded the eloquence, even though maybe that was self-serving, because he was talking about us.

This country, after having deferred to our European allies for 1991 until into this year, finally became fully engaged. Because it became engaged, our NATO Forces commenced their strikes against the Bosnian Serbs.

Following that, there was a cease-fire and, following that, an agreement that the leaders of the warring factions would come to this country to try and work out a negotiated peace. None of that would have happened but for American leadership. There is no substitute for American leadership.

Having brought about a cease-fire, now having brought about an agreement under our sponsorship, based upon a commitment that our forces would be committed, we make a terrible error if we now renege on that commitment. There are things about the commitment, the degree of the commitment and blemishes in the commitment that I think are unfortunate. But the bedrock of the matter is that we stand committed. If we renege upon it, our vital national security interests will be very materially and significantly adversely affected.

We are the sole remaining world power, and we cannot be engaged militarily certainly anywhere and everywhere where there is strife in this world. But certainly if, having given this commitment, we renege upon it, say goodbye to the NATO alliance. Others may tell you otherwise, but I have no doubt that what it will, cripple it. Say goodbye to America playing a role and being credible in all of the far-flung corners of the globe, where the United States can make a difference in terms of promoting stability and peace, which are in our national security interests.

I must oppose the Dornan resolution.

There is not and has not been a substantial question as to whether America has a role to play in seeking a peaceful conclusion to the war in Bosnia. It is an immutable fact of history that our country is the world's premier superpower. We did not seek that role; it has devolved upon us as a by-product of history in this century.

The international activism of President Theodore Roosevelt, followed by our being compelled to enter World War I to facilitate the triumph over the forces of aggression and totalitarianism, had consequences. We were right recognized as a major would power.

Unfortunately, after World War I, we withdrew from the world stage. We refused to participate in the League of Nations despite the fact that it was our creation. We stood by and watched Fascism come to power in Italy and Germany. We offered no meaningful opposition to Hitler as he marched into the Rhineland or to Mussolini as he attacked Ethiopia and marched into Croatia. We offered no resistance to Hitler's dismemberment of Czechoslovakia or to the invasion of Poland, which ultimately lead England and France to belatedly challenge Nazi Germany after it had rearmed.

Only after the treacherous attack on Pearl Harbor did we enter World War II and again make possible the defeat of aggressive and repressive totalitarianism. Based on the disastrous agreement struck with Stalin at Yalta, we saw all the Balkan, Eastern Europe and Baltic states come under the yoke of communism and an iron curtain descend across Europe. We committed ourselves to helping Greece and Turkey from falling prey to communism. We initiated the Marshall Plan to save Western Europe from sinking into economic collapse and communist influence. We negotiated the North Atlantic Treaty Organization [NATO] as a bulwark against the expansion of the Soviet Union. In 1950, we led a United Nations' effort to defeat the conquest of South Korea by the North Korean communists.

It could be argued that we could—or should—have remained disengaged from these situations because they were not our problems. Fortunately, we did not. Soviet influence was contained after a struggle of more than 40 years. We led the free world in defeating Soviet imperial designs and the nations of Eastern Europe were freed of Communist regimes accountable to Moscow. This is an incredible record; one every American should reflect on with pride.

There is no disputing that the historic events of this century have conferred upon the United States a status that is significant and unavoidable. We are the superpower. what our country thinks, the position it takes, and how it acts are vitally important factors in every area of the globe. Only a fully engaged United States could have put together the grand coalition that defeated Iraq in the Gulf war, when Sadaam Hussein's aggression threatened our security interests. No one can conclude that this aggression would have been resolved without American leadership.

The break up of powerful empires has throughout history been attended by political and economic instability, which is anathema to democratic governments and inimical to the maintenance of peace. Surely, few would argue that we have no interest in encouraging democracy and peace. The absence of either runs counter to our moral view and, as history has shown in certain areas—as in Europe—contrary to our national security interest.

None of this argues that we are the world's policeman, or should conduct ourself as an international busybody. We should, however, be engaged where our influence serves a constructive purpose in spreading or supporting democracy, even if no American military or economic commitment is contemplated or appropriate. Against this background, I approach the question of what is the role of this country in the Balkans and in seeking to end the war in Bosnia and Herzegovenia. Due to the troubled history of this region through the centuries, and the nature of the ethnic, religious, and nationalistic forces at play there, the peace of Europe has not only been threatened but conflict has occurred.

When the former Yugoslavia broke up in 1991, the United States remained largely detached and chose to defer to its European allies to deal with the problem. This was an understandable view, but events have proven it unrealistic. Without the United States taking an active part, there exists a deficiency in leadership adequate to bring about an end to the war in Bosnia and to discourage its spread. NATO allies deployed thousands of troops on the ground and sustained a number of casualties, but the troops and their diplomacy failed to produce a comprehensive peace agreement.

With Americans successfully insisting upon NATO air strikes against the Bosnia Serbs, and Croatian-Bosnian Moslem successes, the warring parties were induced by U.S. diplomacy to come to the bargaining table. But for the stature of the United States, this would not have happened, and vital to it happening was a commitment that the United States would play a part in the peacekeeping forces that would be put in place following the signing of a peace agreement. That such an agreement has been concluded is a triumph of American diplomacy and a tribute to this country's standing as a force for good, for peace, and for democracy. How can we bring the parties to the bargaining table based on a commitment of our involvement, induce them to agree to peace, and then walk away from that commitment?

If we refuse to honor the commitment, it will have consequences. These consequences would be significant and would affect our vital national security interest. If we falter, it would have deleterious implications for our most important national security relationship: the NATO alliance. It would be a low blow from which the alliance could likely never recover. That presents a clear and vital national security concern for this country.

Should we shrink from our proper role in implementing the peace agreement negotiated under and as a result of our sponsorship, this country will have lost not face, but credibility throughout the world. It would have an impact in this hemisphere, throughout Europe, Asia, and the Middle East—in short, everywhere. A superpower sought as a force for stability and peace that chooses to disengage, especially when it made a commitment to be involved, defaults as a leader. Such a default creates a

vacuum of power no other nation is capable of filling. Such a circumstance is the basis from which instability and conflict are born and this defeats our vital national interests.

We have supported expansion of NATO over the reluctance of some of our NATO allies. If we refuse to lead in implementing the peace agreement we procured our policy of expanding NATO will be nullified. NATO could well contract, not expand. Resumption of the conflict between Bosnian Serbs, Bosnian Muslims, and Croats will not necessarily lead to expansion of conflicts throughout the Balkans, but if it resumes because the United States refuses to play it proper role, the risk of new and wider conflict in the Balkans increases. A signal that we are not concerned and are unwilling to take some risk for peace is a signal that we would not regard conflict between Albanian, Macedonian, Bulgarian, Greek, or Turkish ethnic, religious, or nationalistic elements as adversely affecting our national interest. To send such a signal would be a tragic mistake, for there are those who would certainly receive that signal and become more inclined to act upon it.

I repeat, the issue should not be whether there is an important role we need and should play in bringing peace to Bosnia and Herzegovena. We do, we should, we must play our proper role. President Clinton deserves recognition for ultimately becoming engaged and for using our unique standing to bring the warring parties to the negotiating table. He was right to do so. In fact, it should have been done earlier. President Clinton was correct to signal that, if a peace agreement was reached, we would play a role in seeing it implemented.

To have specified a commitment of 20,000 to 25,000 American ground forces, even before the military mission and the size of the total force could be determined, however, was a ridiculous mistake. We will undoubtedly have a very heavy responsibility for the air- and sealift for the peace implementation force. We will provide the medical care, command and control, most of the intelligence function and the combat air support. This being the case, there should have been no need for us to comprise a third or more of the ground forces. This is a disproportionate burden for us, measured by what our NATO and other allies can and should be expected to do. The President should be seeking to reduce the burden we accepted to a more equitable level.

American and the other forces deployed to implement the peace agreement must be perceived and in fact be neutral, not protagonists of one or the other of the warring parties. To be viewed as favoring one side risks the permanence of the peace and enhances the risk of casualties for the American forces.

There are provisions of the Dayton peace agreement that wisely impose a moratorium for a period of months on the acquisition of arms by the formerly warring parties. It properly calls for negotiation of a disarmament regime to bring the conflicting parties to a state of parity in aggregate military capability, which should serve to deter renewal of the conflict. This is eminently sound, and we must exert intense diplomatic influences to promote military parity through disarmament. If the effort succeeds, there would be no need for us to arm and train the Muslims unless it was done within the framework of such an agreement. If the disarmament effort does not succeed, the Dayton agreement, by its items, provides that after 180 days there should be an agreed self-executing military parity between the parties using as a baseline the military resources of the Federal Republic of Yugoslavia. Based on the terms of the agreement, the Federal Republic of Yugoslavia would be permitted 75 percent of the baseline, with the Republic of Croatia and the Republic of Bosnia and Herzegovenia each allocated 30 percent of the baseline.

If we make it clear that we will not provide arms to any faction except under the specific condition that it is done to provide and protect the military parity to which the parties have agreed, we can preserve the mutual, even-handed posture our role as a peacekeeper requires. The earlier the President spells it out, the less likely any role we ultimately undertake to arm and train Muslim forces will be perceived as constituting a hostile presence by the other parties.

Our NATO allies have opposed arming the Bosnian Muslims. Should the United States proceed to do so while there is an ongoing NATO deployment, and without the concurrence of the North Atlantic Council, it would threaten alliance solidarity. This would place us on a slippery slope we would do well to avoid. If we do as I suggest it should be acceptable to our NATO allies because our actions would be consistent with the Dayton agreement that they have endorsed.

I oppose any American forces being deployed to implement the peace agreement negotiated in Dayton until or unless it has been formally accepted by all the parties. Our role is not to make peace when the parties wish to continue the conflict. Our mission is to implement and help build mutual confidence among former warring factions who purport to want and have agreed to peace. If those parties by their conduct cast doubt upon whether they indeed desire the peace they ask us to implement, we should not put our forces in harm's way.

The agreement initialed in Dayton spells out a number of specific measures the warring parties pledged to implement within a specified period of time. Those measures include the departure of foreign forces such as the Islamic fundamentalists, whose presence is a threat to NATO troops. The warring parties also agreed to comply with the October 5, 1995, ceasefire and to refrain from all offensive operations of any kind, to disarm and disband all armed civilian groups and to avoid committing reprisals or counterattacks in response to violations of the agreement. The parties committed to begin promptly and proceed steadily to withdraw all forces behind a zone of separation. The parties are to account for all prisoners and to release them no later than 30 days after the date of the "transfer of authority," which is the date on which the U.N. commander transfers authority to the Implementation Force [I–FOR] commander.

The I–FOR implementation of the military aspects of the agreement should be delayed until the warring parties have demonstrated their willingness to discharge the obligations spelled out in Dayton by their leaders. If this is not done it will signify that they do not accept and will not comply with the reasonable measures required of them. In that event there will be no peace to implement and I–FOR, from the outset, would be injected into a combat mission.

The Clinton administration is insisting that our deployment of forces in Bosnia will last approximately 1 year. That is not an exit strategy, only a more or less arbitrary date. I am sympathetic to the declaration of a date for the withdrawal of American military forces from Bosnia, and it should be understood that if the need exists for a continued deployment beyond 1 year that the forces that remain will be comprised from contingents supplied from other nations. While establishment of fixed dates to conclude operations is generally ill-advised, a 1-year deadline for participation of American forces should be sufficient to ensure that the conditions in Bosnia are stabilized to the extent that any continued deployment could be sustained by non-United States forces.

As I have said, we do have a role to play in bringing peace to Bosnia. In 1 year we will have fairly and fully played that role and will have created conditions where non-U.S. forces should be fully adequate. The President should immediately communicate this position to our allies.

Our commitment of ground forces is based upon more than the initialing of words on a piece of paper. It is predicated upon the premise that the warring parties truly desire peace and will comply with the actions they have pledged to take. If they do not, the conditions for our commitment of forces will not have been met and U.S. personnel should not be deployed. In this context, the recent repudiation of the Dayton agreement by Bosnian Serb military leaders and the statements of French Gen. Jean-Rene Bachelet are particularly worrisome. Before we proceed with the deployment of our personnel, we should insist on assurances through confidence-building measures that the Bosnian Serbs want peace and under the terms of the Dayton agreement.

The securing of peace in Bosnia and stability in the Balkans is a noble objective that serves American interests and justifies our accepting some measured risk of casualties. Every drop of blood of American military personnel is precious, yet to shrink from our forces being engaged because there might be some casualties argues for doing away with our military. An American policy that shrinks from honoring commitments because there might be casualties is an invitation to future disaster. Our national interests throughout the globe would be imperiled if we prove unwilling to honor a major commitment.

If we are steadfast, we reenforce freedom, decency and stability throughout the world. To be otherwise would lead to instability and upheaval in many areas that are important to our Nation's peace and security.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Connecticut, [Ms. DELAURO] with whom I visited Bosnia this past weekend.

Ms. DELAURO. Mr. Speaker, I stand in support of American troops and in support of the United States mission in Bosnia.

The debate we have here today is as much about America's future as it is about Bosnia. Our vote today will send a message about our country's future role in NATO. If we walk away today, we will have relinquished our leadership role in the international community.

The human tragedy in Bosnia is beyond description. A quarter of a million people have been killed in 3 years of senseless slaughter. If we fail to enforce the Dayton peace agreement, we turn our backs on those who have suffered from mass rape, ethnic cleansing, and other unspeakable horrors.

In the face of this moral crisis, we must be willing to step forward and lead. It is what great nations such as ours have always done. Moral leadership in the world is part of the price of being the world's sole superpower.

Over the weekend, I joined a factfinding trip to Bosnia. I admit that I went with strong reservations about our military mission there, but I have returned with the knowledge that our troops are ready and our mission is clear. I have also returned with a belief that we have a moral obligation to do what only a U.S.-led force can do: keep the peace.

One of the highlights of our trip was a stopover in Germany to visit with American troops who will be deployed in the coming weeks. While there, I had a chance to speak with a young soldier from New London, CT, Private Jarion Clarke. Private Clark told me that he is well-trained, has faith in his leaders, and believes in the United States mission in Bosnia.

I asked Private Clarke what I could do for him: "Tell the American people that we are ready and we need their support," he said. So, that is the message I bring. Our soldiers need our support. They deserve our support.

I urge my colleagues to vote against the Dornan, and Buyer resolution. Vote for the Hamilton resolution. The only measure that clearly says to American men and women in uniform is that we stand behind them.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa [Mr. GANSKE].

Mr. GANSKE. Mr. Speaker, I too, just returned from Bosnia. Let me summarize what I learned.

First, no one in the Balkans wants to be part of a minority. Minorities get raped and killed. This fact caused the refugee problem. My impression is that there is a difference in commitment by the signers of the treaty on how to handle these refugees. One party wants them to return to their homes and villages. The other argues that this will re-create the conditions that led to the conflict in the first place. They argue for humanitarian aid to resettle these refugees in safer places. This is a crucial difference that bears on the long-term chances for success and peace.

Second, there is clearly unhappiness with the territorial provisions of the accord by both the Bosnians and the Serbs. The Bosnian Serbs feel they were betrayed, and the Bosnian Moslems do not like the territorial provisions either. They only signed on with the condition that the United States arm and train them.

This brings us to the third major area of disagreement, the level of rearming of the Bosnian Serbs. There were reports in the press indicating that the Bosnian Moslems want training for 18 brigades and want to be supplied with 200 tanks and 200 armed vehicles. Mr. Milosevic on the other hand thinks that all parties should proportionally downsize. This difference of interpretation of the treaty does not bode well for long-term peace.

Mr. Speaker, the technical requirements of the plan are contradictory. Will our troops be policemen or not? Nation builders or not? I asked a senior military official what would happen if in his sector the Bosnians or the Serbs started to harass a civilian population, would he respond or not. He said, why yes. Well, if he does, then he has now taken sides. We now have the U.S. military in a civil war.

Mr. Speaker, there is an alternative. Lift the arms embargo, provide relief aid, provide the same air support, the same logistical support. It is not too late. The best answer is Dornan.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself 4½ minutes.

Mr. Speaker, this past weekend I was fortunate to lead, with Congressman DENNIS HASTERT of Illinois, a codel which visited Italy, Croatia, Bosnia, Serbia, and Germany. We met with the President of Croatia, the Prime Minister of Bosnia, the President of Serbia, IFOR commanders, and U.S. troops who were preparing for deployment. The codel sought to answer six questions: What is the United States stake in Bosnia? Can the IFOR mission be accomplished? Are there risks to our troops? How do you separate military from civilian responsibilities? How do you measure the success of the missions, and what happens if they are not working? What should be done to maximize IFOR's success?

Adm. Leighton Smith, commander of the American forces south, and the other American generals and officers who briefed the codel were confident that the IFOR mission is achievable because IFOR has a clear mandate, substantial firepower, and the desire of the parties involved to settle this conflict. Each head of government with whom we met also expressed confidence that the Dayton signatories would meet their obligations because, as President Tudjman said, "Without the direct involvement of the United States, peace in Bosnia is not possible.

Implementation of the Dayton agreement is necessary and only the United States and NATO can do it.

There are risks. The roads are poor and the danger of accidents is high. Snipers, car bombs, land mines, and mortar fire are all potential threats. The presence of an unknown number of Mujahedeen fighters may be a problem, especially if they decide they do not want to leave Bosnia.

Clearly, there are many unknowns. Neither the U.S. Congress, our military leaders, our NATO allies, or the signatories to the Dayton agreement can promise that our involvement is without risk. But we do know that the Dayton signatories, both the politicians and the people they represent, said they want peace. And they believe that peace and stability can be reached only with our assistance. As Prime Minister Silajdzic of Bosnia said, "This move by your President is a courageous move, a far-reaching move. It is extremely important to grasp this change for peace. Because if Dayton doesn't work, nothing will work. We cannot have peace without a stable buffer, a bridge. That is why we need NATO troops. No other organization can do it. We need your help to make peace, not war."

Mr. Speaker, this debate is as much about our role in the world as it is about our role in this conflict. Today we are deciding how involved we want to be in shaping the world around us. In the past 72 hours two persons have put our role into perspective for me. The first was Admiral Smith. When asked about the United States national interest in Bosnia, he replied that the wrong question was being posed. He stated: "The question is about U.S. leadership in the world. If we don't go in our credibility goes to rockbottom. The next time when vital U.S. interests are engaged, are our allies and friends going to be with us? Probably not."

The second person was Israeli Prime Minister Shimon Peres, during his address to the joint session of Congress, when he said that the United States has ". . . save[d] the globe from three of its greatest menaces: nazi tyranny, Japanese militarism and the communist challenge." When he spoke of Palestinian democracy and peace with Israel's enemies, he said "three years ago such a prospect would have been a fantasy. All of this would not be attainable were it not for the American involvement and support for our efforts."

Mr. Speaker, every person voting in this Chamber today must decide right now what kind of world he or she wants to live in. We are clearly the most powerful country in the world. We have a strong military, a stable government, robust civil rights, and a reputation for constantly recreating ourselves to make America a better, more equitable country. And it is because of our vibrant, democratic traditions that the rest of the world looks to us for leadership. We talk a good game in this body, passing resolutions to say this and

sense of Congress to say that, but if we do not support our good intentions with actions, then our words will lose meaning and our good intentions and strong words will be a joke worldwide.

I, for one, believe in American leadership and I believe, as one of the American generals said to me, that the people of Bosnia, Serbia, and Croatia, need a period of decency. I want to give them that period of decency by helping to secure their peace.

□ 1815

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Louisiana [Mr. LIVINGSTON], chairman of our Committee on Appropriations.

Mr. LIVINGSTON. Mr. Speaker, I also was in Bosnia last weekend, and I met some of the troops that are going to carry out this plan. I had my picture taken with them, and I got a medal from them, from the First Armored Division. They are good people, and they deserve our support.

They were sent by the President to work with NATO to separate warring parties and hopefully keep those people from killing one another.

Now those parties have gone to Dayton, and they have signed a peace accord, and that accord says that our troops are there to assure the peace, not to make war, not to rebuild Bosnia, not to aid refugees, not to remove mines, not to disarm the parties, not to arm or train the Muslims. They are there to keep the peace, and they are well-trained, and well-equipped. They are prepared for the mission, and they will shoot to defend themselves, if necessary.

But hopefully they will not have to.

Now, I have opposed the circumstances which have brought us to this point. I cannot change history, however. The Commander in Chief of our Armed Forces has deployed our troops in what he says is in our national interest, and at this point I can only repeat what the local commander of our forces told me as recently as this Monday. He said, "Don't let the Congress do anything which sends a message to these kids that you in Congress aren't in full support of their efforts." Mr. Speaker, I intend to follow his advice, and I intend to support our troops in and out of Bosnia.

Mr. Speaker, I will vote for the Buyer resolution, I will vote for the Hamilton resolution, and I will give our troops the resources that they need to do their job and come home.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 3 minutes to another Floridian, Mr. PETERSON, a distinguished veteran who, I might add, had a very significant hand in allowing that the fighter pilots from France were released.

Mr. PETERSON of Florida. Mr. Speaker, we have a peace treaty. We did not sign it, we did not initial it, but the combatants in the war in Bosnia, all three, did.

This is an unusual opportunity for America. We have always had the opportunity to risk war, and we have done so every time that there was any national interest at stake. We have done that willingly, we have done that as a governmental body, we have done that as a nation.

What a wonderful opportunity to have today. We can risk peace. Yes, we can risk peace.

What happens if we fail? What happens if we fail in our effort to seek peace? We have war.

This is a no-brainer to me. Never have I in my career had the opportunity to go for peace. Our troops are going to Bosnia to implement a peaceful settlement that all three of the combatants have agreed to.

No one, I do not think can say that anything that happens in Europe is not of interest to us. The cost of being a superpower is that virtually anything that happens on this planet affects this Nation, and what is happening in Bosnia and in the Balkans right now is in fact affecting this Nation, and it will affect it even more if we do nothing. We have a very shallow window of opportunity to grab peace, and we should grab it with both hands, wrap our arms around it, and take it to the Balkans.

If we fail to do so, my colleagues, there is no doubt in my mind, having just visited that area, that we will have an expansion of this war to Kosovo, which will then trigger the Albanian input, which will then probably bring Macedonia in, which will then bring in Turkey, which will then bring in Greece, and then what do we have? We have the potential for World War III.

Mr. Speaker, we have history behind us that takes us back to World War I and World War II, both of which began in the Balkans. Do not let us help that start World War III. Support our troops and support the policy.

Mr. GILMAN. Mr. Speaker, I yield 1 minute, 30 seconds to the gentleman from Illinois [Mr. MANZULLO], a member of our Committee on International Relations.

Mr. MANZULLO. Mr. Speaker, I would encourage the Members of Congress to examine the exact document which is called the peace agreement, especially the military annex which is attached to it, and to compare the rules of engagement there with the statement put out by the Joint Chiefs of Staff of the United States, and those rules of engagement contradict each other. In the one put out by the Joint Chiefs of Staff it says we are not to be involved in moving any people or equipment out of the demilitarized zone, we are not to be involved in any type of disarmament, and yet the NATO troops, in the military annex attached to the peace agreement, gives our troops that type of power.

Mr. Speaker, this is a matter of defining the mission to send our beloved troops to a country that has experienced war for 1,500 years. I support the troops. I do not believe it is wise to send them, but I support the troops.

Mr. HASTINGS of Florida. Mr. Speaker, I reserve the balance of our time.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon [Mr. BUNN].

Mr. BUNN of Oregon. Mr. Speaker, having just returned from Bosnia, I was appalled at the devastation in Sarajevo. I did not see a single building that had not been damaged by the shelling or the sniper fire, and it is very, very clear that something has to be done, but I came back convinced that the President had made a horrible mistake in the decision to send our troops there.

We had an opportunity to listen to our military commanders tell us about how the troops are going to get in and how we are going to deal with the planning for casualties, how we have planned for communications, but when we asked about the exit strategy, there was no plan. We do not have a plan, how we are going to get our troops out of there. There was an alternative, and the plan was to lift the arms embargo and allow the Bosnians to defend themselves, and in meetings with the leaders in Bosnia the vice-president of Bosnia said point blank, "We didn't ask for your troops, we didn't need your troops. What we needed was the ability to defend ourselves, and you denied us that."

Nevertheless we need to understand today that there are troops there and troops on the way. Nothing we do tonight is going to stop the deployment. We are beyond that now. Congress is often faced with bad options, and President Clinton has given us bad options, but tonight we can choose to support the troops.

I am going to vote "no" on Dornan and support the alternative so we can do everything possible to allow our troops who are well trained and well equipped to do a job that they should not have been asked to do.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina [Mr. INGLIS].

□ 1830

Mr. INGLIS of South Carolina. Mr. Speaker, I thank the gentleman for yielding time to me.

There has been a fair amount of confusion on the floor here today about the thought process. One idea is we should support the troops by sending them there. The best way to support the troops is to keep them from going there.

Then there was a statement about how we are there to wage peace. I have

never seen it waged with tanks and guns and bullets. I think if you are going to wage peace, you do not send in the U.S. Army. The U.S. Army goes into places to crush, kill, and destroy. That is what they are real good at. I do not understand this idea of waging peace with tanks and weapons. If there is a peace, there is no need for peacekeepers. They have peace. If there is not a peace, then our people are peacemakers and that makes them, I think, combatants in a centuries-old civil war.

Then there is the thought we have to contain the conflict. It is like World War II, we are told. Think again. World War II, two key differences: No. 1, a pernicious, expansionistic ideology that wanted to control the world. There is no pernicious, expansionistic ideology here. This is the normal inhumanity of man against man, normal hatred. It is around the globe. It is in Rwanda, it is in China, it is all over. No pernicious expansionistic ideology.

The second key difference between World War II and now, in World War II we were not prepared. Now we are prepared. We learned after World War II you prepare for peace by preparing for war, and you stand ready with that strength under control. We can contain the conflict no matter where it goes in that region.

The sober judgment we need to bring right now is very simple: Is there an American security interest at risk? I would submit, that is the threshold question before you send troops anywhere: Is there an American security interest at risk? Clearly there is not in the Balkans. The only way to send that message is to support the gentleman's alternative.

Mr. GILMAN. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. FRELINGHUYSEN].

Mr. FRELINGHUYSEN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, for me the most important priority is to support our service men and women. The President has made his decision. While I am angry that he has made it without consultation to Congress and with the American people, we need to back up our troops 100 percent. Our actions tonight should send this message loudly and clearly to them as they prepare to go, because 25 years ago I was one of them in Vietnam. I was sent on a mission that bitterly divided this country and this House, but I learned then, as I know now, that our troops deserve nothing less than the undivided support of this House and all the resources necessary to support their mission. Please support the Buyer resolution.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Mississippi [Mr. TAYLOR].

Mr. TAYLOR of Mississippi. Mr. Speaker, in 1954 one of my heroes, Senator John Stennis, spoke against sending American mechanics to a little country called South Vietnam. He said that we would get drawn into a land war that we could not win, in a part of the world that people did not care about. John C. Stennis was right. We did get sucked into it. Then when that happened, he did his constitutional duty to support those troops.

What I am asking this body to do tonight is to prevent us from getting sucked into another war where other brave young Americans will die, be maimed, in a part of the world that Americans just do not care about. It is not a right or wrong decision, it is what is best for the American young men and women who have sworn to defend this country.

The best thing for those fine young people is not to waste their lives, and above all, do not abuse their trust. They swore to defend the Constitution of this country. They swore to defend this country. We are not even a participant on this treaty. Vote for the Dornan alternative.

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

Mr. HAMILTON. Mr. Speaker, I yield the remainder of our time to the distinguished gentleman from California [Mr. DELLUMS], the ranking member of the Committee on National Security.

The SPEAKER pro tempore (Mr. BUNNING of Kentucky). The gentleman from California [Mr. DELLUMS] is recognized for 4¾ minutes.

Mr. DELLUMS. Mr. Speaker, we come to the end of the general debate on this very significant and important issue. All of us in this room come to this debate from our various reference points. My reference point in this debate is as a peace advocate who came here 25 years ago to challenge militarism and to challenge the concept of military intervention. We opposed the war in Vietnam, military intervention in El Salvador, Nicaragua, Grenada, opposed our military intervention in the Persian Gulf.

We now find ourselves in the throes of a new era, an era referred to as the post-cold-war era, a period marked with change, with transition, a period pregnant with challenges and with opportunities.

But I would hasten to observe, Mr. Speaker, that there is a very interesting and fascinating disconnect in this country at this moment. At the grassroots level, the bedrock of a democracy, the American people look to Washington to say, "What do we do, leaders, in this new post-cold-war era?" The leaders in Washington, us being politicians who tend to poll, measure, count the votes, weight the mail and count the telephone calls, are saying, "No, you tell us," so there is a great disconnect. Most politicians are not willing to step into a period of transition to lead. That is risky. Many American people are saying in this period of transition, "Tell us where to go." It is very difficult.

I am prepared to accept the challenge. I step into this breach. My argument, Mr. Speaker, is that yes, this is a period of change and transition, challenge and opportunity; perhaps wrongly, but I believe that this post-cold-war era has presented us with a significant enemy, and that enemy is war itself, war itself. The great challenge is the challenge of peace. The great opportunity is to bring the world, kicking and screaming, to peace.

Perhaps wrongly, Mr. Speaker, but I believe that in my entire adult lifetime we have been given a magnificent gift, the gift of the post-cold-war world, an opportunity to step forward boldly and bring about significant change in America and in the world. I believe that this is the first opportunity, Mr. Speaker, that we truly have to challenge the whole notion of the use of force and the making of war as an instrument of foreign policy, the first time; the first time we truly, as adults, can challenge these whole bizarre and barbaric ideas of using force to kill and maim and harm, and using war as an instrument of foreign policy.

I have lived long enough, Mr. Speaker, to come to this moment where we now truly have an opportunity to talk about the issue of peace. The transition that we are in, the pain that we feel, I believe is that we are witnessing the transition from war to peace, from warmaking to peacekeeping, from risking war to risking peace. These painful steps into the future, into the unknown, into transition, into change, are fraught with challenges. They are difficult.

Peacekeeping is a new concept, a new lexicon, not worn easily by politicians, not understood by the American people. It is not something we have done, but I believe that it is something that we need to do as we move into the post-cold-war world with respect to Bosnia. The moral imperative is as follows: If you encourage a group of people to come off the bloody battlefield of killing and maiming and raping and plundering, and move them to the negotiating table, and they come with a product, perfect or imperfect, good or bad, liked or disliked, a product, a peace plan, and then they say to you, "He has murdered my son, I murdered his daughter, he murdered my mother, I murdered his father, we murdered 16,000 of our children and 250,000 of our neighbors. So while we have come to a peace plan, we do not rest easy with each other. We are paranoid about each other. We are fearful about each other. So stand in the way for a while to allow a period of transition as we move from the bloody battlefield to the issue of peace; so help us at this moment, because we are fearful. We have killed many of them."

The moral question then is do you reject that notion? What is a peace advocate in a post-cold-war world? Do we walk away from that?

Finally, Mr. Speaker, when 6 million Jews were being killed during the period of Nazi Germany, as we looked back at that moment we said, "How could that have occurred? Killing 6 million people is terrible." But there are 250,000 people dying in Bosnia. So what triggers your moral imperative? Six million people? Two hundred fifty thousand people? Where do you get upset?

Mr. Speaker, I would conclude by saying I think our role is one of peace. I think we have a responsibility to walk into this period as peacekeepers. I think we must address the moral imperative to play our significant role in the world. I think we ought to reject any effort to do anything less than that.

Mr. GILMAN. Mr. Speaker, I yield 1 minute to the gentleman from Kansas [Mr. TIAHRT].

Mr. TIAHRT. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I also went to Bosnia to meet our troops on the way in Germany and to receive a coin from the First Armored Division. This coin I plan to carry for the next 12 months, so I keep them in my thoughts and prayers. But this is a civil war. This is not a religious war. Only three of the five parties have initialed off this peace agreement.

Today, Bosnian Croats who did not initial this agreement are burning Bosnian Herzegovinian villages. This week they released a known war criminal. Bosnian Serbs, who also did not sign this peace agreement or initial this peace agreement, have two war criminals still commanding troops. This is an incomplete agreement. There will be no peace without justice. These people must be brought to justice.

This is just a trial separation before the divorce. We are giving them the opportunity to rest and rearm. We need to create other opportunities for peace, opportunities that will be there without sacrificing our young men and women. That is why I support the Dornan bill.

Mr. GILMAN. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. SCARBOROUGH].

Mr. SCARBOROUGH. Mr. Speaker, I am truly amazed at how the sides change here. Many of the same people who have been telling us for 20 years that we can no longer be the world's policeman are now coming to the floor saying, "We must be the world's policeman," even when there is not a direct vital American interest worth dying for. Who said that? The Secretary of Defense, Secretary Perry, in Philadelphia, said there was not a direct vital American interest involved. So do we as a Congress have a right to stand up and say something? Yes. That is our constitutional right. Yet it amazes me that Republicans as well as Democrats say it is all the President's prerogative.

James Madison, the framer of the Constitution, in 1792 wrote to Thomas Jefferson and said the following:

> The Constitution supposes what the history of all governments demonstrate: that the executive is the branch of power most interested in war and most prone to it. It has, accordingly, with studied care, vested the question of war in the legislature.

It is our responsibility. Support Dornan and support the troops.

Mr. GILMAN. Mr. Speaker, I am pleased to yield the remainder of our time to the gentleman from California [Mr. CUNNINGHAM].

The SPEAKER pro tempore. The gentleman from California [Mr. CUNNINGHAM] is recognized for 3¼ minutes.

Mr. CUNNINGHAM. Mr. Speaker, this is a very difficult subject for me to even speak about. It is wrapped with emotion, it is wrapped with anger, and it is wrapped with pain. I do not think, no matter what you vote for today, if you vote for the gentleman from California [Mr. DORNAN], I am against sending the troops to Bosnia. I think if you vote for the gentleman from California [Mr. DORNAN], that is a message, again, that you do not want to do that. The Senate is not going to pick it up. I think that is an acceptable vote.

If you vote for the gentleman from Indiana [Mr. BUYER] and the gentleman from Missouri [Mr. SKELTON] to support our troops in what they are doing, I think that is acceptable, also, and the gentleman from Indiana [Mr. HAMILTON] as well. I am not concerned so much about the vote today, Mr. Speaker, as I am in the future.

Many of us served overseas. In 1968, President Johnson stopped the bombing over in North Vietnam. Our hands were tied.

□ 1845

I watched friends of mine die. They did not have to die. We had Mogia and Van Kari and Ban Nappi Pass where we could see supplies coming through, and we could not stop them.

There was an ROE that you had to wait until a MiG shot at you first before you could shoot back. No Member of Congress ever devised that ROE. They never strapped their rear end into a fighter.

I looked at the thousands of my friends that died over there when we could not hit the SAM sites and we could not mine the harbors. Yet when President Nixon came up, he let us do that.

My concern is in the future because there are going to be some tough votes. There are a lot of people here in this body that will do anything they can to cut defense. It is a legitimate issue. They would rather put it in social spending. But in the future, we are going to have to vote, ladies and gentlemen, on supporting our troops. Make sure that you do.

Another area that kills me, not just under this President. Lebanon was a disaster, to tie down our Marines. Those kids died and they did not have to die. In Somalia, we have gone through the reasons why our troopers died. It is because we did not give them the support, the votes in this Congress and the President. Not just this President but other Presidents.

My real concern, Mr. Speaker, is the future. Because the votes are going to be tough. You are going to have to increase defense dollars probably if we get tied in there. I would ask my colleagues that want to cut defense, that want to cut defense, think about the amendments and the bills that you are going to vote for and all of them, because what you are saying is that you are going to support these kids. It is important. Do not forget the way you vote today.

Most of us have lost too many friends. There are 30 kids that fought in Vietnam and in Desert Storm that because of Tailhook are not passing and making Captain or Commander because there are certain people that would exacerbate that. Some of these kids had nothing to do with Tailhook. But yet the Senate failed to confirm them.

I would ask you, when we ask our men and our women to place their lives on the line, do not forget those sacrifices. Because we have over and over and over again, Mr. Speaker, and I would ask, think about your vote but carry it on after today.

Mr. FRANKS of Connecticut. Mr. Speaker, I rise today to voice my opposition to the deployment of United States troops to the former Yugoslavia.

I have consistently voted to lift the arms embargo levied on the Bosnian Moslems. I firmly believe that President Bush and President Clinton were wrong in their policy to continue the arms embargo on Bosnia. The Bosnians have the right, as a sovereign people, to defend themselves against any form of aggression. By continuing the arms embargo, the United States and its allies have perpetuated the slaughter of innocent people.

I applaud the Dayton peace agreement initialed by the warring factions and the agreement to begin to re-arm the Bosnian Moslems in an attempt to return a balance of power to the region. However, I am skeptical of the agreement because all parties have not initialed the agreement and I have viewed very vocal and extremely aggressive anti-American sentiments in Bosnia. The peace is tenuous at best.

I have long questioned the role of the United States as the policeman of the world. Clearly there are other conflicts around the world that need policing, yet, no one has called for the use of the United States military.

Not one Member of Congress has claimed that these conflicts are in the national interest of the United States or worth one drop of American blood. Still, Members call for American troops to sacrifice for the Bosnian civil war.

During the debate surrounding the deployment of United States troops to the Persian Gulf, many of my colleagues on the other side of the aisle derided the deployment as the United States in the role of world policeman. These same Members are now supporting the deployment of troops to Bosnia because they claim that it is the duty of the United States to lead the world in policing the civil war.

Let me simply suggest to those Members: this is not the Persian Gulf. The United States deployed troops to the Persian Gulf as a direct result of military aggression by Iraq against Kuwait. The Bosnian deployment is a result of a weak peace agreement between warring factions of a centuries-old civil war that represents no risk to United States national security.

I do not support the deployment of troops to Bosnia because the President has not convinced me, my constituents, or the majority of Americans of the need for this military action. Yes, I recognize the authority of the President to commit troops, but I also recognize the authority of the U.S. Congress to authorize the use of the military. The President, after repeated requests by this body, has neglected to seek Congressional authorization for the deployment of the troops. For this reason I supported Mr. DORNAN'S bill to refuse to fund the military action in Bosnia.

The President has truly failed in his attempt to convince the American people that one American life is worth peace in Bosnia. My constituency is not convinced. Overwhelmingly, my constituents have written to me to oppose the deployment of troops to Bosnia. I will not allow this Nation to become the policeman for a regional civil war that has raged for hundreds of years and still simmers below the surface of this peace agreement.

I have supported the use of United States technical support and related assistance in the Bosnian theater. I did not oppose the use of United States airpower to protect the peackeepers in Bosnia because this is where the United States expertise lies. As the world leader in military technology, this is an acceptable role for the United States. However, I will not support the use of United States ground forces in the Bosnian theater. Ground support in the Balkans is the sole responsibility of the European nations. Europe has the singular obligation to protect the European continent and provide the force necessary to maintain peace in the European theater.

Due to the lack of a cohesive mission strategy and the inability of the President to convince the majority of the American people that deployment of United States troops to Bosnia is essential, I cannot support the deployment.

Mr. LIPINSKI. Mr. Speaker, the peace that was brokered in Dayton that is supposed to resolve the civil war in Bosnia and Herzegovina is nothing but a thin, glass wall waiting to be shattered. It is just another cease-fire that will once again be broken by discontented parties. To send American ground troops into the thick tension that still prevails is nothing short of a kamikaze mission.

Many Bosnians want Americans to come and help enforce the peace established in Dayton. Unfortunately, this is not true peace. True peace does not require 60,000 foreign soldiers to police the streets. Bosnian Serbs living in Sarajevo are staging daily protests hoping that the peace settlement will be renegotiated. They are dissatisfied because under the Dayton agreement the suburbs of Sarajevo that they call home will be turned over to the newly created Croat-Muslim Federation, which most view as a fate worse than death. This one provision in a multifaceted agreement is enough for some to pick up arms once again. Because Bosnian Serbs are so discontent with the agreement, their leaders announced they would hold a referendum on December 12, to ask their citizens whether or not they should accept the Dayton peace plan.

The fact that Croatian President Franco Tudjman, Serbian President Slobodan Milosevic and Bosnian President Alija Izetbegovic were able to sit down in one room together and over the course of a few weeks, create a plan for peace is, of course, nothing short of a miracle. President Clinton and his administration ought to be commended for accomplishing the unthinkable. The problem though is that only presidents and foreign ministers present agreed to stop the war; no one consulted the people. It is the people who have festered hatred in their hearts which has caused this civil war. There cannot be a workable peace solution unless the people want it, unless they are willing to put away their deepseated hatred for one another and say enough is enough.

This tenuous peace which 60,000 NATO troops must enforce will be led by American troops and was promised to the warring factions before the American public could have its say. In fact, the understanding of the three warring parties before they came to the peace table was that America would be there to monitor the final agreement. But we cannot send 20,000 of your young, vibrant men and women to enforce a peace that is not going to last. President Clinton has promised Bosnia the lives of thousands of our young people for 1 year. Does President Clinton really believe that hatred which spans to course of hundreds of years is going to be resolved in 1 year?

Why do we want to subject our soldiers to the wrath of the Serbs? What will these young men and women be to angry Serbs? Targets. Targets of their frustration of being bombed by American-led NATO war planes. Targets for their frustration of losing large amounts of territory to Croatia this past summer. Targets for their frustration of being forced to accept a peace plan they do not agree to. Targets for the anger of Serbs who were bombed by Americans in Sarajevo. Targets along the slim stretch of land, Brcko, that the Serbs want expanded and handed over to them. And when our soldiers are not the targets of snipers they will be subject to the threat of thousands upon thousands of landmines that will be covered by the winter snow, Yes, the best way for factions who are reluctant to go along with the Dayton agreement to sabotage peace is for them to attack Americans.

And why should Americans be deliberately put in harms way? What vital interest does America have in Bosnia? None. We have no vital interest in Bosnia. Secretary of State Warren Christopher called Bosnia "the problem from Hell." Political leader for the Bosnian Serbs, Radovan Karadzic, who has the responsibility of drumming up support for the agreement said, "What is wrong with the Dayton agreement is that it has created a new Beirut in Europe. It is going to bleed for decades." Why does this require that we put American lives on the ground in a country whose hatred is older than our Republic? This is a civil war that must be resolved by its own citizens. It took nothing short of a totalitarian regime to maintain the peace during this century. One year of peacekeeping will not solve their problems or further any of our interests. For this reason, Mr. Speaker, I will vote today for H.R. 2770 to prohibit the use of Federal funds from being used for the deployment of United States Armed Forces on the grounds of the Republic of Bosnia and Herzegovina.

Mr. DICKS. Mr. Speaker, tomorrow the President will be in Paris to witness the signing of the peace accord that will officially end the 43-month war in Bosnia. The United States will be standing proud as the instigator of the process that took place last month in Dayton, at which the leaders of Serbia, Croatia, and Bosnia agreed to end the savage ethnic warfare that has claimed more than 250,000 lives over the past 4 years. This will be a great day for the people of Bosnia, and certainly a proud moment for those nations involved in the peace process. There is much work ahead in implementing the vision of peaceful coexistence in the Balkans, but with the determination of all of the NATO countries to extend the guarantee of European stability, it is truly a cause worth the effort.

Under this agreement one state with a unified, constitutional government will be created. Free elections will be held throughout Bosnia next year. Territorial issues within Bosnia have been resolved, and within these boundaries, all Bosnians will have the right to move freely. Those displaced from their homes by the fighting will finally be able to return home. Best of all, perhaps, is that the parties have agreed to respect the human rights of all persons, and those individuals who have been responsible for the heinous crimes perpetrated against the Bosnian people will be brought to justice.

This agreement represents great progress. While some of my colleagues here in the House today have expressed skepticism, I firmly believe that this peace can and will work. The leaders of all sides in this conflict have affirmed a true desire for peace on behalf of their people who are weary from the harshness of the conflict they've experienced. The people themselves have encouraged their respective leaders to follow the course of reconciliation.

What is required to make this plan work is simple: a neutral intermediary to enforce the peace accords for a time sufficient to allow the establishment of the new government. Clearly, this role can only be served by NATO. No other international organization has the capacity and respect to undertake such a critical operation. The mission itself is one that NATO is particularly capable of accomplishing. But it is

equally true that NATO cannot accomplish the task without the direct and substantial participation of the United States. We have an obligation to participate and we have a direct interest in doing so because of the impact on the stability of Europe. Without our agreement to join NATO on this endeavor, other nations would decline to participate and the peace would assuredly fail. And then the fierce fighting would resume.

I am confident that our participation in this peacekeeping mission will be both limited and well-defined. U.S. troops, serving under an American commander, have been given rules of engagement sufficient to provide them with the ability to protect themselves and carry out their assigned tasks. Our role in the implementation force, although significant, will be limited to about one-third of the NATO contingent, with more than 60,000 troops coming from European and other nations. And our role will be limited in duration: the President has expressed the clear intent of withdrawing American troops in a year.

Mr. DEUTSCH. Mr. Speaker, the President's decision to send United States troops to Bosnia is an appropriate and necessary use of power by the world's only superpower designed to bring peace to the Balkans. It is a mission we neither sought nor savor. These troops are not being sent into a war. Rather, they are going to support a peace treaty. Last month, in Dayton, OH, the three Balkan leaders initialized a peace treaty that would halt the fighting between the Serbians, Croatians, and Bosnians. Two months ago, while the fighting was raging across the former Yugoslavia, I would have refused to endorse a plan sending American troops to Bosnia. Today, however, American troops are not being sent to Bosnia to engage in an active military conflict. Instead, they form the backbone of a peacekeeping mission that will at long last bring stability to an area of the world that has only seen violence and misery for so many years. Surely there is risk in sending our soldiers overseas. However, it serves our national interest to help bring peace and stability to the Balkans and to Europe.

Before we send our soldiers to Bosnia, however, it is imperative that we develop a comprehensive exit strategy to guarantee that our troops will not fall into another intractable quagmire. As wisely highlighted by the Senate Majority Leader BOB DOLE, if we leave Bosnia without allowing all the parties to stand on equal ground, we will find ourselves debating these same issues in the very near future. The United States must ensure that before our soldiers return home, the Bosnian Army has the ability to defend itself and its people.

Mr. MARTINI. Mr. Speaker, I rise today to strongly support tonight's efforts to prevent American troops from serving on the ground in Bosnia.

This Congress has voted repeatedly in Congress and told President Clinton that we had no desire to send Americans to participate in a peacekeeping mission that is of no vital interest to us, of questionable prospects for lasting success, and that puts at risk thousands of American lives.

I hope peace prevails in that troubled region, and that the recently negotiated peace holds and the bloodshed and misery in the Balkans soon ends.

But we have no vital interests at stake in the region, and should not get involved.

There is no overriding strategic or economic threat to the United States there.

The war has not yet spilled outside of the former Yugoslavia, and we have already taken steps toward containing the fighting.

And NATO won't fall apart if we do not participate.

NATO is a strong alliance, a collection of Western democracies bound together by common interest.

That common interest will not go away if we do not go to Bosnia.

As for our prospects for success, exactly how will a 1 year deployment of peacekeeping troops solve a conflict that has raged for centuries?

It took the iron fists of one empire after another to keep the underlying ethnic tensions in this area under control.

It is unfortunate, but true: signatures on a piece of paper and a brief intervention of foreign troops will not quell the hatreds that dominate the former Yugoslavia.

Yet to pursue this questionable objective, we are asked to risk the lives of 20 thousand American troops.

The President wants to put them in the crosshairs of sniper's rifles, and subject them to the jeopardy that comes with the thousands of land mines that are buried over there.

Angry mobs are already gathering in the streets to demonstrate against our mission.

We are sending our men and women into an unfamiliar and dangerous hornet's nest, and for the wrong reasons.

I support the troops, and am grateful for their efforts on our behalf.

They have a very difficult mission to carry out, and I am sure they will do a fine job when they do.

But it is a mission that will come at great cost, and it is one we should try to avoid for them completely.

Mr. SKAGGS. Mr. Speaker, tonight, this House faces a choice. We can choose to support the President of the United States in his decision to help end the tragic war in Bosnia, in his decision to act with our NATO allies to stop the killing in Europe for the third time this century, in his decision to nurture a peace that without question will be fraught with its own risks and dangers. Or, we can choose to desert the President at this time of challenge to American leadership, to seek moral comfort for this country in the failure of Europeans to end the slaughter, to watch the war resume content that the vital interest of the United States might this time escape the blight of war in Europe. As between a problematic peace and a horrific war, I choose to support the President's courageous work for peace.

Mr. Speaker, many of the people I represent have contacted me to express their concerns about the Dayton peace plan for Bosnia and the risks our troops may face as part of an international force to implement that plan. I've had many of the same concerns myself.

Earlier this month I joined 14 other members of the House on a bipartisan fact-finding tour of Bosnia and other countries in the region to address these concerns. We met with American, NATO and U.N. military commanders and diplomats, soldiers from Colorado, and the presidents of Serbia, Croatia and Bosnia and Herzegovina. I've also met with the President; the Vice President; Richard Holbroke, the Assistant Secretary of State who negotiated the Dayton accords; Samuel Berger, the Deputy Assistant to the President for National Security Affairs; and Lt. Gen. Howell Estes and Lt. Gen. Wes Clark of the Joint Staff. I asked them the same questions that Coloradans have been asking me.

At a town meeting this past Saturday, I heard again from people in my district, and I talked with them about what I had seen and learned.

Based on all that I've been able to learn, I believe the American role in leading the NATO implementation force is essential and that the mission of the implementation force is well-planned and appropriate.

I'm well aware that as we go down the path envisioned by the Dayton agreement, there is no guarantee of success. I have questions about having the new civil and political institutions up and running after the one year NATO deployment concludes, progress that will be important to sustaining the peace. Nevertheless, our contribution to the peacekeeping deployment gives us the best chance we have had to stop a dangerous war that has been raging for four years in Europe.

Critics of this mission have said that the war in Bosnia is really a European problem and that we should let the Europeans solve it. But the truth is that we cannot afford to duck our responsibility as the leader of NATO during this defining moment in Europe's post-cold war history. We have largely deferred to the Europeans on this problem for 4 years, and they have never been able to reach a consensus on how to solve it. Without United States leadership the war in Bosnia will continue. Two tragic world wars should have taught us what can happen when we turn our back on Europe in a time of crisis.

Our military mission in Bosnia will not be risk free; there will no doubt be casualties. But the mission has been carefully planned and trained for; American military leaders have been preparing for this mission for 18 months and helped to write the military annex to the Dayton agreement. The 1-year time frame for the military deployment is part of the plan that our military leaders helped craft—it is not some arbitrary deadline imposed from the outside for purely political reasons. The mission statement is clear, and our commanders in the field have unprecedented authority to respond to challenges and threats with overwhelming and decisive force. While it is impossible to plan for every contingency, I'm persuaded most have been anticipated.

Our troops are well-trained in the recognition, detection, and clearing of land mines. They'll be equipped with sophisticated detection equipment and protective gear. Protection from the hazard of mines is a key reason our military planners chose a heavy armored division for this assignment. And keep in mind that the Dayton agreement calls for the warring factions to clear the mines they have planted. Yet, there will no doubt be casualties from mines.

Our troops will likely face attack from some rogue elements outside the chain of command

of the regular armies. We will have a remarkable capability to detect and track hostile elements, however, and overwhelming force to deter and repel attack.

The question of an exit strategy has been repeatedly raised by critics of the plan. This strikes me as a false issue. Exit after 1 year is expressly built into the Dayton agreement, with time-defined tasks and objectives. U.S. military commanders were quite clear that they have no question about when and how they'll depart. They also made it clear that if the parties to the agreement aren't serious about keeping peace and fighting resumes, we will withdraw our troops.

There are risks and problems in the civil-political parts of the Dayton agreement, too. It includes an ambitious timetable for economic reconstruction, humanitarian activities and the formulation of new political institutions, and the power arrangements crafted to create the new Bosnian state seem awkward at best. But a massive international effort has already been launched by the London conference to coordinate the myriad of humanitarian and political projects that will have to be undertaken to support the agreement. We can only hope that enough will be in place to sustain the peace when the troops go home at the end of next year. And it may well make sense at that time, under circumstances then very different from the last 4 years, for some international police authority to assist with security for a longer period.

We should be under no illusion that Presidents Milosevic, Izetbegovic, and Tudjman entered this agreement out of altruism. Just as self-interest brought these three leaders to the table in Dayton, it will be self-interest that will encourage them to keep their bargain and make peace work. All three have calculated that their future lies with the West. Izetbegovic is struggling to find a way for his country to survive as an independent state. Milosevic is desperate to put a permanent end to the devastating international embargo that has destroyed the Serbian economy. And Tudjman wants to expand trade with Europe and to press for admission to European institutions.

So, the peace reached at Dayton is a messy, pragmatic arrangement. Sadly it is not a just peace, because it ratifies the gains of war. But I believe this peace is better than continued war with its horrors and injustices.

Mindful of all these risks and uncertainties and imperfections, if we don't keep our commitment to help enforce the Dayton peace agreement, we'll pay a great price. The war will resume, and we will have forfeited American leadership and credibility. If the war spills over to Kosovo and Macedonia, it would cause enormous damage to our security interests in Europe by drawing Albania, Bulgaria, Greece, and Turkey into the conflict. This risk of conflict between NATO member states and a broader European war can't be lightly dismissed.

Ten days ago in Sarajevo, we encountered a group of the long-suffering people of that city outside the Presidential Palace. An older woman, tears spilling from her eyes, told us that she had lost her son in the war; she pleaded that only America had the trust of the Bosnian people and the power to end the war. It was a poignant reminder that this is not a problem that can be solved by Europeans without American leadership.

The next day I had lunch with two impressive young Army troopers from Colorado awaiting final orders to Bosnia at their 1st Armored Division base in Germany. One of these men had taken his Thanksgiving leave to visit the former Nazi concentration camp at Dachau. Referring to the mission ahead of him, he said, "Congressman, if we have the power to keep that from happening again, we have to do it." A reminder of an earlier problem that could not be solved by Europeans without American leadership.

So, it is important to remember that this is not just about Bosnia. Other actors around the world are watching these events and will be taking their cue. If leaders of dispossessed ethnic groups elsewhere in Europe and in the new states of the former Soviet Union see that the international community is unable to act effectively, they may well challenge the political compromises that have been worked out in their states. Eventually, much of what we won in the cold war could be put at risk.

The President has not done an adequate job in making the case for the deployment of American soldiers in Bosnia. This surely makes it harder for members of Congress to support him, because it makes it harder for the American people to understand what's at stake. Still, the President's commitment to send a U.S. military force to help to enforce peace has been clear for a long time.

The President has shown courage in taking on this difficult responsibility in the face of political risks and public opposition. A vote for this resolution to oppose the mission will only serve to encourage both the enemies of peace in Bosnia and the enemies of United States leadership in pursuit of a decent international order.

Mrs. MORELLA. Mr. Speaker, I have deep concerns about the mission which the President has assigned to our Armed Forces to implement the Bosnia agreement reached in Dayton last month.

I remain deeply troubled by the President's decision to deploy United States troops in support of the Bosnia peace agreement. First of all, this is an unworkable agreement—that it is the best agreement attainable does not make it a good agreement. I have serious doubts that this agreement, even if it were fully implemented, would be successful in the long term. Moreover, the President has failed to make a convincing case that the conflict in Bosnia threatens our national security interests, or that implementation of the Dayton accords will resolve those concerns. He has also blurred the distinction between peacekeeping and peacemaking.

I am also deeply concerned about the conditions on the ground for our troops. Bosnia, particularly the area around Tuzla where United States troops will be based, is heavily mined. The great majority of these minefields are not mapped, and many of the mines in use in Bosnia are not easily detected. Furthermore, United States troops who may be taken prisoner will not be afforded the protections of the Geneva Convention for prisoners of war; they will not even have the legal status and guarantees of POW's.

Lastly, does anyone really believe that this mission will last only 1 year? Timetables on many international agreements in recent years have been much too ambitious, and inevitably have been revised and extended. I have serious doubts that this agreement, as contentious and entailed as it is, can meet its timetable.

Last month, I voted for legislation in the House forbidding the use of appropriated funds for the President's proposed Bosnia peacekeeping mission unless he requested a specific authorization of appropriations for the mission. I believe that the Commander-in-Chief, although not constitutionally required to do so in all cases, should always come to Congress for approval of the deployment of U.S. troops in area of conflict. However, I will not vote to cut off funding for our service men and women when they have already been deployed; I will give our troops as much support as they need to carry out their mission to the best of their ability. I oppose H.R. 2770; I support the Buyer resolution.

Mr. EWING of Illinois. Mr. Speaker, I rise in strong support of the bills in opposition to President Clinton's misguided Bosnia policies. I support these bills because I support the men and women troops being asked by President Clinton to put their lives at risk.

The President believes he may conduct this policy without the approval of Congress. However, Congress does have a responsibility to address this issue, particularly when Congress is expected to provide the funding for this endeavor. This House has already voted twice advising the President not to send ground troops into Bosnia, but he has ignored that advice. I see no reason why we should now give him our consent.

The President has failed to explain to the American people clearly what our goals and objectives are in Bosnia or what national security issues are at stake there. He simply offers vague statements about securing peace. We are all deeply concerned about the terrible ethnic warfare occurring in Bosnia, but we cannot send American troops into a deadly situation without a clearly defined military mission, a firm timetable for their commitment, and a plan for getting them out. Furthermore, the President has failed to tell us how much this endeavor will cost the American taxpayers.

I commend the various parties involved in the civil war for finally reaching a peace agreement recently, at least on paper. However, the long history of violence in Bosnia demonstrates that this agreement could easily fall apart. If it does, this time thousands of American troops will be in the firing line.

Finally, and perhaps most importantly, the American people are strongly opposed to the President's policy. In my own congressional district, constituent phone calls to my offices have been more than 5 to 1 against sending ground troops into Bosnia. We should have learned from the Vietnam war that a successful military mission requires strong support from the American people.

Mr. KLECZKA. Mr. Speaker, there is not a Member of this House that does not hope the Dayton peace agreement ends the bloodshed in Bosnia and Hercegovina. Three-and-a-half years of war and destruction must end, so that thousands more innocent lives are spared.

However, I do not believe that the United States must or should send ground troops to

continue to be a leader in implementing this agreement. Thus far, we have provided essential air, naval, and logistic support activities to our NATO allies. We could continue to operate in this capacity in order to make sure the peace is kept.

Only a few months ago, we led the NATO air strikes against the Bosnian Serbs. How can our troops now be seen as neutral peacekeepers? Being viewed as partisans is a major threat to their safety, and already there is dissension among the parties to the peace agreement.

The first bill considered today, offered by Mr. DORNAN, expresses the position I have held on this issue from the beginning. This is the view that hundreds of my constituents have voiced, as well. They believe that there is no compelling argument for sending ground troops. This conflict is replete with many ethnic and historical issues which will not be resolved by deploying our service members.

As a Member of Congress, I could never turn my back on the men and women who so bravely serve our country. Preceding the gulf war, I voted against similar resolutions to send in American troops. After they were sent, however, they needed and deserved the support of Congress. That is why the resolutions offered by Messrs. SKELTON and HAMILTON will also receive my vote today. We have a responsibility to give these brave and dedicated men and women our unqualified backing in their mission and these two resolutions accomplish that purpose.

Mr. DELAY. Mr. Speaker, already patriotic American young men and women are in the former Yugoslavia preparing for the arrival of thousands of troops to help implement the recent peace agreement. President Clinton, without the support of the American people or the Congress, has exercised his Presidential authority to send troops into action without the consent of Congress.

Republicans don't question the President's authority as Commander-in-Chief to send United States troops to Bosnia. We do question his judgment.

I believe the President has made a grave mistake. He has put Americans in danger without clearly articulating what national security interest requiring the use of United States forces is at stake in Bosnia. The President's promise to send some 20,000 United States ground forces into war-torn Bosnia was made in an off-hand remark more than 2 years ago. It became a commitment in search of a mission.

President Clinton made the promise without seeking the support of the American people. As a result, both the American public and the Congress have been shut out of the process that now involves sending American men and women into a very dangerous situation. This fact is highlighted by numerous polls indicating that close to 60 percent of Americans continue to disapprove of the Clinton plan.

There is no doubt that Republicans will unconditionally support our troops now and throughout the entire time they are deployed. We will make sure they are properly armed and have every resource available so they can adequately defend themselves.

However, the President needs to understand that he has not successfully made his case, as is demonstrated by the fact that the House has voted three times in opposition to his policy. Unfortunately, the President has chosen to ignore our counsel. Today will mark the House's final attempt prior to the signing of the peace agreement in Paris to express to the President the will of the American people with regard to sending our young Americans to Bosnia.

Mr. President, please take heed this time.

Mr. RICHARDSON. Mr. Speaker, we must support our troops. We cannot fail to support our troops. If we cut off funds to our troops we are failing to support them.

We must also support the President. He has created an environment for peace through the Dayton Agreement that hasn't been seen for 4 years in Bosnia. Four years of relentless killing; 4 years of non-stop ethnic cleansing; 4 years of unspeakable horror.

Every soldier knows that his chain of command is vital to his well being. The President is the Commander in Chief. Therefore the well being of our troops depends on support for the President.

The leaders of the warring sides have agreed to a peace. NATO is the only body that can enforce that peace. America is NATO's leader. Without NATO, the peace plan for Bosnia will collapse. NATO may collapse if the United States fails to lead in Bosnia. Turkey and Greece, both strong members of NATO, have conflicting sympathies in Bosnia. If the United States fails to act in Bosnia the war there may reignite, and it may drag members of NATO into it on opposing sides. Without American leadership, the peace agreement can not survive.

The opportunity for peace is at hand. We need to act now. We need to support the President's initiative for peace.

The Dayton Peace Agreement settles the territorial issues that caused the war. The Dayton Peace Agreement commits all parties to the conflict to cooperate with the investigation and prosecution of war criminals.

If we fail to act now to enforce the peace, we may later find ourselves with no choice but to once again become involved in a broader European war. The Balkans have been an historically volatile place. We are presented with an historic opportunity to contain that volatility.

The peace agreement is now larger than Bosnia. It is about America's leadership in the world. It is about America keeping its word. If America fails to lead a peace plan brokered in the heartland of America, America's credibility around the world is irreparably damaged. North Korea, Iraq, and other countries that have aggressive intentions will no longer take America at its word. Failing to act in Bosnia opens a Pandora's box of worldwide troubles. American is only as good as her word. We must remain reliable in order to be taken seriously by every country with whom we conduct foreign policy, and that is every country in the world.

Do not vote to cut America's soldiers off. Support the troops. Support the soldiers. Support the President. Support America's leadership role in the world. Support the peace.

MR. SCHAEFER. Mr. Speaker, as President Clinton Boards Air Force One for Paris to sign the Bosnian Peach accords, 20,000 American troops prepare to embark on a trip to Bosnia. They will spend the holidays in a strange and hostile land. Though I Know they will serve with distinction and honor, I cannot support President Clinton's unilateral decision to deploy these young men and women without first seeking approval from Congress.

President Clinton is sending our troops to Bosnia to enforce an agreement that many Bosnians themselves reject. Look at a map and see how difficult it will be to police an effective peace. There are pockets of Croat-controlled areas, there are pockets of Moslem-controlled areas and there are Serb-Controlled areas forming a virtual horseshoe around half of Bosnia. It would be necessary to deploy hundreds of thousands of troops throughout these various area for many, many years—perhaps decades, in order to effectively separate and pacify these warring factions. President Clinton's politically inspired withdrawal deadline of 1 year almost seems to ensure that in the long-term, open hostilities will resume once foreign troops are removed.

Now I do not pretend to have the key to peace in Bosnia, nor do I wish the suffering to continue. That is why I salute President Clinton's attempts to mediate a peace accord. However, I regret that he was unable to Broker a peace treaty that would essentially be self-enforcing—one which would give all Bosnians incentives to uphold its terms and conditions without the necessity of massive foreign troop involvement. If most Bosnians are not convinced that peace is in their best interest, then I fear that the Dayton peace accords will be short-lived. And our troops will be at risk from the day they arrive in Bosnia.

I would like to remind President Clinton and my friends who support his unilateral troop deployment that Congress has spoken twice in recent months on this issue with a clear voice: On October 20, by a vote of 315–103, the House voted for the nonbinding Buyer-McHale resolution opposing deployment of United States troops to Bosnia. On November 17, less than a month ago, the House once again spoke on this issue, voting 241–171 for Mr. HEFLEY'S binding resolution stating that no money is to be spent on deployment to Bonsnia unless it is specifically authorized by Congress.

In recent polls the American people have spoken on Bosnia. In a "CBS News poll" on November 27, 58 percent of Americans said they were opposed to sending United States troops to Bosnia as part of an international peacekeeping force.

My constituents have spoken on Bosnia. As of December 8, my office has received 603 letters and phone calls opposing United States involvement in Bosnia. How many have called or written in favor of deployment? All of 18.

Mr. Speaker, I cannot in good conscience support the President's troop deployment to Bosnia which might result in the loss of American lives in an ill-defined and dangerous attempt at nation-building.

As our failed intervention in Somalia demonstrated, American troops cannot force peace and good-neighborliness on a reluctant local population.

Mr. BUNNING. Mr. Speaker, once again the House is going to express the will of the American people regarding the Clinton policy in Bosnia. The American people do not want our troops to go to Bosnia.

Mr. Clinton and his followers have never made the case that this country's vital interests are at stake in Bosnia. That is why this House has repeatedly voted to oppose the deployment of U.S. forces there.

There is simply no compelling reason for one drop of American blood to be shed in that troubled country. Contrary to Mr. Clinton's contention that this is a NATO matter, there is no threat to NATO from Bosnia.

NATO is a mutual defense pact. The members of NATO are pledged to treat an invasion or attack on one of the members as an attack on all. There is not threat of an invasion of any NATO country by Bosnia. Bosnia is not going to invade Canada or Germany or England.

What is happening in Bosnia is a civil war. It has been a horrible bloody affair with thousands of innocent people killed or hurt. But, it makes no sense to inject U.S. forces into that situation when we do not have any vital interest at stake.

In my book, the injury or death of even one American soldier is not acceptable if there is no threat to the security of the United States. Clearly, there is no such threat in the case of the civil war in Bosnia.

I feel for the people of Bosnia and I hate the fact that they have been suffering during this war. It has been brutal. But, there are brutal civil wars going on in several countries and we are not contemplating putting our military personnel into those fights; we should not.

There is no more moral imperative to intervene in Bosnia than there is for United States intervention in Sri Lanka or Sudan. It is horrible that there is evil in the world and that men do wretched things to one another. But, it is not the job of the U.S. military to act as the world's security guard.

Our military exists to protect our national security, not for enforcing other people's peace treaties.

History is not on the side of those who, in my estimation, naively believe that we can solve the Bosnians' problems for them. The ethnic, religious, and territorial rivalries among the Serbs, Croats, and Moslems are many centuries old.

The battles that the Bosnians are fighting today have their roots in the atrocities committed over the centuries. Bosnia has been conquered, controlled, traded, and oppressed by the various empires, kingdoms, and dictatorships that have ruled the region.

We cannot change their history and we cannot assuage their mutual grievances. The peace that was brokered in Dayton, OH, may make us feel good about ourselves but it is a paper peace and our soldiers will be shot at with real bullets.

We have all seen the old films of British Prime Minister Neville Chamberlain coming down the steps of the airplane waiving the peace treaty with Hitler and boldly proclaiming peace in our time. Let's not repeat that mistake.

We intervened in the civil war in Vietnam. Let's not forget the lesson we learned from that. Congress should not give a blank check for the use of our forces to a President who has not spelled out exactly why they should be sent and what they are to accomplish and how we are to get them out.

The policy is wrong. The American people do not want it. This House has repeatedly rejected it; but, Mr. Clinton has ignored us.

I urge my friends and colleagues to vote to support the troops and to oppose the Clinton intervention policy.

Mr. BROWNBACK. Mr. Speaker, I continue to oppose President Clinton's plan to deploy 20,000 United States troops to Bosnia. While I want to end the genocide that has plagued the Balkan Peninsula for the last 4 years, the administration's plan for achieving peace in Bosnia is severely flawed, and, I fear, destined to fail.

We would not be debating whether the United States should send troops to Bosnia if Presidents Bush and Clinton had not supported the misguided international arms embargo imposed upon Bosnia. If we had lifted the arms embargo several years ago and imposed a no-fly-zone over Bosnia, the outnumbered Bosnian Serb forces would never have achieved military superiority over the Bosnian Government troops.

Instead, we prevented the Bosnian Government forces from defending themselves while Serbia armed the Bosnian Serbs. This policy led to more than 200,000 deaths and created more than 2 million refugees.

Having suffered the consequences of one bad policy decision, we now face another. However, this time, we are risking not only more Bosnian lives, but American lives as well.

The greatest flaw in the administration's current strategy is that peace has not yet been achieved. There will be no peace as long as there are 4,000 or more foreign Moslem fighters in Bosnia. There will be no peace as long as the Bosnia Croats refuse to fully cooperate with the International War Crimes Tribunal. In addition, there will be no peace as long as rank-and-file Bosnina Serbs continue to oppose the peace plan.

All sides in this conflict have a considerable amount of work to do before peace can be achieved. Until all of the parties demonstrate their commitment to ending the bloodshed, long-term peace will not be possible, regardless of the number of troops that are used to separate the warring parties.

As long as there is no meaningful peace, United States troops deployed in Bosnia will serve as convenient targets for rogue units frustrated by their inability to attack their real enemy. Even though, as Commander in Chief, the President has the constitutional authority to commit United State soldiers to Bosnia, I cannot support a plan that does not minimize the risks to, and maximize the security of, our troops, especially a deployment that is not vital to our national security interest.

I fully support every man and woman who has volunteered to serve in our armed services. I have the greatest admiration for these men and women, and they enjoy my unequivocal support, whether they are here or abroad. By deciding to deploy our troops in Bosnia under the current plan for a mission that is not vital to our national security interests, the President has not properly minimized the risks in military duty, and has jeopardized the credibility that our political leaders enjoy with our Armed Forces.

Mr. COSTELLO. Mr. Speaker, I rise today to articulate my position on the President's policy of sending 20,000 American troops to Bosnia.

I oppose, and have voted consistently in Congress to oppose, the introduction of United States ground troops into Bosnia. I do not believe that American soldiers should be on the frontlines of a multiethnic, quasi-religious conflict that dates back several hundred years. My position has been that we should have lifted the arms embargo against the Bosnians long ago, so that they could have defended themselves against Serbian aggression and helped put an end to the slaughter. It was clear that one reason the three parties came to the table in Dayton was the increasing strength of the Bosnian resistance.

I believe that this war, which has raged for 3 years with massive losses of life, is in the heart of Europe and is primarily a European responsibility. That is why I have opposed sending our soldiers into the heart of Bosnia to police the peace agreement signed in Dayton.

Let me make it clear, however, that I do believe the United States has a responsibility to our NATO allies and the world to assist in this effort. This terrible slaughter can and should end, and our diplomatic efforts to bring about a peace agreement have been admirable. With a real, signed agreement at hand, our European allies would use our air support, intelligence capability, and humanitarian efforts to accomplish this mission.

Unfortunately, the President believes the United States has a responsibility to put our soldiers—along with the French and the British—on the Bosnian frontlines. It is a policy I do not agree with.

Today, we are voting on three different resolutions.

The Dornan resolution would cut off funding to the troops stationed in Bosnia, some of which are already in or on their way to that country.

The Skelton resolution would express opposition to this policy, in particular the introduction of ground troops into Bosnia, but would also express support for our troops there.

Finally, the Hamilton resolution would express approval for the President's policy of sending ground troops to Bosnia and unequivocal support for the men and women of the United States Armed Forces who have been stationed there by their Commander in Chief, President Clinton.

I oppose the Dornan resolution for two reasons: First, our troops are on their way to Bosnia with some already in the Balkans, and to cut off their funding while they are in Bosnia would put them in serious danger; and second, the President has said he would veto the legislation if approved by the Congress, and given that fact, passage of this particular resolution would tell our troops, our soldiers, that they do not have the full support of the American people or their representatives. That is reminiscent of Vietnam and a wrong message to send to our troops.

However, given my opposition to ground troops in Bosnia, I will support the Skelton-Buyer resolution. The President has the authority to dispatch these troops just as President Bush dispatched troops to the Middle East in 1990. However, I have an obligation to let the President know that I disagree with this policy. I have voted consistently against this policy and believe it is not in the best interest of our Nation.

Finally, I cannot support the Hamilton resolution, which expresses support for the President's Bosnia policy.

Mr. Speaker, I do not agree with the President's policy. I believe the United States should lend air and other support to our European allies, to enforce this peace agreement. However, as our troops are now stationed or en route to Bosnia, I believe the Congress has a responsibility to let the President know that public opinion is extremely wary of his policy. He should also know that at the first opportunity, we should bring home our troops and let Bosnian soldiers take their place, a policy I believe we should have implemented all along.

Mr. FRELINGHUYSEN. Mr. Speaker, for me, the most important priority is to support our servicemen and women. The President has made the decision, and while I am angry that he made it without consultation with Congress and the American people, we need to back them 100 percent.

Our actions tonight should send this message loudly and clearly to them as they prepare to go. Because 25 years ago, I was one of them in Vietnam. I was sent on a mission that bitterly divided this country and this House.

But I learned then, as I know now, that our troops deserve nothing less than the undivided support of this House and all the resources necessary to support their mission.

Please support the Buyer resolution.

We have all seen vivid and shockingly graphic pictures from Bosnia, but my visit there made the issue intensely human. I spoke with our troops on their way to the region from Germany, met with the Balkan leaders, wore a flak jacket, and took a bumpy bus ride into war-torn Sarajevo. No doubt, watching CNN and seeing things live are completely different. No longer is this a civil war in a faraway land, it is 32,000 American troops going into a historically troubled region as peacemakers.

President Clinton made that decision. He made it without congressional approval, but as Commander in Chief he has the authority to do this. In fact, it became clear that he made this decision long ago, since we learned from our troops that their training for this mission began more than 6 to 8 months prior to the Dayton peace talks. We are going to Bosnia, and in some areas our soldiers are already there.

On November 30, I was selected to join a bipartisan congressional delegation to survey the Bosnian situation. Our trip was organized in response to concerns in Congress that the White House had not kept us informed of this major policy decision in a proper and timely manner. Indeed, State Department and Pentagon officials were dispatched to Capitol Hill just 1 day before we boarded our plane to Serbia.

We went with objectives—ours was a true fact-finding mission. Before leaving, we were briefed by Ambassador Richard Holbrooke, the chief U.S. negotiator at the Dayton peace accords. We were to meet with Serbian, Bosnian, and Croatian leaders to solidify their support for the peace accord and to get their assurances that United States forces would be protected. Our foremost objective was to verify that our troops would have the training, equipment, and resources necessary to defend and protect themselves.

We met with Serbian President Milosevic, Croatian President Tudjman and Bosnian President Izetbegovic. They remain committed to the peace agreement, pledged their support of protection for U.S. troops, and shared the fact that their citizens were truly weary from war. They said Americans were considered to be even-handed and that our military presence was vital for peace. Despite their words, they remain suspect due to past broken promises, and because facts show that these were indeed the very warmakers that caused 250,000 deaths in over 3½ years of ethnic and religious strife. As President Reagan used to say, "trust but verify."

Our trip to Sarajevo is one I'll never forget. We landed at the airport which was little more than a small pitted concrete platform surrounded by sandbags and bunkers. After an escort of U.N. armored vehicles was assembled, we boarded a bus and headed toward the city. We went through four Bosnian Serb armed checkpoints and saw defused land mines along the roadside which had previously lined our path. Along our well-protected route, the pictures came to life—buildings blown apart, people milling around, and everywhere burned out buses, trolleys, and cars. The 8-mile trip took almost 45 minutes.

What was left of the architectural beauty of structures from the time of the Austro-Hungarian Empire, or the towering high-rise buildings built during Marshall Tito's 30-year-reign, was now a twisted combination of bombed-out building shells, collapsed factories, or acres of roofless and pockmarked houses. Sarajevo is undoubtedly a scarred survivor.

I remember, too, the stories of no food, heat, or fresh water, and the chilling testimonials of snipers killing pedestrians in the street and marketplace. There were constant reminders of the 2½ million refugees who were either burned and bombed out of their houses and communities, or simply fled the area with terror.

After this eye-opener, we flew to Naples, Italy, for a briefing by the U.S. Southern Commander of NATO forces, Adm. Leighton Smith. He told us that our troops would be able to defend themselves, would be fully equipped, and that the military mission was limited to a year. "American troops would be enforcing a peace", he said, "not fighting a war." He was honest, however, and reminded us that this mission was not without risk.

Our final stop was the most moving—meeting with our young soldiers in Germany who will go to Bosnia in mid-December. I had lunch with two soldiers from New Jersey, one a very young woman, perhaps early 20's, from Burlington County and the other a slightly older man from Bergen County. Both were professional, well-trained, and motivated. Still, I sensed apprehension—the same apprehension I felt 25 years ago as a young private headed to Vietnam.

This encounter placed everything in perspective and literally put a human face on this situation. For me, the most important priority for us is to support our servicemen and women. They are Americans, with over 80,000 family members on the homefront.

No question, the President should better define our national interest in Bosnia and explain what our total commitment will be. I feel he has an obligation to the families of our troops and all Americans to outline the specific objectives of this mission.

But while we can argue about his policy, which I do remain skeptical about, the fact is that the decision has been made and American soldiers, our soldiers, are going. And since they are going, we need to support them 100 percent. They deserve nothing less.

Mr. REED. Mr. Speaker, I rise in support of the Hamilton resolution, and in opposition to H.R. 2770 and H. Res. 302. I, like most Americans, still have concerns about the deployment of United States troops in Bosnia-Herzegovina, but I believe that we need to support our troops.

I visited the former Yugoslavia in 1993. That visit alerted me to the dangers of American involvement in the conflict that has consumed the former Yugoslavia for the last 4 years. The animosities are profound, the terrain is difficult, and the underlying problems are political rather than simply military. Nevertheless, the Dayton Agreement is the last chance for a peaceful resolution of this war, and that Agreement rests on the participation of NATO as the implementation force. As a member of NATO, the United States is faced with a choice between making peace work or letting the contending forces slip inexorably back into the abyss of war.

I believe that the vast majority of Americans want us to choose peace. But they also want us to ensure that our involvement is limited in scope, complementary to the efforts of our European allies and not a substitute for their involvement, militarily prudent, and consistent with our national security interests.

Over the past few weeks, I have expressed these concerns to the administration. In particular, I have stressed the need for a more detailed exit strategy for disengagement of our forces, the need to ensure that we do not shoulder a disproportionate burden, the need to clearly identify our interests in the region and, most importantly, the need to take every reasonable precaution to protect our forces.

The administration has responded with a more focused and compelling discussion of their plans. They have laid out a more detailed exit strategy. They have made a more convincing case that the scale of American involvement is justified by the mission and by the comparative strengths of United States Military Forces versus those of our allies. Although I remain skeptical of claims that our national interest is implicated because our prestige is on the line or the survival of NATO is at stake, I do feel that a resumption of fighting could precipitate an expansion of the conflict. Such a development, with its very real potential to involve Greece and Turkey, would pose a significant threat to our national interest.

The administration and our military leaders have made repeated assertions that the forces are well trained, the mission is well defined, the rules of engagement are clear and permissive of preemptory action, and that more than adequate resources are available for our forces. Moreover, they have stressed that the primary mission of our forces is self-protection.

These factors, and particularly the testimony of professional military officers, strengthens the claim that we have taken all reasonable precautions to protect our forces. Nevertheless, given the nature of this mission and the hostile environment of the former Yugoslavia, no one can rule out the possibility of casualties.

Although the foregoing efforts by the administration to justify the deployment of American ground forces have allayed opposition to the commitment of American forces, significant concerns remain. It will be incumbent upon the Congress to ensure that the limited scope and definite duration of the mission is maintained. It will be incumbent upon the Congress to ensure that our forces are continuously protected. These concerns will persist beyond this vote until our forces are withdrawn from Bosnia.

The Hamilton resolution clearly expresses our support for our forces while signaling our concerns. It is the right message to send to our forces and to those in the former Yugoslavia that may wish them harm. It stands in stark contrast to H.R. 2770 which would cut off all funding for United States Forces in Bosnia. This measure would put our forces already in Bosnia at risk. It would end any chance of a peaceful settlement of the conflict. It is a reckless and politically expedient measure unworthy of the American soldiers who are ready to do their duty. The Hamilton resolution is also in contrast to H. Res. 302 which opposes the President's policy while purporting to support the troops. Serious and sincere opposition to a policy requiring the deployment of American forces is incompatible with wishing them well on their mission. Rather, it represents a political straddle.

Finally, it is important to note that today's vote is not about authorizing the commencement of offensive operations by United States Forces. It is about peacekeeping. Our forces are entering a dangerous arena, but one in which the parties have already initiated a peace agreement. The President's constitutional authority to order our forces into Bosnia has not been seriously challenged. Thus, this vote is about our support of peacekeeping and our support of our forces. I believe that both are worthy of our support and, in the days ahead, our hard and unyielding scrutiny to ensure that neither the peace nor our soldiers are sacrificed needlessly.

Mr. EVERETT. Mr. Speaker, Caspar Weinberger, Secretary of Defense under the Reagan administration, developed a much touted six-point test that must be satisfied before the use of military force is warranted. The first, and perhaps most important point of the test is "does the United States have vital, national interests at stake." The answer in Bosnia is clearly no. The international community has allowed the most recent fighting of this centuries-old civil war to carry on for nearly 3 years before air strikes directed by the United Nations were ordered. Now, some 4 years later, President Clinton has decided to assume Europe's responsibility and help bolster NATO's standing by sending United States troops into a tentative and unwarranted peacekeeping mission.

To conduct a peacekeeping mission successfully and safely, the peacekeepers must be perceived as neutral by the warring parties. How can United States forces be seen as neutral when U.N. air strikes against Serb positions have largely been conducted by the United States for the past year? To add fuel to the fire, President Clinton has promised that the United States would be simultaneously involved in training and equipping Bosnian Moslem forces so that they may be better able to defend themselves against possible Serb attacks.

Other dangers facing American service men and women serving as peacekeepers in the Balkans involves the very real threat of terrorism from Islamic fundamentalists, thousands of land mines—most of which are unaccounted, and the risks of traveling over the snow- and ice-covered mountainous terrain of this area.

Although the President has determined that U.S. peacekeepers will be withdrawn from this mission area in 1 year, I find the exit strategy to be lacking and full of holes that could leave U.S. forces bogged down in this effort for a much longer period of time.

Mr. Speaker, the United States cannot conduct foreign policy by deploying our troops around the globe to interject our morals, values, and way of life upon warring nations. It won't be successful, and we could lose the credibility that we currently enjoy as the lone superpower. There are many ways we can support peace in the Balkans without putting young Americans in harms way. It is not too late to halt any further troop movements to this region, so I urge all of my colleagues to support the Dornan legislation.

Mr. LIGHTFOOT. Mr. Speaker, I appreciate the opportunity to address the deployment of United States troops to Bosnia. I would first like to try to put the situation in a more personal context.

It is early evening. The sun set about an hour ago, it is dark, and you are looking forward to a short rest stop as you make your way from western to eastern Iowa to spend Christmas with family and friends.

The roadside sign says you are entering the city of Ottumwa, population 24,488.

Something is wrong. The city appears to be in nearly total darkness. The only illumination visible is from a few scattered street lights. Not a single home has a light showing. How can this be? It's only 7 p.m. on Christmas Eve and the town should be a hive of activity preparing for the Christmas celebration.

A strange, eerie feeling grips your chest. You cannot believe your eyes. No one is in Ottumwa. No policemen are on the streets, the fire station is closed, stores are dark. You search in vain for just one house with a light on.

Even the all-night convenience store is dark. Its Christmas lights are unlit. No one is in sight. No Christmas lights are showing in the downtown area or out at the mall. Deserted. Everyone has disappeared.

Is this something out a science fiction movie? Where have all the people gone?

This fictional scenario is the equivalent of the 24,000 American homes that will have an empty chair at the Christmas dinner table. The missing sons and daughters, brothers and sisters, and husbands and wives are in Bosnia.

Why?

In my opinion, for no good reason.

The decision has been made by the President to send our troops into harm's way on an alleged peacekeeping mission. Perhaps in some other countries of the world this might be a possibility, but in Bosnia the hatred runs centuries deep.

Ask any policeman on the beat, in a civil disturbance, regardless of how much the combatants hate each other, they resent an outsider even more. It is human nature.

Unfortunately, the Balkans teach hatred from childhood. The sniper rifle bullet to the head is to avenge great, great, grandpa. Once that score is settled we still have all the rest of the family carrying a grudge. And thus the carnage goes on.

Our American troops are the cop going into this senseless civil feud that has raged for centuries.

Senator DOLE and former Presidents Bush and Ford say we must support the troops. I agree. The way we do that is by bringing them home.

This Christmas I would ask each of you to set an empty chair at your Christmas dinner table as a reminder of the young men and women who will follow their orders to the letter. Brave young people who didn't join the military to be used as policemen in a civil dispute in which we have no national interest. Young Americans who take their duty to country very seriously and did not run away when called to action. Tremendous people who will not be home for Christmas.

One additional request: Each in your own words and your own way, please offer a prayer for these young folks.

Mr. COLEMAN. Mr. Speaker, we are facing an important and difficult moment: Should we send United States troops into Bosnia? Deploying U.S. troops to foreign territory and possibly into harm's way is always a difficult decision.

There is, however, one compelling rationale for United States participation in the international peacekeeping force; Bosnia has been the victim of international aggression and of crime against humanity that the Bosnian Serbs, supported by the Milosevic regime in Belgrade, have committed against hundreds of thousands of predominately Moslem Bosnians.

The American people are rightly outraged by the atrocities suffered by the Bosnian people: mass executions, ethnic cleansing, concentration camps, rape and terror, disease and starvation. Numerous accounts report on the slaughter of innocent civilians in Srebrenica. Peace is the only way to end the terrible human toll of this year. Now, with the official signing of the peace agreement in Paris this week, the warring factions have agreed to peace and the principles of the settlement. We finally have a chance to end the violence that has been so perniciously directed at specific groups because of their faith.

President Bill Clinton, and U.S. diplomatic effort brought the parties to the peace table. The progress we have made toward peace has been the result of American leadership. NATO's bombing campaign, led by American pilots, stopped Serb attacks against the safe areas. In Dayton, our single-minded pursuit of peace helped the parties reach an overall settlement. The Presidents of Croatia, Serbia,

and Bosnia have made a serious commitment to peace. We must help them to make it work.

After 4 years of war, a credible international military presence is needed to give the parties confidence to live up to their agreement and breathing room to begin reconciliation and rebuilding. NATO, proven strong and effective, is that military presence. And the U.S. is the heart of NATO. If we fail to do our part in implementation, we would undermine our leadership of NATO. We would weaken the alliance itself. We would also undercut the chance for peace in Bosnia to the detriment of our own interests. At this pivotal point in time, our U.S. troops and our Commander in Chief deserve our complete support and confidence.

President Clinton has clearly defined the objectives of the implementation force [I-For] and stated our exact role in the international peacekeeping mission. I-For's mission is limited to assisting the parties in executing the military aspects of the peace agreement. These efforts, in turn, will help create a secure environment that will enable the people of Bosnia to get on with the job of rebuilding. To ensure a stable Bosnia, we must be committed, publicly and resolutely, to the I-For mission, and most importantly to our United States troops.

Ms. DANNER. Mr. Speaker, I continue to have grave reservations about the United States' mission to Bosnia and this concern is reflected in my votes on this issue. I do not believe we should agree to the placement of American men and women in harm's way without the support of the American people, which I do not believe exists. I fear that the mission could result in a significant loss of American lives without accomplishing the goal of peace in the Balkans.

I have listened closely to the arguments made in support of sending troops. I have not yet been convinced that the parties to the agreement are completely willing to accept the terms of the agreement, nor am I convinced that they have complete control over the people they represent.

One of my chief concerns with the peace agreement continues to be the individual interpretations of the terms by the leaders. For example, Croat authorities released a jailed military commander who was under indictment by the international war crimes tribunal for atrocities. This action knowingly violated one of the major provisions of the Balkan peace agreement. This type of blatant and self-serving disregard for the terms of the agreement certainly does not bode well for the peace agreement and the United States mission. Because of this, I am concerned that a mission intended to keep the peace could quickly become a military engagement similar to what transpired in Somalia.

In closing, however, it is important to note that like the many other Americans opposed to the mission, I will be supportive of our troops as they are committed to Bosnia.

Mr. KOLBE. Mr. Speaker, today, we asked to vote on three measures regarding the deployment of United States troops to Bosnia. Ten days ago, I joined 14 of my colleagues from the House and Senate on a factfinding trip to Bosnia and Herzogovenia, Serbia, and Croatia. I did so because I wanted to fully understand the implications of the United States being involved in the Balkans. We meet with the Presidents of the Yugoslav Republic, Croatia, and Bosnia, the United States Army, and NATO Commanders, as well as U.N. military authorities. And we all saw images in Sarejevo I'm sure we'll never forget.

The devastation is staggering beyond comprehension around Sarajevo—the host of the 1984 Winter Olympics. Once a city of 500,000, its population, it has been reduced in half. Virtually every building is damaged. Electricity, water, sewer, and other basic services are sporadic. Most troubling, however, is the human toll—many thousands of civilians have been killed in the conflict and there are perhaps as many as 3 million Balkan refugees scattered across Europe. They are the innocent victims of this conflict. It was obvious to all on our trip that life will never be the same for those who live in this troubled region of the world.

Now, the President has made a decision to send 20,000 Americans to Bosnia to join with other NATO Forces in implementing the peace agreement. I think the policy that led to this decision was wrong. But the question of whether we should have gone there is largely moot. It now matters only that we succeed. This raises the question of how we should define success.

I believe that success should be defined as minimizing casualties to U.S. troops and ensuring the peace we enforce for 12 months can endure beyond that period. Regarding the safety of our troops, I am convinced our military is capable of protecting themselves and enforcing peace while they are there. Make no mistake, this is a tough assignment and it carries with it the dangers inherent to any military operation in a potentially hostile environment. However, our troops are well-trained, their mission is well-defined, and they have the requisite firepower and clear rules of engagement to protect themselves. Morale is high and I am confident they are well-prepared for the mission ahead.

I remain, however, doubtful about the prospects for long-term peace in the region. The NATO Forces have established a self-imposed 1-year deadline for the departure of troops. It hardly seems plausible that a 1-year respite in the fighting will be sufficient to secure the lasting peace contemplated by the Dayton Agreement and coveted by the people of that war-torn region.

It has been my consistent view that a stable military balance is essential to achieve lasting peace in the Balkans. That means, in my view, during the next year, the Bosnian military must be armed and trained in the use of weapons. If the deployment of American peacekeepers is inconsistent with an active effort to arm the Bosnians—by whomever—as some of our allies and some in Congress assert, then American peacekeepers should not be deployed because lasting peace cannot be achieved because of the extreme military imbalance that exists today. We must have a commitment from our allies on this issue in advance or this mission will almost certainly be doomed to failure. It is impossible to imagine the Bosnian Republic living in harmony without a sufficiently armed and trained Bosnian military force. I am disappointed that, in the House of Representatives, we have not had the opportunity to consider initiatives to compel the administration to extract such a commitment from our allies.

Furthermore, I see little in the peace accord to address the monumental problem of the nearly 3 million refugees who have been displaced from their homes. While the agreement calls for these people to return to their homes and villages in territories controlled by former enemies, it provides no guarantees of security for them. If the Bosnians, Serbs, and Croats cannot return to their homes with assurances of safety, it is a virtual certainty that they will remain refugees, with all the attendant problems such a massive population displacement will cause. It could easily lead to a situation similar to that which has plagued Israel and Palestine for over 40 years.

Despite my reservations about the wisdom of the President's decision to deploy United States forces to Bosnia, now that the decision to deploy them has been made, I am committed to providing full support to our troops. I will vote now, and in the future, to provide them with whatever resources are deemed necessary to allow them to accomplish their mission. Certainly, the brave men and women serving in our Armed Forces deserve no less.

Mr. ROEMER. Mr. Speaker, I rise in strong support of House Resolution 302 as introduced by Representatives SKELTON and BUYER that would reiterate our serious concerns about the planned deployment of 20,000 United States ground troops to Bosnia to help implement the Dayton peace accord. This resolution also expresses the deep pride and confidence of our Nation in the brave and courageous U.S. troops supporting this complicated and dangerous mission. This is certainly the message that we want to send to our proud men and women in uniform.

Without question, the decision to send United States troops to Bosnia is one of the most difficult foreign policy choices our Nation must confront. The risk our troops will face is real, and the long-term success of the Dayton agreement is far from certain. From the outset, I have been opposed to sending United States troops because the situation in Bosnia does not involve a vital and compelling national interest. This mission is not clearly defined, other than the exit date, and there is a great deal of potential danger and confusion entailed in nation-building. The Dayton accord involves assuring fair and free elections and resettling the refugees. As horrible as this strategy has been, the current situation in Bosnia could be solved with NATO and United Nations assistance.

However, in the event that the remaining 20,000-member contingent of U.S. troops is deployed, we must ensure that our military commanders have everything they need to do their job effectively. Furthermore, we must be certain that the requests of the military commanders in Bosnia will be addressed immediately and completely. Moreover, in the interest of maintaining the moral and confidence in our young men and women in uniform, we must make them understand that their Government and their Nation completely supports their cause and stands behind them in this mission, once the President has sent them into Bosnia.

I certainly welcome all efforts to reach a peace in Bosnia, but I oppose any increased

United States military role in this volatile area. American soldiers should be deployed when and if American national interests are at stake. We should deploy our forces when treaties are broken and when our troops are threatened. There may be other circumstances for U.S. involvement. We should reflect these principles in a thoughtful doctrine or policy, not a pick and choose method.

U.S. foreign policy has always come to the defense of sovereign democratic allies that came under external military attack. This is not consistent with the current situation in Bosnia. As heart-wrenching as this tragedy has been, this does not seem to justify the loss of American lives. It is certainly not something I can justify to my constituents, who have sons and daughters who may not come home.

One can only wonder how meaningful a peace agreement is when it requires 60,000 foreign troops, including 20,000 Americans to enforce it. As horrible as this tragedy has been, the current situation in Bosnia might be solved without American troops. In fact, General Shalikashvili testified that from a strictly military perspective, the task of implementing a peace accord in Bosnia could be accomplished solely by European forces. The United States can and probably should bring some unique support capabilities to any peacekeeping operation, but these would not require a ground presence of up to 20,000 U.S. troops.

We were also told that the United States must play a leading role on the ground because the United States is the leader of NATO and that Alliance solidarity would crumble if we did not. However, to argue that the credibility and effectiveness of NATO rest upon committing American forces to an ill-defined peacekeeping mission is suspect. In fact, the strains of a prolonged military deployment, in support of ambiguous objectives could do more to pull the alliance apart in the long run than to solidify it.

Our message should be, "Do not send our young men and women to Bosnia," and I agree strongly with that message. This body should say "No" right now to a mission that lacks concrete strategic objectives. I have voted twice to do this.

As we have learned from Somalia and Haiti, we cannot put troops in harm's way in a foreign country without a clear, achievable objective and a clearly defined exit strategy. It is a recipe for disaster and we certainly cannot put those lives on the line without an American chain of command.

I do not rise in support of this resolution to undermine our President. I am an ardent supporter of our Armed Forces, and I am a strong supporter of humanitarian aid to the people of Bosnia. I support the resolution for the same reason that I voted against lifting the arms embargo against the Governments of Bosnia and Herzegovenia: to prevent the Americanization of the Balkan conflict and save American lives. I urge my colleagues to support this resolution.

Mr. SCHUMER. Mr. Speaker, I support House Resolution 302, but with one important objection. I support it because I have severe reservations about the President's policy and implementation plan. Specifically, it is not at all clear to me that the situation in Bosnia will be any better after our troops depart 1 year from now. This is because, in my view, the plan fails to articulate the kind of explicit objectives and success criteria necessary for the success of such a deployment. What exactly do we expect to achieve over the next 12 months in order to preserve peace, and how will we know whether we've succeeded when the appointed exit time arrives? Unless these questions are answered more satisfactorily, our troops could very well be placed in harm's way on a mission based more on good intentions than on reasoned expectations.

The resolution also declares that the House "is confident that the members of the United States Armed Forces, in whom it has the greatest pride and admiration, will perform their responsibilities with professional excellence, dedicated patriotism, and exemplary courage," a confidence I fully share and wish deeply to express.

However, I object to paragraph (5) of section 2 of the resolution, which states that "the United States Government in all respects should be impartial and evenhanded with all parties to the conflict." I disagree with this provision because of my longstanding support of lifting the arms embargo to permit the Bosnian Government to defend itself against Bosnian Serb aggression, a cause for which I also have supported United States financial assistance. In fact, I believe that if anything of lasting value can be achieved by the President's plan, it is to achieve this necessary military balance. This paragraph contradicts that essential objective and I must object to its inclusion in a resolution otherwise deserving of support.

The SPEAKER pro tempore (Mr. BUNNING of Kentucky). All time for debate pursuant to the first section of House Resolution 304 has expired.

Pursuant to section 2 of House Resolution 304, it is now in order to consider the bill, H.R. 2770.

PROHIBITION OF FUNDS FOR DEPLOYMENT OF ARMED FORCES IN BOSNIA

Mr. DORNAN. Mr. Speaker, pursuant to House Resolution 304, I call up the bill (H.R. 2770) to prohibit Federal funds from being used for the deployment on the ground of United States Armed Forces in the Republic of Bosnia and Herzegovina as part of any peacekeeping operation, or as part of any implementation force, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2770

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROHIBITION ON USE OF FUNDS FOR DEPLOYMENT ON THE GROUND OF UNITED STATES ARMED FORCES IN THE REPUBLIC OF BOSNIA AND HERZEGOVINA AS PART OF ANY PEACEKEEPING OPERATION OR IMPLEMENTATION FORCE.

Notwithstanding any other provision of law, no Federal funds shall be appropriated or otherwise available for the deployment on the ground of United States Armed Forces in the Republic of Bosnia and Herzegovina as part of any peacekeeping operation, or as part of any implementation force.

The SPEAKER pro tempore. Pursuant to section 2 of House Resolution 304, the gentleman from California [Mr. DORNAN] will be recognized for 30 minutes and a Member opposed, the gentleman from Indiana [Mr. HAMILTON], will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. DORNAN].

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

Mr. Speaker, those Members that were on the floor and missed the evening ABC news tonight missed some very graphic videotape from Tuzla.

The airport at Sarajevo has been closed all day today and the better part of yesterday. No C–5's or C–141's, our biggest transport airplanes, will go into either the Tuzla airport or to Sarajevo. It is going to be all tough C–130 Hercs or the C–17 at some point in the future when the runways are perfected.

Tuzla has 2½ feet of snow, it is snowing at this moment, it is going to snow all night. There is a frontal system throughout the whole Balkan area. The mountains, where the mines are, are all in dense fog. The winds are 25 knots gusting to 35 causing snow drifts, and they expect 28 degrees at the city levels, much less up in the hills, and the 2 foot of snow will stay for weeks if not months to come, and more will be added to it.

I wish someone in this Chamber could explain to me why this operation, Task Force Eagle, could not have been implemented the day after Christmas. Why do we take all these families, including mothers, away from their kids and their mates in Germany and a lot of reserve units having their civilian employment interrupted to go over there, 12 days before Christmas?

I am going to vote, of course, for the amendment of the gentleman from Indiana [Mr. BUYER] and the gentleman from Missouri [Mr. SKELTON]. IKE has two sons on active duty. I have two Dornan nephews, a lieutenant in the Air Force and a lieutenant commander in the Navy who has 35 some missions in the gulf war.

They tell me privately, all the military people I meet with, that this is a terrible way to put men and women in harm's way, but once they get the call, they are ready to try and do their best.

This is going to come back to haunt a lot of Members, their Dornan vote tonight. December 13, 1995 is going to come back to haunt people, Mr. Speaker.

When a Gold Star mother comes to a Member in this House and says that you do everything to keep Americans from going back to Europe after 50 years of keeping their peace and two bloody wars, and the Pope did not tell anybody to put American ground troops in there so that this century would not end in Sarajevo the way it began in 1914.

The factor of supporting the troops is a given in this House. I do not know anybody in this House, the most liberal

Member, the most conservative, I do not know anybody at this point after Desert Storm and what we did to our forces in Vietnam and tragedies like Beirut and the fact that thousands of young men and women die every year in training, I do not know anybody in this Chamber who does not truly have intense, deep affection for our troops.

But many Members have not met Herb Shugart, the father of one of our two last Medal of Honor winners from the streets of Mogadishu. He would not shake Clinton's hand.

Herb Shugart told me the whole story. He said, "Mr. President, why do you fly a warlord Aideed on our airplanes with Marine guard? You wouldn't ask my son's Army to guard him just days after he had killed 19 of our men. Why did you fly him to Addis Ababa?"

Clinton said to him, "It was a good military operation, Mr. Shugart. You son did not die in vain."

He said, "How would you know what a good military operation was?"

It went on from there, and finally he said, "I have nothing more to say to you."

The press, some of the press, most of the press, suppressed that story. I do not think there are five Members in this Chamber that know that our two Medal of Honor winners, Gary Gordon, buried in Lincoln, ME, and Randy Shugart, buried in Carlisle, PA, were not just dragged through the streets before our eyes but their bodies were horribly mutilated and then burned and then dumped on the steps of the U.N. every 2 days.

And then I am told by nice men like Christopher and Perry and Shalikashvili that, "Well, we've learned our lessons from Somalia." Learned our lessons from Somalia? Did we not learn anything from Reagan's mistake in Beirut? Did we not learn anything from Vietnam? Did we not learn anything from the cold in Korea? Ask CHARLIE RANGEL about trying to concentrate to fight when you are freezing to death.

No, we did not have to rush in to rescue our European NATO friends when we are doing over 90 percent of the airlift, 90 percent of the sea lift, 90 percent of the sea power in the Adriatic. More like 95. The air strikes were 95 percent ours in August and September. Ninety percent of the food, the logistics, 100 percent of the hospital at Zagreb in Croatia. And when it comes to intelligence, it is all ours, from the unmanned aerial vehicles to the super architecture of our big satellites. Is that not a Treasury commitment of the American people?

I am not an isolationist, far from it. I went up to Walter Reed Hospital and met all the wounded men up there. Chris Reed was trying to rescue the bodies, not the men, the bodies of a helicopter that went down September 25, 1993, days before the horrible firefight, and he lost his arm and his leg. His fiancee married him anyway—beautiful ceremony up at Walter Reed. I flew over 200 flags on the roof of this Capitol with my 5 oldest grandchildren. I sent little Medals of Honor to the parents of Shurgart and Gordon because the Army had forgotten that parents raise the young heroes. The wives get the Medals of Honor posthumously.

This is a Gold mother, a Gold mother vote tonight. It is a widow vote. It is a vote to tell a couple of young kids and a handsome young father why their mother was hit by a sniper in Tuzla or some area in those hills.

I wish all Members could get the intelligence briefing I had today. By the way, you can. Every one of us has a top secret briefing. Go get the briefing that I got today on who are our friends there and who are not our friends. The war criminals are on their best behavior, the victims are furious that they lost 49 percent of their country, and the older politicians who cut the best deal they could to have their nation partitioned in half, and we are going to enforce the partition, they cannot sell their younger people on the anger that they have lost what they wanted, not to be a multicultural state but an Islamic state.

The intensity of the hatred with some of these folks reminds you of the 8, 14-way split in Afghanistan, reminds you of the worst of Lebanon, the worst of Vietnam.

I am going to vote against Mr. HAMILTON's amendment, because I think it is naive and a fig leaf and it acts like all 20,000 troops are in there. The news tonight said, I stand corrected, it is not 97, it is about 150 people are on the ground. Period. Nobody is getting in tonight.

Mr. Speaker, I am going to call this the Dornan-Scarborough—because he has led my freshman—Freshmen amendment, "freshmen" for the baker's dozen, the 13 of you over there, because I predict, without any fear of being wrong, that some seats are going to be lost in November based on how people vote here.

I want everybody to realize that we are a pretty elite group here now. Almost all of our kids go to college. This blue collar warfare that we started, putting our men and women in harm's way, started in Korea and it was perfected in Vietnam.

I am going to give some time to the gentleman from Ohio [Mr. TRAFICANT] to speak out for the families who have their sons and daughters wear our uniforms as police, fire people, deputy sheriffs, and in all of our services. Then I am going to give 1 minute to as many freshmen as I can who were on the trip this weekend, last weekend, or the weekend before who have a totally different opinion than some of the people who have already spoken.

Mr. HAMILTON. Mr. Speaker, I yield such time as she may consume to the distinguished gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise in support of the Dornan resolution as the only crystal-clear vote this House will cast on this precedent-setting U.S. military involvement of our ground forces in an unstable former Soviet bloc nation.

I rise in support of the Dornan resolution as the only crystal clear vote this House will cast on this precedent-setting U.S. military involvement of our ground forces in an unstable former Soviet bloc nation. The most assured way of maintaining our troops' safety is not sending them there in the first place.

Moreover, there is no possibility that the age-old hatreds that have fueled the killings and plunder in the former Yugoslavia will be calmed in 1 year. Reestablishing civility in that region will require years of dedicated commitment, and the resources to back it up. Other instabilities in that corner of the globe are likely to bubble up in years ahead. Unless Europe, now rebuilt 50 years after World War II, seizes its proper leadership role, the United States cannot keep filling the vacuum. The initial cost of U.S. ground force involvement is projected at $2.6 billion including an initial $600 million for rebuilding roads, bridges and infrastructure. The cost in American lives tonight is uncertain. This operation is high risk and its ultimate resolution unclear. Thus, before committing U.S. forces, it is critical to ask the Clinton administration:

Under what constitutional authority is your administration committing 20,000 United States ground forces to Bosnia and thousands more to adjacent nations?

Under what specific treaty obligation and amended obligations is your administration committing United States ground forces to Bosnia?

Please define peace-keeping.

Please outline the mission in Bosnia and when our Nation will know it has succeeded and thus withdraw.

Please define peace-making.

In the past, when, where and through what legal or treaty authority has the U.S. deployed ground forces through NATO, or other European Security institutions for "peace-keeping" operations in the former Soviet bloc?

Since the administration's Bosnia initiative is precedent-setting—United States ground forces in a former, unstable Soviet nation—on what basis will our forces be committed to other internal civil wars in the future? What will be the U.S. military "peacekeeping" relationship to the United Nations, NATO and other such international entities in the future?

Has the Conference on Security and Cooperation in Europe formally requested NATO assistance in Bosnia? Please provide the document requesting such involvement.

What is the role of the Western European Union, if any, in the Bosnia deployment?

Is Eurocorps functional and what force level has it committed to Bosnia?

Describe the Bosnian Commission that is to settle property disputes and its legal structure.

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Is it operational? If not, when will it become functional?

How does the United States role in Bosnia differ from our role in Lebanon?

Do the three parties to the peace accord—Presidents Milosevic, Izetbegovic, Tudjamn—represent legitimate authority for their respective constituencies? Through what legal process was each elected to preside over those countries? Please detail the nature of their respective elections.

Finally, why in this post cold war era—when the U.S. citizenry has been clamoring for more defense-burden sharing by United States allies—has the U.S. again been asked to assume the central role in resolving this situation, even convening the peace talks in Dayton, OH, rather than on the European continent.

This matter is a defining moment in U.S. foreign policy in that the U.S. is being asked to substitute for European resolve.

In the NATO nations of Europe we have thousands of European trained, deployable troops that could be dispatched immediately to the Bosnia region in the event a final peace accord is signed in Paris.

Let me read to you the countries and the number of their combat ready troops:

Belgium	63,000
Denmark	27,000
France	409,000
Germany	367,300
Greece	159,300
Italy	322,300
Luxembourg	800
Netherlands	70,900
Norway	33,500
Portugal	50,700
Spain	206,500
Turkey	503,800
United Kingdom	254,300
Total	2,468,400

The Administration states that Europe, since 1914, has been unable to effectively maintain the peace and there was no other recourse but for the U.S. to assume the lead in bringing the warring factions to peaceful resolution. We are urged not to become "isolationist".

The truth is the long-term prospects for peace in this troubled region are slim. Once the NATO troops withdraw, it will require 50 years of cooling off between warring factions and maintenance of borders by external forces to give peace a chance, not a one-year quick fix. And who will commit to that? Who will pay for it?

Mr. HAMILTON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California [Mr. FAZIO].

Mr. FAZIO of California. Mr. Speaker, I rise in strong opposition to the Dornan resolution. At a time when U.S. troops are in the field, right at this very moment, the Dornan resolution would deny American troops the resources they need to carry out their mission.

This is a naked political ploy that, despite all the rhetoric, pulls the rug right out from under the feet of the very troops that most if not all the Members in this body want to support. You cannot have it both ways.

The gentleman from California [Mr. DORNAN] says there are now 150 troops on the ground. If this bill were to reach the President over the next several days, there would be at least 2,000 troops on the ground before it would be presented to him.

At a time when we already have a significant number of people there; what kind of message does this send, when Members of this Congress act to strip American troops of the resources they need? Could we even evacuate the area of those who have already arrived and will over the next several days be arriving?

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I do not believe this bill would permit it. The Dornan resolution represents, I believe, a direct assault on every U.S. soldier on the ground in Bosnia and those who will soon be there. This resolution essentially could take the weapons out of the hands of the troops and put, unfortunately, and maybe unintentionally, our men and women directly in harm's way.

I think we should stop playing politics with the lives of the young men and women who are there. If we really support our troops, there are opportunities ahead to vote for that. There is no question that this bill is not necessary and, in fact, could do a lot of damage. I think it is the height of irresponsibility, and I personally believe this resolution is far too far to the extreme. I believe it is really an attempt to embarrass this President.

But, more importantly, to those of us who will be voting here shortly, I believe it will, in the long run, embarrass those of us who choose to vote for it. I do not intend to be one of them. I think there are other alternatives available to us this evening, whether you are for or against this effort in Bosnia, that have a more effective and less destructive way of expressing the opinion of this Congress.

I wish this resolution had not been presented, but I think those of us who have the courage to stand with our troops need to oppose it.

Mr. DORNAN. Mr. Speaker, I yield myself 30 seconds to remind the gentleman who just spoke that there will be a lot of conscience voting on the other side. I respect that. But I believe all of the leadership over there, including you, voted against Desert Storm and voted against our troops. So let us not inject politics and hypocrisy here. Let us all speak with our brains and our hearts and respect one another.

I looked up how you voted.

Mr. Speaker, I yield 3½ minutes to the gentleman from Florida [Mr. SCARBOROUGH].

Mr. SCARBOROUGH. Mr. Speaker, I must tell you I am highly offended that the Member from California would call this a naked political ploy, when we in Congress are simply doing what is our constitutional right to do, questioning whether we send young Americans to die in the snows of Bosnia.

I sit on the Committee on National Security; make no mistake of it, every single person that has testified in front of the Committee on National Security has said young Americans will die in that battle. We have that right to ask the question.

How many times have we heard since the end of the Vietnam war, "Why didn't our leaders step forward earlier and stop it?" The troops are not in at such a degree that we cannot get them out. We have more Americans in Central America fighting the drug war right now than we have over in Bosnia. We have a right, and for those who say how dare we do it now, these are the same people that were telling us during the Dayton peace talks that we had no right to do it; then that we had to wait until after the Dayton peace talks. Now they are telling us we as Congress do not have the right to do it now.

Let me tell you, if not now, when? And if we do not have the right to do it, then who has the right to stand up and ask the President why he is sending Americans to die in a conflict that his own Secretary of Defense says does not pose a vital threat to America?

The Constitution is clear. James Madison, one of the three drafters of the Constitution, said that the Constitution supposes, with the history of Governments to declare, that the executive branch of power is the most interested in war and the most prone to it. It has, accordingly, with studied care, vested the power of war in the legislature. That was from James Madison to Thomas Jefferson.

I want the Member from California, I want those who vote against the only true bill that can do something to stop the bloodshed now, to tell me during this debate what will they tell the parents of those children who die in Bosnia? What is the reason that we have sent them over there to die? Tell the gentleman from Kentucky [Mr. BUNNING], what is the vital American interest in sending his son over to die?

These troops are not cowards. People from my district have been over there for months flying missions. We are not isolationists. But tell us the vital American interest that is worth the death of Americans. And make no mistake of it, the President will tell you, the Vice President said it today, as many as 50 Americans will die over there.

So when you vote against Dorman, you are voting to wash your hands of this issue, and if you are comfortable with that, if you feel there is a compelling vital American interest, if you truly believe in your heart that a 500-year-old civil war with no vital American interest, according to our own Secretary of Defense, is worth spilling American blood, that is fine. But convince me, because nobody in the administration has convinced me or 75 percent of Americans that we have a vital American interest over there.

I certainly respect those who will vote against the Dornan amendment. I know this is a highly emotional issue. Nobody has made a case yet that it is worth spilling American blood.

Mr. HAMILTON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York [Mr. HINCHEY].

Mr. HINCHEY. Mr. Speaker, for the last 4 years a horrible war has been ranging in the former Yugoslavia. It is a war that, with each passing day threatens to become wider and more dangerous, not just for the people in that country but for other countries in the surrounding region and for the world itself.

Already that war has claimed several hundred thousand lives. There are 2 million refugees in country and another 800,000 refugees outside of country.

On the Serbian side, there are already volunteers, including high-ranking officers, serving with the Serbians from former Soviet-bloc countries. On the Bosnian side, there have been volunteers from other countries, particularly in the Middle East. The war is becoming more dangerous, more complicated and more involved all the time.

A month ago our President invited the leaders of those three countries to come to this country. They sat down in Dayton, and after 3 weeks they signed a peace agreement. The fighting has stopped. Now they ask us to come and stand between them to make sure that the fighting continues to stop while they have an opportunity to rebuild their countries and settle their differences peaceably among themselves. They need NATO.

They said to us, and I was in Bosnia as others of us have been over the last weekend, they told us directly,

No one can ensure that this happens, that this peace continues, other than NATO, and there is no one that can lead NATO except for the United States. We need the United States. We trust the United States. We respect the United States. We want you to come here and make sure that this peace continues.

Our troops are on their way. They are already now on trains heading for the staging area in lower Hungary. Hundreds of them are on the ground in Tuzla.

This resolution cuts off all funding for American troops in the field. I met with those troops in Frankfurt just yesterday, had lunch with them in the mess hall. What they said to us, from officers down to privates, the two privates that I sat next to in that lunch hall, was this:

We need the support of the American people. We are going for this mission. We understand it is dangerous. We are prepared for it. Our morale is high. We can do the job, but, don't deprive us, don't deprive us of the means to achieve the objectives that you have set forth for us.

That is what this bill does. Unfortunately, it deprives them precisely and specifically of the means to carry out the mission that they have been sent there to accomplish. It would cut off all of their funding. Let us not do that to them.

We are sending them there on a mission that is dangerous and important for our country, for the NATO countries, and for the rest of the world to keep peace.

More than 60 years ago, a kind of ethnic cleansing swept through Europe. We did not step in in time. Let us not make that mistake again. We are there to maintain this peace. Let us not cut off the funds for the troops who are there to do the job.

Vote "no" on Dornan.

Mr. HAMILTON. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. FOGLIETTA. Mr. Speaker, the holiday season is a time for us to count our blessings, and it was in this spirit that I came before the House last week to urge my colleagues to reflect upon the efforts of the peacemakers. I felt that the words found in the Bible expressed it best, "Blessed are the peacemakers."

After 3 years of starvation, mass executions, sniper fire, indiscriminate shelling and rape, the children of Sarajevo are ready to enjoy their first Christmas free of fear and violence. For the first time in years, families have an opportunity to share the holidays together without worrying that a father or a son will be dragged off in the dead of night never to be seen again.

In large part, our Nation, our President, its leaders, its diplomats, its men and women in uniform and its people are responsible for this state of affairs.

While I strongly support the humanitarian goals of this mission, I also support this mission because it is in our national interest. Is not preservation of the North Atlantic Alliance, which has kept the peace in Europe for over 40 years, important to America's national security? Is not keeping the war in the Balkans from spreading to engulf our important allies, Turkey and Greece, important to America's national security? The answer is "yes."

It is also a national interest to protect the constitutional powers, not just of this President but of future Presidents.

After 3 years, our President and our European allies have finally pulled the warring parties in Bosnia off the battlefield and to the negotiating table to end the bloodshed and death which has claimed the lives of so many innocent women and children.

Mr. Speaker, let us be messengers of peace and goodwill and support. Let us support our troops, America's national interests, our President, and the peacemakers. Let us support the Hamilton amendment.

Mr. DORNAN. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, blessed are the peacemakers. Peacemakers? Maybe targets.

There is only one vote on the House floor tonight; I am going to vote for Mr. HAMILTON's, but I am going to vote for Mr. SKELTON's and Mr. BUYER's.

They are after-the fact, nonbinding votes. They mean nothing. Yes, there may be 2,000 troops in Bosnia before the Dornan amendment may pass. I do not think it will pass. But if it did, the President would veto it, and we could not override the veto.

Because, Congress, we know our history in Vietnam. What was the sense to it? What was the binding vote that declared war in Southeast Asia? There was none.

Congress does not govern anymore. I hear all of this superpower business. We are not the only power. Europe is not exactly a Third World military pushover, folks.

I want you to just think of this, while our young men and women, while there is no security national security threat in Bosnia, No. 1, and our experts tell us Europe has enough military personnel and money to provide the peace, while our personnel, ground troops, are over in Bosnia, French soldiers will be visiting Disneyland.

This is ridiculous. I keep hearing about NATO. NATO was designed and, in fact, created to prevent a Soviet invasion. It is time for Congress to realign NATO. Let the Europeans put up the big money. Let the Europeans put up the military. Let us support them.

My God, this is contained, and if we needed to send troops, if it would be exported out of Bosnia, we could send ground troops.

This is the only vote you have. These other votes have absolutely no meaning. I am going to vote for them, but you have just given the authority to declare war to one person, the President. I do not want to hurt the President. But it is not the President's authority to do this. By God, if we do not challenge it over Bosnia, we will continue to look in our history, at Vietnam, Bosnia, Beirut, Lebanon, Somalia. What is next here?

Wise up, Congress.

Mr. HAMILTON. Mr. Speaker, I yield 4 minutes to the gentleman from Georgia [Mr. LEWIS], the distinguished deputy whip.

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Mr. LEWIS of Georgia. Mr. Speaker, I urge may colleagues to support the peace agreement between the warring parties of Bosnia. Blessed are the peacemakers, for they shall be called the children of God.

This was not an easy decision for the President. This is not an easy vote for any of us. It is not popular, and it is not easy. But we are leaders. We are not called to do what is popular, to put our fingers to the wind is blowing. Our

mission, our responsibility is to do what is right.

For 3 years, we have heard the cries of anguish from the people of Bosnia. We have been deeply troubled by the accounts of rape, torture, and murder. We wanted to help stop the violence, stop the fighting. But we did not want to get involved in a war that seemed to have no end.

But now—finally—we have an opportunity to support peace. This mission is not for war. It is not Vietnam. It is a mission to uphold the peace.

Only yesterday, the Prime Minister of Israel thanked America for leading the way. For fighting fascism and championing democracy. He urged us to continue our leadership, not just in the Middle East, but elsewhere, in places where our leadership—American leadership—can make a difference. America has always stood for peace and freedom because it is right.

If we fail to act, we lose our moral compass. We lose our sense of purpose, our sense of direction as a great nation.

We now live in a global village. What happens in Bosnia affects people in Boston, in Chicago, in Detroit and in Atlanta.

But I believe—I truly believe—we cannot, we must not stand idly by. To do so would undermine our position in NATO and throughout the world. Our involvement can make the difference between war and peace, between death and life.

How in God's name can we stand by? We have seen the ethnic cleansing, the slaughter of young children, and the rape of women. More than 250,000 people have lost their lives. More than 2 million people have been uprooted and made refugees.

If we fail to respond to the Macedonian call—to lend a helping hand for those in trouble—then the cycle of violence will continue.

At long last, we can make a difference—to give peace a chance. I plead with you my colleagues—stand with us. Stand with our troops. Stand up for what is right and just. Support our mission for peace. Oppose this amendment, support Hamilton.

Blessed are the peacemakers, Mr. Speaker, for they shall be called the children of God.

Mr. DORNAN. Mr. Speaker, since communism killed more people in Cambodia, Laos, and Vietnam than the entire population of Bosnia and Herzegovina, I yield 2 minutes to the gentleman from Texas, Mr. SAM JOHNSON.

Mr. SAM JOHNSON of Texas. Mr. Speaker, this is not about peace and war; it is about war. That is what is going on over there, and they are not going to stop fighting just because we go in there.

I wholeheartedly support withholding funds from President Clinton's Bosnia mission. Although it is a drastic step and ties the President's hands, I do not feel like we have any other choice. The President has tied our hands, gone against the wishes of the American people, and this is the last best way I know how to show my respect for our American service men and women. They are helpless, following orders. But we, we are in a position to stop this terrible mistake before it happens.

I know how those soldiers are feeling. I was in the military for 29 years, and I recognize that we used to say "Let's go to war. Let's go fight that war, it is the only one we have got." And that is what some of them are doing. However, I was told by Senator HUTCHISON that the guys down in Fort Hood did not say that. They said "Why are we going there? Can't you stop us?" She said she would try.

Thirty years ago when I was sent to Vietnam in a similar situation, Vietnam started out as a peace type mission, no defined goal, no exit strategy, no idea whose side we were on, and a created incident to gain support of the Congress. A peacekeeping mission? Come on. Does this not sound just like a carbon copy? I think it is.

What is going to happen when our guys get over there, and if the rules of engagement apply, and they get shot at, and we start shooting back, what are their people going to say when we start killing them, killing Bosnians, killing Croatians, killing Serbs? We will do it, and we will get chastised for it.

Let me just ask one more thing for the guys over here voting against it: What are you going to do when one of our women soldiers get captured?

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York [Mr. OWENS.]

Mr. OWENS. Mr. Speaker, I rise in opposition to the Dornan amendment. There is no more noble a purpose and no more practical a purpose for the use of American military strength than the purpose for which the troops are being deployed in Bosnia. Blessed are the peacemakers and peacekeepers. All armies are created and mobilized for the purpose of achieving peace. Troops fight to win wars in order to realize peace. To conquer an enemy is to achieve peace.

If peace is always the objective, then why do we belittle and challenge a use of American troops to maintain the peace in a situation where peace has been negotiated? Every soldier who serves in Bosnia should be saluted as a hero. The soldiers who keep the peace deserve all the medals and as much glory as the soldiers who fight hot wars.

Peace is always the objective of honorable military action. Certainly there are great risks. From day one in training camp, every soldier enters a world where risks are far greater than in the civilian world. In any foreign theater, a soldier's risks are greatly increased. But in Bosnia the risks are being taken to feed the hungry, to clothe the naked, and to provide shelter for those who have been made homeless over and over again by the actions of military criminals.

We spend nearly $250 billion a year to maintain the world's greatest military force. The American Armed Forces of 1995 should be declared an Army for peace. For all the years to come it should be understood that we are armed to promote and preserve peace. Bosnia should not be seen as a waste. The deployment of troops in Bosnia is a necessity to send a message to the military criminals of the world that thugs will not be allowed to rule any part of the world and go unchallenged.

American soldiers should not be asked again and again to do this in the world, but this is a clear and present situation. This is a situation that has been negotiated. This is a situation where peace is achievable. Let our Army help to achieve that peace.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Speaker, imagine for a moment that you are an American soldier who said good-bye to his family and you are on your way to Bosnia. Word reaches you tonight that the Dornan resolution has passed in the U.S. House of Representatives. The House of Representatives has voted to cut off all funds for Bosnian peacekeeping.

The gentleman from California [Mr. DORNAN] knows and everyone knows on this floor his resolution will not go any further than this House of Representatives, but it will reach these troops on their way to represent America.

This is a cruel resolution. It will say to the men and women whom we ask to wake up tomorrow to dress in their military uniform and to represent the United States that we do not stand behind them.

I think we have learned many lessons through our lifetime. We have certainly learned that when we have made the commitment to put our troops in the field, we in the United States Congress must stand behind them.

The gentleman from California likes to recount the fact that many of us voted against the Persian Gulf war. I did. The gentleman should also recount the fact that immediately thereafter there was offered a bipartisan resolution, which passed I believe without a dissenting vote, where we stood resolutely behind those men and women, regardless of our vote on the Persian Gulf war. That was the appropriate and proper thing for us to do as Americans.

Regardless of the fact that I do disagree with some aspects of this Bosnian peacekeeping, I think the President was wrong in not seeking

Congressional approval, the fact is the troops are committed. The fact is they will look to us, Mr. DORNAN, and they will look to you as to whether you support them. And your answer to them is not a badge you wear on your lapel or any fancy ribbon that you wear on your suit, but how Members will vote.

Mr. Speaker, I hope Members will join me in voting to make sure those men and women in the field know that we stand behind them. This is serious, it is a serious commitment of this country. These men and women are putting their lives on the line. We owe it to them to take it very seriously. I urge my colleagues, whether you agree with the President or not, to defeat this cruel Dornan resolution.

Mr. DORNAN. Mr. Speaker, I will not be goated yet. Mr. Speaker, my 22 years and 4 months in the Air force prevents me from rising to that fight.

Mr. Speaker, I yield 1 minute to the gentlewoman from Idaho, Mrs. HELEN CHENOWETH, a freshman who has just come back from a recent trip to Sarajevo.

Mrs. CHENOWETH. Mr. Speaker, I want to make it clear that the Dornan resolution and the resolutions and bills that we have passed already in this Congress is not a message to our boys who are preparing to be deployed. It is a message to our boys who are preparing to be deployed. It is a message to the President of the United States, who is acting like a dictator. When is he going to get the message?

Mr. Speaker, yes, I was in Sarajevo, and I sat with Prime Minister Siladjic, who said very clearly, we have not asked for your troops. We have only asked that the arms embargo be lifted. We do not want to be an occupied nation. We want to be able to defend ourselves. We want to have military parity.

Mr. Speaker, they will only be able to have peace over there when everyone is equally armed. Let us not make a cheap political trick out of this by distorting the issue and using our boys in a political discourse. We are behind our men and women who will be deployed. There is no doubt about that. But, again, the Congress is saying no to President Clinton.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Speaker, I, too, want to urge my colleagues tonight to think of the troops that we have in the process of deploying to Bosnia. I think a resolution that would cut off all money for ground forces would be widely misunderstood with the troops in the field, and I think would be a tragic mistake in undercutting of the U.S. Presidency and of the Dayton agreement.

I would hope that my colleagues would give President Clinton what he needs tonight, and that is a resolution which strongly supports the troops, strongly supports the men and women who will be going to Bosnia, and I think the Hamilton resolution gives us that exact message and is what this Congress should rally behind.

I do remember the gulf war debate. After that debate was finished, we had a bipartisan effort to support the troops. I might recall to my friends on the other side, Speaker Foley did not call for a vote on this until after 500,000 troops were deployed to the gulf war. That was an appropriate time to do this. But to take this hard approach, to cut off all money, no money shall be spent, I think would be a terrible mistake. I think it would weaken the Presidency, it will weaken our leadership in the world, it will weaken NATO and our leadership of NATO, and I think it is one of the most serious mistakes we will have made in this Congress.

So, again, I urge my colleagues to vote "no" on the Dornan amendment and support Hamilton, which is well written and very supportive of the men and women who will be serving us so well in the Persian Gulf.

□ 1930

Mr. DORNAN. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina, [Mr. FUNDERBURK], the Member of this House or the Senate who spent the most time on the ground, 4 years in Romania, as Ambassador Funderburk.

Mr. FUNDERBURK. Mr. Speaker, 1 year in Bosnia's 600 year old war and out, and peace is to be permanently established? What a joke. U.S. leadership is at stake in the world? What a joke. NATO will collapse if we do not go? World War III? What a joke.

U.S. troops must be supported. True, we all agree, but the President can send troops anywhere and then say if we do not support this unilateral Federal Executive action we are not for our troops. Shame on the one who never supported our troops until he was Commander-in-Chief, and until he seeks leadership credentials. He should have tried getting support of the American people and Congress first, before he committed.

Mr. Speaker, saying our mission was a moral imperative are hollow words coming from people who, for the last 30 years, have turned a blind eye to atrocities in Cambodia, Vietnam, China, Romania, Iraq, and Syria. What about America's moral imperative to intervene in Bosnia? Bosnia is a nightmare, but why should American soldiers stop at Bosnia? Why not Sri Lanka, Peru, China, Nigeria, Indonesia, the Sudan, the Philippines, Western Sahara, Afghanistan, Algeria, wherever there is blood and fighting? The list is endless.

Our policy has always been and it must be to selectively engage our forces where we can do the most good but with the goal of protecting the national security of the United States. On those grounds, Bosnia misses the mark. We have no interest there, plain and simple.

I have lived in that part of the world, the sad part. The Dayton peace accord is a prescription for disaster. Its Byzantine arrangement of one Bosnia with two governments and three independent armies is farcical. Margaret Thatcher had it right when she said the best thing we can do in the Balkans is arm the Moslems and stay out of the direct fight.

Mr. Speaker, I strongly support our only option here tonight for the Congress and the people, the Dornan bill.

Mr. HAMILTON. Mr. Speaker, I yield 30 seconds to the distinguished gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Speaker, I intend to vote against the Dornan bill. I do so because I feel to support it would be a vote in favor of cutting our troops off at the knees. They are on their way. They are going to be there.

Mr. Speaker, in a later moment I will explain, in great detail, problems that I have with the U.S. policy, but this is not the time nor the moment to do that. I will explain why we should vote for the Buyer-Skelton resolution, which will put this entire matter in perspective.

Mr. DORNAN. Mr. Speaker, I yield myself such time as I may consume to say that I appreciate my good friend, the gentleman from Indiana [Mr. HAMILTON], setting the standard here. There are so many distinguished people on his side and mine that want to speak, and so I am going to limit all my speakers to 30 seconds so that everybody gets a chance to be heard on this, and then they may join my special order tonight for an hour to extend their remarks. Let us give it our best shot on both sides.

Mr. Speaker, I yield 30 seconds to the gentleman from Kansas [Mr. TIAHRT].

Mr. TIAHRT. Mr. Speaker, it is very clear our troops understand what is going on. I talked to them on my way back from Bosnia. They know it is our job to argue policy, and by supporting the Dornan resolution it does not cut them off at the knees. It is shameless to say that it does.

Our troops took an oath to defend the Constitution and our borders, and we have extended that to America's vital interests across this world, but none of that is here in Bosnia. None of it. We are asking them to go above and beyond the call of duty, outside what they have taken an oath and sworn to do. I think we should realize that.

I am carrying a coin, and I am going to keep the First Armored Division in mind for 12 months. And I hope the guy that gave me this does not come back in a coffin.

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

Mr. DORNAN. Mr. Speaker, I yield 30 seconds to the gentleman from Colorado [Mr. HEFLEY], who was discussed

at great length on the senate floor today.

Mr. HEFLEY. Mr. Speaker, I think it is disgraceful that Members would get up in the well of this House and talk about cutting the knees out from under our troops. No one wants to hurt the troops. No one wants to hurt the troops. We want to get the troops there out, and we do not want to send any more troops.

When we debated Hefley back before Thanksgiving, the Democrats said it is a good idea but it was not the right time. Now they say this is not the right time because the troops are already there. When is the right time to say, Mr. Clinton, this is a stupid idea and we do not want you to do it?

Mr. HAMILTON. Mr. Speaker, I yield 1½ minutes to the gentleman from California [Mr. BECERRA].

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I approach this with some trepidation. I have never been one who likes to use our American troops to do things outside of what is absolutely necessary for the protection of this country. I take a look at this and I ask myself did we get the best deal for the troops that are being sent out there? Is this really the peace accord that is the mother of peace accords, that will guarantee us that the parties will finally agree to what they have said? I ask if those paramilitary forces that are out there, under the control of no one, are really going to be stopped? And I ask do we really know how we will get our troops out should this operation fail

At the same time, I know what I do not want to send a signal to the men and women who are going to Bosnia that I am not prepared to support them. Mr. Speaker, as I look at this vote, and I weigh the chance that I am sending people that are like me, in their thirties and twenties and forties, to go face off with people that we have never seen before, I do this with some trepidation.

I will probably support the Hamilton resolution. I cannot, in good conscience, support the Dornan resolution, and I would urge all the Members to not support the Dornan resolution. What we must do is do the right thing for those that are going. And I do not believe, at this stage, we can say that cutting off funds is the way we want to send our troops to Bosnia.

So I would urge Members to consider the fact this is them going. This is our chance to tell them that we support them, because they have no choice but to go, and it is our opportunity to say we will live up to our responsibility to do the right thing.

Mr. DORNAN. Mr. Speaker, I yield 30 seconds to the gentleman from Indiana [Mr. HOSTETTLER].

Mr. HOSTETTLER. Mr. Speaker, I rise in strong support of the Dornan resolution.

Article 1, section 8 clearly enumerates the powers of the U.S. Congress and it clearly lays forth the power of the Congress to make rules for the regulation and the government of land and naval forces. It speaks very limited to the power of the President as Commander in Chief.

It is time to end the concession of this Congress to the executive branch in matters of policy as relates to the military. Support the Dornan language.

Mr. DORNAN. Mr. Speaker, I yield 30 seconds to the distinguished gentleman from Wisconsin [Mr. NEUMANN].

Mr. NEUMANN. Mr. Speaker, 30 seconds is a very short amount of time to say how I feel on this. But let me make a couple of things perfectly clear. I am 100-percent supportive of our troops. It is the policy and the idea of our troops risking their lives without our national interest at stake that I am opposed to.

So the message out of here, in 30 short seconds: We support our troops 100 percent; we do not want them in Bosnia. We have sent this message early in the summer, in the middle of the summer, late in the summer, again this fall. In case the President does not get it yet, we do not want our troops in Bosnia; we do not want our young people to lose their lives in Bosnia.

Mr. DORNAN. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. BUNNING). The gentleman from California [Mr. DORNAN] has 8 minutes remaining.

Mr. DORNAN. Mr. Speaker, I yield 30 seconds to the distinguished gentleman from Ohio, Mr. STEVE CHABOT.

Mr. CHABOT. Mr. Speaker, I am not convinced that the deployment of our brave soldiers in Bosnia will accomplish any lasting purpose other than to have put valiant American men and women in harm's way in a centuries-old civil war.

I will support the troops once they are there, but I want to state, in the strongest possible terms, that those troops should not be sent to Bosnia in the first place.

I am concerned that one of two things will happen. President Clinton says they will be out in 1 year. Either they will come back in 1 year and the bloodshed will begin anew, or they will be over there for a long, long time; and that is not acceptable to the American people, and it is not acceptable to me.

Mr. DORNAN. Mr. Speaker, I yield 30 seconds to the gentleman from Long Beach, CA, Mr. STEVE HORN, who went over there 5 times as a professor to try to convince them to vote instead of kill one another.

Mr. HORN. Mr. Speaker, I thank the gentleman for yielding time to me.

This is not a partisan issue. Anyone that says we are not supporting the troops has to be either a rogue or a scoundrel. That is utter nonsense. This is a constitutional issue; this is an institutional issue. The House of Representatives must authorize the money.

This is not England. This is not the Roman Empire. This is not some dictatorship. If we have Presidents of both parties, and that is true, that have roamed the world in election years to look better rather than grapple with the problems at home, let us tell them that they must start here for the authority. They have no authority as Commander in Chief.

Mr. HAMILTON. Mr. Speaker, I yield 4 minutes to the distinguished gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE. Mr. Speaker, I am not a war hero and so I cannot stand here with any credibility that might in any way match some of my colleagues, one of whom is proposing this resolution. I am however an American, and I am a human being and a supporter of world peace.

I am a mother as well, and I had the opportunity just this past week to talk to some of the parents of some of the troops who are now in Germany, prepared to liberate those in the former Yugoslavia and Croatia and Bosnia.

What I am, however, is an expert on life and the quality of life and what it means to live in a democracy. I would venture to say that the wrongest resolution we could ever have is the one that is on the floor right now: Cutting off the money, telling our troops we do not care, and simply saying to people who want peace, "The heck with you."

I do not know if we are aware of the human suffering that has gone on in Bosnia, some 3.2 million refugees, 200,000 dead, 6,000 elderly; homeless, and the mass graves that USA Today indicated, where dozens of family members gathered in the morgue of Splits Clinical Hospital to try to identify remains of loved ones, including watches, crucifixes, and pieces of clothing found with the bodies.

The article reveals that a BMW car key found on body number 28 was given to a woman who claims her husband, hotel manager Steko, age 33, had a similar car. The woman, Bozana Steko, 32, races home to see if the car starts, and it does.

I am not sure what we are debating here. I did not have the privilege to rise to the House floor and debate whether or not we should have gone into Kuwait when we had a Republican President. But I know there are many of my colleagues here that rose with all articulateness and emotional fervor, saying there was a reason to go to Kuwait. As a Texan, I know that we were talking about oil.

□ 1945

Today, Mr. Speaker, we are talking about peace. The American people have never run away from peace. They have run away from the loss of human life and the memories of Vietnam.

Mr. Speaker, this is not Vietnam. We have a military that is enormously prepared. We have young soldiers who are committed to the principles of peace. We have a strategy of rules of engagement that allows our troops to shoot to kill. We do not have sitting ducks at the line of demarcation. We are sending armored divisions, and yes the Americans are in areas that they know they can cover.

There are those who are cynical. There will be dangers, sniper fire, possibilities of land mines, but Americans and people of the world have never been able to gain peace without taking risks.

But most of all, I would say to my colleagues who want to throw in the faces of our troops that we will cut off the money but yet, we are for you, as I have heard my colleagues say, I want them to simply tell the truth. If my colleagues are for peace, they have got to stand for peace. They have got to take risks for peace.

Having gone to Bosnia, I will tell my colleagues that the people there want peace. They want to be part of peace. They begged us for peace as we stood in the streets with Bosnian children.

Mr. Speaker, this is the wrong way to go. We must support our troops. We must be strong for peace. Let us act like Americans. Take a risk and take a stand. Stand strong for peace.

Mr. DORNAN. Mr. Speaker, I yield 30 seconds to the gentleman from Ohio [Mr. HOKE] who has one of the best chiefs of staff on the Hill.

Mr. HOKE. Mr. Speaker, this is not so complex. Our troops are not in Bosnia. Our troops are in Germany. If my colleagues want our troops to stay in Germany and not go to Bosnia because this policy is wrong, dead wrong, this vote tonight is the only opportunity to do that.

If this vote passes by two-thirds of this House and two-thirds in the other body, it is veto-proof. It is the only opportunity that we have, with 66 percent of these two bodies acting out the will of 85 percent of the American people, to prevent this travesty from happening.

Mr. HAMILTON. Mr. Speaker, we have only one remaining speaker, and I will yield the balance of my time to him. I understand the gentleman from California has the right to close.

Mr. DORNAN. Mr. Speaker, I yield 30 seconds to the gentleman from Maryland [Mr. BARTLETT], a scholar.

Mr. BARTLETT of Maryland. Mr. Speaker, with the gentleman from California [Mr. DORNAN] leading this effort, it is patently ridiculous to assert that this vote could be construed as a statement for nonsupport for our troops. Please do not use this argument. With Mr. DORNAN leading this debate, there is no way our intentions could be misunderstood.

Mr. DORNAN. Mr. Speaker, I yield 1 minute to the distinguished gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Speaker, the White House and the public will take a vote against Dornan as a vote for Gulf of Tonkin-like powers for a Presidential deployment of American troops to Bosnia. That is what this debate is all about.

Should we give the President the power to send these troops to Bosnia? If some nut or ruthless gang unleashes biological or chemical weapons or in some other way kills hundreds if not thousands of young American defenders, those opposed to this bill will bear a share of the responsibility with the President.

The President is sending them there. We have a chance to act. We are now in the chain of command. If my colleagues vote against the Dornan proposal, they are sending a message to the President that he can send the troops to the Balkans.

The cold war is over. The American people deserve better treatment than this. We should not be sending young Americans all over the world in every conflict. It is not fair to them. It is not good policy, and it will not lead to a more peaceful world.

Mr. DORNAN. Mr. Speaker, I yield 30 seconds to the gentleman from Arizona [Mr. HAYWORTH].

Mr. HAYWORTH. Mr. Speaker, it is difficult in a half-minute to sum up all the arguments. Suffice it to say, clearly and unequivocally, we stand in support of our American troops. It is for that reason that we do not ask those troops to put on referee stripes to go and try to mediate a peace that is not a reality.

We call in American fighting men and women to defend this country and our legitimate national interests. There are no legitimate national interests at stake in Bosnia. Mark Twain said it best, Mr. Speaker: History does not repeat itself, but it rhymes.

Mr. DORNAN. Mr. Speaker, I yield 30 seconds to the distinguished gentleman from Georgia [Mr. KINGSTON].

Mr. KINGSTON. Mr. Speaker, Winston Churchill said that nothing that ever starts in the Balkans ever ends there. I think that when we think about making peace with tanks, bullets, guns, rifles, and missiles, we are not fooling ourselves. We are not going over there to make peace. We are going to go in there and prolong and probably start a bigger conflict than has been going on there already for over 100 years.

So, I proudly support the Dornan amendment and will say this: If anybody thinks there is a Member of Congress who cares about our men and women in armed services more than the gentleman from California [Mr. DORNAN], they are only fooling themselves.

Mr. DORNAN. Mr. Speaker, I yield 30 seconds to the gentleman from California [Mr. PACKARD], just back from Sarajevo and all points thereabouts.

Mr. PACKARD. Mr. Speaker, I rise in support of this resolution. It is the only way that I can express my view and the overwhelming views of my constituents to our President. The best way to support our troops is to not send them at all.

Mr. Speaker, the President's policy to send United States troops to Bosnia is simply wrong. I have recently returned from Bosnia and I can tell my colleagues firsthand that the situation there is grave. The destruction that I witnessed is horrifying.

We will not have peace in Bosnia with or without our troops, in my judgment. I opposed the President's policy before I went to Bosnia, and I oppose it more even after returning.

The SPEAKER pro tempore. The gentleman from California [Mr. DORNAN] has 3½ minutes remaining, and the gentleman from Indiana [Mr. HAMILTON] has 6 minutes remaining.

Mr. DORNAN. Mr. Speaker, I yield 30 seconds to the gentleman from Georgia [Mr. NORWOOD], someone who not only supports the troops; he is one of the troops, a Vietnam veteran.

Mr. NORWOOD. Mr. Speaker, I rise tonight with a troubled heart. I rise tonight to ask my colleagues to support our troops. Support them by bringing the 150 home. Bring them home now, before we get into a mess like I personally had to live through 30 years ago.

Mr. Speaker, I served one "Mission Impossible" in Vietnam where we waged political war and no one really knew who the enemy was, and we had no political will to flight. Let us stop this madness. Is it not better we embarrass the President than to lose one American life?

Mr. DORNAN. Mr. Speaker, I yield 30 seconds to the gentleman from New Mexico [Mr. SCHIFF], a member of our conference who just made First Bird Eagle Colonel.

Mr. SCHIFF. Mr. Speaker, there is a vital U.S. interest in peace in Europe, but there is more of an interest in peace in Europe to the Europeans. The case has never been made as to why the Europeans cannot themselves send 60,000 ground troops to quell the situation in Bosnia. No case has been made why U.S. troops are needed to help them.

Mr. Speaker, just because we are a superpower should not make us a superpatsy to do the Europeans' job for them. If there is a threat that the war will spread further in Europe, that is even more of a reason for the Europeans to supply the ground troops themselves.

Mr. Speaker, the best way to support our troops is not to send them to Bosnia in the first place.

PARLIAMENTARY INQUIRY

Mr. DORNAN. Mr. Speaker, even if I only save 30 seconds for myself, does that mean that the gentleman from Pennsylvania [Mr. MURTHA], this very

distinguished Marine, once and forever, gets to go right before me, or could I ask the gentleman to speak now?

The SPEAKER pro tempore. No, the gentleman from Pennsylvania could be yielded to speak now. It depends.

Mr. DORNAN. Mr. Speaker, I yield 30 seconds to the gentleman from Wisconsin [Mr. ROTH], a senior Member and a chairman of the Subcommittee on International Economic Policy and Trade.

Mr. ROTH. Mr. Speaker, these things never change. I have been in many of these debates. The American people are always conned. That is the truth of it, and that is happening again tonight.

Mr. Speaker, a year from now, I want to predict what is going to happen. When there are yellow ribbons all over America and the American people say, "When are our boys going to come home," these people are going to say, "We cannot leave now. Look what is going to happen to NATO. Who is going to take care of the American sector? It is going to be war all over again."

Mr. Speaker, if we move in tonight, we are going to be there for a good long time, and all of my colleagues know it.

Mr. DORNAN. Mr. Speaker, I yield 30 seconds to the distinguished gentleman from California [Mr. HERGER].

Mr. HERGER. Mr. Speaker, this so called mission is not—as the President would have us think—a peacekeping mission—this is a peacemaking mission. How can we commit our troops to keep a peace that does not even exist? Why should U.S. blood be spilled for a cause that is not in the interest of the American people?

Mr. Speaker, what will we tell these brave soldiers' parents that their children died for? Remember the lessons of Somalia and Beirut. Vote for the Dornan bill.

Mr. DORNAN. Mr. Speaker, I yield 30 seconds to the distinguished gentleman from Georgia [Mr. BARR].

Mr. BARR. Mr. Speaker, every once in a great while there is a policy that is so misguided, so ill-conceived, so poorly planned, and so deceptively presented to the American people that drastic measures are called for. The Bosnian policy pursued by this Presidency unfortunately, Mr. Speaker, falls directly into that category, and there is only one way to stop it.

Mr. Speaker, there is only one thing to do and that is to pass a bill that has some teeth in it. Not just mere words; some teeth in it. That is what the gentleman from California [Mr. DORNAN] has presented here this evening, and that is what we must do in order to stop this misguided and ill-conceived policy now.

Mr. DORNAN. Mr. Speaker, I yield 30 seconds to the distinguished gentleman from Washington [Mr. METCALF].

Mr. METCALF. Mr. Speaker, there are no vital United States interests threatened in Bosnia. Sad experience has taught us that it is real easy to move in the troops, it is very difficult to accomplish the objective after we are in there, and extremely difficult to get out in a timely and honorable way.

We must do everything possible, and that is what we are doing now, to prevent this folly before the signing, before the decision is irrevocable.

Mr. HAMILTON. Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon [Mr. DEFAZIO].

(Mr. DEFAZIO asked and was given permission to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, I rise in opposition to the Dornan proposal.

Mr. Speaker, I stand in reluctant opposition to the legislation by the gentleman from California [Mr. DORNAN] to cut off funding for United States armed forces already on the ground in the territory of the former Yugoslavia.

The basic problem is this: the President has already placed United States troops on the ground in Bosnia. That is a fact, though I maintain that he had no proper constitutional authority to do so without advance congressional authorization. But despite my opposition to this policy, I believe we owe those troops our support and our blessing. Therefore, in this instance, I will reluctantly oppose Mr. DORNAN's resolution and support the resolution offered by Mr. BUYER which once again expresses our disapproval of the President's policy, but stands behind the well-being and safety of our young men and women in the Armed Forces.

The sorry chain of events leading up to this vote only serves to underscore the need to revamp the legal relationship between the White House and Congress in matters of war and peace. I've introduced legislation to reassert Congress' constitutional authority to place troops into war or warlike situations. The key to my legislation is a binding requirement for prior congressional authorization for the use of U.S. forces in hostilities except in those cases where the President must act to protect the United States, its troops, citizens, or territories abroad. Until we in Congress act to reaffirm our prerogatives, we will find ourselves faced with this kind of HOBSON's choice again and again.

Frankly, I do not believe this peace accord will succeed in the long run, though I pray it will at least stop the blood letting for awhile. We are dealing here with an ethnic and religious war that is hundreds of years old. The best intentions of the Western powers are not likely to cool the flames of hatred in the region.

Furthermore, our Nation should not assume the lion's share of the financial burden and military risk in this attempt to bring peace to the former Yugoslavia. For more than 40 years, the United States has provided for the security of Europe. We have spent as much as $100 billion each year to protect the European democracies from the threats posed by the Soviet Union and its Warsaw Pact allies. It's time for the European community to own up to its responsibilities and take up its share of the burden.

Mr. HAMILTON. Mr. Speaker, I yield the balance of my time to the distinguished gentleman from Pennsylvania [Mr. MURTHA].

Mr. MURTHA. Mr. Speaker, a year ago we stood on the floor and we debated the Haiti resolution. This House had a very good debate on deploying United States forces to Haiti. We heard the same kind of concerns. We heard that people were going to come back in body bags. We heard all kinds of recriminations about the policy, about the United States deployment, about the ability of the United States Commander in Chief to put United States forces in Haiti.

□ 2000

Not long ago, I became concerned about what was going on in Haiti. I went down there on Saturday. I found out that Aristide is going to step aside. They are going to have an election, that the human rights violations have receded substantially, that the 22,000 troops we had there at one time have been reduced to 2,500. In 2½ months we will have all the troops, all the United States forces out of Haiti, and we will not have had one casualty.

Now, will it be a long-term success? All we did was allow them to have an opportunity to have a free election and to get their country in order. It will take a long time for them to straighten this out.

I have been involved in the Bosnia situation for almost 4 years. When the Bush administration was in their last year, I went to Sarajevo. I could not get from the airport into town because the shelling was so heavy. The shells were landing in the houses. Two young children were killed not far from where I was. The next time I went in, I stopped at the location where 70 people were killed with one mortar shell in town. The people were in disarray. The buildings were destroyed. There was no heat, no electricity, and the people did not know where to go. The British commander, General Rose, said to me, stay out of it. We can handle it. The U.S. forces do not need to be involved. And I listened to that.

I told President Clinton that I did not think we should be involved as long as the fighting is going on; I adamantly opposed any U.S. intervention. I did not think we had any business going in as long as they were fighting.

Then the President took a real risk. A year later, I went over and talked to Gen. Rupert Smith. He thought it was time that something could happen there. Our emissaries went to Bosnia. Our emissaries talked to all the parties, and they did a marvelous job. I do not have the highest regard for the State Department, but in this particular case, they did a marvelous job in getting the parties to agree to a cease-fire, which has held for a period of time.

When I was there, I saw every single building in Sarajevo had been destroyed or in some way hit by shellfire.

People were starting to feel better about what had happened. And the British commander said, we cannot do it. Only the Americans can cause peace in Bosnia. The British and the French and the Germans have to many long-term animosities. If you want stability in Europe, you are going to have to have American troops involved.

I still doubted it. I still had concerns. I believed there had to be a peace agreement where the troops withdrew. I felt the Russians had to be involved. I thought the terrorists had to be pushed out. And all those things have been agreed to.

Now we stand on the threshold of a very serious decision by the United States Congress, very similar to what we did in Saudi Arabia with a difference. We were going to war in Saudi Arabia. We are going to make peace in Bosnia.

I do not think that any of us take it lightly. I have no concerns about the patriotism of the gentleman from California [Mr. DORNAN] or his feeling or anybody else's motives in why they believe that they should vote one way or the other. But there is no question in my mind that if the United States is not involved, that if we do not take the chance, and I sat down with the President of the United States for an hour and a half and with my year in Vietnam, with my different experiences in the Congress of the United States, like the distinguished gentleman from California [Mr. CUNNINGHAM], wounded twice when I was over there, I know something about the fighting. I know how difficult it is. But the President listened to my objections and concerns. I told him of the military concerns. I told him that politically he could be making the biggest mistake of his Presidential career. And I said, I do not expect you to make this decision based on politics. I would hope you would make it based on what is right and wrong, but I am just telling you the danger you are getting involved in.

He listened to me and obviously made what he considered was the right decision as the Commander in Chief.

There is no one in this country that I have a greater regard for than the majority leader of the U.S. Senate or the other body, no one who has taken a more courageous position in this incident, even though he has the same concerns that every person in here has about putting American troops in harm's way. But he made a decision based on the American commitment.

The President of the United States made a very tough decision, a decision he considered was right, a decision he considered was in the best interest of this country. It behooves us not to undercut that President as he goes forward to sign or to agree or to witness a peace treaty by the participants who have been fighting.

No question we will have casualties. But I would ask all of my colleagues to think about the involvement of the United States in world affairs. We cannot be the policemen of the world, but we can, when we see an opportunity, exert our moral force and insert our troops, who are so well trained, to do a job to make peace and not war.

I would urge my colleagues not to cut off the funds for these valiant troops who are on their way to Bosnia at this very minute. Defeat my good friend's amendment. Vote down the Dornan bill and vote for the support of the troops later on.

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

Mr. Speaker, a word to my dear friend, the gentleman from Pennsylvania [Mr. MURTHA]. In the streets of Kuwait City a week after the war eight of us had people come up to us and thank us for bringing peace to Kuwait. And they watched our debate from their hidden rooftop antenna on this House floor, amazing. We brought peace there.

This is the gold mother, the gold widow, the child who loses a dad in the snow of Sarajevo, Tuzla forever. Vote for the gold mother vote.

If I were a Democrat, I would vote for all three. If I were a Republican, and I am, I would vote for mine and then I would vote to support the troops, the gentleman from Indiana [Mr. BUYER] and the gentleman from Missouri [Mr. SKELTON], my pal.

This is a tough vote. I will respect whatever Members do on either side. But believe me, history is going to come back to bite us on this one. We are going to be asked to account for our votes on December 13, 1995.

Good luck. Vote your conscience.

Mr. STOKES. Mr. Speaker, I rise in support of President Clinton's Bosnia peace initiative. This evening the U.S. House of Representatives debated several legislative measures addressing the issue of President Clinton's deployment of peacekeeping troops to Bosnia. I do not believe that it is constructive for the Congress of the United States to undermine the authority of the President and the confidence of our troops on the ground by challenging the powers granted to the President under the Constitution of the United States.

Though I will always be wary of the deployment of American troops overseas I am confident that President Clinton has exercised his prerogative and authority under the Constitution of the United States to deploy American troops to Bosnia as part of an international peacekeeping force.

Mr. Speaker, during my tenure in Congress, I have been consistent in my opposition and votes against the deployment of American troops in places such as the Persian Gulf and Grenada for the purposes of combat. The circumstances in Bosnia, however, warrant unique consideration of U.S. involvement.

The President has made it clear that the mission of the peace implementation for [IFOR] under the command of NATO is well defined and limited. American forces will be under American command, the deployment has a clear exit strategy and the mission will be limited to the implementation of the historic Dayton Peace Agreement.

Because of the peace mission the President is implementing and because of our strategy of integration, the entire continent can share the blessings of peace that unite our community of free nations. As we strive with our partners to overcome the division in Bosnia, we can also help overcome the remaining division of Europe. Bosnia, once the symbol of Europe's post-cold war disintegration and holocaust, can be the proving ground for a broader and deeper transatlantic community.

Today, we know the extent of war crimes committed against innocent human beings in Bosnia. The atrocities are particularly disturbing when we consider the children of Bosnia and those who know no safe refuge. Finally, thanks to the leadership of President Clinton we are presented with an opportunity to ameliorate a horrific situation. American leadership will clearly save the lives of many of Bosnia's innocents that would have surely perished without our help. Hopefully, this peace effort will restore stability to their lives.

The President took a historic step when he invited the Balkans leaders to the Dayton peace talks. At that conference, the parties agreed to pursue peace as opposed to war. In light of this pivotal development, I deem it important that we support President Clinton's peacekeeping initiative and support the American troops who are on foreign soil as part of an international peacekeeping force.

Mr. Speaker, in Cleveland and communities throughout the Nation, our hearts and prayers are with our men and women in uniform and their families. The world will always remember their unselfish dedication to this peacekeeping challenge.

Mr. WILLIAMS. Mr. Speaker, with our troops on the move, and our national commitment clear, we cannot, should not, vote to cut off the funding of our military.

To do so would both abandon our men and women who are under arms and negate our world leadership.

Thus, I will vote to support our efforts; Concerned? Yes! Determined to preserve our strength? Always!

Mr. SMITH of New Jersey. Mr. Speaker, I rise in support of the Dornan bill which prohibits funding for the deployment of United States armed forces on the ground in the Republic of Bosnia.

Tomorrow the Presidents of Bosnia and Herzegovina, Croatia, and Serbia will sign the Dayton peace agreement which assumes the commitment of 60,000 NATO troops to implement its provisions. At least 20,000 of those troops will be American soldiers. Advance troops have already been sent into Bosnia, and the President has said that the troops are committed regardless of whether Congress grants its approval.

For 2½ years President Clinton turned his back on his campaign promises to take decisive action against the aggressors, and his administration further compounded the flawed policy—which had begun in the Bush administration—when it failed to focus, in a meaningful way, on the conflict and the atrocities, and the pleas of the Bosnian Government to permit the means to protect themselves. In fact,

I introduced the legislation calling for the unilateral lifting of the embargo against Bosnia. A similar bill, the Bosnia and Herzegovina Self-Defense Act of 1995, was overwhelmingly supported in both the House and Senate. The President chose to veto the bill on August 11.

The Dayton agreement—with the commitment of troops embedded into its fiber—has become the President's answer to the dilemma in the former Yugoslavia. Mr. Speaker, the President left no alternatives for the American people and the Congress.

The President prematurely made commitments to send U.S. troops to Bosnia, first to enforce the Vance-Owen plan, then the Vance-Stoltenberg plan, then the Contact Group plan, then the evacuation of UNPROFOR, and now the Dayton agreement. The President raised the expectations of our allies as well as those of the parties to the conflict that American ground forces would indeed be deployed in Bosnia.

Mr. Speaker, I am not prepared to approve the deployment of our ground troops to this mission.

The White House asserts that failure to deploy ground troops would have serious consequences for our status as a leading force in the world. Perhaps, but any loss of prestige is a consequence the record shows of the President's hasty promise and eagerness to deploy U.S. ground troops to enforce any plan. The premature withdrawal of troops—either in response to military losses or simply in compliance with the convenient time frame set by the administration—without completing a realizable mission is damaging to the morale of the American military forces and the credibility of the United States. Questions remain about the agreement the troops are being sent to implement. Details about how and who will train and provide arms to the Bosnians are being provided piecemeal with the latest understanding being provided in a letter from the President. Will there be a clear delineation between the role of the NATO forces and the agreement's assurances of creating a climate conducive to elections, the return of refugees to their homes and reconstruction of the region?

The President has prematurely committed our troops without providing the Congress and the American people enough confidence that the military strategy has been thoroughly examined, defined and structured. Therefore, I feel I must vote in favor of H.R. 2707 prohibiting the deployment of U.S. ground forces to Bosnia.

Mr. FLANAGAN. Mr. Speaker, I rise in support of the gentleman from California [Mr. DORNAN]. Before I begin, however, I would like to associate myself with the remarks of the gentleman from North Carolina [Mr. FUNDERBURK], our former Ambassador to Romania.

President Clinton gave a speech before the American people November 27, 1995. He did not make a compelling case for sending United States ground troops into Bosnia. I do not believe that American interests are at stake or that our national security is being threatened in Bosnia. Therefore, I do not agree with the President's decision to send American troops into Bosnia-Herzegovina.

As a veteran of 5 years of active duty as a combat arms army officer, I am well aware of the risks associated with the deployment of a large force into a hostile environment. Our sons and daughters and brothers and sisters in the military are an extraordinary resource that we must not place at needless risk.

Some say America's international prestige is on the line, and that if we do not send the troops it will be diminished in the eyes of the world. But, I believe that our prestige will be weakened much more if young American men and women start coming home as fallen victims of a failed and poorly outlined foreign policy.

The situation in Bosnia-Herzegovina is deplorable, but the basic fact remains that America's vital interests are in no way threatened by that internal conflict. Allowing our young men and women to fight and die for anything less than our vital interests is immoral and reprehensible and I will not support it.

When the loved ones of those who will have needlessly given their lives for the Bosnia mission come to see us, will we honestly be able to tell them that their loved one sacrificed their life on a mission which served a noble purpose and that they did not die in vain? Can we tell them that their sacrifice advanced the cause of world freedom? Can we tell them that their effort was absolutely vital in protecting the security interests of our great Republic? We all know the true answer to these questions.

The administration has yet to really define America's mission in Bosnia, including a detailed explanation of why it would serve our national security interest. No such definition has been forthcoming, nor is one likely to be, in my opinion.

The situation in Bosnia strikes me as being a lot like the situation preceding the Lebanon fiasco of the early 1980's where over 200 young marines lost their lives in a hopeless crusade for peace when one of the chief belligerents of the conflict viewed the United States not as a peacemaker, but as an ally of another belligerent force. No, Mr. Chairman, sending American troops to Bosnia is not good foreign policy, it's a recipe for disaster and we in Congress have an obligation to prevent it.

Sending our troops to Bosnia may achieve one particular result, it may well unite all the warring factions. And they will all be united against us as their common enemy.

It was just last month that I, and the majority of the House, supported H.R. 2606, a bill which prohibited the use of funds appropriated to the Department of Defense from being used for the ground deployment of United States armed forces in the Republic of Bosnia-Herzegovina as part of any peacekeeping operation, or as part of any implementation force, unless funds for such deployment are specifically appropriated by law. On October 30, 1995, I also supported, as did the majority of the House, House Resolution 247 expressing the sense of the House that no United States ground forces should be deployed to Bosnia without congressional approval. Tonight, I continue in my steadfast opposition to sending our troops to Bosnia and believe the best way of showing that opposition is by supporting H.R. 2770.

The war in Bosnia-Herzegovina is an 800-year-old struggle which is not ours. There is nothing going on in the Balkans that is worth losing one American life. I will never vote to send my neighbors' kids into that meat grinder. There is no discernable American interest, therefore there will be no American lives lost with my vote. There is no price in the Balkans which I am willing to pay with the blood of our military men and women.

By passing H.R. 2770, the House will be exercising its Article I power of the purse and ensuring that we have a say in whether the taxpayer will pay to have American troops thrown into the quagmire in Bosnia. And what we are saying is that we will not appropriate funds for this needless mission that has no vital American interest at stake.

The best way to support our troops is not to send them to Bosnia, and without the necessary funding they will be unable to go. That is the best way we can show our support for our troops. Should it wind up, however, that they have to go, we must ensure that we give them, and pay for, the best logistical support. We want them to be as well equipped as possible so that they will be able to finish the mission and return home as quickly as this President may permit.

Mr. Chairman, colleagues on both sides of the aisle, for the sake of America's sacred military honor and lives, we must pass H.R. 2770 and pass it tonight.

The SPEAKER pro tempore (Mr. BUNNING of Kentucky). Pursuant to section 2 of House Resolution 304, the previous question is ordered on the bill.

The question is on 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. HAMILTON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 210, nays 218, not voting 4, as follows:

[Roll No. 856]

YEAS—210

Allard	Chambliss	Emerson
Archer	Chenoweth	English
Armey	Christensen	Ensign
Bachus	Chrysler	Evans
Baker (CA)	Coble	Everett
Baker (LA)	Coburn	Ewing
Ballenger	Collins (GA)	Fawell
Barcia	Combest	Fields (TX)
Barr	Condit	Flanagan
Barrett (NE)	Cooley	Foley
Bartlett	Cox	Forbes
Barton	Crane	Fowler
Bass	Crapo	Fox
Bereuter	Cremeans	Franks (CT)
Bilbray	Cubin	Frisa
Bilirakis	Cunningham	Funderburk
Bonilla	Danner	Gallegly
Bono	Deal	Ganske
Bryant (TN)	DeLay	Geren
Bryant (TX)	Diaz-Balart	Gilman
Bunning	Dickey	Goodling
Burton	Doggett	Gordon
Buyer	Doolittle	Graham
Calvert	Dornan	Greenwood
Camp	Duncan	Gutknecht
Canady	Dunn	Hall (TX)
Chabot	Ehrlich	Hancock

Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hoekstra
Hoke
Horn
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kim
Kingston
Kleczka
Klug
Knollenberg
LaHood
Largent
LaTourette
Laughlin
Lazio
Lewis (KY)
Lightfoot
Linder
Lipinski
LoBiondo
Lofgren
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Oxley
Packard
Parker
Peterson (MN)
Petri
Pombo
Porter
Pryce
Quillen
Radanovich
Ramstad
Regula
Rivers
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Traficant
Upton
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wise
Young (AK)
Young (FL)
Zeliff

NAYS—218

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barrett (WI)
Bateman
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bliley
Blute
Boehlert
Boehner
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bunn
Burr
Callahan
Cardin
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cramer
Davis
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Dooley
Doyle
Dreier
Durbin
Edwards
Ehlers
Engel
Eshoo
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gonzalez
Goodlatte
Goss
Green
Gunderson
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hobson
Holden
Houghton
Hoyer
Jackson-Lee
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Klink
Kolbe
LaFalce
Lantos
Latham
Leach
Levin
Lewis (CA)
Lewis (GA)
Lincoln
Livingston
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moran
Morella
Murtha
Nadler
Neal
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Portman
Poshard
Quinn
Rahall
Rangel
Reed
Richardson
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Vento
Visclosky
Volkmer
Vucanovich
Ward
Waters
Watt (NC)
Waxman
White
Wicker
Williams
Wilson
Wolf
Woolsey
Wyden
Wynn
Yates
Zimmer

NOT VOTING—4

McInnis
Riggs
Tucker
Velazquez

□ 2029

Mr. BRYANT of Texas changed his vote from "nay" to "yea."

So the bill was not passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. RIGGS. Mr. Speaker, on rollcall No. 856, I was unable to be present because of a prior family commitment. Had I been present, I would have voted "nay."

□ 2030

The SPEAKER pro tempore (Mr. BUNNING of Kentucky). Pursuant to section 3 of House Resolution 304, it is now in order to consider House Resolution 302.

RELATING TO DEPLOYMENT OF UNITED STATES ARMED FORCES IN BOSNIA TO ENFORCE PEACE AGREEMENT

Mr. BUYER. Mr. Speaker, pursuant to House Resolution 304, I call up the resolution (H. Res. 302) relating to the deployment of United States Armed Forces in and around the territory of the Republic of Bosnia and Herzegovina to enforce the peace agreement between the parties to the conflict in the Republic of Bosnia and Herzegovina, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The text of House Resolution 302 is as follows:

H. RES. 302

Resolved,

SECTION 1. FINDINGS.

The House of Representatives finds the following:

(1) On October 30, 1995, the House of Representatives agreed to H. Res. 247, which expressed the sense of the House of Representatives that in the negotiations of any peace agreement regarding the conflict in the Republic of Bosnia and Herzegovina there should not be a presumption that United States Armed Forces would be deployed to that country to enforce such an agreement, and that in any event, no United States Armed Forces should be deployed on the ground in the territory of the Republic of Bosnia and Herzegovina to enforce such an agreement until the Congress has approved such a deployment.

(2) On November 17, 1995, the House of Representatives passed H.R. 2606, which provided that none of the funds appropriated or otherwise made available to the Department of Defense could be obligated or expended for the deployment on the ground of United States Armed Forces in the Republic of Bosnia and Herzegovina unless funds for such deployment were specifically appropriated by law.

(3) Despite the expressed will of the House of Representatives heretofore mentioned, the President has chosen to proceed with the deployment of approximately 20,000 members of the United States Armed Forces on the ground in the territory of the Republic of Bosnia and Herzegovina to enforce the peace agreement among the parties to the conflict in the Republic of Bosnia and Herzegovina initialed in Dayton, Ohio, on November 21, 1995.

SEC. 2. DECLARATIONS OF POLICY.

The House of Representatives declares that—

(1) it reiterates serious concerns and opposition to the President's policy that results in the deployment of 20,000 members of the United States Armed Forces on the ground in the territory of the Republic of Bosnia and Herzegovina;

(2) it is confident that the members of the United States Armed Forces, in whom it has the greatest pride and admiration, will perform their responsibilities with professional excellence, dedicated patriotism, and exemplary courage;

(3) the President and the Secretary of Defense should rely on the judgment of the commander of the United States Armed Forces that are deployed in and around the territory of the Republic of Bosnia and Herzegovina in all matters affecting the safety, support, and well-being of such members of the Armed Forces;

(4) the President and the Secretary of Defense should ensure that the commander of the United States Armed Forces that are deployed in and around the territory of the Republic of Bosnia and Herzegovina is furnished the resources and support that he needs to ensure the safety, support, and well-being of such members of the Armed Forces; and

(5) the United States Government in all respects should be impartial and evenhanded with all parties to the conflict in the Republic of Bosnia and Herzegovina as necessary to assure the safety and protection of the United States Armed Forces in and around the territory of the Republic of Bosnia and Herzegovina.

The SPEAKER pro tempore. Pursuant to section 3 of House Resolution 304, the gentleman from Indiana [Mr. BUYER] will be recognized for 30 minutes, and a Member opposed will be recognized for 30 minutes. The gentleman from New Jersey [Mr. TORRICELLI] will be recognized in opposition.

The Chair recognizes the gentleman from Indiana [Mr. BUYER].

Mr. BUYER. Mr. Speaker, I yield myself 2½ minutes.

Mr. Speaker, there are many in this body, both Republicans and Democrats, who fundamentally agree that the President's policy in the Balkans is ill-conceived, poorly defined, and highly

dangerous. The House has been heard on this issue.

It is ill-conceived, because the President 2 years ago promised 25,000 U.S. troops to enforce a future peace agreement without knowing what the situation would be on the ground. This commitment of 25,000 United States troops on the ground also is ill-conceived because the United States has lost the protection of neutrality after having bombed Bosnian Serbs and promising to arm and train Bosnia Moslems. The United States troops could become targets and casualties.

The implementation has been poorly defined in that the President has set a date certain as an exit strategy. If there are vital national security interests to place troops on the ground in the Balkans, then that is what is used to define your exit strategy. What is the success and what is the failure? You see, there are also other concerns, whether it is mission creep, whether it is the issue of the Nation-building exercises.

Let me also state this: The implementation plan we all understand will be highly dangerous, but it makes no sense to place U.S. troops on the ground that have lost the protection of neutrality.

Many of us recognize the threat to the U.S. forces will not come from actual company or battalion size or platoon size attacks upon U.S. forces. It will come through cowardly acts of terror, whether it be by snipers, whether it be by bombings, whether it be by booby traps or accidents.

Let me share that this House has already been heard on this issue twice. First, we sent an overwhelming message, a bipartisan message, in that 315 Members of this body said "Mr. President, do not negotiate a peace agreement based on the precondition that the U.S. troops will be there to implement whatever agreement you sign." He ignored that and he went forward. Then we had the Hefley amendment, and again the President ignored the Hefley amendment and proceeded anyway.

So now what we are doing here today is sending another message to the President: "Mr. President, we reiterate our prior positions and also oppose United States ground troops in Bosnia."

It is now our congressional oversight responsibility to narrow the parameters, and that is exactly what we do. We are saying as to matters on the field, listen to the commanders, give them the resources they need, make sure that we protect our force by making sure they are impartial and even-handed to the conflict, and also we have the confidence in the U.S. Armed Forces to do their mission.

Mr. TORRICELLI. Mr. Speaker, I yield 4 minutes to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Speaker, I thank my colleague from New Jersey for yielding me this time.

Mr. Speaker, for the past 3 years, we have heard colleagues on both sides of the aisle, but particularly the Republican side of the aisle, say that the United States has not been forceful. We have been hearing for the past 3 years that the United States has not been forceful, that we have left the European allies to do the job in Bosnia, and they have been doing it ineffectively.

Now the President takes the bull by the horns and hammers out an agreement in Dayton and we are second-guessing and undermining and playing totally politics with the President.

Mr. Speaker, I was one of the Democrats that crossed party lines and supported President Bush during the Persian Gulf war. I did so because I believed that it was in the best interests of America not to undermine the President of the United States at such a crucial time in foreign policy. I believed that then, and I believe it now.

I would no more undermine President Clinton than I would undermine President Bush. We have been watching for nearly 4 years now, and we have seen visions of a new Holocaust rearing its ugly head in Europe again, 50 years after the end of the worst Holocaust in world history. We have seen ethnic cleansing, emaciated people, rapes, pillages. I think America does have a moral obligation to act. I do think that the stability of Europe is certainly in the vital interests of the United States.

The NATO alliance is certainly important. If we were to do nothing now, the NATO alliance would be rendered impotent and go down the drain. So I do think we have a vital interest there. We are the leaders of the free world and we have to lead. We have seen in other parts of the world that things do not move until the United States acts, in the Middle East, South Africa, and Ireland. If we do not act, war will break out again, and it could such more countries into a greater war. We saw what appeasement did in the 1930's with Hitler, and when the United States and other nations did not step in, it led to a larger war.

When we talk about the Persian Gulf war, I remember my Republican colleagues at that time saying support the President, support the President. My God, during the Persian Gulf war we sent 50,000 troops to fight in a war, and the Republicans cheered. This is 20,000 troops to keep a peace. All the warring factions have invited us in. The mission is clearly defined, and the Pentagon, which is usually skeptical about peacekeeping, supports this and says it is doable and will be successful.

The same people who predicted doom and gloom in Haiti and were wrong are predicting gloom and doom again. So my colleagues, let us not undermine our troops, let us not undermine our President. We are the leaders of the free world, not an isolationist nation.

Mr. Speaker, we should defeat the Buyer resolution and support the Hamilton resolution, which supports our troops. The button I am wearing says blessed are the peacemakers, and blessed are the peacemakers. Blessed are our brave men and women, blessed are our troops, and blessed is our Nation in the undertaking we are about to do. Nothing could be more noble than what this country does, and nothing can be more noble than to end the carnage in Bosnia.

We are coming in as peacemakers. We are making peace. We are not fighting a war. We are giving that nation a chance to put itself together. In doing so we are strengthening NATO and we are strengthening ourselves. This is not the time to turn to isolationism. We accept the leadership of the free world. Nobody anointed us with it. We wanted it. We have it. We are to act like leaders, and here in Congress, no matter what the polls say, we are elected leaders, and we have to lead.

Mr. Speaker, I think what is going on now is in the best defining interests of our country. This is a great Nation, it has always stood for what is right, and as the President says, what we are doing is the right thing to do. Defeat this resolution. Support Mr. HAMILTON.

Mr. BUYER. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Speaker, I rise in support of this amendment.

Mr. Speaker, I rise as many of my colleagues before me have done, with grave reservations about the President's policy towards Bosnia and particularly has commitment to deploying at least 20,000 American service men and women to police the Bosnian peace agreement.

We all condemn the brutality perpetrated against innocent civilians in Bosnia, but President Clinton has yet to clearly explain to the American people what direct United States interest is at stake that warrants risking the lives of our servicemen and women. And, had none of our soldiers already arrived in Bosnia, I would stand here before you and argue that, without the full support of the American people behind sending United States troops to Bosnia, one lost life is one too many.

Let us not forget that, although the United States is attempting to be neutral as this peace goes forward, the United States was heavily involved in the NATO airstrikes that debilitated Serbian forces and led them to take a seat at the negotiating table. How can we be sure that American forces will not be targeted for retaliation by angry Serbians? Moreover, any attempt on our part to arm and train the Bosnian Moslems in preparation for our departure would directly contradict our spoken neutrality and put our troops at a much greater risk than that which they already face.

If our purpose in policing this peace agreement is to allow for the rebuilding of Bosnia, how can we put an arbitrary time limit of one

year on United States occupation? This will accomplish little more than the unnecessary and unjustified loss of American lives, and could very well lead to a resumption of fighting once our troops are withdrawn. The ethnic and religious hatreds, in Bosnia have caused civil war and bloodshed for over 500 years. Ending this bloodshed would require an occupation force of unlimited duration, not merely 12 months. And, the argument that the war would spread to other parts of Europe without United States involvement does not carry much weight in my eyes, for how much has it spread over the past 4 years?

Congress has already voiced its overwhelming opposition to putting American ground troops in Bosnia by passing legislation that prohibits sending United States forces abroad unless Congress approves the appropriate funds for the operation.

However, the President has decided to send 20,000 servicemen and women to Bosnia over the objections of both Congress and the American people. We have a responsibility, a moral obligation, to support our Armed Forces in order to ensure that we in no way undermine their efforts but hopefully expedite their safe return home. We must offer unwavering support to the men and women of our U.S. forces, the greatest military in the world. Anything less on our part risks damaging the morale of our soldiers and, as we all know, strong unwielding morale is essential to unit coherence and success.

My colleagues, in closing, let me say that any of us can oppose the President's decision, as I most certainly do, but all of us must support the mission of our American forces.

□ 2045

Mr. BUYER. Mr. Speaker, I yield 5 minutes to the gentleman from Missouri, the Honorable IKE SKELTON, coauthor of this amendment, who is well respected in this body.

Mr. SKELTON. Mr. Speaker, it has been said the more emotion, the less reason. Emotion reigns. The cry is, stop the bloodshed. Fine. But it should be done right, not in a way that defies common sense and puts our troops at a high and unacceptable risk.

On November 11 I set forth eight conditions under which American forces could go to Bosnia. Two of those conditions have not been met by the U.S. policy.

One, there is no clear and understandable exit plan or policy. This gives me great concern that we could find ourselves stuck like flies stuck to flypaper. Second, the United States has formally guaranteed to arm and train the Bosnian Moslems. The United States has formally agreed to coordinate the arming and the training of these Moslem forces. This policy defies common sense, because it will cause U.S. troops to be viewed as favoring one side over the other. It will destroy our impartiality and puts our troops in danger.

The Americans will be seen as the enemy by the Serbs; the Moslems will expect a wink and a favor, and when they do not get it, they will be angry. This policy causes our troops to become targets of anger and vengeance. This policy of arming and training Bosnian Moslems, even though through a third party but guaranteed and supervised by us, concerns me.

There are three points to be considered. First, already there exits a parity between the warring factions, the Serbs on the one hand and the Croat-Moslem federation on the other. Note the recent battlefield successes by the federation.

Second, our allies and our military leaders in this country are not in favor of arming and training the Moslem forces. The French and British in particular are against it.

In order to have peacekeeping work, there must be trust. Trust of the former belligerents, of the impartiality of the peacekeepers. This trust and confidence will not exist so long as our government pursues the policy of supervising the arming and training of the Moslems. The U.S. field manual regarding peacekeeping states peacekeeping requires an impartial evenhanded approach. I have raised this issue with the President.

Mr. Speaker, we are sending our troops into Bosnia and putting them into an atmosphere of hostility. Serbian President Milosevic told the gentleman from Minnesota [Mr. RAMSTAD] and the gentlewoman from Missouri [Mrs. DANNER] the following: "Provisions to equip and train Bosnian Muslims are not part of the Dayton agreements. Such an effort would not be evenhanded and would be a mistake for the U.S." He went on to say, "I would ask the U.S. to reconsider the equip and train effort, as it will have no positive effect and be a waste of money. It will establish the wrong psychology in the area, preparing for war instead of preparing for peace."

Mr. Speaker, the only resolution before us to address this issue of the United States arming and training the Moslems is the Buyer-Skelton measure. It calls for the United States, in all respects, to be impartial. This present U.S. policy is placing our soldiers into the snake pit of the Balkans and angering half of the snakes. Our troops deserve to be put in an atmosphere that they expect, that of impartiality, as evenhanded peacekeepers; an atmosphere where all the warring sides will see the soldiers wearing American flags as truly impartial, where the warring sides will not see Americans as enemies and put targets on their backs.

Mr. Speaker, this policy is putting the American corporal, who is trying to settle a problem between a Serb soldier and a Moslem soldier, in an impossible and dangerous position. I urge a strong vote for the Buyer-Skelton measure.

Mr. TORRICELLI. Mr. Speaker, I yield 3 minutes to the gentleman from Colorado [Mr. SKAGGS].

Mr SKAGGS. Mr. Speaker, tonight this House faces a choice. We can choose to support the President of the United States in his decision to help end the tragic war in Bosnia, in his decision to act with our NATO allies to stop the killing in Europe for the third time in this century, in his decision to nurture a peace that, without question, will be fraught with its own risks and dangers. Or, we can choose to desert the President at this time of challenge to American leadership, to seek moral comfort for this country in the failure of Europeans to end the slaughter, to watch the war resume, content that the vital interests of the United States might, this time, escape the blight of war in Europe. As between a problematic peace and a horrific war, I choose to support the President's courageous work for peace.

Mr Speaker, 10 days ago, in Sarajevo, with the gentleman from Indiana and 13 others, we encountered a moving scene outside the Presidential palace in Sarajevo. The long-suffering people there, tears flowing from the eyes of an older woman who had lost her son in the war, pleaded with us that only America could solve this disaster. It was a poignant reminder that this is not a problem that can be solved by Europeans without American leadership.

At lunch the next day, with Army troopers in Germany, another poignant reminder, as I listened to one young Army specialist who told me he had taken his Thanksgiving leave to visit Dachau. And he said, "Congressman, if this country has the power to prevent that from happening again, we must do what we can." Another reminder of an earlier problem that could not be solved by the Europeans without American leadership.

So, Mr. Speaker, it is important to remember that this is not just about Bosnia. Other actors around the world are watching these events and will be taking their cue. If leaders of dispossessed ethnic groups elsewhere in Europe and in the new states of the Soviet Union see the international community unable to act effectively here, they may well challenge the compromises that have been worked out in their states and, eventually, we may lose much of what we had won in the cold war.

This President has shown courage for taking on this difficult responsibility in the face of political risks and public opposition. A vote for this resolution to oppose this mission will only serve to encourage both the enemies of peace in Bosnia and the enemies of United States leadership in the pursuit of a decent international order.

Mr. BUYER. Mr. Speaker, I yield such time as he may consume to the gentleman from California. [Mr. GALLEGLY].

Mr. GALLEGLY. Mr. Speaker, I stand in strong support of the Buyer-Skelton resolution.

Mr. Speaker, I rise in support of the Buyer-Skelton resolution regarding the deployment of U.S. ground forces to Bosnia. I am concerned, however, that this resolution could provide a blank check ior the further deployment of United States forces beyond the 20,000 we have been told are being sent.

It should come as no surprise to you that I share the strong skepticism and opposition of many of my colleagues with respect to the commitment of United States ground forces to Bosnia. I voted for the Dornan resolution because I felt that the most emphatic way to express my opposition to the President's decision was to deny any funding for sending our troops to Bosnia before they actually began arriving in that country.

I believe the Buyer-Skelton resolution is acceptable because it does express our opposition to the President's decision while at the same time saying that the House will support the troops once they are deployed.

Even the Hamilton resolution can be acceptable because it goes directly to the issue of supporting our troops whether we agreed with the President or his decision or not.

I do not share our Commander in Chief's position. However, I do appreciate the dilemma he faces as a full partner in the NATO alliance and the responsibilities which come with that partnership.

While I agree with the President's claim that we have an interest in the future of Bosnia, I see absolutely no vital national security interest, domestic or military, being served by sending American troops into this hostile and volatile place.

Make no mistake, our troops, which will be heavily armed and expertly trained, are not going into Bosnia to keep the peace. They are going in to enforce the peace. And the act of enforcement often comes at a price. This deployment is especially dangerous because many Serbs will see our troops as being there, not as impartial arbiters, but as protectors of the Muslims.

Mr. Speaker we are at the point where the deployment of U.S. ground forces is a fait accompli. Nevertheless, it is our duty to the citizens of this Nation to express our views on this matter and my view is that we should not be sending our troops to Bosnia.

Mr. BUYER. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Speaker, I rise in strong support of my friends, the gentleman from Missouri, IKE SKELTON, and the gentleman from Indiana, Major BUYER. And for me, obviously, I support the troops and I will be there with them at Christmas. Join me.

Mr. BUYER. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York [Ms. MOLINARI] who accompanied me on a trip to the Balkans.

Ms. MOLINARI. Mr. Speaker, I support this resolution very clearly, because it does clearly state our opposition to the policy that has brought us here today.

This is a policy which began with an unfair, uneven arms embargo that left a people crippled, at war. It continued with a policy that reneged on the threats of air strikes to stop an aggressor waging war against civilians, and it has become a policy that allows the most vicious of war criminals to remain in the region with our troops in harm's way.

Nevertheless, despite Congress' prior stands against this policy, our troops will be in the region within a week. So tonight we are not only reiterating our opposition to that flawed policy that brought us here; we are also saying to our troops, Godspeed with your mission. It is a terrible policy, but it is a noble mission that may bring peace to a region that has not known peace and hope to a people afraid now to hope.

But, Mr. President, we are also saying in this resolution that we will be watching to make certain that everything possible is being done to ensure the safety of our troops and to see that the civilian side of rebuilding stays on course. So, you see, since there is nothing Congress can do to change the President's course, I think we have an obligation to make sure that our troops are not caught in the middle of two wars, one in Bosnia and one in Washington; and I believe that the Buyer resolution, as opposed to the other resolutions, fulfills that.

Last and most importantly, this resolution clearly states to our troops that regardless of our position on policy or on mission, that we are with them; that we are proud of them; that we are cheering for them; and that we are praying for them.

Mr. TORRICELLI. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. POSHARD].

Mr. POSHARD. Mr. Speaker, I had three serious questions I needed answered when I went to the Balkans 2 weeks ago. Do the people, including the leadership of Bosnia, Serbia, and Croatia, really want peace? Has our military mission been planned to minimize every possible risk to our men and women who are going there? And is this mission, this policy, the right thing for America?

I felt strongly the first two questions were answered affirmatively, but it is the third question, the question of policy, which I want to address. And it was on the streets of Sarajevo that the rightness of this policy became clear to me.

A crowd gathered around us in the street in front of the President's office; an elderly lady in tears, pouring out her heart, was telling us of her whole family being killed, of the babies in the building where she lived being killed by mortars.

In the anguish of an elderly man, standing not far from her, came these words. He said, "Do you not understand that only America can ensure the peace? Only if America comes will we have peace. We trust America."

Mr. Speaker, I was an 18-year-old kid in Korea, 32 years ago, 12 years after the war, with the First Cav Division keeping the peace in Korea. I remember walking around the streets of Munsani and Yongigo, and the Korean people coming up to us and saying, "Thank you for being here. If not for America, we would have no peace." I remember understanding very clearly then what America meant to people who want peace and freedom.

For the past 32 years, I have intellectualized the role of America in the world. I voted on authorizations and appropriations for foreign policy and military policy, but not until the streets of Sarajevo was I reminded again of what America means to people who are without hope.

Why did they say that only America can ensure the peace? Why did they say, standing there in the midst of ruins, knowing that 250,000 of their people were killed, that 2 million were homeless, why did they say they trust America?

What do they trust? Our superior military forces? Yes. Our leadership of the free world? Yes. Our democratic institutions? Yes. But more than that, they trust the experience of America. They trust the history of America, which no other country can match.

Look around this Chamber. We have come to this country from every nation in the world, from every background, every ethnic, every religious, every racial background.

□ 2100

And we have shown the world that we can live together in brotherhood, tolerating our differences and finding common ground, rather than battlegrounds, upon which to build.

We have chosen to live together, to overcome our differences, and they know that. If we, among all nations, cannot send one division among all the divisions we have in Europe to Bosnia to enforce a peace, to give people a chance to live again with one another, then what nation will stand in our stead? What nation will give others the hope that only America can give?

If we think people, given the chance in Sarajevo, cannot live together in peace and overcome the forces of hate which inflame passions of ethnic and religious pride, then I tell my colleagues, look at Belfast, look at the Middle East. We cannot go to Sarajevo and fail to understand the faith that people have in the experiment and the experience that is America.

Mr. Speaker, the tears of that grandmother on the streets of Sarajevo are the tears of every grandmother for all time who has lost her son or daughter to wars of injustice. But they are only, in part, tears of regret. They are also tears of hope that at some time in the

future someone else's grandson or granddaughter will be walking down the streets of Sarajevo glad that years ago America came and peace came with her. Oppose this resolution.

Mr. BUYER. Mr. Speaker, I yield myself 15 seconds to respond to the last speaker. I would say that foreign policy must be guided by our heads, not our hearts.

Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. EVANS] in the spirit of bipartisanship that brings the Buyer-Skelton amendment.

Mr. EVANS. Mr. Speaker, I oppose sending ground troops to Bosnia and support this resolution and hope that my colleagues will also.

Mr. Speaker, I oppose the decision to send ground forces to Bosnia because it will put our soldiers in the middle of an ethnic powderkeg that could explode again at any moment.

Neither the Dayton Agreement nor military force can erase the centuries of ethnic unrest and dissension that has fueled this conflict. This hatred will not cease. Even as the warring parties prepare for the implementation of the agreement, different factions have burned and looted property that will be turned back to their opponents. Can we expect the peace to last considering this level of animosity or the history of the region?

This leads me to believe that this agreement will unravel. If it does, our soldiers will be in the middle of the conflict. But even if it does last, this operation is a risky proposition. Our soldiers will face the dangers posed by some 6 million landmines, many of them scattered indiscriminately throughout the unforgiving terrain of the region. And numerous armed terrorist groups, who may not be easily controlled by the signers of the agreement, may attack our forces for their own political gains.

Considering the history of the region and the many threats our soldiers face, I cannot support this mission. I urge my colleagues to vote for the resolution.

Mr. BUYER. Mr. Speaker, I yield 1 minute and 20 seconds to the gentleman from Michigan [Mr. CHRYSLER].

Mr. CHRYSLER. Mr. Speaker, I was told today that the reason the President is sending troops to Bosnia is to "break the cycle of violence." This, alone, is not an acceptable reason to risk the lives of young Americans.

Four conditions must be met before we commit United States ground troops anywhere: First, there must be a vital national interest at stake. Mr. Speaker, there is no vital national interest at stake in Bosnia. Second, there must be a clear mission and a reasonable change of success Mr. Speaker, there is no clear mission and no reasonable chance of success. Third, there must be a clear exit strategy. Mr. Speaker, a time line to withdraw before the next election is not an exit strategy.

Fourth, and most importantly, we must have the support of the American people, whose husbands, wives, sons, and daughters are asked to sacrifice their lives to achieve the mission.

Mr. Speaker, I have listened to the debate this evening and I have heard not one Member of Congress even pretend that the American people support this deployment.

During this season of peace on Earth and good will toward men, I can understand the desire to bring peace to a war torn nation. However, Mr. Speaker, I have two sons in their twenties and a daughter who just turned 18. I would not send them to die in the snows of Bosnia in support of this policy, and therefore I cannot, in good conscience, support asking other parents to do so.

Mr. TORRICELLI. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Speaker, like the majority of my colleagues, I wish that our Bosnia policy had been focused and clear 4 years ago, before a quarter of a million people died and 3 million more became refugees.

Mr. Speaker, two Presidents hesitated and the results were an arms embargo that ratified arms imbalance, a hobbled United Nations, and a belated bombing campaign. Another Holocaust was occurring, but the world held back.

Time and again the Congress warned the President, and I did too. "Lift the arms embargo," we said. "Do not make a commitment of troops a precondition to peace," we said, but he chose otherwise. Now, the options are fewer, but I am clear on what course is morally correct. We must support peace.

The Dayton accord, though far from perfect, is the last option for peace in an exhausted region. I too was there last weekend and Sarajevo broke my heart. I gave my word to Gen. Bill Crouch, Commander of the U.S. Army in Europe, to Adm. Layton "Snuffy" Smith, Commander of the NATO operation, and to Cpl. Patricia Villa, Sgt. Marie LaRue, and Pfc. Don Bradley, all of California, that I would vote to support them.

Mr. Speaker, I cannot vote for a resolution that sends a confused message. I cannot vote for a resolution that prevents a separate effort to achieve military parity so the future aggression will be deterred.

I would prefer a more just peace, but it is not available. This is the peace we can achieve, and it is unpardonable to let it pass by.

Mr. BUYER. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. FOLEY].

Mr. FOLEY. Mr. Speaker, I am directing this to those Americans who are watching. I want to clear up what this debate is about. Is it about America's leadership? Absolutely not. Our leadership brought the warring factions of this evil war to Dayton in an attempt to resolve their differences, but diplomacy does not include sending American troops.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman must address his remarks to the Chair, and not to people watching on television. The gentleman may proceed.

Mr. FOLEY. Mr. Speaker, diplomacy does not include sending American troops—our finest men and women—into danger. Deployment of troops relates to national security and I don't believe a national security risk exists in the Balkans.

To be the leader of the free world does not require our troops to face a brutal winter in a war zone that is littered with as many as 6 million land mines.

Is it about supporting our troops—No. I will not, nor should one Member of this Congress, allow our troops to be left to hang out to dry. I will fight to ensure that we have no more tragedies like Somalia.

This deployment is a 2-year-old promise that the administration made, and I believe it has made our troops a bargaining chip in the negotiations.

I oppose sending Americans to Bosnia and urge my colleagues to do the same.

Mr. TORRICELLI. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, if NATO had acted and punished Serbian aggression when it first occurred 4 years ago, we would not be here tonight; the West would not have repeated the mistakes of Munich; and, more than 200,000 people would not have died.

After almost 4 years of NATO drift, Croatian military success and NATO bombing of Serbian forces have enabled the Clinton administration to stop the killing and negotiate a peace. I steadfastly opposed the use of American ground forces there during the wartime situation, but our troops and our allies' troops are now going to police a peace.

Mr. Speaker, if they go under the Buyer approach, we will be sending a signal of uncertainty that will in my view increase the risk of attack on our troops by those who read congressional opposition as a signal that if they just kill a few Americans, we will pull the plug, just as we did in Somalia.

If my colleagues vote for Buyer, it seems to me they logically should have voted for Dornan in order to prevent the financing of the operation in the first place.

Mr. Speaker, I would urge my colleagues to lay down that uncertain trumpet and pass the Hamilton amendment clean without Buyer. Send a clear message that we will leave no doubt about the strength of our resolve.

Mr. Speaker, but by the grace of God, our souls at birth could have been infused into a body born in Bosnia rather than one born on American soil. Only an accident of birth makes us lucky enough to live out our lives as Americans.

Now our troops are going to make peace, not war in an act of mercy toward many of our fellow human beings

on this globe. Do our duty tonight. It may not be popular, but it will be right and it will make our troops safer.

Support Hamilton clean, defeat Buyer. That is the best way to help our troops.

Mr. BUYER. Mr. Speaker, I yield such time as he may consume to the gentleman from Kansas [Mr. BROWNBACK].

Mr. BROWNBACK. Mr. Speaker, I rise in support of the Buyer bill, supporting the troops, opposing the President's policy.

Mr. BUYER. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. BLUTE].

Mr. BLUTE. Mr. Speaker, we all have concerns and trepidations about the President's ill-defined policy in that war-torn part of the world. But we have had two votes in this House that sent an unequivocal message on where we stand on that issue.

Mr. Speaker, it seems to me tonight we are way beyond that now, and for those of us who believe that the President has the constitutional authority to deploy these troops, and who oppose the War Powers Act as unconstitutional and abrogating the President's power, we must support the Buyer-Skelton resolution.

We must recognize that as we speak tonight, the planes are landing, the troops are on the ground, and many thousands more are en route. Young Americans in harm's way. Regardless of our criticism of this policy, it is time tonight to rally behind our troops and send them and any potential adversary, the message that we stand behind them 100 percent and the Congress of the United States is behind them in their mission.

Vote for Buyer-Skelton and vote for our young men and women in Bosnia.

Mr. TORRICELLI. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts [Mr. OLVER].

Mr. OLVER. Mr. Speaker, for 4 years, Americans have seen in CNN detail the concentration camps and the ethnic cleansing and the systematic slaughter of civilians. Who dares forget the mass slaughter of the males in Srebrenica, thousands of men and boys, when that U.S.-designated safe haven, swelled with refugees, was overrun by the Bosnia Serbs, all because the United Nations proved that it could not and would not stop the genocide.

Events have shown that the United States is the only power in the world that can stop such crimes. To secure peace, President Clinton has courageously put himself and America's conscience on the line. America led NATO to stop the war, America led the negotiations for peace, and now America must lead NATO in securing the peace so that wounds can heal and justice can evolve.

The United States wields such power morally as well as militarily because of how the world perceives us. As has been eloquently written, America is seen as a "good and tolerant country; a country that leaves people alone, but does not leave evil alone; a country that will find the courage to act where the courage to act is wanting. We are not the world's policeman, but we are not the world's innocent bystander. To do nothing about Bosnia would steal the meaning from the American victory in the cold war."

In the year that NATO will be in Bosnia, boundaries will be secured, warring factions separated, and 2 million refugees who want to return to their homes will be secured in their return.

Those are NATO's purposes. But the purpose of America's presence and participation with NATO is stability in Europe and peace in Bosnia to give Bosnia the opportunity to become again the multireligious, multicultural society that this tragic manufactured war was designed to destroy.

Mr. Speaker, there was a wonderful photo in the New York Times this past Sunday. Mr. Speaker, 3,000 Sarajevans, Bosnians of Catholic and Moslem and Orthodox faith, demonstrating in unity to show that after all the suffering and horror of 4 years, the idea of a multiethnic, multireligious Bosnia has survived.

The ultimate test for peace is whether Bosnians will use wisely the opportunity provided by the 1-year NATO mission to grow those 3,000 to 30,000 to 300,000 and beyond in rebuilding Bosnia. This is our time to act.

Mr. Speaker, I urge my colleagues to defeat the Buyer resolution and to pass the Hamilton resolution.

Mr. BUYER. Mr. Speaker, may I inquire as to how much time I have left?

The SPEAKER pro tempore. The gentleman from Indiana [Mr. BUYER] has 18 minutes and 10 seconds, and the gentleman from New Jersey [Mr. TORRICELLI] has 12½ minutes.

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

Mrs. FOWLER. Mr. Speaker, I rise today in support of the Buyer-Skelton resolution.

I have long opposed the deployment of United States troops to Bosnia. I have twice voted against such a deployment, and have written the President, urging him not to send troops.

I believe that our Nation's interests in Bosnia are important. I have supported the involvement of our sea and air forces, our intelligence and logistics assets, and our most diligent diplomatic efforts. But I have never felt our interests were so vital that they warranted putting our ground troops at risk.

Accordingly, I voted for the Dornan measure to oppose the provision of funds to carry out this mission.

However, while I supported the Dornan legislation, I recognize that the President will disregard it. Thus, I will also vote for the Buyer-Skelton resolution. If our troops are going to go—and there is no doubt that they will—the first are already there they should be certain of our commitment to ensure they have every resource necessary to accomplish their mission.

I urge the House to support this measure.

□ 2115

Mr. BUYER. Mr. Speaker, I yield 1 minute to the gentleman from South Carolina [Mr. SPENCE], chairman of the Committee on National Security.

Mr. SPENCE. Mr. Speaker, I have heard Members say on the floor this evening that we should support peace. When I think back, we have supported peace all over this world in recent times. We supported peace in Lebanon, in Somalia. We had people killed in both places because of it. We withdrew.

It is easy for Members to get up here and say that they have concern for people who are being killed in other places throughout the world. Somehow or another they divorce that from the killing of our own people in the process. Mr. Speaker, I do not represent those people in Bosnia. I represent people back here. The lives of our people are more important than the others. It just comes down to that.

Mr. BUYER. Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska [Mr. BARRETT].

Mr. BARRETT of Nebraska. Mr. Speaker, I rise in strong support of the Buyer-Skeleton resolution.

Bosnia, a name, that up until a few years ago, was rarely mentioned on the House floor, and most of us probably couldn't have found it on a map. Yet, today, U.S. troops are going there to help make sure it continues to exist because it has suddenly become in our national security interest to do so.

None of use who've searched our hearts can say that there haven't been crimes against humanity in Bosnia. None of us want to see those crimes ever happen again.

The President has decided that committing the United States and our NATO allies will put a stop to the slaughter of innocent Bosnians. Perhaps, but for how long?

However, when committing a democratic government, such as ours, to a policy, Congress too has to show a commitment. In the last Congress, we urged the President to lift the arms embargo. In this Congress, we've told the President on several occasions not to send ground troops unless he gets our approval first. Yet, the President took no action on the embargo and ignored us regarding the troops.

We're being asked now to support this policy because the troops are on their way to Bosnia.

This begs the question: Can we support the troops knowing that the policy they, and we, are being asked to uphold is wrong? Can a civil war that has been raging for centuries be cured by a 1-year stay of foreign forces?

The White House has claimed the President is showing leadership, that as the leader of NATO we, as a nation, must also show leadership, that as the only remaining world's superpower, we must show leadership.

But, is being lead into a swamp with no clear path out leadership? Will NATO remain intact when this policy fails? Will the world question our leadership even more when we pull out and Bosnia resumes its bloody civil and ethnic war?

Our troops could end up paying the price of our leadership with their lives. Our troops must understand that we will support them, as we've always done, but that we have no confidence in the President's policy that put them there. This message must be made crystal clear to the President and our troops.

Mr. BUYER. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Mississippi [Mr. Montgomery], a very respected Member of this institution.

Mr. MONTGOMERY. Mr. Speaker, I rise in support of the bipartisan Buyer-Skelton resolution that expresses opposition to the President's policy to deploy 20,000 members of the United States Armed Forces to Bosnia.

Mr. Speaker, I do not support putting American forces on the ground but since the deployment has begun, I agree with the Buyer provisions that say that the President and Secretary of Defense shall rely on the judgment of the United States commander in Bosnia.

This resolution, Mr. Speaker, makes it very clear that despite our opposition to the President's mission, we stand behind the brave men and women who serve in Bosnia and, also, God bless these great Americans.

I point out to this group tonight, they are all volunteers and they are serving under the American flag.

Mr. TORRICELLI. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan, [Mr. Levin].

Mr. LEVIN. Mr. Speaker, if I might, let me share what I learned in Bosnia. First, Dayton is a declaration of peace, not war. Second, there are serious self-interests on the part of all the three parties. The Dayton agreement was reached but not primarily made in America. For each of those parties, there is a clear self-interest.

Third, the U.S. military is supported. As one general said to us, we can do the job. It is a task defined, limited and achievable, and they have authority to take whatever force is necessary to protect our troops.

If Members vote to reject Dayton, what they are saying is not only no to the Commander in Chief but no to the military leadership of our nation. They helped draft this plan.

There is some risk in peace. There is also risk in renewed war, the risk of a renewed war in Europe spilling over beyond Bosnia and the renewed risk of genocide.

I would like to say to my friend from Indiana, yes, we have to make policy with our heads, hard-headed ways. Americans also have a heart, and the prospect of renewed genocide is something that should not be ignored.

Finally, I want to say there is an exit strategy. It is very clear. If the parties who have chosen peace continue on that path, we will help them. If they choose to renew war, we are going to get out and get out fast.

I urge support of Hamilton and that we vote against Buyer.

Mr. BUYER. Mr. Speaker, I yield such time as he may consume to the gentleman from Maine [Mr. LONGLEY] a comrade of mine from the Gulf war.

Mr. LONGLEY. Mr. Speaker, I rise in opposition to the President's policies and in support of the troops.

Mr. BUYER. Mr. Speaker, I yield 1 minute to the gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. Mr. Speaker, I rise in support of the Buyer-Skelton resolution. This is not a Tonkin Gulf resolution. The situation we are debating here is not about Beirut. It is not about Somalia. It is not about Haiti.

There are risks in this policy of our intervention. There are profound unknowns. Does the military, and this is the question we need to ask, have the force necessary to meet those risks, to meet those unknowns? We want to make sure that they do. Is there a chance in this situation for a profound change in a positive way in this world as a result of our efforts? The answer should be yes, can be yes, must be yes.

The policy up to this point, in my judgment, has been haphazard and indecisive. The Buyer-Skelton resolution allows us from this point on to be decisive, clear. And as we go through this dark tunnel together, let us all hold this torch high to light the way and chase away the demons.

Mr. TORRICELLI. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Speaker, tonight we are at a very important point in the history of the United States of America, the point that many would not have chosen to come upon. But now is that moment and we must involve ourselves. Why?

Mr. Speaker, yesterday in this Chamber, Shimon Peres, Israel's prime minister, appealed for American leadership in the world. Today, as we debate the appropriate use of American power in bringing an end to 4 years of bloodshed and suffering in Bosnia, we would do well to remember the prime minister's words. "You cannot escape that which America alone can do," he said. "America alone can keep the world free . . ."

We are, as is frequently observed, the world's only superpower. We possess a potent combination of military and moral authority. But possession is not enough: we must also exercise our authority when the occasion demands it. This administration has done that.

American leadership brought the warring parties to the peace table, and American leadership must ensure that this peace process survives. Failure to lead would guarantee the continuation—even the expansion of bloodshed. It would endanger the future of NATO, an organization that has brought nearly four decades of peace to Europe.

But perhaps worst, failure to lead would undercut our reputation for steadfastness in the pursuit of peace throughout the world. It would signal that we shrink from our responsibilities, instead of shouldering the burdens that accompany leadership.

We must demand more of ourselves. As President Clinton said, "We cannot stop all war for all time; but we can stop some wars. We cannot save all women and all children; but we can save many of them. We can't do everything; but we must do what we can."

In the three wars that shaped this century—World War I, World War II, and the cold war—America achieved victory because we were willing to exercise leadership. Now we have another opportunity to lead—this time to shape the peace that will govern the next century. I urge my colleagues to shoulder this responsibility and seize this opportunity. I will oppose the Buyer resolution which does not support this opportunity to preserve a lasting peace. I urge my colleagues to support the Hamilton resolution and ensure that peace will remain in Bosnia.

The SPEAKER pro tempore (Mr. BUNNING of Kentucky). The Chair would advise that the gentleman from Indiana [Mr. BUYER] has 14 minutes and 10 seconds remaining, and the gentleman from New Jersey [Mr. TORRICELLI] has 8½ minutes remaining.

Mr. BUYER. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. FOX].

Mr. FOX of Pennsylvania. Mr. Speaker, I rise in support of the Buyer-Skelton resolution which recognizes the fact that the American public still has reservations about the President's policy in Bosnia but wholeheartedly supports our troops who are there. There are serious reservations about what the precise mission of our forces is, what are the specific rules of engagement, what will happen when NATO forces leave and what is our national interest there. While questions remain regarding these questions I have raised, we support our troops, our sons and daughters that have been sent to Bosnia. We

completely back them to make sure that they have equipment, the resources and tools that they need. We need to make sure we protect them so that the mission will be speedily and successfully handled.

Finally, Mr. Speaker, I hope and pray that we will soon see a permanent end to the hostilities and atrocities, relief for the war's victims, justice at the war crimes tribunal, and the safe and speedy return of our brave soldiers. Support Buyer-Skelton.

Mr. BUYER. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. MCCOLLUM], former naval commander.

Mr. MCCOLLUM. Mr. Speaker, I rise tonight in very strong support of the Buyer resolution. I think it is very clear, despite the opposition of many of us, that the President is going to put the troops in Bosnia and that the votes today are not here to avoid that happening.

I want to join with my colleagues in supporting our men and women in uniform over there. I believe while they are there we owe them that obligation. But that in no measure means that I, nor many of you, believe they should be there. It is a very dangerous and I think highly inappropriate use of military force. It is dangerous because our troops on the ground in Bosnia are going to be the subject and targets of radical Moslem terrorists who have another agenda, and it is inappropriate because there is no vital United States military interest there.

We cannot afford to be the policemen of the world. And there is no realistic expectation that when our troops leave, there will not be a resumption of the civil war over there. I believe in supporting our men and women, but I simply cannot condone nor support the operation that is going on over there. I think the Buyer resolution strikes the right balance under the circumstances tonight. I strongly support it.

Mr. BUYER. Mr. Speaker, I yield 1 minute to the gentleman from Indiana [Mr. BURTON], prospective and former Army sergeant.

Mr. BURTON of Indiana. Mr. Speaker, observation. Our troops are going and there is nothing we are going to be able to do about it. One of the things that concerns me is that we do not profit from history.

We went into Beirut and we lost 241 Marines blown all to heck, trying to solve their problems that are of an age-old nature. We went into Somalia and got involved in a civil conflict there and guys driving around on pickup trucks with machine guns in the back drove us out of there. Aideed, the tyrant, the tribal leader, is still in power over there and we spent hundreds of millions of dollars. And we pulled out and we did not solve that problem.

And now we are going into a quagmire much greater than either one of those, believing that we are going to solve those problems. We are not going to solve those problems. A year from now we will probably pull out and the war will go on and people will continue to die and we will have lost a lot of young men and women unnecessarily.

So tonight all I want to say, because this is a fait accompli, is God bless those soldiers and God bless their parents and loved ones.

Mr. BUYER. Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. LAHOOD].

Mr. LAHOOD. Mr. Speaker, I rise today to speak on the president's plan to deploy United States troops to Bosnia.

While I am opposed to sending troops to enforce a fragile peace in a region plagued by war and mired in ethnic conflict, I do want to be clear that I am fully supportive of the troops that will be on the ground.

I believe, Mr. Speaker, that the troops on the ground need and deserve our full support, so that as they head into harm's way they will have the assurance that the thoughts of those at home are with them.

Offering support for the troops, however, does not mean that Congress has no role in the troop deployment or is relinquishing its role in the area of foreign policy.

Mr. SPEAKER. I would also like to mention that my constituent, Sgt. Mathew Chipman, of Beardstown, IL, was one of the first army personnel to set foot on Bosnian soil.

His picture was in the front page of every newspaper in the country.

Sgt. Chipman is a long time veteran of the army with many years of service. Mr. Speaker, I am very proud of Sgt. Chipman and his family. He will be in our thoughts and prayers.

Indeed, Congress does have a role in foreign policy. At the very least. It is incumbent on the President to come before both Houses of Congress and present his plan on deploying troops to the former Yugoslavia, as well as his plan defining the mission and exit strategy for those troops.

Historically, before committing large numbers of U.S. troops to crisis areas overseas, it has been customary for the President to seek the consent of Congress before initiating a deployment of military forces.

In this case, the President has not sought approval of Congress for his actions, yet, the President intends to fly to Paris today for the purpose of signing a treaty that will obligate over 20,000 troops for operations in Bosnia.

If the President, with or without Congressional approval, intends to place American troops in harm's way—and it appears that this is what he intends to do—then I urge the President, in consultation with Congress, to articulate a clear mission statement and to define an achievable exit strategy.

Our troops on the ground need to know precisely what it is that they are being asked to do—and Congress deserves a role in making that determination.

Mr BUYER. Mr. Speaker, I yield 1 minute to the gentleman from Georgia, [Mr. CHAMBLISS], a member of the Committee on National Security.

Mr. CHAMBLISS. Mr. Speaker, this has been a very difficult decision that we have had to deal with, the deployment of troops to Bosnia. I, along with the gentleman from Missouri [Mr. SKELTON], and the gentleman from Indiana [Mr. BUYER], have sat in the Committee on National Security over the last several weeks and we have asked very serious questions of the administration.

Those are the same questions that have been alluded to by Mr. SKELTON earlier. Those questions simply have not been answered. I voted in favor of the Dornan amendment earlier. That vote by me in favor of the Dornan amendment was a statement. It was a statement that, Mr. President, you have not provided the information satisfactory to this Congress to authorize this Congress to vote in favor of deploying troops to Bosnia.

□ 2130

In spite of that, that decision has been made. That decision is behind us now, as the gentleman from Indiana [Mr. BURTON], just said. It is time now to move on. When we move on, we must leave this House, leaving nothing unturned, but giving our unconditional support to the troops, the brave men and women in Bosnia. The Buyer-Skelton resolution does that. I urge support of that resolution.

Mr. TORRICELLI. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, 50 years ago when the reality of the holocaust came to light, people of conscience said never again to ethnic cleansing and to genocide. These abhorrent actions have continued despite this promise. I believe that the world can no longer turn a blind eye to Bosnia and the tragedies that are there. That is why I commend President Clinton for his leadership, support the troops for their courage, and will support the Hamilton amendment.

I rise in opposition to the resolution on the floor at this time, because I believe our country can be proud of the leadership in bringing the warring parties to the conflict in Bosnia to the negotiating table and for the successful conclusion of the Bosnian peace talks. Now we should join with other nations in ensuring that the peace agreement can be implemented.

Mr. Speaker, the United States does have a national interest in peace in the former Yugoslavia. As the world's lone superpower, we have the obligation to lead. Several hundred thousand innocent children, men and women have died in the conflict in Bosnia. The war must stop.

At stake if the United States does not participate in the Bosnian peace process are the role of the United States as a world leader, the future viability of NATO, and the risk of reigniting the conflagration in Bosnia. A continuing Bosnian conflict threatens to spread killing and destruction to other European states. The terrible acts of ethnic cleansing and brutal atrocities challenge the conscience of us all.

Is the Bosnian mission without danger and risk? No. With strong leadership, there are always risks. These risks have been minimized, and they are risks for peace, risks for ending years of bloodshed, risks for freedom. We risk far more by failing to act. We risk far more if we allow the tenuous peace to collapse and watch the flames of war ignite again.

For this reason I oppose this resolution, urge support of the Hamilton resolution, and commend President Clinton for this leadership.

Mr. BUYER. Mr. Speaker, I yield 1 minute to the gentleman from Nebraska [Mr. BEREUTER] for the perspective of a former Army infantry first lieutenant.

Mr. BEREUTER. Mr. Speaker, I think we need to have a summary of what the Buyer-Skelton resolution really does for I think it is being lost in some of the rhetoric here. It has two parts.

First is a reiteration of votes that the House has already taken on October 30 and November 17. The second is a policy statement which I think all Members should be able to support. First of all, it is an expression of confidence, pride and admiration in members of the U.S. armed services.

Second, it reinforces the need to respect the judgment of the military leadership in the field. After Somalia, that kind of debacle suggests this kind of policy advice from the Congress is essential.

Third, it reinforces the policy that proper weaponry and logistical support must be provided to our troops in the field. Again, after the Somalia debacle, that kind of advice from the Congress is entirely essential and appropriate.

Mr. Speaker, there is no vital interest for the United States in Bosnia. I very much approve of the Buyer-Skelton resolution, and ask all of my colleagues to support it.

Mr. TORRICELLI. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Speaker, I rise in support of the Hamilton resolution as one who has spoken out for the last 4 years urging that we do the one thing that would enable the people of Bosnia to defend themselves against organized aggression, violence, rape, torture and genocide; lift the arms embargo. This was not done. Tragically, the war and the mass murders continued.

By maintaining the arms embargo, which prevented the Bosnians from defending themselves against aggression and genocide, we incurred a heavy moral burden. We now have one final chance to meet that burden, to end the killing, to stop the genocide, and to restore peace. Let us meet the obligation we incurred, least it be said the United States did nothing to stop the genocide. Let us give peace a chance, let us support the President, let us support the Hamilton resolution.

The SPEAKER pro tempore. (Mr. BUNNING of Kentucky). The gentleman from Indiana [Mr. BUYER] has 8½ minutes remaining and the right to close, and the gentleman from New Jersey [Mr. TORRICELLI] has 5½ minutes remaining.

Mr. BUYER. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. LAUGHLIN] a present colonel in the U.S. Army Reserve.

Mr. LAUGHLIN. Mr. Speaker, I supported the Dornan amendment because I believe the President of the United States, our Commander-in-Chief, has not given us the vital national interest reasons to put our troops in Bosnia.

On the very day President Kennedy stopped the Russian troops off the coast of Cuba, many of my classmates and I signed our contracts to be members of the U.S. Army. History proved President Kennedy right.

Later my three brothers and I volunteered during the Vietnam era. All three of my brothers went to Vietnam. I was sent elsewhere. History proved us wrong when we believed vital national interests were involved there.

Later I supported the Persian Gulf war. History proved us right on vital national interests there.

Today we are asking young men and women of America to become targets of opportunity for a civil war in Bosnia, and history will provide those of us who oppose this policy right. The President of the United States, our Commander-in-Chief, has not demonstrated any vital national interest for the brave young men and women who have risked their lives in defense of freedom to go to Bosnia. I ask support of the Buyer-Skelton resolution.

Mr. BUYER. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. MCHALE] a comrade of mine from the Persian Gulf war, for the perspective of a lieutenant colonel in the Marine Corps.

Mr. MCHALE. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in strong support of the Buyer-Skelton resolution. As I have listened to the oppositions voiced by many of my good friends and colleagues, I have to wonder whether they have read the resolution. In fact, there are two elements, Mr. Speaker, contained in this resolution.

The first element is one of opposition to the policy. The simple fact of the matter is the vast majority of the Members of the House opposed the decision to deploy. But the second element is far more important. Let me speak with passion on that issue. A few days ago I watched an interview on CNN of a lieutenant colonel named Bronco Lane, and he said whatever people think of the mission, he urged support for his men, for his soldiers.

We are a good and powerful Nation, and whatever may divide us in the House this evening, the message we communicate to Colonel Lane and to those who might inflict harm upon his soldiers is that once Americans go to war, we come together as a Nation. The resources necessary to accomplish the mission, those requested by the field commander, will be provided. Those are the elements of this resolution.

Mr. Speaker, I urge strong support for our soldiers. I urge an affirmative vote on the Buyer-Skelton resolution.

Mr. BUYER. Mr. Speaker, I yield such time as he may consume to the gentleman from Kansas [Mr. TIAHRT].

Mr. TIAHRT. Mr. Speaker, I rise in favor of the Buyer-Skelton resolution.

Mr. Speaker, I rise in strong support of the Buyer-Skelton resolution. The President has developed a policy committing our troops without the consultation of Congress or the consent of the American people. Young men like Kempty Watson and Todd Beeson, both from Arkansas City, KS, have been required to go above and beyond the call of duty.

Mr. Watson and Mr. Beeson, are not defending the border of this great country. Nor are they being required to defend the Constitution of the United States of America. There is no vital American interest in Bosnia. This mission is truly above and beyond the call of duty. They are heroes, as is every American who served in Bosnia. They serve regardless of the policy.

Watson, Beeson, and others, like those men and women who serve in the 1st Armored Division, follow the Commander in Chief and do so professionally like no others in the world.

This resolution supports all our fine men and women in the U.S. Armed Forces, 100 percent.

But this resolution also strongly opposed the policy the President has forced on the American public.

Mr. Speaker, I disapprove of the President's policy. There are many ways to lead the world, lead NATO, present peace, without putting our troops in harm's way.

Therefore I support the Buyer-Skelton resolution and our troops.

Mr. TORRICELLI. Mr. Speaker, I yield 1 minute to the gentleman from American Samoa [Mr. FALEOMAVAEGA].

Mr. FALEOMAVAEGA. Mr. Speaker, I do not want to make a play on words with the issue that is now before this body. Mr. Speaker, I was moved by the remarks earlier made by the gentleman from California [Mr. CUNNINGHAM]. We share a similar sense of anger and frustration in our experiences as Vietnam veterans, although I was not a war hero like my good friend

from California. But all I know is that we could have been among the 58,000 dead soldiers and sailors whose names are honored at the Vietnam Memorial.

Mr. Speaker, our problem with Vietnam, Lebanon, and Somalia was not because we did not have the resources to protect and sustain our troops. It was because of poor military planning and execution by both our civilian and military leaders here in Washington.

Mr. Speaker, I hope to God we will not have another Secretary of Defense make a confession to the world and to the American people that it was wrong for us to be in Vietnam. I consider it an insult to the names of every soldier who died in Vietnam to tell that to the faces of the parents and relatives of those who died there in Vietnam.

Mr. Speaker, it is obvious the Dayton agreement is not perfect. Our President has spoken well, given leadership. I ask that we sustain the Hamilton resolution with caution, as expressed by the gentleman from Missouri [Mr. SKELTON].

Mr. Speaker, I don't want to make a play on words with the issue that is now before this body.

I believe it is appropriate that Congress fulfills its constitutional responsibility by deliberating the merits of the resolution now before us.

Mr. Speaker, I was moved by the remarks expressed earlier by the gentleman from California [Mr. CUNNINGHAM]. We share a similar sense of anger and frustration in our experiences as Vietnam veterans, although I was not a war hero like my friend from California. But all I know is that we could have been among the 58,000 dead soldiers and sailors whose names are honored at the Vietnam Memorial.

Mr. Speaker, our problems with Vietnam, Lebanon, and Somalia was not because we did not have the resources to protect and sustain our troops. It was because of poor military planning and execution by both our civilian and military leaders here in Washington.

Mr. Speaker, I hope to God we will not have another Secretary of Defense make a confession to the world and the American people—and that is after the fact, that the United States was wrong to be in Vietnam. I consider it an insult to the names of every soldier who died in Vietnam. Perhaps former Secretary McNamara should tell that to the faces of the parents and relatives of those brave soldiers who gave their lives because of misguided policies that our political leaders dreamed up here in Washington.

Mr. Speaker, it is obvious that the Dayton agreement is not a perfect document, and I sincerely hope our President will not be blinded by the concerns appropriately addressed by the gentleman from Missouri [Mr. SHELTON].

Mr. Speaker, it is quite obvious that our President is not running an opinion poll or is trying to compete in a popularity contest. I commend our President for his global leadership on this important issue.

Mr. Speaker, I ask my colleagues to support the Hamilton resolution, but to recognize also the concerns raised earlier by the gentleman from Missouri [Mr. SHELTON].

Mr. Speaker, without United States leadership and participation, no peace is possible in Bosnia.

For nearly 4 years, a horrifying war has torn Bosnia apart. The world has witnessed the murder of 250,000 innocent men, women, and children there, while over 2 million people have been forced from their homes and made refugees.

Yesterday, like many other members, I was deeply touched by Israeli Prime Minister Shimon Peres' address before Congress. Prime Minister Peres noted the United States has saved the world from three of its greatest menaces: German Nazism, Japanese Militarism, and Soviet communism.

In honoring America, Prime Minister Peres stated, "You did it. You brought freedom. You defended it. Even in this very day, as Bosnia reels in agony, you offered a compass and a lamp to a confused situation like in the Middle East. Nobody else was able or ready to do it. You enabled many nations to save their democracies even as you strive now to assist nations to free themselves from their nondemocratic past."

"America," stated Prime Minister Peres, "In my judgment, cannnot escape what history has laid on your shoulders, on the shoulders of each and every one of you. You cannot escape that which America can alone do. America alone can keep the world free and assist nations to assume the responsibility for their own fate."

Mr. Speaker, Prime Minister Peres has it right. Throughout history, America has always stood for peace and freedom and what is right. In Bosnia, we and our allies are not going to fight a war, but to protect a peace.

Without American Leadership, there would be no peace agreement. Without American troop participation, this peace agreement will not be carried out. As the leader of the free world, America cannot shirk its responsibility to end the suffering in Bosnia, to stop the spread of war to Europe, and to ensure a lasting peace.

The President has committed the United States to the Bosnia mission. As former Secretary of State Henry Kissinger recently stated, "I now believe that if we do not honor the President's words, the threat to our security would be greater because nobody would believe that we are capable of conducting a serious foreign policy.

Mr. Speaker, with American leadership and credibility on the line, we cannot just cut and run from our duty to lead. It is time that we support our President and our troops in providing light and hope to this dark part of the world.

Mr. TORRICELLI. Mr. Speaker, I yield the balance of our time to the gentleman from Maryland [Mr. HOYER], the gentleman who has served as the conscience of this Congress on the carnage in Bosnia.

The SPEAKER pro tempore (Mr. BUNNING of Kentucky). The gentleman from Maryland is recognized for 4½ minutes.

Mr. HOYER. Mr. Speaker, in August 1990, Saddam Hussein invaded Kuwait. The President, a few days later, determined that he would deploy troops to oppose aggression in the Persian gulf, and we as a Nation and as a Congress were united in that deployment. That deployment occurred during August, September, October, November, and December, and over 400,000 troops were sent. The Democratic leadership and the Republican leadership stood together in support of that deployment to oppose aggression.

We did so as a united nation. Yes; there was a vote in January as to whether to go to war, and in a bipartisan vote we determined that the President would have the authority to do so. The President acted, and the Congress shortly thereafter, some few days, passed a resolution, with over 400 of us voting to support the troops and their success.

Mr. Speaker, I believe it is in our national interest to participate in the effort in Bosnia for several reasons. First, our President has told our allies and the warring parties that we would do so. America's credibility and our leadership in the world would be severely undermined if we do not.

The risk for peace is one that the Western alliance and the United States should be willing to take now and in the future. The NATO alliance under United States leadership remains, my colleagues, the stabilizing force in Europe, and it must be kept ready, united, and maintain its will to deter aggression and establish peace.

I suggest to you, my friends, it would be immoral to stand by in the face of the carnage and the rape and the murder and the genocide and the tragedy that is Bosnia.

My colleagues on the Republican side of the aisle, my fellow Americans, if you will, President George Bush recently stated:

> It is in our national interest to maintain the integrity of the United States; credibility in the world. If the President shifts direction now or if it is seen that the President does not have the support of Congress, our standing as leader of the free world and the standing of NATO would be dramatically diminished.

President Bush concluded his remarks by saying "That must not happen."

I will oppose the Buyer-Skelton resolution. They are men of integrity, and they serve their people well. But I am not opposed to the President's policy. It is not my policy. I wanted to lift the arms embargo. I wanted to give to the Bosnian people the right and the ability to defend their homes. I think President Bush and President Clinton were wrong in not supporting that policy. But the issue today is that the

President has chosen a policy, and it is not Somalia, where there was no agreement among the warring parties, it is not Lebanon, where there was no agreement among the factions. It is a place in this world where parties brought together by the President of the United States have agreed on peace.

□ 2145

I believe it is worth a risk for peace.

I hope many of my colleagues were here yesterday. Shimon Peres spoke to a joint session of Congress. He said to us, as a country, that we saved freedom. He went on to say that wars did not cause us to lose heart, triumphs did not corrupt us, and we remained unspoiled because we rejected the spoils of victory.

He then talked about the risks for peace taken by his friend Yitzhak Rabin and his country, and he observed that just a few years ago he could not have conceived of reaching out to Yasser Arafat, a Palestinian, his enemy of centuries. Not the Arab and the Jews. For centuries. And now he believes there is a chance for peace, and he said that it was worth risking peace because it was more important to win the peace than to win elections.

Mr. Speaker, I think that is the decision our President has made. That is the decision I will support, and that is why I will oppose this resolution.

Mr. BUYER. Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri, [Mr. SKELTON], for a dialog.

Mr. SKELTON. Mr. Speaker, I would ask the gentleman, does he agree with me that there has been no credible answer or response to my raising the issue of arming and training the Bosnian Moslems, which puts our troops at risk?

Mr. BUYER. Mr. Speaker, if the gentleman will yield, I would respond to the gentleman that there has been no credible response in this debate to his question.

Mr. BUYER. Mr. Speaker, I yield 1 minute to the gentleman from Illinois, HENRY HYDE, for the perspective of a former commander of the naval reserves, a hero of World War II.

Mr. HYDE. Mr. Speaker, very simply, this is a good resolution. It does two things: It expresses the dissent that so many of us feel from the policy implemented by the President in Bosnia. That is all it does.

It does not cut any funds, as the Dornan resolution did. In fact, it supports giving our troops all of the resources necessary to carry out their mission safely. So it fully expresses my own views, although I did support the Dornan resolution as the last, best, and only opportunity to keep our young men from going into this morass of ethnic and religious hatred that has been simmering for over 500 years on the off chance that they are out of breath now and they have a cease-fire.

Mr. Speaker, this resolution perfectly states my views in opposition but in support of the troops. So I strongly support and urge my colleagues support for the Buyer-Skelton resolution.

Mr. BUYER. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, first of all, let me extend a compliment to my friend and colleague, the gentleman from New Jersey [Mr. TORRICELLI], for his demeanor and his statesmanlike conduct in how he has handled the debate. Just let me compliment the gentleman for that.

This is a debate about two very distinct views of foreign policy. There are those of us who tie the use of military to vital national security interests because we believe that placing troops in harm's way on foreign soil is of no ordinary magnitude. The other is the Clinton administration would like for the United States to become the world's policeman and the guarantor of global security.

U.S. troops should only be used on the ground to ensure regional security, not to intervene in civil wars which have no real threat of spreading to that instability of a region. While I have heard the argument, it rings hollow.

The United States, as the world's only superpower must exercise a policy of restraint in our involvement in conflicts overseas. Ours is a responsibility to provide overall military and economic security to regions of the world. If the United States intervenes in intracontinental conflicts, regional powers are allowed to escape their responsibilities.

When will Europe take a role in policing its own region? The answer is when Europe no longer has the expectation that the United States will be there to rescue them whenever they have a problem.

Mr. Speaker, we are closing this century now. For the fourth time, the United States will be on the ground in Europe. Think of that, for the fourth time. Truly, Europe can be a quarrelsome bunch and the United States leadership in NATO unifies and strengthens Europe. But as my colleagues know, the United States must send a message that the post-cold-war policies and doctrine for the security of Europe must reflect 1995, not 1945.

The United States has a key and vital role to play in the peace process, and I compliment the President of the United States for bringing the parties to the table. The role for which we should play is do not put troops on the ground.

The United States should act responsibly in the cohesion of NATO; the I-For commander should be a commander from Europe, not the United States. The United States should supply our air power, our seapower, our airlift, our sealift, our intelligence, the architecture of intelligence from the sky and our satellites and logistics, but not that on the ground. However, when U.S. forces deploy on the ground as peacekeepers, we go there without the protection of neutrality, and they become targets and casualties.

There are those who have claimed the moral obligation. Well, let me say this. When we view disasters in this country, whether it be by tornado, hurricane, earthquake, fire, you name it, we see that destruction and it is repulsive to us, but we understand it because we say it is a natural disaster. However, when we look and view what mankind can do to one another, it is violent to our values. But if we permit our foreign policy to be guided by our hearts, then the United States will find our troops in over 67 hot spots throughout the world.

If we want the United States to become the world's policeman, just say so. I do not believe that the United States can be the world's policeman.

When I was in Sarajevo, a mother, yes, cried and wept in my arms to communicate to me that she lost a son. That is moving to me. But it is also just as moving when I go to the funerals of American soldiers and have to be able to look into the eyes of an American mother and be able to communicate to her that her son or her daughter has given that life to protect vital national security interests. That is why we tie foreign troops' commitments to vital national security interests, because we cannot be everywhere in the world.

Mr. Speaker, this resolution is very clear. It is clear because we say we are reiterating a policy from before, where we stated we oppose U.S. ground troops. We want to intervene, but we do not agree with that policy. We believe we have the confidence in these troops that they will do their job. They are gallant, they are brave and they are courageous.

We also do not want a repeat of Somalia. I have spoken with a father who lost his son. We do not want that.

We want the President and the Secretary of Defense to rely upon the field commanders when they make military decisions. We also want to make sure they get the resources and the equipment they need to do their job.

Last is a paradox, and that is if we are going to arm and train the Moslems, then we should take sides. And if we do that, then we do not go on the ground. If we want to go on the ground, then we do not arm and train the Moslems. But to do both or to claim that somehow we will get other countries to do it, and our pawprints are all over it, subjects and opens our American soldiers to become targets and casualties, and it is wrong.

Please support the Buyer-Skelton resolution. God bless us all.

Mr. PORTMAN. Mr. Speaker, as the tragedy of the Balkan conflict has unfolded before us in the newspapers, on television, and here, on the floor of the House, I have spent many hours talking with constituents, talking to colleagues, and thinking through the appropriate United States response, as well as the appropriate role for Congress. I continue to believe that the deployment of U.S. ground troops is the wrong approach. I do think the United States has an interest in stopping the fighting and in preserving NATO. But I also believe that military instability in Bosnia and Herzegovina presents tantamount risk to our ground troops and throws into question the achievability of our mission there. A more appropriate U.S. role might have been limited to logistical support and providing air cover.

It is, of course, crucial that Congress voice its support for our troops, for our young men and women who are already in Bosnia. And as much as I disagree with President Clinton about some of his foreign policy decisions, I think when you elect a President as Commander in Chief, you have to give some flexibility.

Tonight I will reluctantly vote against H.R. 2770, Representative DORAN's bill to cut off all funding for our troops, primarily because I think it is not fair to our men and women in uniform who are already there. It would be irresponsible for Congress to jeopardize the safety of those already deployed and the thousands more that are in the process of being deployed—regardless of this vote—in the coming weeks. I think of Annah Castellini, a constituent and graduate of West Point, who is headed to Bosnia soon as a platoon leader. Remembering the Vietnam era, she worries about whether the American people will support her.

Further, I do feel that the passage of H.R. 2770 begins to infringe on the President's power as Commander in Chief and could threaten confidence in U.S. leadership. I think it would be unwise at this time to send conflicting messages to the factions of the Balkan conflict and the rest of the world.

In my opinion, the Buyer resolution, House Resolution 302, strikes a better balance between opposing the decision to send them, yet supporting our troops in their duties. I will support Buyer. I cannot support House Resolution 306, the Hamilton resolution, because it implicitly expresses support, not just for the troops, but also for the President's decision to send them.

Former President Bush said recently, "Sincere people can have honest differences as to whether President Clinton has made the right decision. I am nevertheless certain in my mind that at this point we must support our troops—and that support should come from Republicans and Democrats alike." I agree. As one who believes President Clinton made the wrong decision, I nonetheless will support our troops in any way I can and pray for their safe return.

Mr. TORKILDSEN. Mr. Speaker, I rise this evening in support of the resolution offered by my colleagues from Indiana and Missouri.

Earlier tonight, I voted against the resolution sponsored by my colleague from California because it sent the wrong message to our troops already in Bosnia, as well as those on their way in the coming days. We cannot take away their ability to defend themselves.

I strongly support the Buyer-Skelton resolution which expresses our opposition to the President's Bosnia mission. Yet, this resolution does so without undermining our troops already there, and those troops that will be there by the time this resolution is agreed to by both the House and Senate. This resolution specifically states that our troops in Bosnia will have the resources and support they need to protect themselves until we bring them home.

The SPEAKER pro tempore (Mr. BUNNING). Pursuant to section 3 of House Resolution 304, the previous question is ordered.

The SPEAKER pro tempore. The question is on the resolution.

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

Mr. BUYER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 287, nays 141, answered "present" 1, not voting 4, as follows:

[Roll No. 857]

YEAS—287

Abercrombie	Cox	Gordon
Allard	Cramer	Goss
Andrews	Crane	Graham
Archer	Crapo	Green
Armey	Cremeans	Greenwood
Bachus	Cubin	Gunderson
Baker (CA)	Cunningham	Gutknecht
Baker (LA)	Danner	Hall (TX)
Baldacci	Davis	Hancock
Ballenger	de la Garza	Hansen
Barcia	Deal	Hastert
Barrett (NE)	DeFazio	Hastings (WA)
Bartlett	DeLay	Hayes
Barton	Dickey	Hayworth
Bass	Doggett	Hefley
Bentsen	Doolittle	Heineman
Bereuter	Dornan	Herger
Bilbray	Doyle	Hilleary
Bilirakis	Dreier	Hobson
Bishop	Duncan	Hoekstra
Bliley	Dunn	Holden
Blute	Durbin	Horn
Boehlert	Edwards	Hostettler
Boehner	Ehlers	Hunter
Bonilla	Ehrlich	Hutchinson
Bono	Emerson	Hyde
Brewster	English	Inglis
Browder	Ensign	Istook
Brownback	Evans	Jacobs
Bryant (TN)	Everett	Jefferson
Bryant (TX)	Ewing	Johnson (CT)
Bunn	Fawell	Johnson (SD)
Bunning	Fields (LA)	Johnson, Sam
Burr	Fields (TX)	Jones
Burton	Filner	Kaptur
Buyer	Flanagan	Kasich
Callahan	Foley	Kelly
Calvert	Forbes	Kim
Camp	Fowler	King
Canady	Fox	Kingston
Castle	Franks (CT)	Kleczka
Chabot	Franks (NJ)	Knollenberg
Chambliss	Frelinghuysen	Kolbe
Chapman	Frisa	LaHood
Chenoweth	Funderburk	Largent
Christensen	Gallegly	Latham
Chrysler	Ganske	LaTourette
Clinger	Gekas	Laughlin
Coble	Geren	Lazio
Coburn	Gilchrest	Leach
Collins (GA)	Gillmor	Lewis (CA)
Collins (IL)	Gilman	Lewis (KY)
Combest	Gingrich	Lightfoot
Condit	Gonzalez	Lincoln
Cooley	Goodlatte	Linder
Costello	Goodling	Lipinski
Livingston	Pombo	Spence
LoBiondo	Porter	Spratt
Lofgren	Portman	Stark
Longley	Pryce	Stearns
Luther	Quinn	Stenholm
Manton	Radanovich	Stockman
Manzullo	Ramstad	Stump
Martini	Regula	Talent
McCarthy	Riggs	Tanner
McCollum	Rivers	Tate
McCrery	Roberts	Tauzin
McDade	Roemer	Taylor (MS)
McHale	Rogers	Taylor (NC)
McHugh	Ros-Lehtinen	Tejeda
McIntosh	Roth	Thomas
McKeon	Roukema	Thornberry
McNulty	Royce	Thurman
Menendez	Salmon	Tiahrt
Metcalf	Sanders	Torkildsen
Meyers	Sanford	Traficant
Mica	Saxton	Upton
Miller (FL)	Schaefer	Vucanovich
Minge	Schiff	Waldholtz
Molinari	Schroeder	Walker
Montgomery	Schumer	Walsh
Moorhead	Seastrand	Wamp
Morella	Sensenbrenner	Watts (OK)
Myrick	Serrano	Weldon (FL)
Nethercutt	Shadegg	Weldon (PA)
Neumann	Shaw	Weller
Ney	Shays	White
Norwood	Shuster	Whitfield
Nussle	Skeen	Wicker
Ortiz	Skelton	Wise
Oxley	Smith (MI)	Wolf
Packard	Smith (NJ)	Wyden
Parker	Smith (TX)	Young (AK)
Paxon	Smith (WA)	Young (FL)
Payne (VA)	Solomon	Zimmer
Peterson (MN)	Souder	

NAYS—141

Ackerman	Hamilton	Owens
Baesler	Harman	Pallone
Barr	Hastings (FL)	Pastor
Barrett (WI)	Hefner	Payne (NJ)
Becerra	Hilliard	Pelosi
Beilenson	Hinchey	Peterson (FL)
Berman	Hoke	Petri
Bevill	Houghton	Pickett
Bonior	Hoyer	Pomeroy
Borski	Jackson-Lee	Poshard
Boucher	Johnson, E. B.	Quillen
Brown (CA)	Johnston	Rahall
Brown (FL)	Kanjorski	Rangel
Brown (OH)	Kennedy (MA)	Reed
Cardin	Kennedy (RI)	Richardson
Clay	Kennelly	Rohrabacher
Clayton	Kildee	Rose
Clement	Klink	Roybal-Allard
Clyburn	Klug	Rush
Coleman	LaFalce	Sabo
Collins (MI)	Lantos	Sawyer
Conyers	Levin	Scarborough
Coyne	Lewis (GA)	Scott
DeLauro	Lowey	Sisisky
Dellums	Maloney	Skaggs
Deutsch	Markey	Slaughter
Diaz-Balart	Martinez	Stokes
Dicks	Mascara	Studds
Dingell	Matsui	Stupak
Dixon	McDermott	Thompson
Dooley	McKinney	Thornton
Engel	Meehan	Torres
Eshoo	Meek	Torricelli
Farr	Mfume	Towns
Fattah	Miller (CA)	Vento
Fazio	Mink	Visclosky
Flake	Moakley	Volkmer
Foglietta	Mollohan	Ward
Ford	Moran	Waters
Frank (MA)	Murtha	Watt (NC)
Frost	Myers	Waxman
Furse	Nadler	Williams
Gejdenson	Neal	Wilson
Gephardt	Oberstar	Woolsey
Gibbons	Obey	Wynn
Gutierrez	Olver	Yates
Hall (OH)	Orton	Zeliff

ANSWERED "PRESENT"—1

Bateman

NOT VOTING—4

Lucas Tucker
McInnis Velazquez

□ 2214

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

Mr. TAYLOR of North Carolina changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. VELÁZQUEZ. Mr. Speaker, due to the death of a close personal friend, I was absent during the following rollcall votes. Had I been present I would have voted as follows: On 847 "yea," 846 "nay," 845 "yea," 857 "nay," 856 "nay," 855 "yea," 854 "nay," 853 "yea," 852 "nay," 851 "nay," 850 "nay," and 849 "nay."

GENERAL LEAVE

Mr. BUYER. Mr. Speaker, I wish unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the resolution just considered, and that I may include extraneous material for the RECORD.

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

There was no objection.

The SPEAKER pro tempore (Mr. BUNNING). Pursuant to section 4 of House Resolution 304, it is now in order to consider a resolution offered by the minority leader, or his designee.

□ 2215

SENSE OF HOUSE REGARDING DEPLOYMENT OF ARMED FORCES TO BOSNIA

Mr. HAMILTON. Mr. Speaker, pursuant to House Resolution 304, I offer a resolution (H. Res. 306) expressing the Sense of the House of Representatives regarding the deployment of United States Armed Forces in Bosnia, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The text of House Resolution 306 is as follows:

H. RES. 306

Whereas the President of the United States pledged to commit the United States Armed Forces to participate in implementing a peace agreement in Bosnia and Herzegovina;

Whereas the United States hosted Proximity Talks in Dayton, Ohio, from November 1, 1995 through November 21, 1995, for the purpose of allowing the negotiation of a peaceful settlement to the longstanding conflict in the former Yugoslavia;

Whereas the Proximity Talks concluded with the Presidents of the Republic of Bosnia and Herzegovina, the Republic of Croatia, and the Federal Republic of Yugoslavia initialing a General Framework Agreement for Peace on November 21, 1995;

Whereas the Presidents of the Republic of Bosnia and Herzegovina, the Republic of Croatia, and the Federal Republic of Yugoslavia have requested a NATO-led implementation force with United States participation and have pledged full cooperation with this force;

Whereas some Members of Congress have questions and concerns about certain aspects of the peace implementation process; and

Whereas the Congress joins the President in wanting to minimize the risks to the United States Armed Forces helping to implement the peace agreement in the former Yugoslavia by ensuring that they have the necessary resources and other support to perform their mission effectively: Now, therefore, be it

Resolved, That the House of Representatives unequivocally supports the men and women of the United States Armed Forces who are carrying out their mission in support of peace in Bosnia and Herzegovina with professional excellence, dedicated patriotism, and exemplary bravery.

The SPEAKER pro tempore. Pursuant to section 4 of House Resolution 304, the gentleman from Indiana, [Mr. HAMILTON], and the gentleman from New York, [Mr. GILMAN], each will be recognized for 30 minutes.

The Chair recognizes the gentleman from Indiana [Mr. HAMILTON].

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

Mr. Speaker, I rise to support House Resolution 306. It is a very simple and straightforward resolution. Its purpose is simply to support the troops and to praise them for the work they are doing and will do. It does two things in its operative clause. It gives unequivocal support to the men and women of the United States Armed Forces and praises them for the work that they are doing and will do in support of peace in Bosnia. The resolution is intended to be silent with regard to policy, and the whereas clauses of the resolution merely recite facts. The resolution is intended to be silent with regard to policy, neither for the policy nor against it. It recites the historical facts without editorial comment.

The resolution does mention that all Members of this body have questions and concerns about the effort in Bosnia. It emphasizes that we want to do all that we can to minimize the risks to U.S. forces by ensuring that they have the resources necessary to perform their mission. So it only calls for unequivocal support of our troops. With all of the doubts and the questions and uncertainties that exist in this Chamber and in the country with respect to Bosnia, the effort here is to come forward with one certainty. That certainty is that we support the troops.

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

Mr. GILMAN. Mr. Speaker, I yield 1 minute to the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Speaker, I feel constrained to speak against this in light of the fact that the last vote passed and it passed overwhelmingly. If this should happen to pass, we would have the most mixed message going out to America possible.

These are nice words. Paraphrasing them, they are pabulum. But we support the troops more than adequately in the previous resolution. We stated more correctly when we speak of their courage and of their professionalism in the previous resolution. This one would have no effect except to confuse the people we represent and of course confuse those wonderful troops that are going to be in Bosnia. I am constrained, Mr. Speaker, to vote against this.

Mr. GILMAN. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia [Mr. LINDER].

Mr. LINDER. Mr. Speaker, I do not believe there has been an issue in my 3 years here that the depth of feeling has been such as there is on this movement into Bosnia. I spoke to a group two Mondays ago and had a senior gentleman walk up to me, a businessman. He said, when the first person dies and comes back in a body bag, it will be because of what we did not do yesterday. I said, what was that? He said, you did not speak out in opposition.

This is a very, very dicey prospect. I have heard Members compare this movement to what happened in Vietnam 20-plus years ago. I said this is not Vietnam. This is Afghanistan. It is much, much more dangerous. This war has been going on since 1389. C.B. Hackworth, the most decorated military officer still alive in this Nation, led a group, he said recently on television, into this very area for 1 year, for 1 year in 1949, and they came out 9 years later.

I honestly listened to the President's speech on this subject with an open mind a couple of Monday nights ago because I had to speak about it on radio the next morning. I thought he gave a good speech, but he always gives a good speech. So the next morning I got up early and I read what he said. It was much different in black and white than it was on a TV picture tube. What he said essentially was that Americans should be for peace. Are we not? I thought that was inane.

Then he said, we must do this out of respect for NATO. My colleagues, NATO is a very large military bureaucracy with nothing to do. It is looking for something to do. My judgment, it is time to recognize that NATO expired in August 1989. It is time for us to give it a decent burial with full military honors and find a new policy and a new arrangement because the old threats are no longer there.

I read the Hamilton resolution. I understand the purpose of it. But if it is anything different in terms of support for the troops than we just voted for, why does it not say, we support the policy? Why does not the President's own party say, we support the policy? Does anybody support the policy?

It does not say that, but there are fine words in here that would let the

President tomorrow draw an inference that indeed we do. It says here that the House unequivocally supports the men and women of the United States Armed Forces carrying out their mission in support of Bosnia. I am absolutely convinced that the President can construe that to mean tomorrow that we support the policy. My colleagues, this is not our time. This is not our place. This is not our war. This is the wrong resolution.

Mr. HAMILTON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Michigan [Mr. BONIOR], distinguished whip.

Mr. BONIOR. Mr. Speaker, we have heard a lot of emotion on this floor tonight and it is not hard to understand why. The decision to commit troops is one of the toughest decisions any of us will have to make. And none of us takes it lightly.

There comes a time when America—and only America—can lead. Now is one of those times.

For 4 long years, we watched as 250,000 people were killed, 16,000 children were slaughtered, and nearly 3 million people were left homeless in Bosnia.

And through it all, there has been very little reason to hope. But finally, peace is at hand.

Finally, we have a real chance to end the bloodshed. For the first time in 4 years, there is hope in Sarajevo because there is faith in America.

And I, for one, am proud of the fact that American troops are saving lives tonight in Bosnia.

For 220 years we have sent American men and women overseas, not just to defend American interest, but to defend American values. To stand up for freedom and democracy and human rights.

And if those things are not worth defending any more then I do not know what America stands for.

The people of Bosnia are tired of war. They want peace, but they need help to keep the peace. America is not undertaking this mission alone. But only America can lead it.

As Shimon Peres said from the podium behind me yesterday: Only America can provide the compass and the lantern that the world so desperately needs in Bosnia today.

This century began with bloodshed in Sarajevo. And we have it in our power today to make sure that it does not end with bloodshed in Sarajevo.

I would hate to think that someday, historians will look back on this day and wonder why, when we had a chance to keep the peace in Bosnia, the House of Representatives turned its back and let the killing begin again.

We can avoid that fate here today. I urge my colleagues: support our troops. Support the President. And support this resolution.

□ 2230

Mr. GILMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from California, [Mr. RIGGS].

Mr. RIGGS. Mr. Speaker, I thank the distinguished chairman for yielding me time.

Mr. Speaker, with all due respect to the distinguished minority whip, this resolution is much more or much less, depending on one's point of view, than an expression of support for our troops. As someone in the delegation that just returned from Bosnia last night, I have to say that that trip to that incredibly war-torn region raised more questions in my mind than it answered.

That is the problem with the Hamilton resolution. It glosses over those questions in one more "whereas" clause. Until we honestly address those questions and concerns, I do not see how this House can vote for the Hamilton resolution.

Let me just say what I think are the questions which absolutely need addressing in a forthright manner by every Member of this body. First of all, it is not clear if we have defined that criteria for ending this mission successfully, and I think we all know that an exit date is not an exit strategy.

Second, there is a very real concern in talking to the leaders of these three countries whether they are doing everything at this moment to stop war crimes as they promised to do in Dayton. Just look at the scorched Earth policy that the Croatians are carrying out in the areas they promised in Dayton to turn over to the Serbians.

There is also a very real concern whether we will be able to achieve greater equality between the heavily armed Serbian and Croatian forces and their underarmed Bosnian counterparts. That military parity, that greater equality, is absolutely essential to a lasting peace.

Lastly, we are in for an untold open-ended financial commitment here. The American people need to be told the true cost of this peacekeeping mission, all that it entails, including the economic and humanitarian assistance necessary to rebuild Bosnia.

So the Hamilton resolution comes up short. It does not address these questions and concerns. It glosses over them with another "whereas" clause, and the American people deserve better.

Mr. HAMILTON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Speaker, tonight we are defining who America is and who we will be in the 21st century. Clearly we are a blessed Nation, protected on both sides by oceans, rich with natural resources, and, more importantly, rich with the diversity of immigrants driven by their pioneer spirit. But to whom much is given, much must be expected.

The Bosnians have cried out for American involvement for three and a half years, partly because we have more military capability than all the nations of Europe combined. But, far more importantly, they look to us because of our heroic character because they know that it was America's heart that saved Europe's soul; because they know that it was our grandfathers and our fathers who were willing to risk their lives, not for any selfish materialistic cause, but for the noblest of reasons, for the cause of human freedom, democracy, justice, and religious and ethnic tolerance.

It is precisely these same causes that are at stake in Bosnia today. We should not, in fact, we must not, profane the legacy of our grandfathers who saved Europe in World War I, or the legacy of our fathers who saved Europe from fascism in World War II and then set up NATO to prevent a World War III. But we would profane their legacy if we let the affluence and the comfortable security that their sacrifice has brought us weaken our resolve to uphold the principles that still define America.

Heroic leaders do not shrink from their moral instincts because their own personal security is not directly threatened. They act when they know that only they can make a difference. They act, because it is the right and the principled thing to do.

After a quarter of a million people have been slaughtered, 40,000 women have been raped, and 2.8 million people have been driven from their homes, it is the right and the principled thing to do to put a stop to this ethnic cleansing, the slaughter that will clearly continue, unless America shows its heroic character once again.

Our troops are the clear expression of our national heroic character, and that is why we should support them by voting for the Hamilton resolution.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from California [Mr. PACKARD].

Mr. PACKARD. Mr. Speaker, having just returned from Bosnia and having met with each of the three Presidents and many of the other leaders of the different factions there, I came away convinced that the leaders do not understand the peace agreement, the Dayton accord, the same way. Each of them looks at it differently. There are serious misunderstandings among the leaders that put their initials on the accord and will be signed perhaps tomorrow.

Those differences are major and significant differences. If they exist among the leaders, they surely will exist among the people. The expectations of the people and the leaders there of the United States is that we will be much more involved in the cost, the payment, and the providing of different activities than what the peace accord calls for.

Some of them feel that we will be responsible as Americans to pay for

many things that we have no responsibility to do. The refugees, the rebuilding, the building of the infrastructure, the paying for the free elections and for the many commissions that this peace accord calls for, they expect the American people, the American taxpayers, to support all of these functions. Yet that is not the intent of the accord and the American people are not expected to do so.

These confusing understandings from the leaders are not going to lead to a peaceful condition there. I foresee that peace will not come to that region, with or without the American troops. I do not understand how they can have peace with the feelings that they have. There are some that are today rejecting the peace accord.

Mr. Speaker, I think that it is a tragedy and a mistake for us to send troops there. I do not support the President's policy. This resolution implies support of the President's policy.

Mr. HAMILTON. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. Mr. Speaker, for the past 4 years, we have witnessed systematic ethnic cleansing in the former Yugoslavia. The United States and its allies have done precious little. It is an outrage to humanity that Europe and the United States stood on the sidelines, watching the aggressors willfully violate international standards of human rights.

It can be argued that it is too late to help the people of Bosnia. That Sarajevo lies in rubble. That Europe is primarily to blame for the failure to act. That the United States should have exercised its leadership earlier. In my opinion, all of these concerns are true.

However, it is never too late to act to stop human atrocities. President Clinton deserves the international community's appreciation for bringing the warring parties together.

Although all of us hope these recent peace efforts will succeed, I have serious questions about this NATO mission. The territorial boundaries that have been agreed upon lack historical confidence. The will of the leadership in the former Yugoslavia for peace is uncertain. Yet, this agreement presents the only hope for peace and an end to the massive human rights abuses.

There are those who believe that we have no national interest in Bosnia. I disagree. Stability in the Balkans is important to a stable Europe and a stable Europe is important to the economic and security interests of the United States. It is also in the national interest to speak loudly against the continuation of ethnic cleansing.

Others say correctly that the United States cannot act in all parts of the world when human rights are violated. However, that should not be a justification for failing to act when we can.

Mr. Speaker, I have serious reservations about the military strategy of this mission. I am concerned as to whether the time table is reasonable and as to whether we can achieve peace. I am disappointed that the President has chosen not to precede under the war powers act, to seek congressional approval to send our troops to a foreign hostile area.

In addition, the house leadership has regrettably failed to allow us to consider a resolution, similar to what is being considered by the other body, which speaks to an appropriate exit policy. An appropriate exit policy clearly would ensure the arming and training of the Bosnian Moslems, the primary victims of aggression, It is imperative for NATO forces to exit the region with the Bosnian Moslems adequately prepared and knowing that a long-term NATO presence is not necessary because there is an equal military balance among the formerly warring factions.

However, the three resolutions that are before us today do not speak to these military concerns. Therefore, I voted against the rule in which these resolutions where made in order.

It is clear from court decisions that the President has the constitutional authority to commit U.S. troops to this mission. All of us, regardless of our views as to whether the President should commit the United States to the NATO implementation force, stand behind our troops, therefore, the only resolution that I can support is the Hamilton resolution which speaks to the support of our troops and points out concerns raised by Members.

Mr. HAMILTON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Speaker, I would hope that the Members before voting take their responsibility seriously enough to read the Hamilton resolution. The Hamilton resolution states where we are. It states that the President has committed the troops. This House has refused to cut off the funding to place troops in the field by failing to support the Dornan resolution, the Dornan legislation, and so today before us the only solid support for the troops in the field comes from the Hamilton resolution.

Now, there are debates about the policy. I for one think the policy has succeed to date. The fighting has stopped, America has used its air power, as many argued that it could not, to bring the sides to the peace table. The President brought them to the United States and to Ohio, and achieved a ceasefire.

All of us are concerned about casualties. That is the only question that remains. If the Congress, House, and Senate, wanted not to send troops to Bosnia, they needed to vote to cut off the funding to make sure no troops would go there. In the Senate that was rejected some 70 votes to less than 30. In the House it was rejected as well.

So tonight, as we look at the opportunities for peace in the former Yugoslavia republic, the debate before us is a simple one: Do we or do we not support the troops as they enter that field of operation?

The Hamilton resolution resolves that the House of Representatives unequivocally supports the men and women of the United States Armed Forces who are carrying out their mission in support of the peace in Bosnia and Herzegovina with professional excellence, dedication, patriotism, and extreme bravery.

General Scowcroft and former U.N. Ambassador Fitzpatrick agree with that posture. They believe that America must fulfill this commitment. But today it seems some would like to have it both ways. They would like to wring their hands about the policy, say that they support the troops, but, on the other hand, take no real action.

Mr. Speaker, it seems to me the only real action before us that we can consider today and seriously give support to our troops is not one that wrings its hands about the potential dangers that we are all concerned about. But if you read that Resolution 302 that was read, it does not state strong support for our military. I know the Members that voted for it meant to do it, but they have not done it, unless they vote for the Hamilton resolution.

Mr. Speaker, this is the right thing to do tonight. The question of the security and safety of our men is one that will stay with each and every one of us for the time they are in the field. But the right thing to do as they go off is to give them the support of this Congress as this Congress gave its troops support as they entered Desert Storm.

Mr. GILMAN. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, the resolution before us has been carefully crafted. I urge my colleagues to read it throughout. Although carefully written, I believe it is flawed. Not so much for what it says, but for what it fails to say. It fails to state what a majority of this House believes—that our troops are being deployed on a seriously flawed mission.

We all fully support our troops, strongly unequivocally. the vote we just concluded unmistakably demonstrates that.

I urge our Members not to weaken that message. Accordingly, I submit that the Hamilton resolution is redundant and should be defeated.

Mr. HAMILTON. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Speaker, voting whether or not to send American troops abroad is the most difficult decision that any Member of Congress will ever face.

I still have questions and concerns about our exit strategy and about the dangers our troops will face on the ground in Bosnia. The peace agreement we will help enforce is not perfect. The risks and the dangers are real.

But what is the alternative?

We have all been horrified at the events in Bosnia over the last several years. Mass executions. Torture. Systematic rape. Ethnic cleansing.

For the past 3 years, we called for an end to the horrors. We condemned. We impose sanctions and embargoes. We bombed.

And finally the prestige and the armed might of America brought both sides to the negotiating table to achieve peace.

So what now, now that peace is won?

Will we turn our heads and look the other way as Central Europe descends further into barbarism? Will we shut our eyes to the ethnic cleansing and the genocide? Will we walk away and doom this peace agreement to failure?

We dare not. Make no mistake: Refusal to send United States troops to Bosnia will end the peace. There will be no peace without the leadership of the United States.

Some argue that we have no national interest at stake in Bosnia. I must disagree.

We have a national interest in assisting and supporting our NATO allies. We have a strong national interest in preserving peace in Central Europe. And we have a compelling national interest in stopping ethnic cleansing and genocide.

At stake today is whether the United States will continue to assume a leadership role in the world, or whether we will retreat into isolationism. This debate is about our national character, our moral leadership

Mr. Speaker, the United States still stands for something very special in this world. Since World War II this Nation has maintained freedom's watch around the globe. We have paid a heavy price for our vigilance—but that is the price we must pay to ensure the success of liberty. We are the world's moral leader—and we must not shirk that leadership.

Our troops are the world's best. They are brave—and they are ready.

Mr. Speaker, we must help bring peace to Bosnia. The United States has the ability to respond, we have the obligation to respond, and we must respond.

Let's support this resolution. Let's support our troops.

□ 2245

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. BAKER].

Mr. BAKER of California. Mr. Speaker, it is an honor to speak here on this subject.

Mr. Speaker, our foreign policy is flawed. The State Department told us that the people of Yugoslavia could not get along, so we had to divide Yugoslavia. We set up Croatia, we set up Bosnia and we set up Macedonia. We broke up Yugoslavia because the people there could not get along.

But in Bosnia, the map makers, not unlike the gerrymanderers that ran this place for 40 years, drew an intricate map in Bosnia and said, these people are all going to live under each other and they will live in harmony and peace. And the killing goes on.

And the folks in Sarajevo took a poll, and the Serbians, who comprise about 33 percent of Sarajevo and have for 500 years, said we will not live under the Moslems. So they do not like the plan.

The Mujahedian, who have been imported from the Middle East, 4,000 strong, are there to protect Islam. And they do not care about us and they do not care about the Croatians and they do not care about the Serbians. They have a different agenda. But our State Department says, we are going to recognize this new central government and, by golly, they are all going to live in peace, and we are going to go there and enforce this peace. It is a flawed foreign policy.

If we really believe these people can live in peace, go back to one Yugoslavia and at least give them some territory, where Croatia, Serbia and the Muslims can live with some distance between them.

We used to have a resolution that said the President has asked us to support his policy and, mysteriously, that was dropped out of the resolution because now we have nothing left but pretty words. Now we say, we, some Members of Congress, have questions. We have reservations.

I cannot get up the first question when I try to make a list of questions, and that is, how the heck do we get out of here? How do we keep from being enmeshed in this quagmire that has gone on for 500 years? How do we save the lives of our young men and women? This Democratic alternative is a fig leaf under any word.

Please vote no.

Mr. HAMILTON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I rise in support of the Hamilton resolution, and I think the Members of this body ought to support it, too.

We had our vote on cutting off the funds; and we said we did not want to cut off the funds. Now we are suggesting we are going to send a mixed message. I suggest some in this body want to have it both ways.

We suggest that we want a peace accord that has no risk. If there were no risk, we would not need military troops in Europe; we would certainly not need them in Bosnia.

Surely, there is risk involved in this, but the fact is, we did not start this foreign policy in November of 1995, such as the resolutions that many Members referred to were initiated at that point. In fact, of course, the commitments in this particular instance, in Bosnia, Yugoslavia, go back to the former administration, and certainly at least 2 years with this administration.

No, the right posture here is to vote for this resolution to provide the type of support and to understand that, indeed, there are risks. There are going to be incidents. There are going to be accidents. We should be very concerned about it, but the goal they are trying to accomplish is a reasonable one and one that this Nation should stand behind, Mr. Speaker.

I rise today to support both our peace-keeping troops and the decision to commit them in support of the Bosnian peace agreement. The conflict in Bosnia has brought many images of pain and suffering. Reports indicate that over 200,000 people have been killed in the conflict, mostly civilians as well as military personnel. Millions of people in Bosnia were forced to leave their homes in this war on civilians and cities. In fact an estimated half the population are refuges. Now with American leadership, and the demonstrated re-energized military capacity in Croatia and Bosnia this past spring, negotiations have led to a peace agreement that offers hope to the people of the Balkans. In order to monitor this agreement and create the basis for a lasting peace, the United States and its NATO allies have been asked by the parties involved to contribute a peacekeeping force and have agreed to enforce the peace.

Because of the instability caused by the Balkan conflict, repercussions from a continued conflict go far beyond the Balkans and threaten United States interests in all of Europe, Greece, and Turkey. This area has been freed from the control of communism and now faces the re-emergence of ethnic and religious tensions, and an unpredictable and dangerous nationalism. The harsh conflicts among peoples and nations in this region seriously risk the new found liberty and the hope of a lasting peace. In such a situation, an opportunity to bolster peace cannot be discarded, especially in light of the past 4 years of suffering.

The Dayton peace agreement gives the U.S.-led NATO forces the ability and authority to accomplish their mission of peace. I support this peacekeeping operation as it is truly a peacekeeping mission. Our peacekeeping forces will be in a dangerous environment, but one in which the parties have agreed to a peace settlement. This separates and establishes a distinct difference with the deployments in Lebanon or Somalia, and the Persian Gulf action, which in essence was a full fledged action to repel Iraq.

The Dayton peace agreement provides for the withdrawal of foreign parties, the removal of heavy weapons, and the reduction in the numbers of forces and such material. Important negotiations will further define and limit armaments and armed forces in the region. Hopefully the militaries can be built down to an improved parity; instead of built up for future instability and conflict.

Ironically, the insistence by some to condition their support on United States assurances of supplying and training of the Bosnian Moslems may in fact compromise the neutral role that the United States seeks to offer as peacekeepers. This factor could indeed raise the risks associated with the U.S. peacekeeping role, and that apparent risk initially has caused significant angst by the same Members of Congress who promote the training and supplying proposal. This confuses and tends to contradict the issue they advance.

The decision to send U.S. troops is not one to be taken lightly. Each soldier's life is important, for family, friends, and our Nation. The troops being sent will have the ability to defend themselves. Their training has prepared them for this situation. No doubt there will be accidents and some incidents in which soldiers lives may be lost. I am very concerned but am hopeful that the Dayton protocols will work to prevent the loss of peacekeepers lives.

The mission of peace, given the circumstances shaped with American participation and support, is important and justifies this U.S. peacekeeping role and contribution. U.S. leadership is necessary to move the peace that has been started into a new future for the people of the region. I urge my colleagues to support the resolution offered by Representative Hamilton.

Mr. GILMAN. Mr. Speaker, may I inquire how much time we have consumed?

The SPEAKER pro tempore [Mr. BUNNING of Kentucky]. The gentleman from New York [Mr. GILMAN] has 19½ minutes and the gentleman from Indiana [Mr. HAMILTON] has 15 minutes.

Mr. GILMAN. Mr. Speaker, I yield 8 minutes to the distinguished gentleman from Illinois [Mr. HYDE], chairman of the Committee on the Judiciary.

Mr. HYDE. Mr. Speaker, first of all, let me say why I oppose the well-meaning, but I think flawed resolution of the gentleman from Indiana [Mr. HAMILTON]. It will be interpreted as fully supporting the President's policy. Even though it does not say so, and wisely so, I think that is the way the press is spinning it, as the Dornan resolution, cut off all the funds, a middle ground expressing opposition but supporting the troops in the Buyer-Skelton resolution; and this is the other edge of the spectrum, namely supporting the President.

But having voted for Buyer-Skelton and having voted for Dornan, mostly I cannot support this because purporting to cover the waterfront, it is very benign as to objections the whole policy. The language is, Whereas some Members of Congress have questions and concerns about certain aspects of the peace implementation process. I do not have questions or concerns, I oppose it, and so do most of the people; in fact, everybody who voted for Buyer-Skelton, because it said, we oppose the policy.

So to say we have questions and concerns is just too mild. It is too gossamer. It just does not cover it. So for that reason, I cannot support it, although otherwise it has good language supporting our troops; but the Buyer-Skelton resolution did that, too.

Now, clearly, Mr. Speaker, I oppose putting 20,000-plus troops in extreme and certain danger during what I believe to be a time-out in a series of wars that have been fueled by ethnic and religious hatreds, spawned centuries ago. But the key to all this is our national interest, our national interest.

Now, somebody has decided our national interest is not at play in Rwanda, even though millions of people have been killed, even though there is no democracy there, but our national interests are not involved. The same thing is true in the Sudan. Millions of people have been killed there, refugees, dislocations, starvation, racial and religious hatreds, but our national interests are not involved there.

So that becomes very important. And so we look at Bosnia-Herzegovina and we say, where are our national interests there?

By way of comparison, we look at Desert Storm and our national interests were clearly involved. We had a defined enemy, a potential nuclear power with other weapons of mass destruction out waging an aggressive war against Kuwait and putting at risk the major petroleum reserves in the world in the Persian Gulf. If Kuwait had fallen, Saudi Arabia would have fallen and the economies of the world would have been in the vice-like grip of Saddam Hussein.

So, for me, and I am not a particularly bright fellow, I could see our national interest bristling in that situation. And the President saw it and the President wanted to commit troops over there. But those of us with some institutional memory, not all, I am sure, remember the vote of January 12 of 1991 where we got 86 Democrat votes yes and 179 no, and not one Democrat leader supported President Bush.

I am not going to take the time, Mr. Speaker, to discuss the bills of impeachment, three of them, that were brought against President Reagan and President Bush by various people, as well as litigation. I have the bills of impeachment and I have the complaints in my office. But I would like to note parenthetically that one of the charges in the bill of impeachment against Reagan was the abuse of the United States press in perpetuating a disinformation campaign against Colonel Qadhafi of Libya during the summer of 1986. That, I think, is classic.

In looking over the CONGRESSIONAL RECORD at the debates over Desert Storm, and I grant Members they are not identical at all, one was war and this is peace, sort of. Sort of. We are going in with lots of armament, though, to protect. To enforce, not protect the peace. But our national interests, in my judgment, others may wish what they want or think what they want, were directly involved in Desert Storm.

Let me read from the debate what one of the gentlewomen from Michigan had to say, and I quote, and this is January 12, 1991, the CONGRESSIONAL RECORD. I will give Members the pages if they want them, but here is what she said.

> In a time of limited resources to rebuild our cities, feed and house our homeless, educate our young, why is this administration so eager to spend billions in a far-off land that will have no meaningful impact on resolving the social and economic problems confronting every American every day right here at home?

Another gentleman, who was recently a senatorial candidate in the far west, in a primary, says:

> Today, a large American force sits uneasily in the Arabian desert. They do not have a clear idea why they are there, the American people do not have a clear idea why they are there, and Congress does not have a clear idea why they are there. Mr Speaker, if we learned anything from the military misadventures of the last 40 years, it is that U.S. military might should not be committed to battle without a clear statement of U.S. objectives and the broad support of the American people.

Another senatorial candidate from a State very near and dear to me. Here is what he had to say:

> I certainly do not know that I could go up and tell someone who has lost a husband that it was more important for this Congress to show unity than patience. But I would hope that this Congress would not squander its constitutional birth right over some ambiguous possibility or partisan loyalty to any President, Democrat or Republican.

The ranking member on the Committee on International Relations was very clear when he said in that debate, "We have a constitutional responsibility to vote at the time when and if the President concludes force is necessary. That decision must be made jointly."

Then we have a gentleman from California, a long-standing member of the Congress, who said, and I quote:

> I have not heard any of you say a single thing for which I would vote to send even one American to die. The only valid issue is whether to give Bush authority to order thousands, even tens of thousands to their death. For those who persist, it should suffice to point out the United States is insolvent. To increase our deficit and debt by over $50 billion should turn the most aggressive warriors away from combat.

Now, we have a man from Massachusetts, who is skilled in the field of telecommunications and others, and very articulate, and here is what he said:

> No one could explain to me what the war in Vietnam was all about. I swore then that if I were ever in any position of power, I would do everything I could to assure that before any young persons were asked to lay down his or her life for our country, we would be able to explain to that young man's friends and family the reasons why. So far I

have not heard any explanations that would satisfy the loved ones of the new generation who now stand poised to fight in the Persian Gulf. It is a shame.

MODIFICATION TO HOUSE RESOLUTION 306 OFFERED BY MR. HAMILTON

Mr. HAMILTON. Mr. Speaker, I ask unanimous consent that the resolution be modified by deleting the preamble and all of the test before the resolved clause so that the resolution be modified by deleting the preamble and all of the text before the resolved clause so that the resolution would simply read, "*Resolved*, That the House of Representatives unequivocally supports the men and women of the United States Armed Forces who are carrying out their mission in support of peace in Bosnia and Herzegovina with professional excellence, dedicated patriotism, and exemplary bravery."

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

Mr. BAKER of California. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

Mr. HAMILTON. Mr. Speaker, I wonder if the gentleman who objected would permit me to explain why I made the request.

Mr. BAKER of California. Mr. Speaker, I think we can save a lot of time by saying in the Buyer resolution we have done this.

□ 2300

Mr. HAMILTON. Would the gentleman permit me to explain?

The SPEAKER pro tempore (Mr. BUNNING). Objection is heard.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas, Ms. JACKSON-LEE].

Ms. JACKSON-LEE. Mr. Speaker, this is a wrenching decision. It is a decision that will have to be made this evening in its purest sense. I beg to differ with my colleagues, because they are skating the issue. This is a weighty decision. I can respect the disagreement of colleagues; I cannot accept the hypocrisy.

The gentleman rose just a few minutes ago to ask that we go on record standing here tonight unequivocally supporting the men and women headed to Bosnia. The resolution just passed was one of hypocrisy, albeit I respect the diversity of opinion and certainly do respect all who would not want to put those in harm's way, but nowhere in the Buyer amendment did it say unequivocally, with no question, do we support the troops going to Bosnia.

I do not know about my colleagues, but I am not going home to my constituents, to the American people, for me to tell them that Shane Hadley and Dwayne Case and Jeffrey Burkette, Texans who are on their way to Bosnia, do not have my support.

So, I would ask those who have a difference of opinion than I might have who may have gone to Bosnia, as I did, who may have talked to the people there who said Americans are the only ones who could give peace, and my colleagues may not have gone, I simply say to my colleagues that we have a serious decision to make.

I would ask that my colleagues follow a little child. The Holy Ghost Catholic School, on December 11, in Houston, TX, asked me to join them to pray for our troops. They asked me as a Congresswoman to take their words to this House as they lit candles and prayed. They said, "We support our troops. Will you do that, Congresswomen?" And I said to them, as I said to our troops in Germany, unequivocally, this Congress will go on record.

My colleagues, I ask you to simply put aside the partisan politics. Let us join together and unequivocally support our troops.

Mr. Speaker, I want to take this opportunity to express my strong support for our young men and women who will be serving in Bosnia. They deserve our utmost support and admiration. They are on a mission of peace that is in the true spirit of what our country was founded on: life, liberty, and the pursuit of happiness.

For the past several years, all Americans have been horrified by the atrocities that have occurred in the Balkans. Over this time, many different cease fires and peace agreements have come and gone. We all prayed for a European solution, but none was forthcoming. The time for American leadership has once again arisen.

As the leaders of the free world, we need to be part of maintaining a stable and secure Europe. We stepped in and made a difference in World War I. And, we saved Europe, and the world from tyranny by defeating Hitler in World War II. Now, as the 20th century draws to a close, our Nation must once again enter the European theater and promote freedom. We must learn the lessons of history and speak firmly and act decisively to create a lasting peace.

I was part of the first bipartisan delegation to visit Bosnia, and have seen first hand the devastation there. I was told by the citizens of Sarajevo about the 3.2 million refugees, the over 200,000 people that have been murdered, and the over 6,000 elderly who have been left homeless. I am confident that our military will be able to meet the challenges that will be faced in Bosnia. I am confident because when I personally met with those troops who were in Germany and headed to Bosnia, they said that they were ready. However, they also said to me, "We want the American people behind us." To those troops and the troops from Texas in particular—Shane Hadley, Dwayne Case, Jeffrey Burkette—I promise that I will work for that support.

The peace agreement has been negotiated with NATO as the military enforcer. As the leading power in NATO, and in the world, we have a moral and duty-bound obligation to work with our European allies in ensuring peace in Bosnia. This is not another Vietnam, and our troops will be able to defend themselves. We are the only Nation that has the technology and ability to deploy the large numbers of forces that are necessary to set up a large-scale military operation in a short amount of time. The Germans, the French, the British, and the Belgians have all failed. The citizens of Bosnia want us to help.

As 20,000 American troops prepare to depart for Bosnia, let us give our full support to this mission that is about peace, leadership, and stability. While our troops will work with soldiers of other NATO countries, they will be under the leadership of an American commander at all times. Some would argue that we must ignore the problems of the world. But I say, let us be a part of a larger battle; the battle for human rights and justice.

I want to applaud the children of the Holy Ghost Catholic School in my home State of Texas who in their wisdom came together December 11 to pray for our troops. The children read letters, praying for peace. That's the true American spirit. I thank them for their courage, sincerity, and love of what America stands for.

We in Congress have a very difficult decision to make tonight, but it is not a decision to send troops to war. It is rather a decision to uphold the ideas of democracy, to stop the shooting and the slaughter; to clear the way for peace.

Like the children of the Holy Ghost School, we should stand up and give our troops our support tonight. And we should pray for peace and pray for the safety of our young men and women.

My colleagues, I implore you to support our troops, support the President, support what is morally right, and above all, put an end to the madness. Support the Hamilton resolution, House Resolution 305.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Speaker, the gentleman from Indiana knows that I have high regard for him. So I took your last resolved clause, and I personalized it. Because I am going to vote against the amendment, but I am going on the record with a single, "I person" version of your resolved.

"I, Congressman ROBERT K. DORNAN, unequivocally support the 151 men," there are no women in there yet, "of the United States Armed Forces who are carrying out this near-impossible mission in support of temporary peace in a gang fight in Bosnia and Herzegovina with their Reagan-trained professional excellence, dedicated patriotism, and exemplary bravery, that they will be called upon to show if they start stepping on land mines or start taking sniper fire."

That is about it. I support that. I just came back from the Senate. Only 7 Republicans out of 53 voted against the amendment offered by KAY BAILEY HUTCHISON and JIM INHOFE. Only seven. Mr. Speaker, 46 voted for it, and 1 Democrat who has a tough election coming up.

Over here, the amendment of the gentleman from Indiana [Mr. BUYER], 287. That is about as strong a support for the troops as the gentleman from Missouri, IKE SKELTON, whom the troops

love, chairman of Subcommittee on Military Personnel, exemplary Member, loves the men and women in uniform. And the gentleman from Indiana [Mr. BUYER] is not only supporting the troops, he is one of the troops. He has been with them in dangerous areas.

Mr. Speaker, I beg my colleagues tomorrow to get that top intelligence briefing, and I want my colleagues to look at this this way. If you were a young man in Bosnia and you were a Moslem and you had a country in the United Nations that the United States and the European Union recognized as a nation on April 7, 4 years ago this coming April, and suddenly your country is cleaved in half, partitioned, and your sister was raped for 3 days by 50 people and then set on fire and burned alive, are you going to write it all off and keep the peace? I would not, and neither would my colleagues. And grudges are going to be filled out, these blood debts, after we are gone.

I predict we will keep some sort of a peace for 10½ months and then they will all come home, and Clinton will roll the dice trying to get reelected.

Mr. HAMILTON. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. POSHARD].

Mr. POSHARD. Mr. Speaker, I rise in strong support of the Hamilton resolution.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York [Mr. OWENS].

Mr. OWENS. Mr. Speaker, I rise in strong support of the Hamilton amendment. The deployment of American troops in Bosnia is a very serious undertaking. It is a very risky action. As policymakers, it is appropriate that we move with reluctance and hesitation, but this serious risky action is a vitally necessary action.

Military criminals, thugs with weapons of mass destruction, should not be allowed to butcher innocent thousands of civilians as they recklessly grab for power. On Tuesday in this Chamber, Prime Minister Shimon Peres of Israel paid tribute to America with the following words:

> As the end of this twentieth century is nearing, it can verily be described as the American century. The United States has built strength and used it to save the globe from three of its greatest menaces: Nazi tyranny, Japanese militarism, and the Communist challenge. You saved freedom. You enabled many nations to save their democracies, even as you strive now to assist many nations to free themselves from their nondemocratic past. You fought many wars. You won many victories. Wars did not cause you to lose heart. Triumphs did not corrupt you. You remained unspoiled, because you rejected the spoils of victory.

End of quote by Shimon Peres.

The American people and its armies should not again and again be called upon to make great sacrifices in order to save the civilized world. Our Nation should make it known that American resources and American soldiers will not always be available for every just cause.

But Bosnia, we have a most appropriate time to respond. This is a landmark in modern civilization. Our troops are being deployed within the context of a well-developed blueprint for peace. Our troops are being deployed to smother and contain the virus of ethnic cleansing and racism. Our troops are being deployed to provide an opportunity to survive for hundreds of thousands of grieving men, women, and children. Mr. Speaker, I urge a "yes" vote on the Hamilton amendment.

Mr. GILMAN. Mr. Speaker, may I inquire how much time we have consumed?

The SPEAKER pro tempore. The gentleman from New York [Mr. GILMAN] has 9½ minutes remaining, and the gentleman from Indiana [Mr. HAMILTON] has 11 minutes remaining.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. KIM].

(Mr. KIM asked and was given permission to revise and extend his remarks.)

Mr. KIM. Mr. Speaker, I have a high respect for our ranking member the gentleman from Indiana [Mr. HAMILTON], but I rise in opposition to this resolution.

We are missing the discussion here tonight.

First, it goes without saying that everyone in Congress strongly supports America's troops.

In every speech and in every resolution we have passed about Bosnia, this Congress has gone on record of providing unquestionable support for our troops.

We just passed a resolution with the same language supporting our troops.

This resolution does not address the underlying policy issue. But, while I support our troops, I have serious reservations about the underlying policy that is sending these troops to Bosnia.

By silencing any policy concerns, this resolution is sending a confusing, mixed message. It might be used by some to claim that there is congressional support for this Bosnia questionable adventure. That claim would be totally inaccurate—but they would cite this resolution.

This resolution does not address 3 important questions:

First, why should the United States provide over one-third of all the NATO troops? Many NATO countries are sending as few as 500 troops. Why 20,000 Americans, the lion's share?

Second, why don't we just provide logistical and support troops like Germany—and Germany is only sending 4,000 supporting troops.

Third, why are we sending troops to Bosnia when the American public is overwhelmingly opposed to this operation? In my office alone, the calls are 100 to 4 opposing the deployment of troops.

Again, we all strongly support the troops, it's the policy we question and we cannot afford to send a mixed message as this resolution would surely do.

Mr. HAMILTON. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. FATTAH].

Mr. FATTAH. Mr. Speaker, I think, unfortunately, some with this obsession to embarrass the President are going to cause the House to embarrass itself. When the American troops land in Bosnia, there is going to be no doubt by those who face some 20,000 well-armed, well-trained American troops what American policy is. We only confuse ourselves by this action that we are engaged in this evening.

Mr. Speaker, I would hope that we would support the resolution in front of us. It is difficult to understand the contradiction where we could stand and give a round of applause to the Prime Minister of Israel as he talked about taking risks for peace, and then given our own opportunity here this evening, we would muffle our message about what our role is in Bosnia.

The President has taken the leadership. This Congress has refused to eliminate funds for those troops. Therefore, the result is that our troops are going to be there. They are there to enforce a peace and that peace is well worthy of the best of America's efforts.

Mr. GILMAN. Mr. Speaker, I yield 1½ minutes to the gentleman from Kansas [Mr. TIAHRT].

Mr. TIAHRT. Mr. Speaker, I am opposed to the Hamilton resolution, not because those who are supporting it voted against the Defense Appropriations Act, but I am voting against it because it is going to be misinterpreted as supporting the President's policy.

Mr. Speaker, I do not support the President's policy. I sat in Zagreb in a hotel after being in Bosnia, in Sarajevo, and I talked to Marine Lt. Col. Mark Sifford and his wife, Marianne. They have 3 children. He is going to spend his Christmas in Sarajevo away from his family. The question that his children have are, "Why is Daddy not going to be home?" Why are we sending our parents of these kids at Christmastime to a war-torn country? What is the reason? What is the vital American interest? Why are we defending this?

I think there are many ways to lead the world, but sending our men and women is not one of them. We can lead in many ways.

Mr. Speaker, I have with me this coin from the 1st Armored Division. It was given to me by Sgt. Kempty Watson. He has a mother that has been crippled by a car accident. He is the only son that she has. We are sending American sons to defend them. It is a failed policy. I oppose the policy. Vote against Hamilton, because it will be misinterpreted.

Mr. HAMILTON. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from New Jersey [Mr. TORRICELLI].

□ 2315

Mr. TORRICELLI. Mr. Speaker, in a few moments when this debate ends, the lights are dimmed across the country, thousands of American families are still going to sit in fear for those they love who are in our Armed Forces. They need to know that we are a proud and a very grateful Nation. They also need to understand the historic nature of this mission.

When the 20th century concludes, Mr. Speaker, we will close the chapter on nearly 300 wars. Despite all of our science and our culture and the advances of our times, this has been the most deadly period of human history. Our troops go to Bosnia to preserve the peace, to end the genocide, but also because they are the best hope that the future is going to be different from the past. In the Persian Gulf we proved that the world could fight together for justice. In Bosnia we proved that we can stand together to preserve the peace.

Mr. Speaker, we all wish that it could be different. But the lessons of European wars still burn in our memory. And there have been too many nights in too many churches and too many synagogues where we prayed that never again would the world experience genocide. Now we are left with the question, did all of that have meaning? Those memories stay with us for a reason. Yet my colleagues argue that it is not fair, it is not right that America should bear the burden.

Mr. Speaker, it has never been fair. It was not fair in Flanders. It was not fair in Okinawa or Normandy.

Mr. Speaker, we are not everybody else. We are Americans. We have never accepted history. We have changed it. Others might accept 250,000 people dying in their homelands. Other people might see genocide and slaughter and learn to look away. We are different. That is a difference that I am grateful for every day.

The determination of those who sat in this Chamber before us, colleagues who were here before us, led to a triumph of democracy in the world in the 20th century. My colleagues, if we have the same determination, if we have the same strength, we can lead to the triumph of peace in the 21st century. That judgment, Mr. Speaker, holds in the balance.

Mark Twain once said that in a world where physical courage is so common, it is tragic that moral courage should be so rare. Our troops have the physical courage to answer the call of our Nation. In the Hamilton resolution we determine whether we have the moral courage to lead, whether, indeed, Mr. Speaker, we are equal to those who answer the call of our country tonight. I urge support of the resolution.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Speaker, this measure asks us to ignore the policy. My colleagues, how can we ignore the policy? How can we ignore this ultimate policy failure of this administration and this President? How can we ignore the failed policy of Somalia that turned a humanitarian mission into a nation-building fiasco that left dozens of Americans dead and United States taxpayers still paying billions?

How can we ignore the failed policy of Haiti, where we sailed into Port-au-Prince Harbor, retreated, imposed an embargo on the poorest of the poor, sat by while the opposition was exterminated? We destroyed any shred of the economy and we spent and we are spending billions and billions, only to watch 1,100 flee just in the last few weeks and dozens die at sea because of our policy. And we are still paying billions.

How can we tonight ignore the failed policy of Rwanda where this administration ignored Butros Bugalis who begged and pleaded for action to avoid a slaughter of three-quarters of a million people and they died. And then we sent troops and then we spent millions.

How can we tonight deny and ignore a failed policy where for 3 years Bosnians begged us to change our policy? This week is Sarajevo, a Bosnian leader said to me, we did not ask for your troops. We asked for the policy to allow us to defend ourselves.

Where was our policy when 12,000 Sarajevo men, women and children were slaughtered? I saw the countless graves across the landscape of Sarajevo just in the last few days and another quarter of a million people were killed in the Balkans. Where was our policy?

Bosnians ask me, where was our policy when the United Nations told Bosnian citizens at Srebrenica to lay down their arms and their women and children are slaughtered. How tonight can we ignore this policy?

The SPEAKER pro tempore (Mr. BUNNING of Kentucky). The gentleman from Indiana [Mr. HAMILTON] has 6 minutes remaining and has the right to close, and the gentleman from New York [Mr. GILMAN] has 4 minutes remaining.

Mr. HAMILTON. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. COLEMAN].

Mr. COLEMAN. Mr. Speaker, because this Congress must stand for a clear policy, I rise in support of the President's policy to keep the peace in Bosnia, and I rise in support of the Hamilton resolution.

Mr. HAMILTON. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. EDWARDS].

Mr. EDWARDS. Mr. Speaker, on Saturday night near midnight, I said goodbye to several dozen soldiers from my district leaving their families to go to Bosnia. It was not easy. It was not easy for me to say to them face to face that I had serious reservations about this mission.

To their credit, they were not bothered by that admission from me. Because I said one thing they could count on is just as Congress after a vote on Desert Storm came together and in support of our soldiers, you could be assured that Congress, after our votes on conscience, would come together to support our troops.

Yet I am ashamed that because of the action of one Republican Member of this House tonight we will be denied the opportunity to show unanimous support for our troops.

Let me read to the American people what that one Member kept us from being able to vote on tonight.

Resolved that the House of Representatives unequivocally supports the men and women of the United States armed forces who are carrying out their mission in support of peace in Bosnia and Herzegovina with professional excellence, dedicated patriotism, and exemplary bravery.

It is shameful we will not have the opportunity to vote on that tonight.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. YOUNG], distinguished chairman of the Subcommittee on National Security of the Committee on Appropriations.

Mr. YOUNG of Florida. Mr. Speaker, one of the earlier proponents of the President's policy used the word "hypocrisy" when referring to some of the statements on the Republican side of the House. The word "hypocrisy" called to attention something of interest to me; that is, how do we really support the American troops?

The real vote in supporting the American troops, the soldiers of our Nation, wherever they might be, came when we voted on the appropriations bill to pay for their training, to pay for their technology, to pay their salaries, their health care, their educational benefits, their quality of life. That is where we voted to support the American troops.

Hypocrisy, one after the other on this side who come here now to support the President's policy, most of them are the very Members who voted against funding training, technology, quality of life for our troops, and refused to support the troops, but they want to send them to Bosnia to get involved in a war.

Another of the speakers mentioned history. Let me say something about history. I read a statement to the President in the Cabinet Room a short time ago at a meeting. Subsequently that same day my distinguished minority leader read the same statement on the floor. Let me read it again just for a few seconds.

No language can describe adequately the condition of that large portion of the Balkan peninsula, Serbia, Bosnia, Herzegovina, and other provinces, political intrigues, constant rivalries, a total absence of all public spirit, hatred of all races, animosities of rival religions and an absence of any controlling power, nothing short of an army of 50,000 of the best troops would produce anything like order in these parts.

History, my colleagues. That was said by British Prime Minister Benjamin Disraeli in the House of Lords in August 1878, and history proved his wisdom.

Pray God that history does not prove this a disaster with Americans in Bosnia. We support our troops wherever they might be.

Mr. GILMAN. Mr. Speaker, I yield 1 minute to the gentleman from Iowa [Mr. GANSKE].

Mr. GANSKE. Mr. Speaker, I am going to oppose this resolution. Assistant Secretary of State Richard Holbrooke told me that to get this treaty signed he had to twist arms.

There is a statement in this resolution that is at the heart of my objections to the treaty. That has to do with full cooperation. As earlier this evening I said, after my visit to Bosnia, I had some serious reservations about the commitment. My impression is that there is a difference of commitment by the signers of this treaty on how to handle the refugees.

My impression is that there is clearly unhappiness by the participants about the territorial provisions. My impression is that there is major disagreement that will lead to significant lack of cooperation related to the rearming of the Bosnian Serbs.

Maybe this is why President Milosevic over cocktails with the Assistant Secretary, is quoted in the news magazines as saying, "Richard, you are a BS artist."

Mr. GILMAN. Mr. Speaker, I yield the balance of my time to the gentleman from Indiana [Mr. BUYER].

The SPEAKER pro tempore. The gentleman from Indiana [Mr. BUYER] is recognized for 1 minute.

Mr. BUYER. Mr. Speaker, I wish I could stand here and support my colleague, the gentleman from Indiana. I cannot because his resolution obfuscates the issue. I can understand also why my colleague, the gentleman from Texas [Mr. EDWARDS] came to the floor here upset because he also understands that all these whereas clauses in the Hamilton resolution makes it a flawed resolution. That is why so many are upset here today. This is not just one of these issues of just support the troops. This bill has a lot of flawed statements in it. We understand that.

Let me share with my colleagues, we have voted on this issue. We just voted on it. Let me tell Members what it says. It says that this Congress is confident that members of the U.S. armed forces in who it has the greatest pride and admiration will perform their responsibilities with professional excellence, dedicated patriotism, and exemplary courage.

We have just voted to support these troops. We will support these troops. We grow the defense budgets and provide for them every day and we will continue to do that in the future.

Do not support this resolution.

Mr. HAMILTON. Mr. Speaker, I yield the balance of my time to the distinguished gentleman from Missouri, [Mr. GEPHARDT], minority leader.

Mr. Speaker, will the gentleman yield?

Mr. GEPHARDT. I yield to the gentleman from Indiana.

Mr. HAMILTON. Mr. Speaker, I thank the gentleman for yielding to me.

I simply wanted to explain why I was offering the unanimous consent that I did. The objection on the other side of the aisle has been that our resolution sent a mixed message, implied support, was redundant, obfuscated. None of those charges have been spelled out in language, but I take them as genuine concerns on the part of the other side.

□ 2330

So I wanted to strip all of that out and leave simply the language of unequivocal support.

Now, the striking thing about the Buyer-Skelton amendment is that the word support does not appear in it. Expressing confidence in the troops is not the same the Congress supporting the troops. If we finish our work tonight with the Buyer-Skelton resolution adopted and the Hamilton resolution defeated, we will have not supported the troops by a specific resolution of this Congress.

Mr. PETERSON of Florida. Mr. Speaker, will the gentleman yield?

Mr. GEPHARDT. I yield to the gentleman from Florida, who served 6½ years in a prison in Vietnam.

Mr. PETERSON of Florida. First of all, let me say to my friend from Missouri, I did vote for the appropriations bill, so what I say is with that kind of support to the troops.

I served in Vietnam for a long time. I did not have a unanimous or, if you will, magnanimous, unequivocal support from this Congress while I served in Vietnam. The troops that are going to Bosnia will not have one either because of one objection. We have missed an opportunity to do a bipartisan, unequivocal support of our troops in Bosnia.

The only thing, incidentally, that General Crouch asked us to give him when we were in Freiburg, we asked what can we do for you? He said "Give me something I can give to my troops that says you support them."

Mr. GILMAN. Mr. Speaker will the gentleman yield?

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

Mr. GILMAN. Mr. Speaker, I would just like to clarify, the gentleman from Indiana [Mr. HAMILTON] said there was nothing in the Buyer resolution to show support. On page 4 of that resolution, it says, " * * * is furnished the resources and support that he needs to ensure the safety, support, and well-being of such members of the Armed Forces."

Mr. GEPHARDT. Mr. Speaker, reclaiming my time, let me say to the Members tonight, I think we have gone up and down the hill of whether this says support. The real important vote tonight was whether or not we would cut off the funds, and I know there were many Members in the body that voted to do that. I respect their vote.

Once that decision was made, we then had a resolution which set out people's concerns about what was happening and did, I agree, set out a measure of support for the troops.

Our intent in presenting this resolution was not to change the editorial content, not to go back over the decision of whether or not we would cut off the funds but, as we did after the Persion Gulf debate in 1991, try to get a bipartisan, unanimous if we could, expression of this body that we support the troops, so that the people in the field leading the troops could have a piece of paper that would say unequivocally that the people of the United States, however they may be divided on what was happening and how it was happening, supported, without question, what they were doing.

We passed almost identical wording in 1991, 399 to 6. And I would ask the gentleman from Indiana, if we have an opportunity before we quit, to ask unanimous consent again, and I would ask the Members who wanted to object to rethink it, because I think it would be a good thing for us as a Congress tonight to say to our people there, who will be in harm's way, everybody agrees, we hope no one dies, we hope no one is injured, but that Congress in a bipartisan way wants to unequivocally say tonight, after all of our disputes have been settled one way or the other, that we stand behind our troops.

Let me just say one thing in closing, and then I will try to get out of the way so the gentleman can perhaps try to do this again. Alexis de Tocqueville once talked about America's morality. He said this:

I sought for the greatness and generosity of America in her commodious harbors and ample rivers, and it was not there. I sought for it in her democratic Congress and her matchless Constitution, and it was not there. Not until I went into the churches of America and heard her pulpits flame with righteousness did I understand the secret of her generosity and power. America is a great country because she is good, and if America ever ceases to be good, America will cease to be great.

Ladies and gentlemen of the Congress, this is a good country, and it is

a great country, and for all of our differences tonight on what is happening, we have made a choice not to stop this deployment. I ask the Members to try to come together tonight in a bipartisan way and in an unequivocal way to say to our troops, however we may differ about what is happening, we stand behind each of you through every minute and day of this great exercise.

Mr. DIXON. Mr.Speaker, I rise in support of the resolution offered by the gentleman from Indiana [Mr. HAMILTON]. No member of this body takes lightly the decision to place the lives of American troops at risk. In this case, I believe President Clinton has done his best to minimize the risk and there is strong justification for joining the NATO peacekeeping force.

People in the Balkan region have suffered greatly over the last 4 years as a result of the Bosnian conflict. In the quiet of our living rooms, we have seen and read about many of the horrors of the war. The killing of civilians, mass executions, and shortages of food, shelter, and other basic necessities have evoked outrage and sympathy from around the world.

Over the past few months, United States negotiators have succeeded in persuading the warring parties in Bosnia to agree to a peace plan. Now is not the time to turn our backs on the important role we play in the success of this agreement. The parties have agreed to tough compromises, yet it is the presence of the NATO peace implementation force that gives each party the confidence that the others will uphold their parts of the agreement. The United States must join its NATO allies in an effort to give the people of Bosnia the chance to peacefully coexist, build s democracy, and ensure that the horrors of war do not reoccur.

The United States has a vital interest in ensuring that peace in the region is sustained. Renewed war would not only exacerbate the suffering of the Bosnian people, the conflict could spread to nearby nations. Expansion of the war may draw us into a future conflict that requires a greater U.S. commitment—one which might not be limited to a peacekeeping role.

As a leader in the world and NATO, the United States must show willingness to work with our allies. Our participation in NATO has contributed to stability in Europe and to our victory in the cold war. NATO is an integrated military structure whose effectiveness depends on the United States, its largest member. Neglecting our leadership role in efforts to end the Bosnian conflict could erode our standing with our international partners and call into question our commitment to longstanding allies. We cannot afford to undermine those alliances.

The safety of U.S. military personnel on this mission is of paramount importance. I have been impressed with the administration's efforts to pursue a peace agreement that our military could implement and enforce. The mission has been narrowly defined and the President has ensured that the troops will be able to react with force if threatened. While there are risks to this mission, efforts have been made to minimize the possibility of harm.

We are all aware of the atrocities committed in this war. The United States has been actively involved in the peace process. Participation in the NATO peacekeeping is a final step we must take to give the parties in the Bosnian conflict a chance to live in peace.

Mr. FAZIO of California. Mr. Speaker; I rise in support of the resolution offered by the gentleman from Indiana [Mr. HAMILTON]. This well-considered resolution offers unequivocal support for the men and women of the U.S. Armed Forces as they prepare to carry out their mission in Bosnia.

My colleagues, over the last 4 years, more than half of Bosnia's prewar population has been murdered, starved, or driven out of their homes. With American leadership, a cease-fire has finally been brokered which will bring an end to Bosnia's suffering.

The Hamilton resolution acknowledges the questions and concerns that many members of the House have about this policy, but it affirms congressional support for our troops.

If we fail to keep our commitment in Bosnia, the credibility of our leadership elsewhere in Europe and throughout the world will be called into question.

I urge my colleagues to support our troops in Europe by supporting the Hamilton resolution.

Ms. ESHOO. Mr. Speaker, I rise to urge my colleagues to support the Hamilton resolution on American troops in Bosnia.

My decision on what is the proper course of action for the United States to take in this Balkan conflict is the most difficult one I have faced since coming to Congress. I have searched my conscience to do what is best for my country, understanding that many of my constituents do not support American troops in the Balkans.

I have been horrified by the violations of human rights that have taken place in Bosnia—the ethnic cleansing, the concentration camps, the rapes, the mass murders, the wanton military attacks against unarmed civilians.

At the same time, I could not support the provision of American arms for the Bosnian Moslems or Croats, because I feared it would lead to more killings, more disregard for human rights and human life.

This is a crisis that has defied easy answers. If there were a simple solution to bringing this bloodshed to an end, our European allies would have accomplished it.

They were not able to bring an end to this war and, are a result, the United States has lead the effort for peace, bringing the parties in conflict, at their request, to the negotiating table.

The President, in his capacity as Commander in Chief has exercised his constitutional authority. The Congress will now decide whether or not we will support American Troops, already being deployed on the Ground.

American troops deserve the unequivocal support of the Congress in this effort for peace, for peace, not war.

I recognize fully that there are risks attendant to this peace mission, but the United States of America must be on the side of peace and lead—demonstrate to the world that we can and will live up to our great heritage and place a moral force for peace on the blood-stained soil of the Balkans. The pursuit of peace must rise above the pursuit of reelection.

Two of the resolutions before us tonight do not provide complete support for American troops. The Dornan resolution purports to back our peacekeepers, but refuses to give them funds to do their job. The Buyer/Skelton resolution expresses confidence in our forces but undercuts the justification for their deployment.

Anything less than our total commitment to backing the women and men of the United States Armed Forces at a time when they are trying to bring peace to Bosnia injects politics, not statesmanship. While the United States of America cannot be a policeman of the world, we cannot be bystanders either. The exhortation "Blessed are the peacemakers" moves me to support this effort.

Only the Hamilton resolution expresses our support clearly and without reservation and I support it.

Mrs. CLAYTON. Mr. Speaker, tonight America stands at a crossroads. Tonight we must decide whether we are going to honor our global commitments and responsibilities, or are we going to retreat into the muddy waters of isolationism, turning our back on our friends and allies. Tonight, Mr. Speaker, this body must decide if we are going to stand firmly behind our troops or are we going to point fingers and make a stance for political gain?

The choice is simple, Mr. Speaker, tonight we must act to honor our global commitments and stand firmly behind our American troops.

Mr. Speaker, the case for United States military involvement in Bosnia is clear, it is compelling, and it is credible. First, the Dayton Peace Accord is an American brokered peace agreement. Failure by the United States to participate in enforcing this agreement will greatly diminish American leadership and call into question the viability of NATO. Second, faith in our democratic ideals obliges us to act. Over 250,000 men, women, and children have died in this war, while 2 million more have been forced into becoming refugees through "ethnic cleansing" and torture. Third, American troops will make up one-third of a much larger contingent of British, French, German, Russian, and other troops whose mission it will be to enforce a peace agreement that the Presidents of Bosnia, Croatia, and Serbia have willingly entered into. Accordingly, the risk to these troops will be much less than if they were being used as combatants to militarily impose an American solution. Fourth, American participation now, will prevent the war from reigniting and spreading into neighboring NATO allies and struggling new democracies. Widespread conflict in Europe would threaten our security and require a far different and more costly American intervention in the future.

At stake, Mr. Speaker, is nothing less than the ability of the United States to influence, shape, and guide the complex forces that are tearing at the seams of not only the United States, but of the world. For, make no mistake about it, Mr. Speaker, a failure of the United States to share in the burden of enforcing the peace in Bosnia will be a direct abrogation of American leadership—leadership, that we have earned through the sweat and blood of hundreds of thousands of our young men and women, who died and sacrificed so that we may know peace and prosperity.

However, as I have said before, placing the lives of American soldiers at risk is something that should never be done lightly. They are the living embodiment of our collective desires and dreams for a better tomorrow. As the symbolic custodians of the public will, this body has an obligation to ensure that these young men and women are supported and that they are given the very best chance to successfully fulfill their mission. The Dayton Peace Accord does these things.

Mr. Speaker, Bosnia is a test. It is a test of our willingness to lead in an uncertain world. And, it is a test of our commitment to our NATO and Russian allies.

Some of my colleagues, Mr. Speaker, will argue that the conflict in Bosnia does not threaten our vital national security interests sufficiently enough to merit risking the lives of 25,000 American soldiers. But, I ask, who among us, Mr. Speaker, does not believe that the viability and vitality of NATO as an entity will be called into question if the United States fails to act now, at this crucial period in our history when Europe is experiencing its most brutal conflict since World War II? Who among us does not believe that our enemies will be emboldened to act in the face of American inaction and indecision? Who among us, Mr. Speaker, believes that the United States will be able to influence and coerce other nations to act when we ourselves are unwilling to commit our own sons and daughters?

Mr. Speaker, leadership requires much more than words—it demands action. Through American-led NATO airstrikes and consistent American diplomacy, the Presidents of Serbia, Bosnia and Croatia came to Dayton, OH, to pursue peace. It is that peace agreement that we must now act to enforce. History has taught us that in the absence of American leadership and involvement in Europe, aggressive regimes rise to threaten, not only the security of European neighbors, but our own vital national security interests. American inaction now, Mr. Speaker, will without doubt bring to an end the fragile peace that we are now witnessing blossom in Bosnia. Have we forgotten the horrible pictures of the malnourished and underclothed men waiting to die in the concentration camps spread across the remains of Yugoslavia? Have we forgotten the testimony of the thousands of women who were viciously raped or helplessly watched as their young sons, brothers, husbands, or fathers were dragged from their homes and villages never to be seen again? By doing nothing, Mr. Speaker, do we condemn these people to relive the horror of the past 4 years? Peace is at hand, Mr. Speaker, and leadership demands that we act to protect and foster it.

Yes, Mr. Speaker, Bosnia is a test. But, it is a test that we can and we must pass! The political and military objectives are clear. Unlike Vietnam, American troops will not be acting to militarily impose an American solution, but rather, they will be working in tandem with 40,000 Russian, British, French, German, and other European troops over a limited timeframe to enforce the terms of a negotiated peace—a peace that the Presidents of Bosnia, Serbia, and Croatia, have agreed upon. Neither, Mr. Speaker will our forces suffer the same fate as the United Nations Protection Force—left ineffective and ultimately irrelevant, unable to defend themselves let alone protect United Nations designated safe areas. Our forces and their European and Russian counterparts will have the military capability and authority to repel any threats to their security or violations of the Peace Agreement.

Further, Mr. Speaker, American troops will not be asked to mediate a centuries-old ethnic conflict, rather, we are intervening with our allies at the behest of the warring parties themselves, to conclude this most recent and bloodiest chapter of that conflict. Through our actions, we are giving the Bosnians, Serbs, and Croats time and space to nurture and foster peace. It is incumbent upon them to build upon this peace and shape a society in which different ethnicities and religious beliefs are seen as strengths and are embraced, rather than as weaknesses and rejected.

Accordingly, Mr. Speaker, let us not, in our rightful concentration on our own domestic problems, abrogate our global responsibilities and leadership. Let us not, Mr. Speaker, forget about the 250,000 Bosnians, Serbs, and Croats who have lost their lives in this bloody conflict and the countless others who have been wounded or have been forced to flee their homes because of ethnic cleansing. Let us not, in our desire to protect our brave sons and daughters, allow this war to spread beyond its current cons.raints and threaten Macedonia or Greece. Let us not, Mr. Speaker, forget about the lessons of history that have taught us to carefully guard ourselves against naive calls for isolationism. For we have learned, through the sweat and blood of our young men and women that freedom is not free and leadership requires more than words—it demands action.

Mr. POMEROY. Mr. Speaker, I rise today in support of the resolution offered by Mr. HAMILTON to express the support of Congress for the United States troops who will be deployed to Bosnia.

The deployment of U.S. troops is one of the most solemn and difficult decisions a country must make. Even when the mission is not to do battle but to preserve peace as is the case in Bosnia, the deployment of our Armed Forces involves inherent risk. No President and no Member of Congress could ever lightly consider the question of sending U.S. soldiers overseas in support of our national interests.

I would have preferred that the implementation of the Bosnian peace accord would not have required the deployment of U.S. troops. However, the President has made the commitment of our forces and, tonight, several hundred United States troops are in Bosnia and several thousand more are on their way. The choice for the House is whether to support those troops and the mission they seek to accomplish.

In my view, the Hamilton resolution is the only option before us that provides clear and unambiguous support for the brave American men and women who will be serving in Bosnia. While acknowledging that members of Congress continue to have concerns about the implementation of the Dayton Peace Accord, the Hamilton motion says that our soldiers deserve the unequivocal support of the U.S. Congress and the American people. Only the Hamilton motion sets aside the differences in policy that have brought us to this point and simply tells our troops that we support you and the job you are being called to do.

The actions of this House have real consequences for both our foreign policy and our troops who will serve in Bosnia. If we reject our proud tradition of bipartisanship in foreign relations, we will dishearten our friends and embolden our enemies. If, as some suggest, we say to U.S. troops that we support you as individuals but reject the job you are trying to do, it is an empty gesture. What's worse, an equivocating message from Congress that calls into question U.S. resolve threatens U.S. troops by encouraging isolated rogue elements who would resort to violence to derail the peace agreement.

I urge my colleagues to support the Hamilton resolution.

MODIFICATION TO HOUSE RESOLUTION 306 OFFERED BY MR. HAMILTON

Mr. HAMILTON. Mr. Speaker, I ask unanimous consent that the resolution be modified by deleting the preamble and all of the text before the resolved clause, so that the resolution would simply read "Resolved, that the House of Representatives unequivocally supports the men and women of the United States Armed Forces who are carrying out their mission in support of peace in Bosnia and Herzegovina with professional excellence, dedicated patriotism, and exemplary bravery."

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

Mr. BAKER of California. Mr. Speaker, I reserve the right to object. On page 3 of the Buyer resolution, it says without any equivocation that the House of Representatives declares; Second, it is confident that the members of the U.S. Armed Forces, in whom it has the greatest pride and admiration, will perform their responsibilities with professional excellence, dedicated pratriotism, and exemplary courage.

Paragraph number 4 was written by the staff of the gentleman from Missouri [Mr. GEPHARDT], and that has already been referred to earlier. We have covered this over and over.

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

Mr. BAKER of California. Reserving the right to object, I yield to the gentleman from Indiana.

Mr. HAMILTON. Mr. Speaker, there is nothing in the Buyer-Skelton resolution which specifically puts the Congress of the United States on record in support of the troops. The gentleman correctly points out that we express confidence in those trooops, and that is an important thing to do. In the clause mentioned by my friend, the gentlemen from New York [Mr. GILMAN], where he uses the word "support" a couple of times, that refers not to the Congress, but to the President and the Secretary of Defense ensuring that the commander of U.S. forces that are deployed in and around the republic, that they are furnished resources and support.

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That does not put the Congress on record in support.

My friends, I think this is an important matter. We have troops in the field. We have all kinds of differences in this body about the policy. They have been very well debated in this institution today. But I beg you, let us conclude on a unanimous note with a simple support of the troops. We will strip out all other language that raises quesions for Members on the other side.

Mr. BAKER of California. Mr. Speaker, respectfully reclaiming my time, both paragraph 4 which the gentleman read and which mentions "support" three times, on line 4, page 3, the House of Representatives declares that. Then it goes to four and says it supports, supports, supports.

I am very respectful of the gentleman's original resolution which states the following: "Whereas the President has asked the people and the Congress of the United States to support the placement of United States Armed Forces on the ground," et cetera.

The gentleman rightfully struck that. That was the original intent of this resolution, sir, not thanking the troops. The Buyer resolution thanks the troops.

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

Mr. BAKER of California. I yield to the gentleman from Illinois.

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

Mr. Speaker, I just want to point out to my firend from Indiana, and this perhaps has already been pointed out, but line 20 on page 3 says the President and Secretary of Defense should rely on the judgment of the commander of the United States Armed Forces deployed in and around the territory of the Republic of Bosnia and Herzegovina in all matters affecting the safety, support, and well-being of such members of the Armed Forces.

Then, four, the President and the Secretary of Defense should ensure the commander of the U.S. Armed Forces that are deployed in and around the territory of the Republic of Bosnia and Herzegovina are furnished the resources and support that he needs to ensure the safety, support and well-being of such members of the Armed Forces.

Mr. BAKER of California. Mr. Speaker, reclaiming my time, the greatest way to support our troops would have been to keep them home. We lost that by five votes.

Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

PARLIAMENTARY INQUIRY

Mr. HASTINGS of Florida. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HASTINGS of Florida. Mr. Speaker, does any Member of the House of Representatives who supports the troops in this matter have the right to seek modification, such that he or she could make a representation that they wish to request unanimous consent that we do exactly what the gentleman from Indiana [Mr. HAMILTON] set forth?

The SPEAKER pro tempore. The Chair would state that that is not a parliamentary inquiry.

ORDER OF BUSINESS

Mr. VOLKMER. Mr. Speaker, I ask unanimous consent that tomorrow morning the first order of business be the Senate resolution sponsored by the majority leader, Mr. DOLE.

Mr. FRISA. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

Mr. OBEY. Mr. Speaker, the objector has to stand so we know who it is.

The SPEAKER pro tempore. The gentleman who objected will please stand.

The gentleman from New York [Mr. FRISA] stood.

Mr. DICKS. Mr. Speaker, point of order. The gentleman did not stand and object. He sat and objected.

The SPEAKER pro tempore. The gentleman from New York [Mr. FRISA] objected.

Pursuant to section 4 of House Resolution 304, the previous question is ordered.

The SPEAKER pro tempore. The question is on the resolution.

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

Mr. COLEMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 190, nays 237, answered "present" 1, not voting 4, as follows:

[Roll No. 858]

YEAS—190

Ackerman	Conyers	Geren
Baesler	Coyne	Gibbons
Baldacci	de la Garza	Gilchrest
Barcia	DeLauro	Gonzalez
Barrett (WI)	Dellums	Green
Becerra	Deutsch	Gunderson
Bellenson	Dicks	Gutierrez
Bentsen	Dingell	Hall (OH)
Berman	Dixon	Hall (TX)
Bevill	Doggett	Hamilton
Bishop	Dooley	Harman
Bonior	Doyle	Hastings (FL)
Borski	Durbin	Hefner
Boucher	Edwards	Hilliard
Brewster	Engel	Hinchey
Brown (CA)	Eshoo	Holden
Brown (FL)	Evans	Houghton
Brown (OH)	Farr	Hoyer
Cardin	Fattah	Jackson-Lee
Castle	Fazio	Jefferson
Chapman	Fields (LA)	Johnson (SD)
Clay	Filner	Johnson, E. B.
Clayton	Flake	Johnston
Clement	Foglietta	Kanjorski
Clyburn	Ford	Kaptur
Coleman	Frost	Kennedy (MA)
Collins (IL)	Furse	Kennedy (RI)
Collins (MI)	Gejdenson	Kennelly
Condit	Gephardt	Kildee
King	Murtha	Serrano
Kleczka	Nadler	Sisisky
Klink	Neal	Skaggs
LaFalce	Nethercutt	Slaughter
Lantos	Ney	Spratt
Levin	Oberstar	Stark
Lewis (GA)	Obey	Stenholm
Lincoln	Olver	Stokes
Livingston	Ortiz	Studds
Lofgren	Orton	Stupak
Lowey	Owens	Tanner
Luther	Pallone	Tejeda
Maloney	Pastor	Thompson
Manton	Payne (NJ)	Thornton
Markey	Payne (VA)	Thurman
Martinez	Pelosi	Torres
Mascara	Peterson (FL)	Torricelli
Matsui	Peterson (MN)	Towns
McCarthy	Pickett	Velazquez
McDermott	Pomeroy	Vento
McHale	Poshard	Visclosky
McIntosh	Rahall	Volkmer
McKinney	Rangel	Ward
McNulty	Reed	Waters
Meehan	Richardson	Watt (NC)
Meek	Rivers	Waxman
Menendez	Roemer	Williams
Mfume	Rose	Wilson
Miller (CA)	Roybal-Allard	Wolf
Minge	Rush	Woolsey
Mink	Sabo	Wyden
Moakley	Sawyer	Wynn
Mollohan	Schroeder	Yates
Moran	Schumer	
Morella	Scott	

NAYS—237

Abercrombie	DeFazio	Inglis
Allard	DeLay	Istook
Andrews	Diaz-Balart	Jacobs
Archer	Dickey	Johnson (CT)
Armey	Doolittle	Johnson, Sam
Bachus	Dornan	Jones
Baker (CA)	Dreier	Kasich
Baker (LA)	Duncan	Kelly
Ballenger	Dunn	Kim
Barr	Ehlers	Kingston
Barrett (NE)	Ehrlich	Klug
Bartlett	Emerson	Knollenberg
Barton	English	Kolbe
Bass	Ensign	LaHood
Bereuter	Everett	Largent
Bilbray	Ewing	Latham
Bilirakis	Fawell	LaTourette
Billey	Fields (TX)	Laughlin
Blute	Flanagan	Lazio
Boehlert	Foley	Leach
Boehner	Forbes	Lewis (CA)
Bonilla	Fowler	Lewis (KY)
Bono	Fox	Lightfoot
Browder	Frank (MA)	Linder
Brownback	Franks (CT)	Lipinski
Bryant (TN)	Franks (NJ)	LoBiondo
Bryant (TX)	Frelinghuysen	Longley
Bunn	Frisa	Lucas
Bunning	Funderburk	Manzullo
Burr	Gallegly	Martini
Burton	Ganske	McCollum
Buyer	Gekas	McCrery
Callahan	Gilman	McDade
Calvert	Goodlatte	McHugh
Camp	Goodling	McKeon
Canady	Gordon	Metcalf
Chabot	Goss	Meyers
Chambliss	Graham	Mica
Chenoweth	Greenwood	Miller (FL)
Christensen	Gutknecht	Molinari
Chrysler	Hancock	Montgomery
Clinger	Hansen	Moorhead
Coble	Hastert	Myers
Coburn	Hastings (WA)	Myrick
Collins (GA)	Hayes	Neumann
Combest	Hayworth	Norwood
Cooley	Hefley	Nussle
Costello	Heineman	Oxley
Cox	Herger	Packard
Cramer	Hilleary	Parker
Crane	Hobson	Paxon
Crapo	Hoekstra	Petri
Cremeans	Hoke	Pombo
Cubin	Horn	Porter
Cunningham	Hostettler	Portman
Danner	Hunter	Pryce
Davis	Hutchinson	Quillen
Deal	Hyde	Quinn

Radanovich	Shaw	Thornberry
Ramstad	Shays	Tiahrt
Regula	Shuster	Torkildsen
Riggs	Skeen	Traficant
Roberts	Skelton	Upton
Rogers	Smith (MI)	Vucanovich
Rohrabacher	Smith (NJ)	Waldholtz
Ros-Lehtinen	Smith (TX)	Walker
Roth	Smith (WA)	Walsh
Roukema	Solomon	Wamp
Royce	Souder	Watts (OK)
Salmon	Spence	Weldon (FL)
Sanders	Stearns	Weldon (PA)
Sanford	Stockman	Weller
Saxton	Stump	White
Scarborough	Talent	Whitfield
Schaefer	Tate	Wicker
Schiff	Tauzin	Wise
Seastrand	Taylor (MS)	Young (FL)
Sensenbrenner	Taylor (NC)	Zeliff
Shadegg	Thomas	Zimmer

ANSWERED "PRESENT"—1

Bateman

NOT VOTING—4

Gillmor	Tucker
McInnis	Young (AK)

So the resolution was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on resolutions concerning Bosnia considering this evening.

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

There was no objection.

OPPOSING THE NUCLEAR WASTE POLICY ACT OF 1995

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

Mr. ENSIGN. Mr. Speaker, today I rise to talk about House Resolution 1020, the nuclear waste issue for a deep repository and interim storage that will be located in Nevada. Mr. Speaker, House Resolution 1020 busts the Federal budget. I have a letter here from the gentleman from Ohio, JOHN KASICH, chairman of the Committee on the Budget, which says he will not give a budget waiver to this bill. The importance of that is because this bill does bust the Federal budget by over $4 billion in the next 7 years.

This bill has many other things that are wrong with it, but right now we are waging the biggest budget debate in anybody's recent memory on the budget in the United States. This would be a totally inappropriate time to go busting the budget by an additional $4 billion when we are trying to balance the Federal budget in the next 7 years.

Mr. Speaker, I must oppose severely, for the people of the State of Nevada, this bill which will target Yucca Mountain and nuclear waste in Nevada.

Mr. Speaker, I include for the RECORD the letter from the chairman of the Committee on the Budget.

COMMITTEE ON THE BUDGET,
December 8, 1995.

Hon. GERALD B.H. SOLOMON,
Chairman, Committee on Rules,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you regarding H.R. 1020, the "Integrated Spent Nuclear Fuel Management Act of 1995". In its present form the bill violates the Congressional Budget Act of 1974 and could trigger automatic cuts in key entitlement programs under pay-as-you-go (PAYGO) requirements.

As you are probably aware, H.R. 1020 is designed to establish an interim nuclear waste storage facility at Yucca Mountain, Nevada as well as set up procedures for the eventual development of a permanent high-level radioactive waste storage site. I am concerned with Section 401(a)(2) of the bill that replaces the current mandatory fee paid by electric utilities for nuclear waste disposal with a discretionary fee that could vary subject to the level of appropriations provided for the program.

As currently written, the bill violates Section 311(a) of the Budget Act by providing new budget authority rules in excess of the levels set forth in the conference report accompanying H. Con. Res. 67. This bill, in the absence of further legislative action, would increase budget authority by $585 million in fiscal year 1996 and approximately $3.0 billion over the five year period from fiscal year 1996 through 2000.

By changing the nuclear waste disposal fee from mandatory to discretionary, a PAYGO (Section 252 of the Deficit Control Act of 1985) issue arises. The nuclear waste disposal fee change results in approximately $600 million per year in foregone offsetting receipts, a loss of $4.2 billion over the period from fiscal year 1996 through 2002. Absent other legislation, this could trigger a sequester of critical mandatory spending programs.

Furthermore, unless the discretionary spending caps are reduced, this legislation could increase the amount that can be spent under the discretionary spending caps. Increased discretionary spending would lead to higher budget deficits. This would occur because the measure authorizes offsetting collections, and the income generated by these offsetting collections creates room under the discretionary spending caps as set forth in current law for increased spending.

During our negotiations with the Administration, we have emphasized the need to reduce spending in order to achieve a balanced budget. I am concerned that passage of this bill in its current form would send the wrong signal to the Administration.

Thank you for your consideration, and I look forward to working with you to solve the problems in this bill.

Sincerely,

JOHN R. KASICH,
Chairman.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the bill from the House (H.R. 2606) "An Act to prohibit the use of funds appropriated to the Department of Defense from being used for the deployment on the ground of United States Armed Forces in the Republic of Bosnia and Herzegovina as part of any peacekeeping operation, or as part of any implementation force, unless funds for such deployment are specifically appropriated by law" did fail to pass the Senate.

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

S.J. Res. 44. Joint resolution concerning the Deployment of United States Armed Forces in Bosnia and Herzegovina.

CONFERENCE REPORT (H. REPT. 104–406)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1530) to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Defense Authorization Act for Fiscal Year 1996".

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into five 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.

(4) Division D—Federal Acquisition Reform.

(5) Division E—Information Technology Management Reform.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees defined.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide activities.
Sec. 105. Reserve components.
Sec. 106. Defense Inspector General.
Sec. 107. Chemical demilitarization program.
Sec. 108. Defense health programs.

Subtitle B—Army Programs

Sec. 111. Procurement of OH–58D Armed Kiowa Warrior helicopters.
Sec. 112. Repeal of requirements for armored vehicle upgrades.
Sec. 113. Multiyear procurement of helicopters.
Sec. 114. Report on AH–64D engine upgrades.
Sec. 115. Requirement for use of previously authorized multiyear procurement authority for Army small arms procurement.

Subtitle C—Navy Programs

Sec. 131. Nuclear attack submarines.
Sec. 132. Research for advanced submarine technology.
Sec. 133. Cost limitation for Seawolf submarine program.
Sec. 134. Repeal of prohibition on backfit of Trident submarines.
Sec. 135. Arleigh Burke class destroyer program.
Sec. 136. Acquisition program for crash attenuating seats.
Sec. 137. T–39N trainer aircraft.
Sec. 138. Pioneer unmanned aerial vehicle program.

Subtitle D—Air Force Programs

Sec. 141. B–2 aircraft program.
Sec. 142. Procurement of B–2 bombers.
Sec. 143. MC–130H aircraft program.

Subtitle E—Chemical Demilitarization Program

Sec. 151. Repeal of requirement to proceed expeditiously with development of chemical demilitarization cryofracture facility at Tooele Army Depot, Utah.
Sec. 152. Destruction of existing stockpile of lethal chemical agents and munitions.
Sec. 153. Administration of chemical demilitarization program.

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. Modifications to Strategic Environmental Research and Development Program.
Sec. 204. Defense dual use technology initiative.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Space launch modernization.
Sec. 212. Tactical manned reconnaissance.
Sec. 213. Joint Advanced Strike Technology (JAST) program.
Sec. 214. Development of laser program.
Sec. 215. Navy mine countermeasures program.
Sec. 216. Space-based infrared system.
Sec. 217. Defense Nuclear Agency programs.
Sec. 218. Counterproliferation support program.
Sec. 219. Nonlethal weapons study.
Sec. 220. Federally funded research and development centers and university-affiliated research centers.
Sec. 221. Joint seismic program and global seismic network.
Sec. 222. Hydra–70 rocket product improvement program.
Sec. 223. Limitation on obligation of funds until receipt of electronic combat consolidation master plan.
Sec. 224. Obligation of certain funds delayed until receipt of report on science and technology rescissions.
Sec. 225. Obligation of certain funds delayed until receipt of report on reductions in research, development, test, and evaluation.
Sec. 226. Advanced Field Artillery System (Crusader).
Sec. 227. Demilitarization of conventional munitions, rockets, and explosives.
Sec. 228. Defense Airborne Reconnaissance program.

Subtitle C—Ballistic Missile Defense Act of 1995

Sec. 231. Short title.
Sec. 232. Findings.
Sec. 233. Ballistic Missile Defense policy.
Sec. 234. Theater Missile Defense architecture.
Sec. 235. National Missile Defense system architecture.
Sec. 236. Policy regarding the ABM Treaty.
Sec. 237. Prohibition on use of funds to implement an international agreement concerning Theater Missile Defense systems.
Sec. 238. Ballistic Missile Defense cooperation with allies.
Sec. 239. ABM Treaty defined.
Sec. 240. Repeal of Missile Defense Act of 1991.

Subtitle D—Other Ballistic Missile Defense Provisions

Sec. 251. Ballistic Missile Defense program elements.
Sec. 252. Testing of Theater Missile Defense interceptors.
Sec. 253. Repeal of missile defense provisions.

Subtitle E—Miscellaneous Reviews, Studies, and Reports

Sec. 261. Precision-guided munitions.
Sec. 262. Review of C⁴I by National Research Council.
Sec. 263. Analysis of consolidation of basic research accounts of military departments.
Sec. 264. Change in reporting period from calendar year to fiscal year for annual report on certain contracts to colleges and universities.
Sec. 265. Aeronautical research and test capabilities assessment.

Subtitle F—Other Matters

Sec. 271. Advanced lithography program.
Sec. 272. Enhanced fiber optic guided missile (EFOG-M) system .
Sec. 273. States eligible for assistance under Defense Experimental Program To Stimulate Competitive Research.
Sec. 274. Cruise missile defense initiative.
Sec. 275. Modification to university research initiative support program.
Sec. 276. Manufacturing technology program.
Sec. 277. Five-year plan for consolidation of defense laboratories and test and evaluation centers.
Sec. 278. Limitation on T–38 avionics upgrade program.
Sec. 279. Global Positioning System.
Sec. 280. Revision of authority for providing Army support for the National Science Center for Communications and Electronics.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.
Sec. 302. Working capital funds.
Sec. 303. Armed Forces Retirement Home.
Sec. 304. Transfer from National Defense Stockpile Transaction Fund.
Sec. 305. Civil Air Patrol.

Subtitle B—Depot-Level Activities

Sec. 311. Policy regarding performance of depot-level maintenance and repair for the Department of Defense.
Sec. 312. Management of depot employees.
Sec. 313. Extension of authority for aviation depots and naval shipyards to engage in defense-related production and services.
Sec. 314. Modification of notification requirement regarding use of core logistics functions waiver.

Subtitle C—Environmental Provisions

Sec. 321. Revision of requirements for agreements for services under environmental restoration program.
Sec. 322. Addition of amounts creditable to Defense Environmental Restoration Account.
Sec. 323. Use of Defense Environmental Restoration Account.
Sec. 324. Revision of authorities relating to restoration advisory boards.
Sec. 325. Discharges from vessels of the Armed Forces.

Subtitle D—Commissaries and Nonappropriated Fund Instrumentalities

Sec. 331. Operation of commissary system.
Sec. 332. Limited release of commissary stores sales information to manufacturers, distributors, and other vendors doing business with Defense Commissary Agency.
Sec. 333. Economical distribution of distilled spirits by nonappropriated fund instrumentalities.
Sec. 334. Transportation by commissaries and exchanges to overseas locations.
Sec. 335. Demonstration project for uniform funding of morale, welfare, and recreation activities at certain military installations.
Sec. 336. Operation of combined exchange and commissary stores.
Sec. 337. Deferred payment programs of military exchanges.
Sec. 338. Availability of funds to offset expenses incurred by Army and Air Force Exchange Service on account of troop reductions in Europe.
Sec. 339. Study regarding improving efficiencies in operation of military exchanges and other morale, welfare, and recreation activities and commissary stores.
Sec. 340. Repeal of requirement to convert ships' stores to nonappropriated fund instrumentalities.
Sec. 341. Disposition of excess morale, welfare, and recreation funds.
Sec. 342. Clarification of entitlement to use of morale, welfare, and recreation facilities by members of reserve components and dependents.

Subtitle E—Performance of Functions by Private-Sector Sources

Sec. 351. Competitive procurement of printing and duplication services.
Sec. 352. Direct vendor delivery system for consumable inventory items of Department of Defense.
Sec. 353. Payroll, finance, and accounting functions of the Department of Defense.
Sec. 354. Demonstration program to identify overpayments made to vendors.
Sec. 355. Pilot program on private operation of defense dependents' schools.
Sec. 356. Program for improved travel process for the Department of Defense.
Sec. 357. Increased reliance on private-sector sources for commercial products and services.

Subtitle F—Miscellaneous Reviews, Studies, and Reports

Sec. 361. Quarterly readiness reports.
Sec. 362. Restatement of requirement for semiannual reports to Congress on transfers from high-priority readiness appropriations.
Sec. 363. Report regarding reduction of costs associated with contract management oversight.
Sec. 364. Reviews of management of inventory control points and Material Management Standard System.
Sec. 365. Report on private performance of certain functions performed by military aircraft.
Sec. 366. Strategy and report on automated information systems of Department of Defense.

Subtitle G—Other Matters

Sec. 371. Codification of Defense Business Operations Fund.
Sec. 372. Clarification of services and property that may be exchanged to benefit the historical collection of the Armed Forces.
Sec. 373. Prohibition on capital lease for Defense Business Management University.
Sec. 374. Permanent authority for use of proceeds from the sale of certain lost, abandoned, or unclaimed property.
Sec. 375. Sale of military clothing and subsistence and other supplies of the Navy and Marine Corps.
Sec. 376. Personnel services and logistical support for certain activities held on military installations.
Sec. 377. Retention of monetary awards.
Sec. 378. Provision of equipment and facilities to assist in emergency response actions.
Sec. 379. Report on Department of Defense military and civil defense preparedness to respond to emergencies resulting from a chemical, biological, radiological, or nuclear attack.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
Sec. 402. Temporary variation in DOPMA authorized end strength limitations for active duty Air Force and Navy officers in certain grades.
Sec. 403. Certain general and flag officers awaiting retirement not to be counted.

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. Counting of certain active component personnel assigned in support of reserve component training.
Sec. 414. Increase in number of members in certain grades authorized to serve on active duty in support of the Reserves.
Sec. 415. Reserves on active duty in support of cooperative threat reduction programs not to be counted.
Sec. 416. Reserves on active duty for military-to-military contacts and comparable activities not to be counted.

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.
Sec. 432. Authorization for increase in active-duty end strengths.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

Sec. 501. Joint officer management.
Sec. 502. Retired grade for officers in grades above major general and rear admiral
Sec. 503. Wearing of insignia for higher grade before promotion.
Sec. 504. Authority to extend transition period for officers selected for early retirement.
Sec. 505. Army officer manning levels.
Sec. 506. Authority for medical department officers other than physicians to be appointed as Surgeon General.
Sec. 507. Deputy Judge Advocate General of the Air Force.
Sec. 508. Authority for temporary promotions for certain Navy lieutenants with critical skills.
Sec. 509. Retirement for years of service of Directors of Admissions of Military and Air Force academies.

Subtitle B—Matters Relating to Reserve Components

Sec. 511. Extension of certain Reserve officer management authorities.
Sec. 512. Mobilization income insurance program for members of Ready Reserve.
Sec. 513. Military technician full-time support program for Army and Air Force reserve components.
Sec. 514. Revisions to Army Guard Combat Reform Initiative to include Army Reserve under certain provisions and make certain revisions.
Sec. 515. Active duty associate unit responsibility.
Sec. 516. Leave for members of reserve components performing public safety duty.
Sec. 517. Department of Defense funding for National Guard participation in joint disaster and emergency assistance exercises.

Subtitle C—Decorations and Awards

Sec. 521. Award of Purple Heart to persons wounded while held as prisoners of war before April 25, 1962.
Sec. 522. Authority to award decorations recognizing acts of valor performed in combat during the Vietnam conflict.
Sec. 523. Military intelligence personnel prevented by secrecy from being considered for decorations and awards.
Sec. 524. Review regarding upgrading of Distinguished-Service Crosses and Navy Crosses awarded to Asian-Americans and Native American Pacific Islanders for World War II service.
Sec. 525. Eligibility for Armed Forces Expeditionary Medal based upon service in El Salvador.
Sec. 526. Procedure for consideration of military decorations not previously submitted in timely fashion.

Subtitle D—Officer Education Programs

PART I—SERVICE ACADEMIES

Sec. 531. Revision of service obligation for graduates of the service academies.
Sec. 532. Nominations to service academies from Commonwealth of the Northern Marianas Islands.
Sec. 533. Repeal of requirement for athletic director and nonappropriated fund account for the athletics programs at the service academies.
Sec. 534. Repeal of requirement for program to test privatization of service academy preparatory schools.

PART II—RESERVE OFFICER TRAINING CORPS

Sec. 541. ROTC access to campuses.
Sec. 542. ROTC scholarships for the National Guard.
Sec. 543. Delay in reorganization of Army ROTC regional headquarters structure.
Sec. 544. Duration of field training or practice cruise required under the Senior ROTC program.
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SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

For purposes of this Act, the term "congressional defense committees" means—

(1) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

(2) the Committee on National Security and the Committee on Appropriations of the House of Representatives.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 1996 for procurement for the Army as follows:

(1) For aircraft, $1,558,805,000.

(2) For missiles, $865,555,000.

(3) For weapons and tracked combat vehicles, $1,652,745,000.

(4) For ammunition, $1,093,991,000.

(5) For other procurement, $2,763,443,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 1996 for procurement for the Navy as follows:

(1) For aircraft, $4,572,394,000.

(2) For weapons, including missiles and torpedoes, $1,659,827,000.

(3) For shipbuilding and conversion, $6,643,958,000.

(4) For other procurement, $2,414,771,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 1996 for procurement for the Marine Corps in the amount of $458,947,000.

(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 $430,053,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 1996 for procurement for the Air Force as follows:

(1) For aircraft, $7,349,783,000.

(2) For missiles, $2,938,883,000.

(3) For ammunition, $343,848,000.

(4) For other procurement, $6,268,430,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 1996 for Defense-wide procurement in the amount of $2,124,379,000.

SEC. 105. RESERVE COMPONENTS.

Funds are hereby authorized to be appropriated for fiscal year 1996 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, $160,000,000.

(2) For the Air National Guard, $255,000,000.

(3) For the Army Reserve, $85,700,000.

(4) For the Naval Reserve, $67,000,000.

(5) For the Air Force Reserve, $135,600,000.

(6) For the Marine Corps Reserve, $73,700,000.

SEC. 106. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for fiscal year 1996 for procurement for the Inspector General of the Department of Defense in the amount of $1,000,000.

SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM.

There is hereby authorized to be appropriated for fiscal year 1996 the amount of $672,250,000 for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 108. DEFENSE HEALTH PROGRAMS.

Funds are hereby authorized to be appropriated for fiscal year 1996 for the Department of Defense for procurement for carrying out health care programs, projects, and activities of the Department of Defense in the total amount of $288,033,000.

Subtitle B—Army Programs

SEC. 111. PROCUREMENT OF OH–58D ARMED KIOWA WARRIOR HELICOPTERS.

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 $140,000,000 for the procurement of not more than 20 OH–58D Armed Kiowa Warrior aircraft from funds appropriated for fiscal year 1996 pursuant to section 101.

SEC. 112. REPEAL OF REQUIREMENTS FOR ARMORED VEHICLE UPGRADES.

Subsection (j) of section 21 of the Arms Export Control Act (22 U.S.C. 2761) is repealed.

SEC. 113. MULTIYEAR PROCUREMENT OF HELICOPTERS.

The Secretary of the Army may, in accordance with section 2306b of title 10, United States Code, enter into multiyear procurement contracts for procurement of the following:

(1) AH–64D Longbow Apache attack helicopters.

(2) UH–60 Black Hawk utility helicopters.

SEC. 114. REPORT ON AH–64D ENGINE UPGRADES.

No later than February 1, 1996, the Secretary of the Army shall submit to Congress a report on plans to procure T700–701C engine upgrade kits for Army AH–64D helicopters. The report shall include—

(1) a plan to provide for the upgrade of all Army AH–64D helicopters with T700–701C engine kits commencing in fiscal year 1996; and

(2) a detailed timeline and statement of funding requirements for the engine upgrade program described in paragraph (1).

SEC. 115. REQUIREMENT FOR USE OF PREVIOUSLY AUTHORIZED MULTIYEAR PROCUREMENT AUTHORITY FOR ARMY SMALL ARMS PROCUREMENT.

(a) REQUIREMENT.—The Secretary of the Army (subject to the provision of authority in an appropriations Act) shall enter into a multiyear procurement contract during fiscal year 1997 in accordance with section 115(b)(2) of the National Defense Authorization for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2681).

(b) TECHNICAL AMENDMENT.—Section 115(b)(1) of the National Defense Authorization for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2681) is amended by striking out "2306(h)" and inserting in lieu thereof "2306b".

Subtitle C—Navy Programs

SEC. 131. NUCLEAR ATTACK SUBMARINES.

(a) AMOUNTS AUTHORIZED.—(1) Of the amount authorized by section 102 to be appropriated for Shipbuilding and Conversion, Navy, for fiscal year 1996—

(A) $700,000,000 is available for construction of the third vessel (designated SSN–23) in the Seawolf attack submarine class, which shall be the final vessel in that class; and

(B) $804,498,000 is available for long-lead and advance construction and procurement of components for construction of the fiscal year 1998 and fiscal year 1999 submarines (previously designated by the Navy as the New Attack Submarine), of which—

(i) $704,498,000 shall be available for long-lead and advance construction and procurement for the fiscal year 1998 submarine, which shall be built by Electric Boat Division; and

(ii) $100,000,000 shall be available for long-lead and advance construction and procurement for the fiscal year 1999 submarine, which shall be built by Newport News Shipbuilding.

(2) Of the amount authorized by section 201(2), $10,000,000 shall be available only for participation of Newport News Shipbuilding in the design of the submarine previously designated by the Navy as the New Attack Submarine.

(b) COMPETITION, REPORT, AND BUDGET REVISION LIMITATIONS.—(1) Of the amounts specified in subsection (a)(1), not more than $200,000,000 may be obligated or expended until the Secretary of the Navy certifies in writing to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives that procurement of nuclear attack submarines to be constructed beginning—

(A) after fiscal year 1999, or

(B) if four submarines are procured as provided for in the plan described in subsection (c), after fiscal year 2001,

will be under one or more contracts that are entered into after competition between potential competitors (as defined in subsection (k)) in which the Secretary solicits competitive proposals and awards the contract or contracts on the basis of price.

(2) Of the amounts specified in subsection (a)(1), not more than $1,000,000,000 may be obligated or expended until the Secretary of Defense, not later than March 15, 1996, accomplishes each of the following:

(A) Submits to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives in accordance with subsection (c) the plan required by that subsection for a program to produce a more capable, less expensive nuclear attack submarine than the submarine design previously designated by the Navy as the New Attack Submarine.

(B) Notwithstanding any other provision of law, or the funding level in the President's budget for each year after fiscal year 1996, the Under Secretary of Defense (Comptroller) shall

incorporate the costs of the plan required by subsection (c) in the Future Years Defense Program (FYDP) even if the total cost of that Program exceeds the President's budget.

(C) Directs that the Under Secretary of Defense for Acquisition and Technology conduct oversight over the development and improvement of the nuclear attack submarine program of the Navy. Officials of the Department of the Navy exercising management oversight of the program shall report to the Under Secretary of Defense for Acquisition and Technology with respect to that program.

(c) PLAN FOR FISCAL YEAR 1998, 1999, 2000, AND 2001 SUBMARINES.—(1) The Secretary of Defense shall, not later than March 15, 1996, develop (and submit to the committees specified in subsection (b)(2)(A)) a detailed plan for development of a program that will lead to production of a more capable, less expensive submarine than the submarine previously designated as the New Attack Submarine.

(2) As part of such plan, the Secretary shall provide for a program for the design, development, and procurement of four nuclear attack submarines to be procured during fiscal years 1998 through 2001, the purpose of which shall be to develop and demonstrate new technologies that will result in each successive submarine of those four being a more capable and more affordable submarine than the submarine that preceded it. The program shall be structured so that—

(A) one of the four submarines is to be constructed with funds appropriated for each fiscal year from fiscal year 1998 through fiscal year 2001;

(B) in order to ensure flexibility for innovation, the fiscal year 1998 and the fiscal year 2000 submarines are to be constructed by the Electric Boat Division and the fiscal year 1999 and the fiscal year 2001 submarines are to be constructed by Newport News Shipbuilding;

(C) the design designated by the Navy for the submarine previously designated as the New Attack Submarine will be used as the base design by both contractors;

(D) each contractor shall be called upon to propose improvements, including design improvements, for each successive submarine as new and better technology is demonstrated and matures so that—

(i) each successive submarine is more capable and more affordable; and

(ii) the design for a future class of nuclear attack submarines will incorporate the latest, best, and most affordable technology; and

(E) the fifth and subsequent nuclear attack submarines to be built after the SSN–23 submarine shall be procured as required by subsection (b)(1).

(3) The plan under paragraph (1) shall—

(A) set forth a program to accomplish the design, development, and construction of the four submarines taking maximum advantage of a streamlined acquisition process, as provided under subsection (d);

(B) culminate in selection of a design for a next submarine for serial production not earlier than fiscal year 2003, with such submarine to be procured as required by subsection (b)(1);

(C) identify advanced technologies that are in various phases of research and development, as well as those that are commercially available off-the-shelf, that are candidates to be incorporated into the plan to design, develop, and procure the submarines;

(D) designate the fifth submarine to be procured as the lead ship in the next generation submarine class, unless the Secretary of the Navy, in consultation with the special submarine review panel described in subsection (f), determines that more submarines should be built before the design of the new class of submarines is fixed, in which case each such additional submarine shall be procured in the same manner as is required by subsection (b)(1); and

(E) identify the impact of the submarine program described in paragraph (1) on the remainder of the appropriation account known as "Shipbuilding and Conversion, Navy", as such impact relates to—

(i) force structure levels required by the October 1993 Department of Defense report entitled "Report on the Bottom-Up Review";

(ii) force structure levels required by the 1995 report on the Surface Ship Combatant Study that was carried out for the Department of Defense; and

(iii) the funding requirements for submarine construction, as a percentage of the total ship construction account, for each fiscal year throughout the FYDP.

(d) STREAMLINED ACQUISITION PROCESS.—The Secretary of Defense shall prescribe and use streamlined acquisition policies and procedures to reduce the cost and increase the efficiency of the submarine program under this section.

(e) ANNUAL REVISIONS TO PLAN.—The Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives an annual update to the plan required to be submitted under subsection (b). Each such update shall be submitted concurrent with the President's budget submission to Congress for each of fiscal years 1998 through 2002.

(f) SPECIAL SUBMARINE REVIEW PANEL.—(1) The plan under subsection (c) and each annual update under subsection (e) shall be reviewed by a special bipartisan congressional panel working with the Navy. The panel shall consist of three members of the Committee on Armed Services of the Senate, who shall be designated by the chairman of that committee, and three members of the Committee on National Security of the House of Representatives, who shall be designated by the chairman of that committee. The members of the panel shall be briefed by the Secretary of the Navy on the status of the submarine modernization program and the status of submarine-related research and development under this section.

(2) Not later than May 1 of each year, the panel shall report to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives on the panel's findings and recommendations regarding the progress of the Secretary in procuring a more capable, less expensive submarine. The panel may recommend any funding adjustments it believes appropriate to achieve this objective.

(g) LINKAGE OF FISCAL YEAR 1998 AND 1999 SUBMARINES.—Funds referred to in subsection (a)(1)(B) that are available for the fiscal year 1998 and fiscal year 1999 submarines under this section may not be expended during fiscal year 1996 for the fiscal year 1998 submarine (other than for design) unless funds are obligated or expended during such fiscal year for a contract in support of procurement of the fiscal year 1999 submarine.

(h) CONTRACTS AUTHORIZED.—The Secretary of the Navy is authorized, using funds available pursuant to paragraph (1)(B) of subsection (a), to enter into contracts with Electric Boat Division and Newport News Shipbuilding, and suppliers of components, during fiscal year 1996 for—

(1) the procurement of long-lead components for the fiscal year 1998 submarine and the fiscal year 1999 submarine under this section; and

(2) advance construction of such components and other components for such submarines.

(i) ADVANCED RESEARCH PROJECTS AGENCY DEVELOPMENT OF ADVANCED TECHNOLOGIES.—(1) Of the amount provided in section 201(4) for the Advanced Research Projects Agency, $100,000,000 is available only for development and demonstration of advanced technologies for incorporation into the submarines constructed as part of the plan developed under subsection (c). Such advanced technologies shall include the following:

(A) Electric drive.
(B) Hydrodynamic quieting.
(C) Ship control automation.
(D) Solid-state power electronics.
(E) Wake reduction technologies.
(F) Superconductor technologies.
(G) Torpedo defense technologies.
(H) Advanced control concept.
(I) Fuel cell technologies.
(J) Propulsors.

(2) The Director of the Advanced Research Projects Agency shall implement a rapid prototype acquisition strategy for both land-based and at-sea subsystem and system demonstrations of advanced technologies under paragraph (1). Such acquisition strategy shall be developed and implemented in concert with Electric Boat Division and Newport News Shipbuilding and the Navy.

(j) REFERENCES TO CONTRACTORS.—For purposes of this section—

(1) the contractor referred to as "Electric Boat Division" is the Electric Boat Division of the General Dynamics Corporation; and

(2) the contractor referred to as "Newport News Shipbuilding" is the Newport News Shipbuilding and Drydock Company.

(k) POTENTIAL COMPETITOR DEFINED.—For purposes of this section, the term "potential competitor" means any source to which the Secretary of the Navy has awarded, within 10 years before the date of the enactment of this Act, a contract or contracts to construct one or more nuclear attack submarines.

SEC. 132. RESEARCH FOR ADVANCED SUBMARINE TECHNOLOGY.

Of the amount appropriated for fiscal year 1996 for the National Defense Sealift Fund, $50,000,000 shall be available only for the Director of the Advanced Research Projects Agency for advanced submarine technology activities.

SEC. 133. COST LIMITATION FOR SEAWOLF SUBMARINE PROGRAM.

(a) LIMITATION OF COSTS.—Except as provided in subsection (b), the total amount obligated or expended for procurement of the SSN–21, SSN–22, and SSN–23 Seawolf class submarines may not exceed $7,223,659,000.

(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 after September 30, 1995.

(3) The amounts of increases in costs attributable to compliance with changes in Federal, State, or local laws enacted after September 30, 1995.

(c) REPEAL OF SUPERSEDED PROVISION.—Section 122 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2682) is repealed.

SEC. 134. REPEAL OF PROHIBITION ON BACKFIT OF TRIDENT SUBMARINES.

Section 124 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2683) is repealed.

SEC. 135. ARLEIGH BURKE CLASS DESTROYER PROGRAM.

(a) AUTHORIZATION FOR PROCUREMENT OF SIX VESSELS.—The Secretary of the Navy is authorized to construct six Arleigh Burke class destroyers in accordance with this section. Within

the amount authorized to be appropriated pursuant to section 102(a)(3), $2,169,257,000 is authorized to be appropriated for construction (including advance procurement) for the Arleigh Burke class destroyers.

(b) CONTRACTS.—(1) The Secretary is authorized to enter into contracts in fiscal year 1996 for the construction of three Arleigh Burke class destroyers.

(2) The Secretary is authorized, in fiscal year 1997, to enter into contracts for the construction of the other three Arleigh Burke class destroyers covered by subsection (a), subject to the availability of appropriations for such destroyers.

(3) In awarding contracts for the six vessels covered by subsection (a), the Secretary shall continue the contract award pattern and sequence used by the Secretary for the procurement of Arleigh Burke class destroyers during fiscal years 1994 and 1995.

(4) A contract for construction of a vessel or vessels that is entered into in accordance with paragraph (1) shall include a clause that limits the liability of the Government to the contractor for any termination of the contract. The maximum liability of the Government under the clause shall be the amount appropriated for the vessel or vessels.

(c) USE OF AVAILABLE FUNDS.—(1) Subject to paragraph (2), the Secretary may take appropriate actions to use for full funding of a contract entered into in accordance with subsection (b)—

(A) any funds that, having been appropriated for shipbuilding and conversion programs of the Navy other than Arleigh Burke class destroyer programs pursuant to the authorization in section 102(a)(3), become excess to the needs of the Navy for such programs by reason of cost savings achieved for such programs;

(B) any unobligated funds that are available to the Secretary for shipbuilding and conversion for any fiscal year before fiscal year 1996; and

(C) any funds that are appropriated after the date of the enactment of the Department of Defense Appropriations Act, 1996, to complete the full funding of the contract.

(2) The Secretary may not, in the exercise of authority provided in subparagraph (A) or (B) of paragraph (1), obligate funds for a contract entered into in accordance with subsection (b) until 30 days after the date on which the Secretary submits to the congressional defense committees in writing a notification of the intent to obligate the funds. The notification shall set forth the source or sources of the funds and the amount of the funds from each such source that is to be so obligated.

SEC. 136. ACQUISITION PROGRAM FOR CRASH ATTENUATING SEATS.

(a) PROGRAM AUTHORIZED.—The Secretary of the Navy shall establish a program to procure for, and install in, H–53E military transport helicopters commercially developed, energy absorbing, crash attenuating seats that the Secretary determines are consistent with military specifications for seats for such helicopters.

(b) FUNDING.—To the extent provided in appropriations Acts, of the unobligated balance of amounts appropriated for the Legacy Resource Management Program pursuant to the authorization of appropriations in section 301(5) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2706), not more than $10,000,000 shall be available to the Secretary of the Navy, by transfer to the appropriate accounts, for carrying out the program authorized in subsection (a).

SEC. 137. T–39N TRAINER AIRCRAFT.

(a) LIMITATION.—The Secretary of the Navy may not enter into a contract, using funds appropriated for fiscal year 1996 for procurement of aircraft for the Navy, for the acquisition of the aircraft described in subsection (b) until 60 days after the date on which the Under Secretary of Defense for Acquisition and Technology submits to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives—

(1) an analysis of the proposed acquisition of such aircraft; and

(2) a certification that the proposed acquisition during fiscal year 1996 (A) is in the best interest of the Government, and (B) is the most cost effective means of meeting the requirements of the Navy for aircraft for use in the training of naval flight officers.

(b) COVERED AIRCRAFT.—Subsection (a) applies to certain T–39 trainer aircraft that as of November 1, 1995 (1) are used by the Navy under a lease arrangement for the training of naval flight officers, and (2) are offered for sale to the Government.

SEC. 138. PIONEER UNMANNED AERIAL VEHICLE PROGRAM.

Not more than one-sixth of the amount appropriated pursuant to this Act for the activities and operations of the Unmanned Aerial Vehicle Joint Program Office (UAV–JPO), and none of the unobligated balances of funds appropriated for fiscal years before fiscal year 1996 for the activities and operations of such office, may be obligated until the Secretary of the Navy certifies to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives that funds have been obligated to equip nine Pioneer Unmanned Aerial Vehicle systems with the Common Automatic Landing and Recovery System (CARS).

Subtitle D—Air Force Programs

SEC. 141. B–2 AIRCRAFT PROGRAM.

(a) REPEAL OF LIMITATIONS.—The following provisions of law are repealed:

(1) Section 151(c) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2339).

(2) Sections 131(c) and 131(d) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1569).

(3) Section 133(e) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2688).

(b) CONVERSION OF LIMITATION TO ANNUAL REPORT REQUIREMENT.—Section 112 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1373) is amended—

(1) by striking out subsection (a);

(2) by striking out the matter in subsection (b) preceding paragraph (1) and inserting in lieu thereof the following:

"(a) ANNUAL REPORTING REQUIREMENT.—Not later than March 1 of each year, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report that sets forth the finding of the Secretary (as of January 1 of such year) on each of the following matters:";

(3) by striking out "That" in paragraphs (1), (2), (3), (4), and (5) and inserting in lieu thereof "Whether";

(4) in paragraph (1), by striking out "latest" and all that follows through "100–180" and inserting in lieu thereof "Requirements Correlation Matrix found in the user-defined Operational Requirements Document (as contained in Attachment B to a letter from the Secretary of Defense to Congress dated October 14, 1993)";

(5) in paragraph (3), by striking out "congressional defense";

(6) in paragraph (4), by striking out "such certification to be submitted";

(7) by adding at the end the following:

"(b) FIRST REPORT.—The Secretary shall submit the first annual report under subsection (a) not later than March 1, 1996."; and

(8) by amending the section heading to read as follows:

"SEC. 112. ANNUAL REPORT ON B–2 BOMBER AIRCRAFT PROGRAM.".

(c) REPEAL OF CONDITION ON OBLIGATION OF FUNDS IN ENHANCED BOMBER CAPABILITY FUND.—Section 133(d)(3) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2688) is amended by striking out "If," and all that follows through "bombers, the Secretary" and inserting in lieu thereof "The Secretary".

SEC. 142. PROCUREMENT OF B–2 BOMBERS.

Of the amount authorized to be appropriated by section 103 for the B–2 bomber procurement program, not more than $279,921,000 may be obligated or expended before March 31, 1996.

SEC. 143. MC–130H AIRCRAFT PROGRAM.

The limitation on the obligation of funds for payment of an award fee and the procurement of contractor-furnished equipment for the MC–130H Combat Talon aircraft set forth in section 161(a) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1388) shall cease to apply upon determination by the Director of Operational Test and Evaluation (and submission of a certification of that determination to the congressional defense committees) that, based on the operational test and evaluation and the analysis conducted on that aircraft to the date of that determination, such aircraft is operationally effective and meets the needs of its intended users.

Subtitle E—Chemical Demilitarization Program

SEC. 151. REPEAL OF REQUIREMENT TO PROCEED EXPEDITIOUSLY WITH DEVELOPMENT OF CHEMICAL DEMILITARIZATION CRYOFRACTURE FACILITY AT TOOELE ARMY DEPOT, UTAH.

Subsection (a) of section 173 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1393) is repealed.

SEC. 152. DESTRUCTION OF EXISTING STOCKPILE OF LETHAL CHEMICAL AGENTS AND MUNITIONS.

(a) IN GENERAL.—The Secretary of Defense shall proceed with the program for destruction of the chemical munitions stockpile of the Department of Defense while maintaining the maximum protection of the environment, the general public, and the personnel involved in the actual destruction of the munitions. In carrying out such program, the Secretary shall use technologies and procedures that will minimize the risk to the public at each site.

(b) INITIATION OF DEMILITARIZATION OPERATIONS.—The Secretary of Defense may not initiate destruction of the chemical munitions stockpile stored at a site until the following support measures are in place:

(1) Support measures that are required by Department of Defense and Army chemical surety and security program regulations.

(2) Support measures that are required by the general and site chemical munitions demilitarization plans specific to that installation.

(3) Support measures that are required by the permits required by the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) and the Clean Air Act (42 U.S.C. 7401 et seq.) for chemical munitions demilitarization operations at that installation, as approved by the appropriate State regulatory agencies.

(c) ASSESSMENT OF ALTERNATIVES.— (1) The Secretary of Defense shall conduct an assessment of the current chemical demilitarization program and of measures that could be taken to reduce significantly the total cost of the program, while ensuring maximum protection of the general public, the personnel involved in the demilitarization program, and the environment. The measures considered shall be limited to

those that would minimize the risk to the public. The assessment shall be conducted without regard to any limitation that would otherwise apply to the conduct of such an assessment under any provision of law.

(2) The assessment shall be conducted in coordination with the National Research Council.

(3) Based on the results of the assessment, the Secretary shall develop appropriate recommendations for revision of the chemical demilitarization program.

(4) Not later than March 1, 1996, the Secretary of Defense shall submit to the congressional defense committees an interim report assessing the current status of the chemical stockpile demilitarization program, including the results of the Army's analysis of the physical and chemical integrity of the stockpile and implications for the chemical demilitarization program, and providing recommendations for revisions to that program that have been included in the budget request of the Department of Defense for fiscal year 1997. The Secretary shall submit to the congressional defense committees with the submission of the budget request of the Department of Defense for fiscal year 1998 a final report on the assessment conducted in accordance with paragraph (1) and recommendations for revision to the program, including an assessment of alternative demilitarization technologies and processes to the baseline incineration process and potential reconfiguration of the stockpile that should be incorporated in the program.

(d) ASSISTANCE FOR CHEMICAL WEAPONS STOCKPILE COMMUNITIES AFFECTED BY BASE CLOSURE.—(1) The Secretary of Defense shall review and evaluate issues associated with closure and reutilization of Department of Defense facilities co-located with continuing chemical stockpile and chemical demilitarization operations.

(2) The review shall include the following:

(A) An analysis of the economic impacts on these communities and the unique reuse problems facing local communities associated with ongoing chemical weapons programs.

(B) Recommendations of the Secretary on methods for expeditious and cost-effective transfer or lease of these facilities to local communities for reuse by those communities.

(3) The Secretary shall submit to the congressional defense committees a report on the review and evaluation under this subsection. The report shall be submitted not later than 90 days after the date of the enactment of this Act.

SEC. 153. ADMINISTRATION OF CHEMICAL DEMILITARIZATION PROGRAM.

(a) TRAVEL FUNDING FOR MEMBERS OF CHEMICAL DEMILITARIZATION CITIZENS' ADVISORY COMMISSIONS.—Section 172(g) of Public Law 102–484 (50 U.S.C. 1521 note) is amended to read as follows:

"(g) PAY AND EXPENSES.—Members of each commission shall receive no pay for their involvement in the activities of their commissions. Funds appropriated for the Chemical Stockpile Demilitarization Program may be used for travel and associated travel costs for Citizens' Advisory Commissioners, when such travel is conducted at the invitation of the Assistant Secretary of the Army (Research, Development, and Acquisition).".

(b) QUARTERLY REPORT CONCERNING TRAVEL FUNDING FOR CITIZENS' ADVISORY COMMISSIONERS.—Section 1412(g) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(g)), is amended—

(1) by striking out "(g) ANNUAL REPORT.—" and inserting in lieu thereof "(g) PERIODIC REPORTS.—";

(2) in paragraph (2)—

(A) by striking out "Each such report shall contain—" and inserting in lieu thereof "Each annual report shall contain—"

(B) in subparagraph (B)—

(i) by striking out "and" at the end of clause (iv);

(ii) by striking out the period at the end of clause (v) and inserting in lieu thereof "; and"; and

(iii) by adding at the end the following:

"(vi) travel and associated travel costs for Citizens' Advisory Commissioners under section 172(g) of Public Law 102–484 (50 U.S.C. 1521 note).";

(3) by redesignating paragraph (3) as paragraph (4);

(4) by inserting after paragraph (2) the following new paragraph (3):

"(3) The Secretary shall transmit to the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropriations of the House of Representatives a quarterly report containing an accounting of all funds expended (during the quarter covered by the report) for travel and associated travel costs for Citizens' Advisory Commissioners under section 172(g) of Public Law 102–484 (50 U.S.C. 1521 note). The quarterly report for the final quarter of the period covered by a report under paragraph (1) may be included in that report."; and

(5) in paragraph (4), as redesignated by paragraph (3)—

(A) by striking out "this subsection" and inserting in lieu thereof "paragraph (1)"; and

(B) by adding at the end the following: "No quarterly report is required under paragraph (3) after the transmittal of the final report under paragraph (1).".

(c) DIRECTOR OF PROGRAM.—Section 1412(e)(3) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(e)(3)), is amended by inserting "or civilian equivalent" after "general officer".

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 1996 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $4,737,581,000.

(2) For the Navy, $8,474,783,000.

(3) For the Air Force, $12,914,868,000.

(4) For Defense-wide activities, $9,693,180,000, of which—

(A) $251,082,000 is authorized for the activities of the Director, Test and Evaluation; and

(B) $22,587,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. AMOUNT FOR BASIC RESEARCH AND EXPLORATORY DEVELOPMENT.

(a) FISCAL YEAR 1996.—Of the amounts authorized to be appropriated by section 201, $4,088,879,000 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. MODIFICATIONS TO STRATEGIC ENVIRONMENTAL RESEARCH AND DEVELOPMENT PROGRAM.

(a) COUNCIL MEMBERSHIP.—Section 2902(b) of title 10, United States Code, is amended—

(1) by striking out "thirteen" and inserting in lieu thereof "12";

(2) by striking out paragraph (3);

(3) by redesignating paragraphs (4), (5), (6), (7), (8), (9), and (10) as paragraphs (3), (4), (5), (6), (7), (8), and (9), respectively; and

(4) in paragraph (8), as redesignated, by striking out ", who shall be nonvoting members".

(b) ANNUAL REPORT.—(1) Section 2902 of such title is amended in subsection (d)—

(A) by striking out paragraph (3) and inserting in lieu thereof the following:

"(3) To prepare an annual report that contains the following:

"(A) A description of activities of the strategic environmental research and development program carried out during the fiscal year before the fiscal year in which the report is prepared.

"(B) A general outline of the activities planned for the program during the fiscal year in which the report is prepared.

"(C) A summary of projects continued from the fiscal year before the fiscal year in which the report is prepared and projects expected to be started during the fiscal year in which the report is prepared and during the following fiscal year."; and

(B) in paragraph (4), by striking out "Federal Coordinating Council on Science, Engineering, and Technology" and inserting in lieu thereof "National Science and Technology Council".

(2) Section 2902 of such title is further amended—

(A) by striking out subsections (f) and (h);

(B) by redesignating subsection (g) as subsection (f); and

(C) by adding at the end the following new subsection:

"(g)(1) Not later than February 1 of each year, the Council shall submit to the Secretary of Defense the annual report prepared pursuant to subsection (d)(3).

"(2) Not later than March 15 of each year, the Secretary of Defense shall submit such annual report to Congress, along with such comments as the Secretary considers appropriate.".

(3) The amendments made by this subsection shall apply with respect to the annual report prepared during fiscal year 1997 and each fiscal year thereafter.

(c) POLICIES AND PROCEDURES.—Section 2902(e) of such title is amended in paragraph (3) by striking out "programs, particularly" and all that follows through the end of the paragraph and inserting in lieu thereof "programs;".

(d) COMPETITIVE PROCEDURES.—Section 2903(c) of such title is amended—

(1) by striking out "or" after "contracts" and inserting in lieu thereof "using competitive procedures. The Executive Director may enter into"; and

(2) by striking out "law, except that" and inserting in lieu thereof "law. In either case,".

(e) CONTINUATION OF EXPIRING AUTHORITY.—(1) Section 2903(d) of such title is amended in paragraph (2) by striking out the last sentence.

(2) The amendment made by paragraph (1) shall take effect as of September 29, 1995.

SEC. 204. DEFENSE DUAL USE TECHNOLOGY INITIATIVE.

(a) FISCAL YEAR 1996 AMOUNT.—Of the amount authorized to be appropriated in section 201(4), $195,000,000 shall be available for the defense dual use technology initiative conducted under chapter 148 of title 10, United States Code.

(b) AVAILABILITY OF FUNDS FOR EXISTING TECHNOLOGY REINVESTMENT PROJECTS.—The Secretary of Defense shall use amounts made available for the defense dual use technology initiative under subsection (a) only for the purpose of continuing or completing technology reinvestment projects that were initiated before October 1, 1995.

(c) NOTICE CONCERNING PROJECTS TO BE CARRIED OUT.—Of the amounts made available for the defense dual use technology initiative under subsection (a)—

(1) $145,000,000 shall be available for obligation only after the date on which the Secretary of Defense notifies the congressional defense committees regarding the defense reinvestment projects to be funded using such funds; and

(2) the remaining $50,000,000 shall be available for obligation only after the date on which the Secretary of Defense certifies to the congressional defense committees that the defense reinvestment projects to be funded using such funds have been determined by the Joint Requirements Oversight Council to be of significant military priority.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. SPACE LAUNCH MODERNIZATION.

(a) ALLOCATION OF FUNDS.—Of the amount authorized to be appropriated pursuant to the authorization in section 201(3), $50,000,000 shall be available for a competitive reusable rocket technology program.

(b) LIMITATION.—Funds made available pursuant to subsection (a)(1) may be obligated only to the extent that the fiscal year 1996 current operating plan of the National Aeronautics and Space Administration allocates at least an equal amount for its Reusable Space Launch program.

SEC. 212. TACTICAL MANNED RECONNAISSANCE.

(a) LIMITATION.—None of the amounts appropriated or otherwise made available pursuant to an authorization in this Act may be used by the Secretary of the Air Force to conduct research, development, test, or evaluation for a replacement aircraft, pod, or sensor payload for the tactical manned reconnaissance mission until the report required by subsection (b) is submitted to the congressional defense committees.

(b) REPORT.—The Secretary of the Air Force shall submit to the congressional defense committees a report setting forth in detail information about the manner in which the funds authorized by section 201 of this Act and section 201 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2690) are planned to be used during fiscal year 1996 for research, development, test, and evaluation for the Air Force tactical manned reconnaissance mission. At a minimum, the report shall include the sources, by program element, of the funds and the purposes for which the funds are planned to be used.

SEC. 213. JOINT ADVANCED STRIKE TECHNOLOGY (JAST) PROGRAM.

(a) ALLOCATION OF FUNDS.—Of the amounts authorized to be appropriated pursuant to the authorizations in section 201, $200,156,000 shall be available for the Joint Advanced Strike Technology (JAST) program. Of that amount—

(1) $83,795,000 shall be available for program element 63800N in the budget of the Department of Defense for fiscal year 1996;

(2) $85,686,000 shall be available for program element 63800F in such budget; and

(3) $30,675,000 shall be available for program element 63800E in such budget.

(b) ADDITIONAL ALLOCATION.—Of the amounts made available under paragraphs (1), (2), and (3) of subsection (a)—

(1) $25,000,000 shall be available from the amount authorized to be appropriated pursuant to the authorization in section 201(2) for the conduct, during fiscal year 1996, of a 6-month program definition phase for the A/F117X, an F-117 fighter aircraft modified for use by the Navy as a long-range, medium attack aircraft; and

(2) $7,000,000 shall be available to provide for competitive engine concepts.

(c) LIMITATION.—Not more than 75 percent of the amount appropriated for the Joint Advanced Strike Technology program pursuant to the authorizations in section 201 may be obligated until a period of 30 days has expired after the report required by subsection (d) is submitted to the congressional defense committees.

(d) REPORT.—The Secretary of Defense shall submit to the congressional defense committees a report, in unclassified and classified forms, not later than March 1, 1996, that sets forth in detail the following information for the period 1997 through 2005:

(1) The total joint requirement, assuming the capability to successfully conduct two nearly simultaneous major regional contingencies, for the following:

(A) Numbers of bombers, tactical combat aircraft, and attack helicopters and the characteristics required of those aircraft in terms of capabilities, range, and low-observability.

(B) Surface- and air-launched standoff precision guided munitions.

(C) Cruise missiles.

(D) Ground-based systems, such as the Extended Range-Multiple Launch Rocket System and the Army Tactical Missile System (ATACMS), for joint warfighting capability.

(2) The warning time assumptions for two nearly simultaneous major regional contingencies, and the effects on future tactical attack/fighter aircraft requirements using other warning time assumptions.

(3) The requirements that exist for the Joint Advanced Strike Technology program that cannot be met by existing aircraft or by those in development.

SEC. 214. DEVELOPMENT OF LASER PROGRAM.

Of the amount authorized to be appropriated by section 201(2), $9,000,000 shall be used for the development by the Naval High Energy Laser Office of a continuous wave, superconducting radio frequency free electron laser program.

SEC. 215. NAVY MINE COUNTERMEASURES PROGRAM.

Section 216(a) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1317) is amended—

(1) by striking out "Director, Defense Research and Engineering" and inserting in lieu thereof "Under Secretary of Defense for Acquisition and Technology"; and

(2) by striking out "fiscal years 1995 through 1999" and inserting in lieu thereof "fiscal years 1996 through 1999".

SEC. 216. SPACE-BASED INFRARED SYSTEM.

(a) PROGRAM BASELINE.—The Secretary of Defense shall establish a program baseline for the Space-Based Infrared System. Such baseline shall—

(1) include—

(A) program cost and an estimate of the funds required for development and acquisition activities for each fiscal year in which such activities are planned to be carried out;

(B) a comprehensive schedule with program milestones and exit criteria; and

(C) optimized performance parameters for each segment of an integrated space-based infrared system;

(2) be structured to achieve initial operational capability of the low earth orbit space segment (the Space and Missile Tracking System) in fiscal year 2003, with a first launch of Block I satellites in fiscal year 2002;

(3) ensure integration of the Space and Missile Tracking System into the architecture of the Space-Based Infrared System; and

(4) ensure that the performance parameters of all space segment components are selected so as to optimize the performance of the Space-Based Infrared System while minimizing unnecessary redundancy and cost.

(b) REPORT ON PROGRAM BASELINE.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report, in classified and unclassified forms as necessary, on the program baseline established under subsection (a).

(c) ESTABLISHMENT OF PROGRAM ELEMENTS.—In the budget justification materials submitted to Congress in support of the Department of Defense budget for any fiscal year after fiscal year 1996 (as submitted in the budget of the President under section 1105(a) of title 31, United States Code), the amount requested for the Space-Based Infrared System shall be set forth in accordance with the following program elements:

(1) Space Segment High.

(2) Space Segment Low (Space and Missile Tracking System).

(3) Ground Segment.

(d) FUNDING FOR FISCAL YEAR 1996.—Of the amounts authorized to be appropriated pursuant to section 201(3) for fiscal year 1996, or otherwise made available to the Department of Defense for fiscal year 1996, the following amounts shall be available for the Space-Based Infrared System:

(1) $265,744,000 for demonstration and validation, of which $249,824,000 shall be available for the Space and Missile Tracking System.

(2) $162,219,000 for engineering and manufacturing development, of which $9,400,000 shall be available for the Miniature Sensor Technology Integration program.

SEC. 217. DEFENSE NUCLEAR AGENCY PROGRAMS.

(a) AGENCY FUNDING.—Of the amounts authorized to be appropriated to the Department of Defense in section 201, $241,703,000 shall be available for the Defense Nuclear Agency.

(b) TUNNEL CHARACTERIZATION AND NEUTRALIZATION PROGRAM.—Of the amount made available under subsection (a), $3,000,000 shall be available for a tunnel characterization and neutralization program to be managed by the Defense Nuclear Agency as part of the counterproliferation activities of the Department of Defense.

(c) LONG-TERM RADIATION TOLERANT MICROELECTRONICS PROGRAM.—(1) Of the amount made available under subsection (a), $6,000,000 shall be available for the establishment of a long-term radiation tolerant microelectronics program to be managed by the Defense Nuclear Agency for the purposes of—

(A) providing for the development of affordable and effective hardening technologies and for incorporation of such technologies into systems;

(B) sustaining the supporting industrial base; and

(C) ensuring that a use of a nuclear weapon in regional threat scenarios does not interrupt or defeat the continued operability of systems of the Armed Forces exposed to the combined effects of radiation emitted by the weapon.

(2) Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on how the long-term radiation tolerant microelectronics program is to be conducted and funded in the fiscal years after fiscal year 1996 that are covered by the future-years defense program submitted to Congress in 1995.

(d) ELECTROTHERMAL GUN TECHNOLOGY PROGRAM.—Of the amount made available under subsection (a), $4,000,000 shall be available for the electrothermal gun technology program of the Defense Nuclear Agency.

SEC. 218. COUNTERPROLIFERATION SUPPORT PROGRAM.

(a) FUNDING.—Of the funds authorized to be appropriated to the Department of Defense under section 201(4), $138,237,000 shall be available for the Counterproliferation Support Program, of which $30,000,000 shall be available for a tactical antisatellite technologies program.

(b) 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 1996 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; 107 Stat. 1845). 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 transferred under the authority of this subsection may not exceed $50,000,000.

(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.

SEC. 219. NONLETHAL WEAPONS STUDY.

(a) FINDINGS.—Congress finds the following:

(1) The role of the United States military in operations other than war has increased.

(2) Weapons and instruments that are nonlethal in application yet immobilizing could have widespread operational utility and application.

(3) The use of nonlethal weapons in operations other than war poses a number of important doctrine, legal, policy, and operations questions which should be addressed in a comprehensive and coordinated manner.

(4) The development of nonlethal technologies continues to spread across military and agency budgets.

(5) The Department of Defense should provide improved budgetary focus and management direction to the nonlethal weapons program.

(b) RESPONSIBILITY FOR DEVELOPMENT OF NONLETHAL WEAPONS TECHNOLOGY.—Not later than February 15, 1996, the Secretary of Defense shall assign centralized responsibility for development (and any other functional responsibility the Secretary considers appropriate) of nonlethal weapons technology to an existing office within the Office of the Secretary of Defense or to a military service as the executive agent.

(c) REPORT.—Not later than February 15, 1996, the Secretary of Defense shall submit to Congress a report setting forth the following:

(1) The name of the office or military service assigned responsibility for the nonlethal weapons program by the Secretary of Defense pursuant to subsection (b) and a discussion of the rationale for such assignment.

(2) The degree to which nonlethal weapons are required by more than one of the armed forces.

(3) The time frame for the development and deployment of such weapons.

(4) The appropriate role of the military departments and defense agencies in the development of such weapons.

(5) The military doctrine, legal, policy, and operational issues that must be addressed by the Department of Defense before such weapons achieve operational capability.

(d) AUTHORIZATION.—Of the amount authorized to be appropriated under section 201(4), $37,200,000 shall be available for nonlethal weapons programs and nonlethal technologies programs.

(e) DEFINITION.—For purposes of this section, the term "nonlethal weapon" means a weapon or instrument the effect of which on human targets is less than fatal.

SEC. 220. FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS AND UNIVERSITY-AFFILIATED RESEARCH CENTERS.

(a) CENTERS COVERED.—Funds appropriated or otherwise made available for the Department of Defense for fiscal year 1996 pursuant to an authorization of appropriations in section 201 may be obligated to procure work from a federally funded research and development center (in this section referred to as an "FFRDC") or a university-affiliated research center (in this section referred to as a "UARC") 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 Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report containing—

(A) the name of each FFRDC and UARC from which work is proposed to be procured for the Department of Defense for fiscal year 1996; and

(B) for each such center, the proposed funding level and the estimated personnel level for fiscal year 1996.

(2) The total of the proposed funding levels set forth in the report for all FFRDCs and UARCs may not exceed the amount set forth in subsection (d).

(c) LIMITATION PENDING SUBMISSION OF REPORT.—Not more than 15 percent of the funds appropriated or otherwise made available for the Department of Defense for fiscal year 1996 pursuant to an authorization of appropriations in section 201 for FFRDCs and UARCs may be obligated to procure work from an FFRDC or UARC 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 $1,668,850,000 may be obligated to procure services from the FFRDCs and UARCs 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 an FFRDC or UARC. Whenever the Secretary proposes to make such a waiver, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of 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 those committees of that determination and the reasons for the determination.

(f) FIVE-YEAR PLAN.—(1) The Secretary of Defense, in consultation with the Secretaries of the military departments, shall develop a five-year plan to reduce and consolidate the activities performed by FFRDCs and UARCs and establish a framework for the future workload of such centers.

(2) The plan shall—

(A) set forth the manner in which the Secretary of Defense could achieve by October 1, 2000, implementation by FFRDCs and UARCs of only those core activities, as defined by the Secretary, that require the unique capabilities and arrangements afforded by such centers; and

(B) include an assessment of the number of personnel needed in each FFRDC and UARC during each year over the five years covered by the plan.

(3) Not later than February 1, 1996, the Secretary of Defense shall submit to the congressional defense committees a report on the plan required by this subsection.

SEC. 221. JOINT SEISMIC PROGRAM AND GLOBAL SEISMIC NETWORK.

Of the amount authorized to be appropriated under section 201(3), $9,500,000 shall be available for fiscal year 1996 (in program element 61101F in the budget of the Department of Defense for fiscal year 1996) for continuation of the Joint Seismic Program and Global Seismic Network.

SEC. 222. HYDRA-70 ROCKET PRODUCT IMPROVEMENT PROGRAM.

(a) FUNDING AUTHORIZATION.—Of the amount authorized to be appropriated under section 201(1) for Other Missile Product Improvement Programs, $10,000,000 is authorized to be appropriated for a Hydra-70 rocket product improvement program and to be made available under such program for full qualification and operational platform certification of a Hydra-70 rocket described in subsection (b) for use on the Apache attack helicopter.

(b) HYDRA-70 ROCKET COVERED.—The Hydra-70 rocket referred to in subsection (a) is any Hydra-70 rocket that has as its propulsion component a 2.75-inch rocket motor that is a nondevelopmental item and uses a composite propellant.

(c) COMPETITION REQUIRED.—The Secretary of the Army shall conduct the product improvement program referred to in subsection (a) with full and open competition.

(d) SUBMISSION OF TECHNICAL DATA PACKAGE REQUIRED.—Upon the full qualification and operational platform certification of a Hydra-70 rocket as described in subsection (a), the contractor providing the rocket so qualified and certified shall submit the technical data package for the rocket to the Secretary of the Army. The Secretary shall use the technical data package in competitions for contracts for the procurement of Hydra-70 rockets described in subsection (b) for the Army.

(e) DEFINITIONS.—For purposes of this section, the terms "full and open competition" and "nondevelopmental item" have the meanings given such terms in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

SEC. 223. LIMITATION ON OBLIGATION OF FUNDS UNTIL RECEIPT OF ELECTRONIC COMBAT CONSOLIDATION MASTER PLAN.

(a) LIMITATION.—Not more than 75 percent of the amounts appropriated or otherwise made available pursuant to the authorization of appropriations in section 201 for test and evaluation program elements 65896A, 65864N, 65807F, and 65804D in the budget of the Department of Defense for fiscal year 1996 may be obligated until 14 days after the date on which the congressional defense committees receive the plan specified in subsection (b).

(b) PLAN.—The plan referred to in subsection (a) is the master plan for electronic combat consolidation described under Defense-Wide Programs under Research, Development, Test, and Evaluation in the Report of the Committee on Armed Services of the House of Representatives on H.R. 4301 (House Report 103–499), dated May 10, 1994.

SEC. 224. OBLIGATION OF CERTAIN FUNDS DELAYED UNTIL RECEIPT OF REPORT ON SCIENCE AND TECHNOLOGY RESCISSIONS.

(a) DELAY IN OBLIGATION OF CERTAIN FUNDS.—None of the amounts appropriated or otherwise made available pursuant to the authorization in section 201(4) may be obligated until 14 days after the date on which the congressional defense committees receive a report by

the Under Secretary of Defense (Comptroller) that sets forth in detail the allocation of rescissions for science and technology described in subsection (b).

(b) DESCRIPTION OF RESCISSIONS.—The rescissions for science and technology covered by subsection (a) are the Army, Navy, Air Force, and Defense-wide science and technology (1995/1996) rescissions that are made by the Emergency Supplemental Appropriations and Rescissions for the Department of Defense to Preserve and Enhance Military Readiness Act of 1995 (Public Law 104–6), as set forth in the Joint Explanatory Statement of the Committee of Conference in the conference report accompanying that Act (House Report 104–101).

SEC. 225. OBLIGATION OF CERTAIN FUNDS DELAYED UNTIL RECEIPT OF REPORT ON REDUCTIONS IN RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

(a) DELAY IN OBLIGATION OF CERTAIN FUNDS.—Not more than 50 percent of the amounts appropriated or otherwise made available pursuant to the authorization in section 201(4) may be obligated until 14 days after the date on which the congressional defense committees receive a report by the Under Secretary of Defense (Comptroller) that sets forth in detail the allocation of reductions for research, development, test, and evaluation described in subsection (b).

(b) DESCRIPTION OF REDUCTIONS.—The reductions for research, development, test, and evaluation covered by subsection (a) are the following Army, Navy, Air Force, and Defense-wide reductions, as required by the Department of Defense Appropriations Act, 1996:

(1) General reductions.

(2) Reductions to reflect savings from revised economic assumptions.

(3) Reductions to reflect the funding ceiling for defense federally funded research and development centers.

(4) Reductions for savings through improved management of contractor automatic data processing costs charged through indirect rates on Department of Defense acquisition contracts.

SEC. 226. ADVANCED FIELD ARTILLERY SYSTEM (CRUSADER).

(a) AUTHORITY TO USE FUNDS FOR ALTERNATIVE PROPELLANT TECHNOLOGIES.—During fiscal year 1996, the Secretary of the Army may use funds appropriated for the liquid propellant portion of the Advanced Field Artillery System (Crusader) program for fiscal year 1996 for alternative propellant technologies and integration of those technologies into the design of the Crusader if—

(1) the Secretary determines that the technical risk associated with liquid propellant will increase costs and delay the initial operational capability of the Crusader; and

(2) the Secretary notifies the congressional defense committees of the proposed use of the funds and the reasons for the proposed use of the funds.

(b) LIMITATION.—The Secretary of the Army may not spend funds for the liquid propellant portion of the Crusader program after August 15, 1996, unless—

(1) the report required by subsection (c) has been submitted by that date; and

(2) such report includes documentation of significant progress, as determined by the Secretary, toward meeting the objectives for the liquid propellant portion of the program, as set forth in the baseline description for the Crusader program and approved by the Office of the Secretary of Defense on January 4, 1995.

(c) REPORT REQUIRED.—Not later than August 1, 1996, the Secretary of the Army shall submit to the congressional defense committees a report containing documentation of the progress being made in meeting the objectives set forth in the baseline description for the Crusader program and approved by the Office of the Secretary of Defense on January 4, 1995. The report shall specifically address the progress being made toward meeting the following objectives:

(1) Establishment of breech and ignition design criteria for rate of fire for the cannon of the Crusader.

(2) Selection of a satisfactory ignition concept for the next prototype of the cannon.

(3) Selection, on the basis of modeling and simulation, of design concepts to prevent chamber piston reversals, and validation of the selected concepts by gun and mock chamber firings.

(4) Achievement of an understanding of the chemistry and physics of propellant burn resulting from the firing of liquid propellant into any target zone, and achievement, on the basis of modeling and simulation, of an ignition process that is predictable.

(5) Completion of an analysis of the management of heat dissipation for the full range of performance requirements for the cannon, completion of concept designs supported by that analysis, and proposal of such concept designs for engineering.

(6) Development, for integration into the next prototype of the cannon, of engineering designs to control pressure oscillations in the chamber of the cannon during firing.

(7) Completion of an assessment of the sensitivity of liquid propellant to contamination by various materials to which it may be exposed throughout the handling and operation of the cannon, and documentation of predictable reactions of contaminated or sensitized liquid propellant.

(d) ADDITIONAL MATTERS TO BE COVERED BY REPORT.—The report required by subsection (c) also shall contain the following:

(1) An assertion that all the known hazards associated with liquid propellant have been identified and are controllable to acceptable levels.

(2) An assessment of the technology for each component of the Crusader (the cannon, vehicle, and crew module), including, for each performance goal of the Crusader program (including the goal for total system weight), information about the maturity of the technology to achieve that goal, the maturity of the design of the technology, and the manner in which the design has been proven (for example, through simulation, bench testing, or weapon firing).

(3) An assessment of the cost of continued development of the Crusader after August 1, 1996, and the cost of each unit of the Crusader in the year the Crusader will be completed.

SEC. 227. DEMILITARIZATION OF CONVENTIONAL MUNITIONS, ROCKETS, AND EXPLOSIVES.

Of the amount appropriated pursuant to the authorization in section 201 for explosives demilitarization technology, $15,000,000 shall be available to establish an integrated program for the development and demonstration of conventional munitions and explosives demilitarization technologies that comply with applicable environmental laws for the demilitarization and disposal of unserviceable, obsolete, or nontreaty compliant munitions, rocket motors, and explosives.

SEC. 228. DEFENSE AIRBORNE RECONNAISSANCE PROGRAM.

(a) LIMITATION.—Not more than three percent of the total amount appropriated for research and development under the Defense Airborne Reconnaissance program pursuant to the authorizations of appropriations in section 201 may be obligated for systems engineering and technical assistance (SETA) contracts until—

(1) funds are obligated (out of such appropriated funds) for—

(A) the upgrade of U–2 aircraft senior year electro-optical reconnaissance sensors to the newest configuration; and

(B) the upgrade of the U–2 SIGINT system; and

(2) the Under Secretary of Defense for Acquisition and Technology submits the report required under subsection (b).

(b) REPORT ON U–2-RELATED UPGRADES.—(1) Not later than April 1, 1996, the Under Secretary of Defense for Acquisition and Technology shall transmit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on obligations of funds for upgrades relating to airborne reconnaissance by U–2 aircraft.

(2) The report shall set forth the specific purposes under the general purposes described in subparagraphs (A) and (B) of subsection (a)(1) for which funds have been obligated (as of the date of the report) and the amounts that have been obligated (as of such date) for those specific purposes.

Subtitle C—Ballistic Missile Defense Act of 1995

SEC. 231. SHORT TITLE.

This subtitle may be cited as the "Ballistic Missile Defense Act of 1995".

SEC. 232. FINDINGS.

Congress makes the following findings:

(1) The emerging threat that is posed to the national security interests of the United States by the proliferation of ballistic missiles is significant and growing, both in terms of numbers of missiles and in terms of the technical capabilities of those missiles.

(2) The deployment of ballistic missile defenses is a necessary, but not sufficient, element of a broader strategy to discourage both the proliferation of weapons of mass destruction and the proliferation of the means of their delivery and to defend against the consequences of such proliferation.

(3) The deployment of effective Theater Missile Defense systems can deter potential adversaries of the United States from escalating a conflict by threatening or attacking United States forces or the forces or territory of coalition partners or allies of the United States with ballistic missiles armed with weapons of mass destruction to offset the operational and technical advantages of the United States and its coalition partners and allies.

(4) United States intelligence officials have provided intelligence estimates to congressional committees that (A) the trend in missile proliferation is toward longer range and more sophisticated ballistic missiles, (B) North Korea may deploy an intercontinental ballistic missile capable of reaching Alaska or beyond within five years, and (C) although a new, indigenously developed ballastic missile threat to the continental United States is not foreseen within the next ten years, determined countries can acquire intercontinental ballistic missiles in the near future and with little warning by means other than indigenous development.

(5) The development and deployment by the United States and its allies of effective defenses against ballistic missiles of all ranges will reduce the incentives for countries to acquire such missiles or to augment existing missile capabilities.

(6) The concept of mutual assured destruction (based upon an offense-only form of deterrence), which is the major philosophical rationale underlying the ABM Treaty, is now questionable as a basis for stability in a multipolar world in which the United States and the states of the former Soviet Union are seeking to normalize relations and eliminate Cold War attitudes and arrangements.

(7) The development and deployment of a National Missile Defense system against the threat of limited ballistic missile attacks—

(A) would strengthen deterrence at the levels of forces agreed to by the United States and Russia under the Strategic Arms Reduction Talks Treaty (START–I); and

(B) would further strengthen deterrence if reductions below the levels permitted under START–I should be agreed to and implemented in the future.

(8) The distinction made during the Cold War, based upon the technology of the time, between strategic ballistic missiles and nonstrategic ballistic missiles, which resulted in the distinction made in the ABM Treaty between strategic defense and nonstrategic defense, has become obsolete because of technological advancement (including the development by North Korea of long-range Taepo-Dong I and Taepo-Dong II missiles) and, therefore, that distinction in the ABM Treaty should be reviewed.

SEC. 233. BALLISTIC MISSILE DEFENSE POLICY.

It is the policy of the United States—

(1) to deploy affordable and operationally effective theater missile defenses to protect forward-deployed and expeditionary elements of the Armed Forces of the United States and to complement the missile defense capabilities of forces of coalition partners and of allies of the United States;

(2) to—

(A) deploy a National Missile Defense system that—

(i) is affordable and operationally effective against limited, accidental, or unauthorized ballistic missile attacks on the territory of the United States; and

(ii) can be augmented over time as the threat changes to provide a layered defense against limited, accidental, or unauthorized ballistic missile threats;

(B) initiate negotiations with the Russian Federation as necessary to provide for the National Missile Defense system specified in section 235; and

(C) consider, if those negotiations fail, the option of withdrawing from the ABM Treaty in accordance with the provisions of Article XV of that treaty, subject to consultations between the President and the Congress;

(3) to ensure congressional review, before deployment of the system specified in paragraph (2), of (A) the affordability and operational effectiveness of such system, (B) the threat to be countered by such a system, and (C) ABM Treaty considerations with respect to such a system; and

(4) to seek a cooperative, negotiated transition to a regime that does not feature an offense-only form of deterrence as the basis for strategic stability.

SEC. 234. THEATER MISSILE DEFENSE ARCHITECTURE.

(a) ESTABLISHMENT OF CORE PROGRAM.—To implement the policy established in paragraph (1) of section 233, the Secretary of Defense shall restructure the core theater missile defense program to consist of the following systems, to be carried out so as to achieve the specified capabilities:

(1) The Patriot PAC–3 system, with a first unit equipped (FUE) during fiscal year 1998.

(2) The Navy Lower Tier (Area) system, with a user operational evaluation system (UOES) capability during fiscal year 1997 and an initial operational capability (IOC) during fiscal year 1999.

(3) The Theater High-Altitude Area Defense (THAAD) system, with a user operational evaluation system (UOES) capability not later than fiscal year 1998 and a first unit equipped (FUE) not later than fiscal year 2000.

(4) The Navy Upper Tier (Theater Wide) system, with a user operational evaluation system (UOES) capability during fiscal year 1999 and an initial operational capability (IOC) during fiscal year 2001.

(b) USE OF STREAMLINED ACQUISITION PROCEDURES.—The Secretary of Defense shall prescribe and use streamlined acquisition policies and procedures to reduce the cost and increase the efficiency of developing and deploying the theater missile defense systems specified in subsection (a).

(c) INTEROPERABILITY AND SUPPORT OF CORE SYSTEMS.—To maximize effectiveness and flexibility of the systems comprising the core theater missile defense program, the Secretary of Defense shall ensure that those systems are integrated and complementary and are fully capable of exploiting external sensor and battle management support from systems such as—

(A) the Cooperative Engagement Capability (CEC) system of the Navy;

(B) airborne sensors; and

(C) space-based sensors (including, in particular, the Space and Missile Tracking System).

(d) FOLLOW-ON SYSTEMS.—(1) The Secretary of Defense shall prepare an affordable development plan for theater missile defense systems to be developed as follow-on systems to the core systems specified in subsection (a). The Secretary shall make the selection of a system for inclusion in the plan based on the capability of the system to satisfy military requirements not met by the systems in the core program and on the capability of the system to use prior investments in technologies, infrastructure, and battle-management capabilities that are incorporated in, or associated with, the systems in the core program.

(2) The Secretary may not proceed with the development of a follow-on theater missile defense system beyond the Demonstration/Validation stage of development unless the Secretary designates that system as a part of the core program under this section and submits to the congressional defense committees notice of that designation. The Secretary shall include with any such notification a report describing—

(A) the requirements for the system and the specific threats that such system is designed to counter;

(B) how the system will relate to, support, and build upon existing core systems;

(C) the planned acquisition strategy for the system; and

(D) a preliminary estimate of total program cost for that system and the effect of development and acquisition of such system on Department of Defense budget projections.

(e) PROGRAM ACCOUNTABILITY REPORT.—(1) As part of the annual report of the Ballistic Missile Defense Organization required by section 224 of Public Law 101–189 (10 U.S.C. 2431 note), the Secretary of Defense shall describe the technical milestones, the schedule, and the cost of each phase of development and acquisition (together with total estimated program costs) for each core and follow-on theater missile defense program.

(2) As part of such report, the Secretary shall describe, with respect to each program covered in the report, any variance in the technical milestones, program schedule milestones, and costs for the program compared with the information relating to that program in the report submitted in the previous year and in the report submitted in the first year in which that program was covered.

(f) REPORTS ON TMD SYSTEM LIMITATIONS UNDER ABM TREATY.—(1) Whenever, after January 1, 1993, the Secretary of Defense issues a certification with respect to the compliance of a particular Theater Missile Defense system with the ABM Treaty, the Secretary shall transmit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a copy of such certification. Such transmittal shall be made not later than 30 days after the date on which such certification is issued, except that in the case of a certification issued before the date of the enactment of this Act, such transmittal shall be made not later than 60 days after the date of the enactment of this Act.

(2) If a certification under paragraph (1) is based on application of a policy concerning United States compliance with the ABM Treaty that differs from the policy of the United States specified in section 237(b)(1), the Secretary shall include with the transmittal under that paragraph a report providing a detailed assessment of—

(A) how the policy applied differs from the policy of the United States specified in section 237(b)(1); and

(B) how the application of that policy (rather than the policy specified in section 237(b)(1)) will affect the cost, schedule, and performance of that system.

SEC. 235. NATIONAL MISSILE DEFENSE SYSTEM ARCHITECTURE.

(a) REQUIREMENT FOR DEVELOPMENT OF SYSTEM.—To implement the policy established in paragraph (2) of section 233, the Secretary of Defense shall develop for deployment an affordable and operationally effective National Missile Defense (NMD) system which shall achieve an initial operational capability (IOC) by the end of 2003.

(b) ELEMENTS OF THE NMD SYSTEM.—The system to be developed for deployment shall include the following elements:

(1) Ground-based interceptors capable of being deployed at multiple sites, the locations and numbers of which are to be determined so as to optimize defensive coverage of the continental United States, Alaska, and Hawaii against limited, accidental, or unauthorized ballistic missile attacks.

(2) Fixed ground-based radars.

(3) Space-based sensors, including the type of space-based sensors known as ABM-adjunct sensors (and specifically including the system known as the Space and Missile Tracking System), such ABM-adjunct sensors—

(A) not being prohibited by the ABM Treaty; and

(B) being capable of cuing ground-based anti-ballistic missile interceptors and of providing initial targeting vectors.

(4) Battle management, command, control, and communications (BM/C^3).

(c) IMPLEMENTATION.—The Secretary shall—

(1) during fiscal year 1996 initiate required preparatory and planning actions (such as initial site surveys and selection and planning for the necessary environmental impact studies) that are necessary so as to be capable of meeting the initial operational capability (IOC) date specified in subsection (a);

(2) plan to conduct by the end of 1998 an integrated systems test which uses elements (including BM/C^3 elements) that are representative of and traceable to the national missile defense system architecture specified in subsection (b);

(3) prescribe and use streamlined acquisition policies and procedures to reduce the cost and increase the efficiency of developing the system specified in subsection (b); and

(4) develop an affordable NMD follow-on program which—

(A) leverages off of the NMD system specified in subsection (a), and

(B) can augment that system, as the threat changes, to provide for a layered defense.

(d) REPORT ON PLAN FOR NMD SYSTEM DEVELOPMENT AND DEPLOYMENT.—Not later than the date on which the President submits the budget for fiscal year 1997 under section 1105 of title 31, United States Code, the Secretary of Defense shall submit to the congressional defense committees a report containing the following matters:

(1) The Secretary's plan for carrying out this section.

(2) The Secretary's estimate of the appropriations required for research, development, test, evaluation, and for procurement, for each of fiscal years 1997 through 2003 in order to achieve the initial operational capability date specified in subsection (a).

(3) A sensitivity analysis of options to improve the effectiveness of such system by adding one or a combination of the following:

(A) Additional ground-based interceptors.

(B) Sea-based missile defense systems.

(C) Space-based kinetic energy interceptors.

(D) Space-based directed energy systems.

(4) A determination of the point at which any activity that is required to be carried out under this section and section 233(2) would conflict with the terms of the ABM Treaty, together with a description of any such activity, the legal basis for the Secretary's determination, and an estimate of the time at which such point would be reached in order to meet the initial operational capability date specified in subsection (a).

SEC. 236. POLICY REGARDING THE ABM TREATY.

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

(1) Article XIII of the ABM Treaty envisions "possible changes in the strategic situation which have a bearing on the provisions of this treaty".

(2) Articles XIII and XIV of the treaty establish means for the parties to amend the treaty, and the parties have in the past used those means to amend the treaty.

(3) Article XV of the treaty establishes the means for a party to withdraw from the treaty, upon six months notice "if it decides that extraordinary events related to the subject matter of this treaty have jeopardized its supreme interests".

(4) The policies, programs, and requirements of this subtitle can be accomplished through processes specified within, or consistent with, the ABM Treaty, which anticipates the need and provides the means for amendment to the Treaty.

(5) Previous discussions between the United States and Russia, based on Russian President Yeltsin's proposal for a Global Protection System, held promise of an agreement to amend the ABM Treaty to allow (among other measures) deployment of as many as four ground-based interceptor sites in addition to the one site permitted under the ABM Treaty and unrestricted exploitation of sensors based within the atmosphere and in space.

(b) ABM TREATY NEGOTIATIONS.—In light of the findings in subsection (a), Congress urges the President to pursue high-level discussions with the Russian Federation to amend the ABM Treaty to allow—

(1) deployment of multiple ground-based ABM sites to provide effective defense of the territory of the United States against limited ballistic missile attack;

(2) the unrestricted exploitation of sensors based within the atmosphere and in space; and

(3) increased flexibility for development, testing, and deployment of follow-on NMD systems.

SEC. 237. PROHIBITION ON USE OF FUNDS TO IMPLEMENT AN INTERNATIONAL AGREEMENT CONCERNING THEATER MISSILE DEFENSE SYSTEMS.

(a) FINDINGS.—(1) Congress hereby reaffirms—

(A) the finding in section 234(a)(7) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1595; 10 U.S.C. 2431 note) that the ABM Treaty was not intended to, and does not, apply to or limit research, development, testing, or deployment of missile defense systems, system upgrades, or system components that are designed to counter modern theater ballistic missiles, regardless of the capabilities of such missiles, unless those systems, system upgrades, or system components are tested against or have demonstrated capabilities to counter modern strategic ballistic missiles; and

(B) the statement in section 232 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2700) that 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 into pursuant to the treaty making power of the President under the Constitution.

(2) Congress also finds that the demarcation standard described in subsection (b)(1) for compliance of a missile defense system, system upgrade, or system component with the ABM Treaty is based upon current technology.

(b) SENSE OF CONGRESS CONCERNING COMPLIANCE POLICY.—It is the sense of Congress that—

(1) unless a missile defense system, system upgrade, or system component (including one that exploits data from space-based or other external sensors) is flight tested in an ABM-qualifying flight test (as defined in subsection (e)), that system, system upgrade, or system component has not, for purposes of the ABM Treaty, been tested in an ABM mode nor been given capabilities to counter strategic ballistic missiles and, therefore, is not subject to any application, limitation, or obligation under the ABM Treaty ; and

(2) any international agreement that would limit the research, development, testing, or deployment of missile defense systems, system upgrades, or system components that are designed to counter modern theater ballistic missiles in a manner that would be more restrictive than the compliance criteria specified in paragraph (1) should be entered into only pursuant to the treaty making powers of the President under the Constitution.

(c) PROHIBITION ON FUNDING.—Funds appropriated or otherwise made available to the Department of Defense for fiscal year 1996 may not be obligated or expended to implement an agreement, or any understanding with respect to interpretation of the ABM Treaty, between the United States and any of the independent states of the former Soviet Union entered into after January 1, 1995, that—

(1) would establish a demarcation between theater missile defense systems and anti-ballistic missile systems for purposes of the ABM Treaty; or

(2) would restrict the performance, operation, or deployment of United States theater missile defense systems.

(d) EXCEPTIONS.—Subsection (c) does not apply—

(1) to the extent provided by law in an Act enacted after this Act;

(2) to expenditures to implement that portion of any such agreement or understanding that implements the policy set forth in subsection (b)(1); or

(3) to expenditures to implement any such agreement or understanding that is approved as a treaty or by law.

(e) ABM-QUALIFYING FLIGHT TEST DEFINED.—For purposes of this section, an ABM-qualifying flight test is a flight test against a ballistic missile which, in that flight test, exceeds (1) a range of 3,500 kilometers, or (2) a velocity of 5 kilometers per second.

SEC. 238. BALLISTIC MISSILE DEFENSE COOPERATION WITH ALLIES.

It is in the interest of the United States to develop its own missile defense capabilities in a manner that will permit the United States to complement the missile defense capabilities developed and deployed by its allies and possible coalition partners. Therefore, the Congress urges the President—

(1) to pursue high-level discussions with allies of the United States and selected other states on the means and methods by which the parties on a bilateral basis can cooperate in the development, deployment, and operation of ballistic missile defenses;

(2) to take the initiative within the North Atlantic Treaty Organization to develop consensus in the Alliance for a timely deployment of effective ballistic missile defenses by the Alliance; and

(3) in the interim, to seek agreement with allies of the United States and selected other states on steps the parties should take, consistent with their national interests, to reduce the risks posed by the threat of limited ballistic missile attacks, such steps to include—

(A) the sharing of early warning information derived from sensors deployed by the United States and other states;

(B) the exchange on a reciprocal basis of technical data and technology to support both joint development programs and the sale and purchase of missile defense systems and components; and

(C) operational level planning to exploit current missile defense capabilities and to help define future requirements.

SEC. 239. ABM TREATY DEFINED.

For purposes of this subtitle, the term "ABM Treaty" means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems, and signed at Moscow on May 26, 1972, and includes the Protocols to that Treaty, signed at Moscow on July 3, 1974.

SEC. 240. REPEAL OF MISSILE DEFENSE ACT OF 1991.

The Missile Defense Act of 1991 (10 U.S.C. 2431 note) is repealed.

Subtitle D—Other Ballistic Missile Defense Provisions

SEC. 251. BALLISTIC MISSILE DEFENSE PROGRAM ELEMENTS.

(a) ELEMENTS SPECIFIED.—In the budget justification materials submitted to Congress in support of the Department of Defense budget for any fiscal year after fiscal year 1996 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code), the amount requested for activities of the Ballistic Missile Defense Organization shall be set forth in accordance with the following program elements:

(1) The Patriot system.

(2) The Navy Lower Tier (Area) system.

(3) The Theater High-Altitude Area Defense (THAAD) system.

(4) The Navy Upper Tier (Theater Wide) system.

(5) The Corps Surface-to-Air Missile (SAM) system.

(6) Other Theater Missile Defense Activities.

(7) National Missile Defense.

(8) Follow-On and Support Technologies.

(b) TREATMENT OF CORE THEATER MISSILE DEFENSE PROGRAMS.—Amounts requested for core theater missile defense programs specified in section 234 shall be specified in individual, dedicated program elements, and amounts appropriated for such programs shall be available only for activities covered by those program elements.

(c) BM/C^{3}I PROGRAMS.—Amounts requested for programs, projects, and activities involving battle management, command, control, communications, and intelligence (BM/C^{3}I) shall be included in the "Other Theater Missile Defense Activities" program element or the "National Missile Defense" program element, as determined on the basis of the primary objectives involved.

(d) MANAGEMENT AND SUPPORT.—Each program element shall include requests for the amounts necessary for the management and support of the programs, projects, and activities contained in that program element.

SEC. 252. TESTING OF THEATER MISSILE DEFENSE INTERCEPTORS.

Subsection (a) of section 237 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1600) is amended to read as follows:

"(a) TESTING OF THEATER MISSILE DEFENSE INTERCEPTORS.—(1) The Secretary of Defense may not approve a theater missile defense interceptor program proceeding beyond the low-rate initial production acquisition stage until the Secretary certifies to the congressional defense committees that such program has successfully completed initial operational test and evaluation.

"(2) In order to be certified under paragraph (1) as having been successfully completed, the initial operational test and evaluation conducted with respect to an interceptors program must have included flight tests—

"(A) that were conducted with multiple interceptors and multiple targets in the presence of realistic countermeasures; and

"(B) the results of which demonstrate the achievement by the interceptors of the baseline performance thresholds.

"(3) For purposes of this subsection, the baseline performance thresholds with respect to a program are the weapons systems performance thresholds specified in the baseline description for the system established (pursuant to section 2435(a)(1) of title 10, United States Code) before the program entered the engineering and manufacturing development stage.

"(4) The number of flight tests described in paragraph (2) that are required in order to make the certification under paragraph (1) shall be a number determined by the Secretary of Defense to be sufficient for the purposes of this section.

"(5) The Secretary may augment live-fire testing to demonstrate weapons system performance goals for purposes of the certification under paragraph (1) through the use of modeling and simulation that is validated by ground and flight testing.".

SEC. 253. REPEAL OF MISSILE DEFENSE PROVISIONS.

The following provisions of law are repealed:

(1) Section 222 of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 99 Stat. 613; 10 U.S.C. 2431 note).

(2) Section 225 of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 99 Stat. 614).

(3) Section 226 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100–180; 101 Stat. 1057; 10 U.S.C. 2431 note).

(4) Section 8123 of the Department of Defense Appropriations Act, 1989 (Public Law 100–463; 102 Stat. 2270–40).

(5) Section 8133 of the Department of Defense Appropriations Act, 1992 (Public Law 102–172; 105 Stat. 1211).

(6) Section 234 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1595; 10 U.S.C. 2431 note).

(7) Section 242 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1603; 10 U.S.C. 2431 note).

(8) Section 235 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2701; 10 U.S.C. 221 note).

(9) Section 2609 of title 10, United States Code.

Subtitle E—Miscellaneous Reviews, Studies, and Reports

SEC. 261. PRECISION-GUIDED MUNITIONS.

(a) ANALYSIS REQUIRED.—The Secretary of Defense shall perform an analysis of the full range of precision-guided munitions in production and in research, development, test, and evaluation in order to determine the following:

(1) The numbers and types of precision-guided munitions that are needed to provide complementary capabilities against each target class.

(2) The feasibility of carrying out joint development and procurement of additional types of munitions by more than one of the Armed Forces.

(3) The feasibility of integrating a particular precision-guided munition on multiple service platforms.

(4) The economy and effectiveness of continuing the acquisition of—

(A) interim precision-guided munitions; or

(B) precision-guided munitions that, as a result of being procured in decreasing numbers to meet decreasing quantity requirements, have increased in cost per unit by more than 50 percent over the cost per unit for such munitions as of December 1, 1991.

(b) REPORT.—(1) Not later than April 15, 1996, the Secretary shall submit to Congress a report on the findings and other results of the analysis.

(2) The report shall include a detailed discussion of the process by which the Department of Defense—

(A) approves the development of new precision-guided munitions;

(B) avoids duplication and redundancy in the precision-guided munitions programs of the Army, Navy, Air Force, and Marine Corps;

(C) ensures rationality in the relationship between the funding plans for precision-guided munitions modernization for fiscal years following fiscal year 1996 and the costs of such modernization for those fiscal years; and

(D) identifies by name and function each person responsible for approving each new precision-guided munition for initial low-rate production.

(c) FUNDING LIMITATION.—Funds authorized to be appropriated by this Act may not be expended for research, development, test, and evaluation or procurement of interim precision-guided munitions after April 15, 1996, unless the Secretary of Defense has submitted the report under subsection (b).

(d) INTERIM PRECISION-GUIDED MUNITION DEFINED.—For purposes of subsection (c), a precision-guided munition is an interim precision-guided munition if the munition is being procured in fiscal year 1996, but funding is not proposed for additional procurement of the munition in the fiscal years after fiscal year 1996 that are covered by the future years defense program submitted to Congress in 1995 under section 221(a) of title 10, United States Code.

SEC. 262. REVIEW OF C⁴I BY NATIONAL RESEARCH COUNCIL.

(a) REVIEW BY NATIONAL RESEARCH COUNCIL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall request the National Research Council of the National Academy of Sciences to conduct a comprehensive review of current and planned service and defense-wide programs for command, control, communications, computers, and intelligence (C⁴I) with a special focus on cross-service and inter-service issues.

(b) MATTERS TO BE ASSESSED IN REVIEW.—The review shall address the following:

(1) The match between the capabilities provided by current service and defense-wide C⁴I programs and the actual needs of users of these programs.

(2) The interoperability of service and defense-wide C⁴I systems that are planned to be operational in the future.

(3) The need for an overall defense-wide architecture for C⁴I.

(4) Proposed strategies for ensuring that future C⁴I acquisitions are compatible and interoperable with an overall architecture.

(5) Technological and administrative aspects of the C⁴I modernization effort to determine the soundness of the underlying plan and the extent to which it is consistent with concepts for joint military operations in the future.

(c) TWO-YEAR PERIOD FOR CONDUCTING REVIEW.—The review shall be conducted over the two-year period beginning on the date on which the National Research Council and the Secretary of Defense enter into a contract or other agreement for the conduct of the review.

(d) REPORTS.—(1) In the contract or other agreement for the conduct of the review, the Secretary of Defense shall provide that the National Research Council shall submit to the Department of Defense and Congress interim reports and progress updates on a regular basis as the review proceeds. A final report on the review shall set forth the findings, conclusions, and recommendations of the Council for defense-wide and service C⁴I programs and shall be submitted to the Committee on Armed Services of the Senate, the Committee on National Security of the House of Representatives, and the Secretary of Defense.

(2) To the maximum degree possible, the final report shall be submitted in unclassified form with classified annexes as necessary.

(e) INTERAGENCY COOPERATION WITH STUDY.—All military departments, defense agencies, and other components of the Department of Defense shall cooperate fully with the National Research Council in its activities in carrying out the review under this section.

(f) EXPEDITED PROCESSING OF SECURITY CLEARANCES FOR STUDY.—For the purpose of facilitating the commencement of the study under this section, the Secretary of Defense shall expedite to the fullest degree possible the processing of security clearances that are necessary for the National Research Council to conduct the study.

(g) FUNDING.—Of the amount authorized to be appropriated in section 201 for defense-wide activities, $900,000 shall be available for the study under this section.

SEC. 263. ANALYSIS OF CONSOLIDATION OF BASIC RESEARCH ACCOUNTS OF MILITARY DEPARTMENTS.

(a) ANALYSIS REQUIRED.—The Secretary of Defense shall conduct an analysis of the cost and effectiveness of consolidating the basic research accounts of the military departments. The analysis shall determine potential infrastructure savings and other benefits of co-locating and consolidating the management of basic research.

(b) DEADLINE.—On or before March 1, 1996, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the analysis conducted under subsection (a).

SEC. 264. CHANGE IN REPORTING PERIOD FROM CALENDAR YEAR TO FISCAL YEAR FOR ANNUAL REPORT ON CERTAIN CONTRACTS TO COLLEGES AND UNIVERSITIES.

Section 2361(c)(2) of title 10, United States Code, is amended—

(1) by striking out "calendar year" and inserting in lieu thereof "fiscal year"; and

(2) by striking out "the year after the year" and inserting in lieu thereof "the fiscal year after the fiscal year".

SEC. 265. AERONAUTICAL RESEARCH AND TEST CAPABILITIES ASSESSMENT.

(a) FINDINGS.—Congress finds the following:

(1) It is in the Nation's long-term national security interests for the United States to maintain preeminence in the area of aeronautical research and test capabilities.

(2) Continued advances in aeronautical science and engineering are critical to sustaining the strategic and tactical air superiority of the United States and coalition forces, as well as United States economic security and international aerospace leadership.

(3) It is in the national security and economic interests of the United States and the budgetary interests of the Department of Defense for the department to encourage the establishment of active partnerships between the department and other Government agencies, academic institutions, and private industry to develop, maintain, and enhance aeronautical research and test capabilities.

(b) REVIEW.—The Secretary of Defense shall conduct a comprehensive review of the aeronautical research and test facilities and capabilities of the United States in order to assess the current condition of such facilities and capabilities.

(c) REPORT.—(1) Not later than March 1, 1996, the Secretary of Defense shall submit to the congressional defense committees a report setting forth in detail the findings of the review required by subsection (b).

(2) The report shall include the following:

(A) The options for providing affordable, operable, reliable, and responsive long-term aeronautical research and test capabilities for military and civilian purposes and for the organization and conduct of such capabilities within the Department or through shared operations with other Government agencies, academic institutions, and private industry.

(B) The projected costs of such options, including costs of acquisition and technical and financial arrangements (including the use of Government facilities for reimbursable private use).

(C) Recommendations on the most efficient and economic means of developing, maintaining, and continually modernizing aeronautical research and test capabilities to meet current, planned, and prospective military and civilian needs.

Subtitle F—Other Matters

SEC. 271. ADVANCED LITHOGRAPHY PROGRAM.

Section 216 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2693) is amended—

(1) in subsection (a), by striking out "to help achieve" and all that follows through the end of the subsection and inserting in lieu thereof "to ensure that lithographic processes being developed by United States-owned companies or United States-incorporated companies operating in the United States will lead to superior performance electronics systems for the Department of Defense.";

(2) in subsection (b), by adding at the end the following new paragraph:

"(3) The Director of the Defense Advanced Research Projects Agency may set priorities and funding levels for various technologies being developed for the ALP and shall consider funding recommendations made by the Semiconductor Industry Association as being advisory in nature.";

(3) in subsection (c)—

(A) by inserting "Defense" before "Advanced"; and

(B) by striking out "ARPA" both places it appears and inserting in lieu thereof "DARPA"; and

(4) by adding at the end the following:

"(d) DEFINITIONS.—In this section:

"(1) The term 'United States-owned company' means a company the majority ownership or control of which is held by citizens of the United States.

"(2) The term 'United States-incorporated company' means a company that the Secretary of Defense finds is incorporated in the United States and has a parent company that is incorporated in a country—

"(A) that affords to United States-owned companies opportunities, comparable to those afforded to any other company, to participate in any joint venture similar to those authorized under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n);

"(B) that affords to United States-owned companies local investment opportunities comparable to those afforded to any other company; and

"(C) that affords adequate and effective protection for the intellectual property rights of United States-owned companies.".

SEC. 272. ENHANCED FIBER OPTIC GUIDED MISSILE (EFOG-M) SYSTEM.

(a) LIMITATIONS.—(1) The Secretary of the Army may not obligate more than $280,000,000 (based on fiscal year 1995 constant dollars) to develop and deliver for test and evaluation by the Army the following items:

(A) 44 enhanced fiber optic guided test missiles.

(B) 256 fully operational enhanced fiber optic guided missiles.

(C) 12 fully operational fire units.

(2) The Secretary of the Army may not spend funds for the enhanced fiber optic guided missile (EFOG-M) system after September 30, 1998, if the items described in paragraph (1) have not been delivered to the Army by that date and at a cost not greater than the amount set forth in paragraph (1).

(3) The Secretary of the Army may not enter into an advanced development phase for the EFOG-M system unless—

(A) an advanced concept technology demonstration of the system has been successfully completed; and

(B) the Secretary certifies to the congressional defense committees that there is a requirement for the EFOG-M system that is supported by a cost and operational effectiveness analysis.

(b) GOVERNMENT-FURNISHED EQUIPMENT.—The Secretary of the Army shall ensure that all Government-furnished equipment that the Army agrees to provide under the contract for the EFOG-M system is provided to the prime contractor in accordance with the terms of the contract.

SEC. 273. STATES ELIGIBLE FOR ASSISTANCE UNDER DEFENSE EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH.

Subparagraph (A) of section 257(d)(2) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2705; 10 U.S.C. 2358 note) is amended to read as follows:

"(A) the average annual amount of all Department of Defense obligations for science and engineering research and development that were in effect with institutions of higher education in the State for the three fiscal years preceding the fiscal year for which the designation is effective or for the last three fiscal years for which statistics are available is less than the amount determined by multiplying 60 percent times the amount equal to 1/50 of the total average annual amount of all Department of Defense obligations for science and engineering research and development that were in effect with institutions of higher education in the United States for such three preceding or last fiscal years, as the case may be (to be determined in consultation with the Secretary of Defense);".

SEC. 274. CRUISE MISSILE DEFENSE INITIATIVE.

(a) IN GENERAL.—The Secretary of Defense shall undertake an initiative to coordinate and strengthen the cruise missile defense programs of the Department of Defense to ensure that the United States develops and deploys affordable and operationally effective defenses against existing and future cruise missile threats to United States military forces and operations.

(b) COORDINATION WITH BALLISTIC MISSILE DEFENSE EFFORTS.—In carrying out subsection (a), the Secretary shall ensure that, to the extent practicable, the cruise missile defense programs of the Department of Defense and the ballistic missile defense programs of the Department of Defense are coordinated with each other and that those programs are mutually supporting.

(c) DEFENSES AGAINST EXISTING AND NEAR-TERM CRUISE MISSILE THREATS.—As part of the initiative under subsection (a), the Secretary shall ensure that appropriate existing and planned air defense systems are upgraded to provide an affordable and operationally effective defense against existing and near-term cruise missile threats to United States military forces and operations.

(d) DEFENSES AGAINST ADVANCED CRUISE MISSILES.—As part of the initiative under subsection (a), the Secretary shall undertake a well-coordinated development program to support the future deployment of cruise missile defense systems that are affordable and operationally effective against advanced cruise missiles, including cruise missiles with low observable features.

(e) IMPLEMENTATION PLAN.—Not later than the date on which the President submits the budget for fiscal year 1997 under section 1105 of title 31, United States Code, the Secretary of Defense shall submit to the congressional defense committees a detailed plan, in unclassified and classified forms, as necessary, for carrying out this section. The plan shall include an assessment of the following:

(1) The systems of the Department of Defense that currently have or could have cruise missile defense capabilities and existing programs of the Department of Defense to improve these capabilities.

(2) The technologies that could be deployed in the near- to mid-term to provide significant advances over existing cruise missile defense capabilities and the investments that would be required to ready those technologies for deployment.

(3) The cost and operational tradeoffs, if any, between (A) upgrading existing air and missile defense systems, and (B) accelerating follow-on systems with significantly improved capabilities against advanced cruise missiles.

(4) The organizational and management changes that would strengthen and further coordinate the cruise missile defense programs of the Department of Defense, including the disadvantages, if any, of implementing such changes.

(f) DEFINITION.—For the purposes of this section, the term "cruise missile defense programs" means the programs, projects, and activities of the military departments, the Advanced Research Projects Agency, and the Ballistic Missile Defense Organization relating to development and deployment of defenses against cruise missiles.

SEC. 275. MODIFICATION TO UNIVERSITY RESEARCH INITIATIVE SUPPORT PROGRAM.

Section 802 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1701) is amended—

(1) in subsections (a) and (b), by striking out "shall" both places it appears and inserting in lieu thereof "may"; and

(2) in subsection (e), by striking out the sentence beginning with "Such selection process".

SEC. 276. MANUFACTURING TECHNOLOGY PROGRAM.

(a) IN GENERAL.—Section 2525 of title 10, United States Code, is amended as follows:

(1) The heading is amended by striking out the second and third words.

(2) Subsection (a) is amended—

(A) by striking out "Science and"; and

(B) by inserting after the first sentence the following: "The Secretary shall use the joint planning process of the directors of the Department of Defense laboratories in establishing the program.".

(3) Subsection (c) is amended—

(A) by inserting "(1)" after "(c) EXECUTION.—"; and

(B) by adding at the end the following:

"(2) The Secretary shall seek, to the extent practicable, the participation of manufacturers of manufacturing equipment in the projects under the program.".

(4) Subsection (d) is amended—

(A) in paragraph (2)—

(i) by striking out "or" at the end of subparagraph (A);

(ii) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof "; or"; and

(iii) by adding at the end the following new subparagraph:

"(C) will be carried out by an institution of higher education."; and

(B) by adding at the end the following new paragraphs:

"(3) At least 25 percent of the funds available for the program each fiscal year shall be used for awarding grants and entering into contracts, cooperative agreements, and other transactions on a cost-share basis under which the ratio of recipient cost to Government cost is two to one."

"(4) If the requirement of paragraph (3) cannot be met by July 15 of a fiscal year, the Under Secretary of Defense for Acquisition and Technology may waive the requirement and obligate the balance of the funds available for the program for that fiscal year on a cost-share basis under which the ratio of recipient cost to Government cost is less than two to one. Before implementing any such waiver, the Under Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives the reasons for the waiver.".

(b) CLERICAL AMENDMENT.—The item relating to section 2525 in the table of sections at the beginning of subchapter IV of chapter 148 of title 10, United States Code, is amended to read as follows:

"2525. Manufacturing Technology Program.".

SEC. 277. FIVE-YEAR PLAN FOR CONSOLIDATION OF DEFENSE LABORATORIES AND TEST AND EVALUATION CENTERS.

(a) FIVE-YEAR PLAN.—The Secretary of Defense, acting through the Vice Chief of Staff of the Army, the Vice Chief of Naval Operations, and the Vice Chief of Staff of the Air Force (in their roles as test and evaluation executive agent board of directors) shall develop a five-year plan to consolidate and restructure the laboratories and test and evaluation centers of the Department of Defense.

(b) OBJECTIVE.—The plan shall set forth the specific actions needed to consolidate the laboratories and test and evaluation centers into as few laboratories and centers as is practical and possible, in the judgment of the Secretary, by October 1, 2005.

(c) PREVIOUSLY DEVELOPED DATA REQUIRED TO BE USED.—In developing the plan, the Secretary shall use the following:

(1) Data and results obtained by the Test and Evaluation Joint Cross-Service Group and the Laboratory Joint Cross-Service Group in developing recommendations for the 1995 report of the Defense Base Closure and Realignment Commission.

(2) The report dated March 1994 on the consolidation and streamlining of the test and evaluation infrastructure, commissioned by the test and evaluation board of directors, along with all supporting data and reports.

(d) MATTERS TO BE CONSIDERED.—In developing the plan, the Secretary shall consider, at a minimum, the following:

(1) Consolidation of common support functions, including the following:

(A) Aircraft (fixed wing and rotary) support.

(B) Weapons support.

(C) Space systems support.

(D) Support of command, control, communications, computers, and intelligence.

(2) The extent to which any military construction, acquisition of equipment, or modernization of equipment is planned at the laboratories and centers.

(3) The encroachment on the laboratories and centers by residential and industrial expansion.

(4) The total cost to the Federal Government of continuing to operate the laboratories and centers.

(5) The cost savings and program effectiveness of locating laboratories and centers at the same sites.

(6) Any loss of expertise resulting from the consolidations.

(7) Whether any legislation is neccessary to provide the Secretary with any additional authority necessary to accomplish the downsizing and consolidation of the laboratories and centers.

(e) REPORT.—Not later than May 1, 1996, the Secretary of Defense shall submit to the congressional defense committees a report on the plan. The report shall include an identification of any additional legislation that the Secretary considers necessary in order for the Secretary to accomplish the downsizing and consolidation of the laboratories and centers.

(f) LIMITATION.—Of the amounts appropriated or otherwise made available pursuant to an authorization of appropriations in section 201 for the central test and evaluation investment development program, not more than 75 percent may be obligated before the report required by subsection (e) is submitted to Congress.

SEC. 278. LIMITATION ON T-38 AVIONICS UPGRADE PROGRAM.

(a) REQUIREMENT.—The Secretary of Defense shall ensure that, in evaluating proposals submitted in response to a solicitation issued for a contract for the T-38 Avionics Upgrade Program, the proposal of an entity may not be considered unless—

(1) in the case of an entity that conducts substantially all of its business in a foreign country, the foreign country provides equal access to similar contract solicitations in that country to United States entities; and

(2) in the case of an entity that conducts business in the United States but that is owned or controlled by a foreign government or by an entity incorporated in a foreign country, the foreign government or foreign country of incorporation provides equal access to similar contract solicitations in that country to United States entities.

(b) DEFINITION.—In this section, the term "United States entity" means an entity that is owned or controlled by persons a majority of whom are United States citizens.

SEC. 279. GLOBAL POSITIONING SYSTEM.

(a) CONDITIONAL PROHIBITION ON USE OF SELECTIVE AVAILABILITY FEATURE.—Except as provided in subsection (b), after May 1, 1996, the Secretary of Defense may not (through use of the feature known as "selective availability") deny access of non-Department of Defense users to the full capabilities of the Global Positioning System.

(b) PLAN.—Subsection (a) shall cease to apply upon submission by the Secretary of Defense to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives of a plan for enhancement of the Global Positioning System that provides for—

(1) development and acquisition of effective capabilities to deny hostile military forces the ability to use the Global Positioning System without hindering the ability of United States military forces and civil users to have access to and use of the system, together with a specific date by which those capabilities could be operational; and

(2) development and acquisition of receivers for the Global Positioning System and other techniques for weapons and weapon systems that provide substantially improved resistance to jamming and other forms of electronic interference or disruption, together with a specific date by which those receivers and other techniques could be operational with United States military forces.

SEC. 280. REVISION OF AUTHORITY FOR PROVIDING ARMY SUPPORT FOR THE NATIONAL SCIENCE CENTER FOR COMMUNICATIONS AND ELECTRONICS.

(a) PURPOSE.—Subsection (b)(2) of section 1459 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 763) is amended by striking out "to make available" and all that follows and inserting in lieu thereof "to provide for the management, operation, and maintenance of those areas in the national science center that are designated for use by the Army and to provide incidental support for the operation of those areas in the center that are designated for general use.".

(b) AUTHORITY FOR SUPPORT.—Subsection (c) of such section is amended to read as follows:

"(c) NATIONAL SCIENCE CENTER.—(1) The Secretary may manage, operate, and maintain facilities at the center under terms and conditions prescribed by the Secretary for the purpose of conducting educational outreach programs in accordance with chapter 111 of title 10, United States Code.

"(2) The Foundation, or NSC Discovery Center, Incorporated, a nonprofit corporation of the State of Georgia, shall submit to the Secretary for review and approval all matters pertaining to the acquisition, design, renovation, equipping, and furnishing of the center, including all plans, specifications, contracts, sites, and materials for the center.".

(c) AUTHORITY FOR ACCEPTANCE OF GIFTS AND FUNDRAISING.—Subsection (d) of such section is amended to read as follows:

"(d) GIFTS AND FUNDRAISING.—(1) Subject to paragraph (3), the Secretary may accept a conditional or unconditional donation of money or property that is made for the benefit of, or in connection with, the center.

"(2) Notwithstanding any other provision of law, the Secretary may endorse, promote, and assist the efforts of the Foundation and NSC Discovery Center, Incorporated, to obtain—

"(A) funds for the management, operation, and maintenance of the center; and

"(B) donations of exhibits, equipment, and other property for use in the center.

"(3) The Secretary may not accept a donation under this subsection that is made subject to—

"(A) any condition that is inconsistent with an applicable law or regulation; or

"(B) except to the extent provided in appropriations Acts, any condition that would necessitate an expenditure of appropriated funds.

"(4) The Secretary shall prescribe in regulations the criteria to be used in determining whether to accept a donation. The Secretary shall include criteria to ensure that acceptance of a donation does not establish an unfavorable appearance regarding the fairness and objectivity with which the Secretary or any other officer or employee of the Department of Defense performs official responsibilities and does not compromise or appear to compromise the integrity of a Government program or any official involved in that program.".

(d) AUTHORIZED USES.—Such section is amended—

(1) by striking out subsection (f);

(2) by redesignating subsection (g) as subsection (f); and

(3) in paragraph (1) of subsection (f), as redesignated by paragraph (2), by inserting "areas designated for use by the Army in" after "The Secretary may make".

(e) ALTERNATIVE OF ADDITIONAL DEVELOPMENT AND MANAGEMENT.—Such section, as amended by subsection (d), is further amended by adding at the end the following:

"(g) ALTERNATIVE OR ADDITIONAL DEVELOPMENT AND MANAGEMENT OF THE CENTER.—(1) The Secretary may enter into an agreement with NSC Discovery Center, Incorporated, to develop, manage, and maintain a national science center under this section. In entering into an agreement with NSC Discovery Center, Incorporated, the Secretary may agree to any term or condition to which the Secretary is authorized under this section to agree for purposes of entering into an agreement with the Foundation.

"(2) The Secretary may exercise the authority under paragraph (1) in addition to, or instead of, exercising the authority provided under this section to enter into an agreement with the Foundation.".

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 1996 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, $18,746,695,000.

(2) For the Navy, $21,493,155,000.

(3) For the Marine Corps, $2,521,822,000.

(4) For the Air Force, $18,719,277,000.

(5) For Defense-wide activities, $9,910,476,000.

(6) For the Army Reserve, $1,129,191,000.

(7) For the Naval Reserve, $868,342,000.

(8) For the Marine Corps Reserve, $100,283,000.

(9) For the Air Force Reserve, $1,516,287,000.

(10) For the Army National Guard, $2,361,808,000.

(11) For the Air National Guard, $2,760,121,000.

(12) For the Defense Inspector General, $138,226,000.

(13) For the United States Court of Appeals for the Armed Forces, $6,521,000.

(14) For Environmental Restoration, Defense, $1,422,200,000.

(15) For Drug Interdiction and Counter-drug Activities, Defense-wide, $680,432,000.

(16) For Medical Programs, Defense, $9,876,525,000.

(17) For support for the 1996 Summer Olympics, $15,000,000.

(18) For Cooperative Threat Reduction programs, $300,000,000.

(19) For Overseas Humanitarian, Disaster, and Civic Aid programs, $50,000,000.

SEC. 302. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 1996 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, $878,700,000.

(2) For the National Defense Sealift Fund, $1,024,220,000.

SEC. 303. ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 1996 from the Armed Forces Retirement Home Trust Fund the sum of $59,120,000 for the operation of the Armed Forces Retirement Home, including the United States Soldiers' and Airmen's Home and the Naval Home.

SEC. 304. TRANSFER FROM NATIONAL DEFENSE STOCKPILE TRANSACTION FUND.

(a) TRANSFER AUTHORITY.—To the extent provided in appropriations Acts, not more than $150,000,000 is authorized to be transferred from the National Defense Stockpile Transaction Fund to operation and maintenance accounts for fiscal year 1996 in amounts as follows:

(1) For the Army, $50,000,000.

(2) For the Navy, $50,000,000.

(3) For the Air Force, $50,000,000.

(b) TREATMENT OF TRANSFERS.—Amounts transferred under this section—

(1) shall be merged with, and be available for the same purposes and the same period as, the amounts in the accounts to which transferred; and

(2) may not be expended for an item that has been denied authorization of appropriations by Congress.

(c) RELATIONSHIP TO OTHER TRANSFER AUTHORITY.—The transfer authority provided in this section is in addition to the transfer authority provided in section 1001.

SEC. 305. CIVIL AIR PATROL.

Of the amounts authorized to be appropriated pursuant to this Act, there shall be made available to the Civil Air Patrol $24,500,000, of which $14,704,000 shall be made available for the Civil Air Patrol Corporation.

Subtitle B—Depot-Level Activities

SEC. 311. POLICY REGARDING PERFORMANCE OF DEPOT-LEVEL MAINTENANCE AND REPAIR FOR THE DEPARTMENT OF DEFENSE.

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

(1) The Department of Defense does not have a comprehensive policy regarding the performance of depot-level maintenance and repair of military equipment.

(2) The absence of such a policy has caused the Congress to establish guidelines for the performance of such functions.

(3) It is essential to the national security of the United States that the Department of Defense maintain an organic capability within the department, including skilled personnel, technical competencies, equipment, and facilities, to perform depot-level maintenance and repair of military equipment in order to ensure that the Armed Forces of the United States are able to meet training, operational, mobilization, and emergency requirements without impediment.

(4) The organic capability of the Department of Defense to perform depot-level maintenance and repair of military equipment must satisfy known and anticipated core maintenance and repair requirements across the full range of peacetime and wartime scenarios.

(5) Although it is possible that savings can be achieved by contracting with private-sector sources for the performance of some work currently performed by Department of Defense depots, the Department of Defense has not determined the type or amount of work that should be performed under contract with private-sector sources nor the relative costs and benefits of contracting for the performance of such work by those sources.

(b) SENSE OF CONGRESS.—It is the sense of Congress that there is a compelling need for the Department of Defense to articulate known and anticipated core maintenance and repair requirements, to organize the resources of the Department of Defense to meet those requirements economically and efficiently, and to determine what work should be performed by the private sector and how such work should be managed.

(c) REQUIREMENT FOR POLICY.—Not later than March 31, 1996, the Secretary of Defense shall develop and report to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a comprehensive policy on the performance of depot-level maintenance and repair for the Department of Defense that maintains the capability described in section 2464 of title 10, United States Code.

(d) CONTENT OF POLICY.—In developing the policy, the Secretary of Defense shall do each of the following:

(1) Identify for each military department, with the concurrence of the Secretary of that military department, those depot-level maintenance and repair activities that are necessary to ensure the depot-level maintenance and repair capability as required by section 2464 of title 10, United States Code.

(2) Provide for performance of core depot-level maintenance and repair capabilities in facilities owned and operated by the United States.

(3) Provide for the core capabilities to include sufficient skilled personnel, equipment, and facilities that—

(A) is of the proper size (i) to ensure a ready and controlled source of technical competence and repair and maintenance capability necessary to meet the requirements of the National Military Strategy and other requirements for responding to mobilizations and military contingencies, and (ii) to provide for rapid augmentation in time of emergency; and

(B) is assigned sufficient workload to ensure cost efficiency and technical proficiency in time of peace.

(4) Address environmental liability.

(5) In the case of depot-level maintenance and repair workloads in excess of the workload required to be performed by Department of Defense depots, provide for competition for those workloads between public and private entities when there is sufficient potential for realizing cost savings based on adequate private-sector competition and technical capabilities.

(6) Address issues concerning exchange of technical data between the Federal Government and the private sector.

(7) Provide for, in the Secretary's discretion and after consultation with the Secretaries of the military departments, the transfer from one military department to another, in accordance with merit-based selection processes, workload that supports the core depot-level maintenance and repair capabilities in facilities owned and operated by the United States.

(8) Require that, in any competition for a workload (whether among private-sector sources or between depot-level activities of the Department of Defense and private-sector sources), bids are evaluated under a methodology that ensures that appropriate costs to the Government and the private sector are identified.

(9) Provide for the performance of maintenance and repair for any new weapons systems defined as core, under section 2464 of title 10, United States Code, in facilities owned and operated by the United States.

(e) CONSIDERATIONS.—In developing the policy, the Secretary shall take into consideration the following matters:

(1) The national security interests of the United States.

(2) The capabilities of the public depots and the capabilities of businesses in the private sector to perform the maintenance and repair work required by the Department of Defense.

(3) Any applicable recommendations of the Defense Base Closure and Realignment Commission that are required to be implemented under the Defense Base Closure and Realignment Act of 1990.

(4) The extent to which the readiness of the Armed Forces would be affected by a necessity to construct new facilities to accommodate any

redistribution of depot-level maintenance and repair workloads that is made in accordance with the recommendation of the Defense Base Closure and Realignment Commission, under the Defense Base Closure and Realignment Act of 1990, that such workloads be consolidated at Department of Defense depots or private-sector facilities.

(5) Analyses of costs and benefits of alternatives, including a comparative analysis of—

(A) the costs and benefits, including any readiness implications, of any proposed policy to convert to contractor performance of depot-level maintenance and repair workloads where the workload is being performed by Department of Defense personnel; and

(B) the costs and benefits, including any readiness implications, of a policy to transfer depot-level maintenance and repair workloads among depots.

(f) REPEAL OF 60/40 REQUIREMENT AND REQUIREMENT RELATING TO COMPETITION.—(1) Sections 2466 and 2469 of title 10, United States Code, are repealed.

(2) The table of sections at the beginning of chapter 146 of such title is amended by striking out the items relating to sections 2466 and 2469.

(3) The amendments made by paragraphs (1) and (2) shall take effect on the date (after the date of the enactment of this Act) on which legislation is enacted that contains a provision that specifically states one of the following:

(A) "The policy on the performance of depot-level maintenance and repair for the Department of Defense that was submitted by the Secretary of Defense to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives pursuant to section 311 of the National Defense Authorization Act for Fiscal Year 1996 is approved."; or

(B) "The policy on the performance of depot-level maintenance and repair for the Department of Defense that was submitted by the Secretary of Defense to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives pursuant to section 311 of the National Defense Authorization Act for Fiscal Year 1996 is approved with the following modifications:" (with the modifications being stated in matter appearing after the colon).

(g) ANNUAL REPORT.—If legislation referred to in subsection (f)(3) is enacted, the Secretary of Defense shall, not later than March 1 of each year (beginning with the year after the year in which such legislation is enacted), submit to Congress a report that—

(1) specifies depot maintenance core capability requirements determined in accordance with the procedures established to comply with the policy prescribed pursuant to subsections (d)(2) and (d)(3);

(2) specifies the planned amount of workload to be accomplished by the depot-level activities of each military department in support of those requirements for the following fiscal year; and

(3) identifies the planned amount of workload, which—

(A) shall be measured by direct labor hours and by amounts to be expended; and

(B) shall be shown separately for each commodity group.

(h) REVIEW BY GENERAL ACCOUNTING OFFICE.—(1) The Secretary shall make available to the Comptroller General of the United States all information used by the Department in developing the policy under subsections (c) through (e) of this section.

(2) Not later than 45 days after the date on which the Secretary submits to Congress the report required by subsection (c), the Comptroller General shall transmit to Congress a report containing a detailed analysis of the Secretary's proposed policy as reported under such subsection.

(i) REPORT ON DEPOT-LEVEL MAINTENANCE AND REPAIR WORKLOAD.—Not later than March 31, 1996, the Secretary of Defense shall submit to Congress a report on the depot-level maintenance and repair workload of the Department of Defense. The report shall, to the maximum extent practicable, include the following:

(1) An analysis of the need for and effect of the requirement under section 2466 of title 10, United States Code, that no more than 40 percent of the depot-level maintenance and repair work of the Department of Defense be contracted for performance by non-Governmental personnel, including a description of the effect on military readiness and the national security resulting from that requirement and a description of any specific difficulties experienced by the Department of Defense as a result of that requirement.

(2) An analysis of the distribution during the five fiscal years ending with fiscal year 1995 of the depot-level maintenance and repair workload of the Department of Defense between depot-level activities of the Department of Defense and non-Government personnel, measured by direct labor hours and by amounts expended, and displayed, for that five-year period and for each year of that period, so as to show (for each military department (and separately for the Navy and Marine Corps)) such distribution.

(3) A projection of the distribution during the five fiscal years beginning with fiscal year 1997 of the depot-level maintenance and repair workload of the Department of Defense between depot-level activities of the Department of Defense and non-Government personnel, measured by direct labor hours and by amounts expended, and displayed, for that five-year period and for each year of that period, so as to show (for each military department (and separately for the Navy and Marine Corps)) such distribution that would be accomplished under a new policy as required under subsection (c).

(j) OTHER REVIEW BY GENERAL ACCOUNTING OFFICE.—(1) The Comptroller General of the United States shall conduct an independent audit of the findings of the Secretary of Defense in the report under subsection (i). The Secretary of Defense shall provide to the Comptroller General for such purpose all information used by the Secretary in preparing such report.

(2) Not later than 45 days after the date on which the Secretary of Defense submits to Congress the report required under subsection (i), the Comptroller General shall transmit to Congress a report containing a detailed analysis of the report submitted under that subsection.

SEC. 312. MANAGEMENT OF DEPOT EMPLOYEES.

(a) DEPOT EMPLOYEES.—Chapter 146 of title 10, United States Code, is amended by adding at the end the following new section:

"§2472. Management of depot employees

"(b) ANNUAL REPORT.—Not later than December 1 of each fiscal year, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the number of employees employed and expected to be employed by the Department of Defense during that fiscal year to perform depot-level maintenance and repair of materiel. The report shall indicate whether that number is sufficient to perform the depot-level maintenance and repair functions for which funds are expected to be provided for that fiscal year for performance by Department of Defense employees.".

(b) TRANSFER OF SUBSECTION.—Subsection (b) of section 2466 of title 10, United States Code, is transferred to section 2472 of such title, as added by subsection (a), redesignated as subsection (a), and inserted after the section heading.

(c) SUBMISSION OF INITIAL REPORT.—The report under subsection (b) of section 2472 of title 10, United States Code, as added by subsection (a), for fiscal year 1996 shall be submitted not later than March 15, 1996 (notwithstanding the date specified in such subsection).

(d) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2472. Management of depot employees.".

SEC. 313. EXTENSION OF AUTHORITY FOR AVIATION DEPOTS AND NAVAL SHIPYARDS TO ENGAGE IN DEFENSE-RELATED PRODUCTION AND SERVICES.

Section 1425(e) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1684) is amended by striking out "September 30, 1995" and inserting in lieu thereof "September 30, 1996".

SEC. 314. MODIFICATION OF NOTIFICATION REQUIREMENT REGARDING USE OF CORE LOGISTICS FUNCTIONS WAIVER.

Section 2464(b) of title 10, United States Code, is amended by striking out paragraphs (3) and (4) and inserting in lieu thereof the following new paragraph:

"(3) A waiver under paragraph (2) may not take effect until the end of the 30-day period beginning on the date on which the Secretary submits a report on the waiver to the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropriations of the House of Representatives.".

Subtitle C—Environmental Provisions

SEC. 321. REVISION OF REQUIREMENTS FOR AGREEMENTS FOR SERVICES UNDER ENVIRONMENTAL RESTORATION PROGRAM.

(a) REQUIREMENTS.—(1) Section 2701(d) of title 10, United States Code, is amended to read as follows:

"(d) SERVICES OF OTHER AGENCIES.—

"(1) IN GENERAL.—Subject to paragraph (2), the Secretary may enter into agreements on a reimbursable or other basis with any other Federal agency, or with any State or local government agency, to obtain the services of the agency to assist the Secretary in carrying out any of the Secretary's responsibilities under this section. Services which may be obtained under this subsection include the identification, investigation, and cleanup of any off-site contamination resulting from the release of a hazardous substance or waste at a facility under the Secretary's jurisdiction.

"(2) LIMITATION ON REIMBURSABLE AGREEMENTS.—An agreement with an agency under paragraph (1) may not provide for reimbursement of the agency for regulatory enforcement activities.".

(2)(A) Except as provided in subparagraph (B), the total amount of funds available for reimbursements under agreements entered into under section 2710(d) of title 10, United States Code, as amended by paragraph (1), in fiscal year 1996 may not exceed $10,000,000.

(B) The Secretary of Defense may pay in fiscal year 1996 an amount for reimbursements under agreements referred to in subparagraph (A) in excess of the amount specified in that subparagraph for that fiscal year if—

(i) the Secretary certifies to Congress that the payment of the amount under this subparagraph is essential for the management of the Defense Environmental Restoration Program under chapter 160 of title 10, United States Code; and

(ii) a period of 60 days has expired after the date on which the certification is received by Congress.

(b) REPORT ON SERVICES OBTAINED.—The Secretary of Defense shall include in the report submitted to Congress with respect to fiscal year

1998 under section 2706(a) of title 10, United States Code, information on the services, if any, obtained by the Secretary during fiscal year 1996 pursuant to each agreement on a reimbursable basis entered into with a State or local government agency under section 2701(d) of title 10, United States Code, as amended by subsection (a). The information shall include a description of the services obtained under each agreement and the amount of the reimbursement provided for the services.

SEC. 322. ADDITION OF AMOUNTS CREDITABLE TO DEFENSE ENVIRONMENTAL RESTORATION ACCOUNT.

Section 2703(e) of title 10, United States Code is amended to read as follows:

"(e) AMOUNTS RECOVERED.—The following amounts shall be credited to the transfer account:

"(1) Amounts recovered under CERCLA for response actions of the Secretary.

"(2) Any other amounts recovered by the Secretary or the Secretary of the military department concerned from a contractor, insurer, surety, or other person to reimburse the Department of Defense for any expenditure for environmental response activities.".

SEC. 323. USE OF DEFENSE ENVIRONMENTAL RESTORATION ACCOUNT.

(a) GOAL FOR CERTAIN DERA EXPENDITURES.—It shall be the goal of the Secretary of Defense to limit, by the end of fiscal year 1997, spending for administration, support, studies, and investigations associated with the Defense Environmental Restoration Account to 20 percent of the total funding for that account.

(b) REPORT.—Not later than April 1, 1996, the Secretary shall submit to Congress a report that contains specific, detailed information on—

(1) the extent to which the Secretary has attained the goal described in subsection (a) as of the date of the submission of the report; and

(2) if the Secretary has not attained such goal by such date, the actions the Secretary plans to take to attain the goal.

SEC. 324. REVISION OF AUTHORITIES RELATING TO RESTORATION ADVISORY BOARDS.

(a) REGULATIONS.—Paragraph (2) of subsection (d) of section 2705 of title 10, United States Code, is amended to read as follows:

"(2)(A) The Secretary shall prescribe regulations regarding the establishment, characteristics, composition, and funding of restoration advisory boards pursuant to this subsection.

"(B) The issuance of regulations under subparagraph (A) shall not be a precondition to the establishment of restoration advisory boards under this subsection.".

(b) FUNDING FOR ADMINISTRATIVE EXPENSES.—Paragraph (3) of such subsection is amended to read as follows:

"(3) The Secretary may authorize the commander of an installation (or, if there is no such commander, an appropriate official of the Department of Defense designated by the Secretary) to pay routine administrative expenses of a restoration advisory board established for that installation. Such payments shall be made from funds available under subsection (g).".

(c) TECHNICAL ASSISTANCE.—Such section is further amended by striking out subsection (e) and inserting in lieu thereof the following new subsection (e):

"(e) TECHNICAL ASSISTANCE.—(1) The Secretary may, upon the request of the technical review committee or restoration advisory board for an installation, authorize the commander of the installation (or, if there is no such commander, an appropriate official of the Department of Defense designated by the Secretary) to obtain for the committee or advisory board, as the case may be, from private sector sources technical assistance for interpreting scientific and engineering issues with regard to the nature of environmental hazards at the installation and the restoration activities conducted, or proposed to be conducted, at the installation. The commander of an installation (or, if there is no such commander, an appropriate official of the Department of Defense designated by the Secretary) shall use funds made available under subsection (g) for obtaining assistance under this paragraph.

"(2) The commander of an installation (or, if there is no such commander, an appropriate official of the Department of Defense designated by the Secretary) may obtain technical assistance under paragraph (1) for a technical review committee or restoration advisory board only if—

"(A) the technical review committee or restoration advisory board demonstrates that the Federal, State, and local agencies responsible for overseeing environmental restoration at the installation, and available Department of Defense personnel, do not have the technical expertise necessary for achieving the objective for which the technical assistance is to be obtained; or

"(B) the technical assistance—

"(i) is likely to contribute to the efficiency, effectiveness, or timeliness of environmental restoration activities at the installation; and

"(ii) is likely to contribute to community acceptance of environmental restoration activities at the installation.".

(d) FUNDING.—(1) Such section is further amended by adding at the end the following new subsection:

"(g) FUNDING.—The Secretary shall, to the extent provided in appropriations Acts, make funds available for administrative expenses and technical assistance under this section using funds in the following accounts:

"(1) In the case of a military installation not approved for closure pursuant to a base closure law, the Defense Environmental Restoration Account established under section 2703(a) of this title.

"(2) In the case of an installation approved for closure pursuant to such a law, 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).".

(2)(A) Subject to subparagraph (B), the total amount of funds made available under section 2705(g) of title 10, United States Code, as added by paragraph (1), for fiscal year 1996 may not exceed $6,000,000.

(B) Amounts may not be made available under subsection (g) of such section 2705 after September 15, 1996, unless the Secretary of Defense publishes proposed final or interim final regulations required under subsection (d) of such section, as amended by subsection (a).

(e) DEFINITION.—Such section is further amended by adding after subsection (g) (as added by subsection (d)) the following new subsection:

"(h) DEFINITION.—In this section, the term 'base closure law' means the following:

"(1) 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).

"(3) Section 2687 of this title.".

(f) REPORTS ON ACTIVITIES OF TECHNICAL REVIEW COMMITTEES AND RESTORATION ADVISORY BOARDS.—Section 2706(a)(2) of title 10, United States Code, is amended by adding at the end the following:

"(J) A statement of the activities, if any, including expenditures for administrative expenses and technical assistance under section 2705 of this title, of the technical review committee or restoration advisory board established for the installation under such section during the preceding fiscal year.".

SEC. 325. DISCHARGES FROM VESSELS OF THE ARMED FORCES.

(a) PURPOSES.—The purposes of this section are to—

(1) enhance the operational flexibility of vessels of the Armed Forces domestically and internationally;

(2) stimulate the development of innovative vessel pollution control technology; and

(3) advance the development by the United States Navy of environmentally sound ships.

(b) UNIFORM NATIONAL DISCHARGE STANDARDS DEVELOPMENT.—Section 312 of the Federal Water Pollution Control Act (33 U.S.C. 1322) is amended by adding at the end the following:

"(n) UNIFORM NATIONAL DISCHARGE STANDARDS FOR VESSELS OF THE ARMED FORCES.—

"(1) APPLICABILITY.—This subsection shall apply to vessels of the Armed Forces and discharges, other than sewage, incidental to the normal operation of a vessel of the Armed Forces, unless the Secretary of Defense finds that compliance with this subsection would not be in the national security interests of the United States.

"(2) DETERMINATION OF DISCHARGES REQUIRED TO BE CONTROLLED BY MARINE POLLUTION CONTROL DEVICES.—

"(A) IN GENERAL.—The Administrator and the Secretary of Defense, after consultation with the Secretary of the department in which the Coast Guard is operating, the Secretary of Commerce, and interested States, shall jointly determine the discharges incidental to the normal operation of a vessel of the Armed Forces for which it is reasonable and practicable to require use of a marine pollution control device to mitigate adverse impacts on the marine environment. Notwithstanding subsection (a)(1) of section 553 of title 5, United States Code, the Administrator and the Secretary of Defense shall promulgate the determinations in accordance with such section. The Secretary of Defense shall require the use of a marine pollution control device on board a vessel of the Armed Forces in any case in which it is determined that the use of such a device is reasonable and practicable.

"(B) CONSIDERATIONS.—In making a determination under subparagraph (A), the Administrator and the Secretary of Defense shall take into consideration—

"(i) the nature of the discharge;

"(ii) the environmental effects of the discharge;

"(iii) the practicability of using the marine pollution control device;

"(iv) the effect that installation or use of the marine pollution control device would have on the operation or operational capability of the vessel;

"(v) applicable United States law;

"(vi) applicable international standards; and

"(vii) the economic costs of the installation and use of the marine pollution control device.

"(3) PERFORMANCE STANDARDS FOR MARINE POLLUTION CONTROL DEVICES.—

"(A) IN GENERAL.—For each discharge for which a marine pollution control device is determined to be required under paragraph (2), the Administrator and the Secretary of Defense, in consultation with the Secretary of the department in which the Coast Guard is operating, the Secretary of State, the Secretary of Commerce, other interested Federal agencies, and interested States, shall jointly promulgate Federal standards of performance for each marine pollution control device required with respect to the discharge. Notwithstanding subsection (a)(1) of

section 553 of title 5, United States Code, the Administrator and the Secretary of Defense shall promulgate the standards in accordance with such section.

"(B) CONSIDERATIONS.—In promulgating standards under this paragraph, the Administrator and the Secretary of Defense shall take into consideration the matters set forth in paragraph (2)(B).

"(C) CLASSES, TYPES, AND SIZES OF VESSELS.—The standards promulgated under this paragraph may—

"(i) distinguish among classes, types, and sizes of vessels;

"(ii) distinguish between new and existing vessels; and

"(iii) provide for a waiver of the applicability of the standards as necessary or appropriate to a particular class, type, age, or size of vessel.

"(4) REGULATIONS FOR USE OF MARINE POLLUTION CONTROL DEVICES.—The Secretary of Defense, after consultation with the Administrator and the Secretary of the department in which the Coast Guard is operating, shall promulgate such regulations governing the design, construction, installation, and use of marine pollution control devices on board vessels of the Armed Forces as are necessary to achieve the standards promulgated under paragraph (3).

"(5) DEADLINES; EFFECTIVE DATE.—

"(A) DETERMINATIONS.—The Administrator and the Secretary of Defense shall—

"(i) make the initial determinations under paragraph (2) not later than 2 years after the date of the enactment of this subsection; and

"(ii) every 5 years—

"(I) review the determinations; and

"(II) if necessary, revise the determinations based on significant new information.

"(B) STANDARDS.—The Administrator and the Secretary of Defense shall—

"(i) promulgate standards of performance for a marine pollution control device under paragraph (3) not later than 2 years after the date of a determination under paragraph (2) that the marine pollution control device is required; and

"(ii) every 5 years—

"(I) review the standards; and

"(II) if necessary, revise the standards, consistent with paragraph (3)(B) and based on significant new information.

"(C) REGULATIONS.—The Secretary of Defense shall promulgate regulations with respect to a marine pollution control device under paragraph (4) as soon as practicable after the Administrator and the Secretary of Defense promulgate standards with respect to the device under paragraph (3), but not later than 1 year after the Administrator and the Secretary of Defense promulgate the standards. The regulations promulgated by the Secretary of Defense under paragraph (4) shall become effective upon promulgation unless another effective date is specified in the regulations.

"(D) PETITION FOR REVIEW.—The Governor of any State may submit a petition requesting that the Secretary of Defense and the Administrator review a determination under paragraph (2) or a standard under paragraph (3), if there is significant new information, not considered previously, that could reasonably result in a change to the particular determination or standard after consideration of the matters set forth in paragraph (2)(B). The petition shall be accompanied by the scientific and technical information on which the petition is based. The Administrator and the Secretary of Defense shall grant or deny the petition not later than 2 years after the date of receipt of the petition.

"(6) EFFECT ON OTHER LAWS.—

"(A) PROHIBITION ON REGULATION BY STATES OR POLITICAL SUBDIVISIONS OF STATES.—Beginning on the effective date of—

"(i) a determination under paragraph (2) that it is not reasonable and practicable to require use of a marine pollution control device regarding a particular discharge incidental to the normal operation of a vessel of the Armed Forces; or

"(ii) regulations promulgated by the Secretary of Defense under paragraph (4);

except as provided in paragraph (7), neither a State nor a political subdivision of a State may adopt or enforce any statute or regulation of the State or political subdivision with respect to the discharge or the design, construction, installation, or use of any marine pollution control device required to control discharges from a vessel of the Armed Forces.

"(B) FEDERAL LAWS.—This subsection shall not affect the application of section 311 to discharges incidental to the normal operation of a vessel.

"(7) ESTABLISHMENT OF STATE NO-DISCHARGE ZONES.—

"(A) STATE PROHIBITION.—

"(i) IN GENERAL.—After the effective date of—

"(I) a determination under paragraph (2) that it is not reasonable and practicable to require use of a marine pollution control device regarding a particular discharge incidental to the normal operation of a vessel of the Armed Forces; or

"(II) regulations promulgated by the Secretary of Defense under paragraph (4);

if a State determines that the protection and enhancement of the quality of some or all of the waters within the State require greater environmental protection, the State may prohibit 1 or more discharges incidental to the normal operation of a vessel, whether treated or not treated, into the waters. No prohibition shall apply until the Administrator makes the determinations described in subclauses (II) and (III) of subparagraph (B)(i).

"(ii) DOCUMENTATION.—To the extent that a prohibition under this paragraph would apply to vessels of the Armed Forces and not to other types of vessels, the State shall document the technical or environmental basis for the distinction.

"(B) PROHIBITION BY THE ADMINISTRATOR.—

"(i) IN GENERAL.—Upon application of a State, the Administrator shall by regulation prohibit the discharge from a vessel of 1 or more discharges incidental to the normal operation of a vessel, whether treated or not treated, into the waters covered by the application if the Administrator determines that—

"(I) the protection and enhancement of the quality of the specified waters within the State require a prohibition of the discharge into the waters;

"(II) adequate facilities for the safe and sanitary removal of the discharge incidental to the normal operation of a vessel are reasonably available for the waters to which the prohibition would apply; and

"(III) the prohibition will not have the effect of discriminating against a vessel of the Armed Forces by reason of the ownership or operation by the Federal Government, or the military function, of the vessel.

"(ii) APPROVAL OR DISAPPROVAL.—The Administrator shall approve or disapprove an application submitted under clause (i) not later than 90 days after the date on which the application is submitted to the Administrator. Notwithstanding clause (i)(II), the Administrator shall not disapprove an application for the sole reason that there are not adequate facilities to remove any discharge incidental to the normal operation of a vessel from vessels of the Armed Forces.

"(C) APPLICABILITY TO FOREIGN FLAGGED VESSELS.—A prohibition under this paragraph—

"(i) shall not impose any design, construction, manning, or equipment standard on a foreign flagged vessel engaged in innocent passage unless the prohibition implements a generally accepted international rule or standard; and

"(ii) that relates to the prevention, reduction, and control of pollution shall not apply to a foreign flagged vessel engaged in transit passage unless the prohibition implements an applicable international regulation regarding the discharge of oil, oily waste, or any other noxious substance into the waters.

"(8) PROHIBITION RELATING TO VESSELS OF THE ARMED FORCES.—After the effective date of the regulations promulgated by the Secretary of Defense under paragraph (4), it shall be unlawful for any vessel of the Armed Forces subject to the regulations to—

"(A) operate in the navigable waters of the United States or the waters of the contiguous zone, if the vessel is not equipped with any required marine pollution control device meeting standards established under this subsection; or

"(B) discharge overboard any discharge incidental to the normal operation of a vessel in waters with respect to which a prohibition on the discharge has been established under paragraph (7).

"(9) ENFORCEMENT.—This subsection shall be enforceable, as provided in subsections (j) and (k), against any agency of the United States responsible for vessels of the Armed Forces notwithstanding any immunity asserted by the agency.".

(c) CONFORMING AMENDMENTS.—

(1) DEFINITIONS.—Section 312(a) of the Federal Water Pollution Control Act (33 U.S.C. 1322(a)) is amended—

(A) in paragraph (8)—

(i) by striking "or"; and

(ii) by inserting "or agency of the United States," after "association,";

(B) in paragraph (11), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(12) 'discharge incidental to the normal operation of a vessel'—

"(A) means a discharge, including—

"(i) graywater, bilge water, cooling water, weather deck runoff, ballast water, oil water separator effluent, and any other pollutant discharge from the operation of a marine propulsion system, shipboard maneuvering system, crew habitability system, or installed major equipment, such as an aircraft carrier elevator or a catapult, or from a protective, preservative, or absorptive application to the hull of the vessel; and

"(ii) a discharge in connection with the testing, maintenance, and repair of a system described in clause (i) whenever the vessel is waterborne; and

"(B) does not include—

"(i) a discharge of rubbish, trash, garbage, or other such material discharged overboard;

"(ii) an air emission resulting from the operation of a vessel propulsion system, motor driven equipment, or incinerator; or

"(iii) a discharge that is not covered by part 122.3 of title 40, Code of Federal Regulations (as in effect on the date of the enactment of subsection (n));

"(13) 'marine pollution control device' means any equipment or management practice, for installation or use on board a vessel of the Armed Forces, that is—

"(A) designed to receive, retain, treat, control, or discharge a discharge incidental to the normal operation of a vessel; and

"(B) determined by the Administrator and the Secretary of Defense to be the most effective equipment or management practice to reduce the environmental impacts of the discharge consistent with the considerations set forth in subsection (n)(2)(B); and

"(14) 'vessel of the Armed Forces' means—

"(A) any vessel owned or operated by the Department of Defense, other than a time or voyage chartered vessel; and

"(B) any vessel owned or operated by the Department of Transportation that is designated by the Secretary of the department in which the Coast Guard is operating as a vessel equivalent to a vessel described in subparagraph (A).".

(2) ENFORCEMENT.—The first sentence of section 312(j) of the Federal Water Pollution Control Act (33 U.S.C. 1322(j)) is amended—

(A) by striking "of this section or" and inserting a comma; and

(B) by striking "of this section shall" and inserting ", or subsection (n)(8) shall".

(3) OTHER DEFINITIONS.—Subparagraph (A) of the second sentence of section 502(6) of the Federal Water Pollution Control Act (33 U.S.C. 1362(6)) is amended by striking "'sewage from vessels'" and inserting "'sewage from vessels or a discharge incidental to the normal operation of a vessel of the Armed Forces'".

(d) COOPERATION IN STANDARDS DEVELOPMENT.—The Administrator of the Environmental Protection Agency and the Secretary of Defense may, by mutual agreement, with or without reimbursement, provide for the use of information, reports, personnel, or other resources of the Environmental Protection Agency or the Department of Defense to carry out section 312(n) of the Federal Water Pollution Control Act (as added by subsection (b)), including the use of the resources—

(1) to determine—

(A) the nature and environmental effect of discharges incidental to the normal operation of a vessel of the Armed Forces;

(B) the practicability of using marine pollution control devices on vessels of the Armed Forces; and

(C) the effect that installation or use of marine pollution control devices on vessels of the Armed Forces would have on the operation or operational capability of the vessels; and

(2) to establish performance standards for marine pollution control devices on vessels of the Armed Forces.

Subtitle D—Commissaries and Nonappropriated Fund Instrumentalities

SEC. 331. OPERATION OF COMMISSARY SYSTEM.

(a) COOPERATION WITH OTHER ENTITIES.—Section 2482 of title 10, United States Code, is amended—

(1) in the section heading, by striking out "**private**";

(2) by inserting "(a) PRIVATE OPERATION.—" before "Private persons"; and

(3) by adding at the end the following new subsection:

"(b) CONTRACTS WITH OTHER AGENCIES AND INSTRUMENTALITIES.—(1) The Defense Commissary Agency, and any other agency of the Department of Defense that supports the operation of the commissary system, may enter into a contract or other agreement with another department, agency, or instrumentality of the Department of Defense or another Federal agency to provide services beneficial to the efficient management and operation of the commissary system.

"(2) A commissary store operated by a nonappropriated fund instrumentality of the Department of Defense shall be operated in accordance with section 2484 of this title. Subject to such section, the Secretary of Defense may authorize a transfer of goods, supplies, and facilities of, and funds appropriated for, the Defense Commissary Agency or any other agency of the Department of Defense that supports the operation of the commissary system to a nonappropriated fund instrumentality for the operation of a commissary store.".

(b) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 147 of such title is amended to read as follows:

"2482. Commissary stores: operation.".

SEC. 332. LIMITED RELEASE OF COMMISSARY STORES SALES INFORMATION TO MANUFACTURERS, DISTRIBUTORS, AND OTHER VENDORS DOING BUSINESS WITH DEFENSE COMMISSARY AGENCY.

Section 2487(b) of title 10, United States Code, is amended in the second sentence by inserting before the period the following: "unless the agreement is between the Defense Commissary Agency and a manufacturer, distributor, or other vendor doing business with the Agency and is restricted to information directly related to merchandise provided by that manufacturer, distributor, or vendor".

SEC. 333. ECONOMICAL DISTRIBUTION OF DISTILLED SPIRITS BY NONAPPROPRIATED FUND INSTRUMENTALITIES.

(a) ECONOMICAL DISTRIBUTION.—Subsection (a)(1) of section 2488 of title 10, United States Code, is amended by inserting after "most competitive source" the following: "and distributed in the most economical manner".

(b) DETERMINATION OF MOST ECONOMICAL DISTRIBUTION METHOD.—Such section is further amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

"(c)(1) In the case of covered alcoholic beverage purchases of distilled spirits, to determine whether a nonappropriated fund instrumentality of the Department of Defense provides the most economical method of distribution to package stores, the Secretary of Defense shall consider all components of the distribution costs incurred by the nonappropriated fund instrumentality, such as overhead costs (including costs associated with management, logistics, administration, depreciation, and utilities), the costs of carrying inventory, and handling and distribution costs.

"(2) If the use of a private distributor would subject covered alcoholic beverage purchases of distilled spirits to direct or indirect State taxation, a nonappropriated fund instrumentality shall be considered to be the most economical method of distribution regardless of the results of the determination under paragraph (1).

"(3) The Secretary shall use the agencies performing audit functions on behalf of the armed forces and the Inspector General of the Department of Defense to make determinations under this subsection.".

SEC. 334. TRANSPORTATION BY COMMISSARIES AND EXCHANGES TO OVERSEAS LOCATIONS.

(a) IN GENERAL.—Chapter 157 of title 10, United States Code, is amended by adding at the end the following new section:

"§2643. Commissary and exchange services: transportation overseas

"The Secretary of Defense shall authorize the officials responsible for operation of commissaries and military exchanges to negotiate directly with private carriers for the most cost-effective transportation of commissary and exchange supplies by sea without relying on the Military Sealift Command or the Military Traffic Management Command. Section 2631 of this title, regarding the preference for vessels of the United States or belonging to the United States in the transportation of supplies by sea, shall apply to the negotiation of transportation contracts under the authority of 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:

"2643. Commissary and exchange services: transportation overseas.".

SEC. 335. DEMONSTRATION PROJECT FOR UNIFORM FUNDING OF MORALE, WELFARE, AND RECREATION ACTIVITIES AT CERTAIN MILITARY INSTALLATIONS.

(a) DEMONSTRATION PROJECT REQUIRED.—(1) The Secretary of Defense shall conduct a demonstration project to evaluate the feasibility of using only nonappropriated funds to support morale, welfare, and recreation programs at military installations in order to facilitate the procurement of property and services for those programs and the management of employees used to carry out those programs.

(2) Under the demonstration project—

(A) procurements of property and services for programs referred to in paragraph (1) may be carried out in accordance with laws and regulations applicable to procurements paid for with nonappropriated funds; and

(B) appropriated funds available for such programs may be expended in accordance with laws applicable to expenditures of nonappropriated funds as if the appropriated funds were nonappropriated funds.

(3) The Secretary shall prescribe regulations to carry out paragraph (2). The regulations shall provide for financial management and accounting of appropriated funds expended in accordance with subparagraph (B) of such paragraph.

(b) COVERED MILITARY INSTALLATIONS.—The Secretary shall select not less than three and not more than six military installations to participate in the demonstration project.

(c) PERIOD OF DEMONSTRATION PROJECT.—The demonstration project shall terminate not later than September 30, 1998.

(d) EFFECT ON EMPLOYEES.—For the purpose of testing fiscal accounting procedures, the Secretary may convert, for the duration of the demonstration project, the status of an employee who carries out a program referred to in subsection (a)(1) from the status of an employee paid by appropriated funds to the status of a nonappropriated fund instrumentality employee, except that such conversion may occur only—

(1) if the employee whose status is to be converted—

(A) is fully informed of the effects of such conversion on the terms and conditions of the employment of that employee for purposes of title 5, United States Code, and on the benefits provided to that employee under such title; and

(B) consents to such conversion; or

(2) in a manner which does not affect such terms and conditions of employment or such benefits.

(e) REPORTS.—(1) Not later than six months after the date of the enactment of this Act, the Secretary shall submit to Congress an interim report on the implementation of this section.

(2) Not later than December 31, 1998, the Secretary shall submit to Congress a final report on the results of the demonstration project. The report shall include a comparison of—

(A) the cost incurred under the demonstration project in using employees paid by appropriated funds together with nonappropriated fund instrumentality employees to carry out the programs referred to in subsection (a)(1); and

(B) an estimate of the cost that would have been incurred if only nonappropriated fund instrumentality employees had been used to carry out such programs.

SEC. 336. OPERATION OF COMBINED EXCHANGE AND COMMISSARY STORES.

(a) IN GENERAL.—(1) Chapter 147 of title 10, United States Code, is amended by adding at the end the following new section:

"§2490a. Combined exchange and commissary stores

"(a) AUTHORITY.—The Secretary of Defense may authorize a nonappropriated fund instrumentality to operate a military exchange and a

commissary store as a combined exchange and commissary store on a military installation.

"(b) LIMITATIONS.—(1) Not more than ten combined exchange and commissary stores may be operated pursuant to this section.

"(2) The Secretary may select a military installation for the operation of a combined exchange and commissary store under this section only if—

"(A) the installation is to be closed, or has been or is to be realigned, under a base closure law; or

"(B) a military exchange and a commissary store are operated at the installation by separate entities at the time of, or immediately before, such selection and it is not economically feasible to continue that separate operation.

"(c) OPERATION AT CARSWELL FIELD.—Combined exchange and commissary stores operated under this section shall include the combined exchange and commissary store that is operated at the Naval Air Station Fort Worth, Joint Reserve Center, Carswell Field, Texas, under the authority provided in section 375 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2736).

"(d) ADJUSTMENTS AND SURCHARGES.—Adjustments to, and surcharges on, the sales price of a grocery food item sold in a combined exchange and commissary store under this section shall be provided for in accordance with the same laws that govern such adjustments and surcharges for items sold in a commissary store of the Defense Commissary Agency.

"(e) USE OF APPROPRIATED FUNDS.—(1) If a nonappropriated fund instrumentality incurs a loss in operating a combined exchange and commissary store at a military installation under this section as a result of the requirement set forth in subsection (d), the Secretary may authorize a transfer of funds available for the Defense Commissary Agency to the nonappropriated fund instrumentality to offset the loss.

"(2) The total amount of appropriated funds transferred during a fiscal year to support the operation of a combined exchange and commissary store at a military installation under this section may not exceed an amount that is equal to 25 percent of the amount of appropriated funds that was provided for the operation of the commissary store of the Defense Commissary Agency on that installation during the last full fiscal year of operation of that commissary store.

"(f) DEFINITIONS.—In this section:

"(1) The term 'nonappropriated fund instrumentality' means the Army and Air Force Exchange Service, Navy Exchange Service Command, Marine Corps exchanges, or any other instrumentality of the United States under the jurisdiction of the Armed Forces which is conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the Armed Forces.

"(2) The term 'base closure law' has the meaning given such term by section 2667(g) of this title.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2490a. Combined exchange and commissary stores.".

(b) CONFORMING AMENDMENT.—Section 375 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2736) is amended by striking out ", until December 31, 1995,".

SEC. 337. DEFERRED PAYMENT PROGRAMS OF MILITARY EXCHANGES.

(a) USE OF COMMERCIAL BANKING INSTITUTION.—(1) As soon as practicable after the date of the enactment of this Act, the Secretary of Defense shall seek to enter into an agreement with a commercial banking institution under which the institution agrees to finance and operate the deferred payment program of the Army and Air Force Exchange Service and the deferred payment program of the Navy Exchange Service Command. The Secretary shall use competitive procedures to enter into an agreement under this paragraph.

(2) In order to facilitate the transition of the operation of the programs referred to in paragraph (1) to commercial operation under an agreement described in that paragraph, the Secretary may initially limit the scope of any such agreement so as to apply to only one of the programs.

(b) REPORT.—Not later than December 31, 1995, the Secretary shall submit to Congress a report on the implementation of this section. The report shall also include an analysis of the impact of the deferred payment programs referred to in subsection (a)(1), including the impact of the default and collection procedures under such programs, on members of the Armed Forces and their families.

SEC. 338. AVAILABILITY OF FUNDS TO OFFSET EXPENSES INCURRED BY ARMY AND AIR FORCE EXCHANGE SERVICE ON ACCOUNT OF TROOP REDUCTIONS IN EUROPE.

Of funds authorized to be appropriated under section 301(5), not less than $70,000,000 shall be available to the Secretary of Defense for transfer to the Army and Air Force Exchange Service to offset expenses incurred by the Army and Air Force Exchange Service on account of reductions in the number of members of the United States Armed Forces assigned to permanent duty ashore in Europe.

SEC. 339. STUDY REGARDING IMPROVING EFFICIENCIES IN OPERATION OF MILITARY EXCHANGES AND OTHER MORALE, WELFARE, AND RECREATION ACTIVITIES AND COMMISSARY STORES.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study regarding the manner in which greater efficiencies can be achieved in the operation of—

(1) military exchanges;

(2) other instrumentalities of the United States under the jurisdiction of the Armed Forces which are conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the Armed Forces; and

(3) commissary stores.

(b) REPORT OF STUDY.—Not later than March 1, 1996, the Secretary of Defense shall submit to Congress a report describing the results of the study and containing such recommendations as the Secretary considers appropriate to implement options identified in the study to achieve the greater efficiencies referred to in subsection (a).

SEC. 340. REPEAL OF REQUIREMENT TO CONVERT SHIPS' STORES TO NONAPPROPRIATED FUND INSTRUMENTALITIES.

(a) REPEAL.—Section 371 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 7604 note) is amended—

(1) by striking out subsections (a) and (b); and

(2) by redesignating subsections (c) and (d) as subsections (a) and (b), respectively.

(b) INSPECTOR GENERAL REVIEW.—Not later than April 1, 1996, the Inspector General of the Department of Defense shall submit to Congress a report that reviews the report on the costs and benefits of converting to operation of Navy ships' stores by nonappropriated fund instrumentalities that the Navy Audit Agency prepared in connection with the postponement of the deadline for the conversion provided for in section 374(a) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2736).

SEC. 341. DISPOSITION OF EXCESS MORALE, WELFARE, AND RECREATION FUNDS.

Section 2219 of title 10, United States Code, is amended—

(1) in the first sentence, by striking out "a military department" and inserting in lieu thereof "an armed force";

(2) in the second sentence—

(A) by striking out ", department-wide"; and

(B) by striking out "of the military department" and inserting in lieu thereof "for that armed force"; and

(3) by adding at the end the following: "This section does not apply to the Coast Guard.".

SEC. 342. CLARIFICATION OF ENTITLEMENT TO USE OF MORALE, WELFARE, AND RECREATION FACILITIES BY MEMBERS OF RESERVE COMPONENTS AND DEPENDENTS.

(a) IN GENERAL.—Section 1065 of title 10, United States Code, is amended to read as follows:

"§1065. Morale, welfare, and recreation retail facilities: use by members of reserve components and dependents

"(a) MEMBERS OF THE SELECTED RESERVE.—A member of the Selected Reserve in good standing (as determined by the Secretary concerned) shall be permitted to use MWR retail facilities on the same basis as members on active duty.

"(b) MEMBERS OF READY RESERVE NOT IN SELECTED RESERVE.—Subject to such regulations as the Secretary of Defense may prescribe, a member of the Ready Reserve (other than members of the Selected Reserve) may be permitted to use MWR retail facilities on the same basis as members serving on active duty.

"(c) RESERVE RETIREES UNDER AGE 60.—A member or former member of a reserve component under 60 years of age who, but for age, would be eligible for retired pay under chapter 1223 of this title shall be permitted to use MWR retail facilities on the same basis as members of the armed forces entitled to retired pay under any other provision of law.

"(d) DEPENDENTS.—(1) Dependents of a member who is permitted under subsection (a) or (b) to use MWR retail facilities shall be permitted to use such facilities on the same basis as dependents of members on active duty.

"(2) Dependents of a member who is permitted under subsection (c) to use MWR retail facilities shall be permitted to use such facilities on the same basis as dependents of members of the armed forces entitled to retired pay under any other provision of law.

"(e) MWR RETAIL FACILITY DEFINED.—In this section, the term 'MWR retail facilities' means exchange stores and other revenue-generating facilities operated by nonappropriated fund activities of the Department of Defense for the morale, welfare, and recreation of members of the armed forces.".

(b) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 54 of such title is amended to read as follows:

"1065. Morale, welfare, and recreation retail facilities: use by members of reserve components and dependents.".

Subtitle E—Performance of Functions by Private-Sector Sources

SEC. 351. COMPETITIVE PROCUREMENT OF PRINTING AND DUPLICATION SERVICES.

(a) REQUIREMENT FOR COMPETITIVE PROCUREMENT.—Except as provided in subsection (b), the Secretary of Defense shall, during fiscal year 1996 and consistent with the requirements of title 44, United States Code, competitively procure printing and duplication services from private-sector sources for the performance of at least 70 percent of the total printing and duplication requirements of the Defense Printing Service.

(b) EXCEPTION FOR CLASSIFIED INFORMATION.—The requirement of subsection (a) shall not apply to the procurement of services for printing and duplicating classified documents and information.

SEC. 352. DIRECT VENDOR DELIVERY SYSTEM FOR CONSUMABLE INVENTORY ITEMS OF DEPARTMENT OF DEFENSE.

(a) IMPLEMENTATION OF DIRECT VENDOR DELIVERY SYSTEM.—Not later than September 30, 1997, the Secretary of Defense shall, to the maximum extent practicable, implement a system under which consumable inventory items referred to in subsection (b) are delivered to military installations throughout the United States directly by the vendors of those items. The purpose for implementing the system is to reduce the expense and necessity of maintaining extensive warehouses for those items within the Department of Defense.

(b) COVERED ITEMS.—The items referred to in subsection (a) are the following:

(1) Food and clothing.

(2) Medical and pharmaceutical supplies.

(3) Automotive, electrical, fuel, and construction supplies.

(4) Other consumable inventory items the Secretary considers appropriate.

SEC. 353. PAYROLL, FINANCE, AND ACCOUNTING FUNCTIONS OF THE DEPARTMENT OF DEFENSE.

(a) PLAN FOR PRIVATE OPERATION OF CERTAIN FUNCTIONS.—(1) Not later than March 1, 1996, the Secretary of Defense shall submit to Congress a plan for the performance by private-sector sources of payroll functions for civilian employees of the Department of Defense other than employees paid from nonappropriated funds.

(2)(A) The Secretary shall implement the plan referred to in paragraph (1) if the Secretary determines that the cost of performance by private-sector sources of the functions referred to in that paragraph does not exceed the cost of performance of those functions by employees of the Federal Government.

(B) In computing the total cost of performance of such functions by employees of the Federal Government, the Secretary shall include the following:

(i) Managerial and administrative costs.

(ii) Personnel costs, including the cost of providing retirement benefits for such personnel.

(iii) Costs associated with the provision of facilities and other support by Federal agencies.

(C) The Defense Contract Audit Agency shall verify the costs computed for the Secretary under this paragraph by others.

(3) Subject to paragraph (2), the Secretary shall implement the plan not later than October 1, 1996.

(4) At the same time the Secretary submits the plan required by paragraph (1), the Secretary shall submit to Congress a report on other accounting and finance functions of the Department that are appropriate for performance by private-sector sources.

(b) PILOT PROGRAM FOR PRIVATE OPERATION OF NAFI FUNCTIONS.—(1) The Secretary shall carry out a pilot program to test the performance by private-sector sources of payroll and other accounting and finance functions of nonappropriated fund instrumentalities and to evaluate the extent to which cost savings and efficiencies would result from the performance of such functions by those sources.

(2) The payroll and other accounting and finance functions designated by the Secretary for performance by private-sector sources under the pilot program shall include at least one major payroll, accounting, or finance function.

(3) To carry out the pilot program, the Secretary shall enter into discussions with private-sector sources for the purpose of developing a request for proposals to be issued for performance by those sources of functions designated by the Secretary under paragraph (2). The discussions shall be conducted on a schedule that accommodates issuance of a request for proposals within 60 days after the date of the enactment of this Act.

(4) A goal of the pilot program is to reduce by at least 25 percent the total costs incurred by the Department annually for the performance of a function referred to in paragraph (2) through the performance of that function by a private-sector source.

(5) Before conducting the pilot program, the Secretary shall develop a plan for the program that addresses the following:

(A) The purposes of the program.

(B) The methodology, duration, and anticipated costs of the program, including the cost of an arrangement pursuant to which a private-sector source would receive an agreed-upon payment plus an additional negotiated amount not to exceed 50 percent of the dollar savings achieved in excess of the goal specified in paragraph (4).

(C) A specific citation to any provisions of law, rule, or regulation that, if not waived, would prohibit the conduct of the program or any part of the program.

(D) A mechanism to evaluate the program.

(E) A provision for all payroll, accounting, and finance functions of nonappropriated fund instrumentalities of the Department of Defense to be performed by private-sector sources, if determined advisable on the basis of a final assessment of the results of the program.

(6) The Secretary shall act through the Under Secretary of Defense (Comptroller) in the performance of the Secretary's responsibilities under this subsection.

(c) LIMITATION ON OPENING OF NEW OPERATING LOCATIONS FOR DEFENSE FINANCE AND ACCOUNTING SERVICE.—(1) Except as provided in paragraph (2), the Secretary may not establish a new operating location for the Defense Finance and Accounting Service during fiscal year 1996.

(2) The Secretary may establish a new operating location for the Defense Finance and Accounting Service if—

(A) for a new operating location that the Secretary planned before the date of the enactment of this Act to establish on or after that date, the Secretary reconsiders the need for establishing that new operating location; and

(B) for each new operating location, including a new operating location referred to in subparagraph (A)—

(i) the Secretary submits to Congress, as part of the report required by subsection (a)(4), an analysis of the need for establishing the new operating location; and

(ii) a period of 30 days elapses after the Congress receives the report.

(3) In this subsection, the term "new operating location" means an operating location that is not in operation on the date of the enactment of this Act, except that such term does not include an operating location for which, as of such date—

(A) the Secretary has established a date for the commencement of operations; and

(B) funds have been expended for the purpose of its establishment.

SEC. 354. DEMONSTRATION PROGRAM TO IDENTIFY OVERPAYMENTS MADE TO VENDORS.

(a) IN GENERAL.—The Secretary of Defense shall conduct a demonstration program to evaluate the feasibility of using private contractors to audit accounting and procurement records of the Department of Defense in order to identify overpayments made to vendors by the Department. The demonstration program shall be conducted for the Defense Logistics Agency and include the Defense Personnel Support Center.

(b) PROGRAM REQUIREMENTS.—(1) Under the demonstration program, the Secretary shall, by contract, provide for one or more persons to audit the accounting and procurement records of the Defense Logistics Agency that relate to (at least) fiscal years 1993, 1994, and 1995. The Secretary may enter into more than one contract under the program.

(2) A contract under the demonstration program shall require the contractor to use data processing techniques that are generally used in audits of private-sector records similar to the records audited under the contract.

(c) AUDIT REQUIREMENTS.—In conducting an audit under the demonstration program, a contractor shall compare Department of Defense purchase agreements (and related documents) with invoices submitted by vendors under the purchase agreements. A purpose of the comparison is to identify, in the case of each audited purchase agreement, the following:

(1) Any payments to the vendor for costs that are not allowable under the terms of the purchase agreement or by law.

(2) Any amounts not deducted from the total amount paid to the vendor under the purchase agreement that should have been deducted from that amount on account of goods and services provided to the vendor by the Department.

(3) Duplicate payments.

(4) Unauthorized charges.

(5) Other discrepancies between the amount paid to the vendor and the amount actually due the vendor under the purchase agreement.

(d) BONUS PAYMENT.—To the extent provided for in a contract under the demonstration program, the Secretary may pay the contractor a bonus in addition to any other amount paid for performance of the contract. The amount of such bonus may not exceed the amount that is equal to 25 percent of all amounts recovered by the United States on the basis of information obtained as a result of the audit performed under the contract. Any such bonus shall be paid out of amounts made available pursuant to subsection (e).

(e) AVAILABILITY OF FUNDS.—Of the amount authorized to be appropriated pursuant to section 301(5), not more than $5,000,000 shall be available for the demonstration program.

SEC. 355. PILOT PROGRAM ON PRIVATE OPERATION OF DEFENSE DEPENDENTS' SCHOOLS.

(a) PILOT PROGRAM.—The Secretary of Defense may conduct a pilot program to evaluate the feasibility of using private contractors to operate schools of the defense dependents' education system established under section 1402(a) of the Defense Dependents' Education Act of 1978 (20 U.S.C. 921(a)).

(b) SELECTION OF SCHOOL FOR PROGRAM.—If the Secretary conducts the pilot program, the Secretary shall select one school of the defense dependents' education system for participation in the program and provide for the operation of the school by a private contractor for not less than one complete school year.

(c) REPORT.—Not later than 30 days after the end of the first school year in which the pilot program is conducted, the Secretary shall submit to Congress a report on the results of the program. The report shall include the recommendation of the Secretary with respect to the extent to which other schools of the defense dependents' education system should be operated by private contractors.

SEC. 356. PROGRAM FOR IMPROVED TRAVEL PROCESS FOR THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—(1) The Secretary of Defense shall conduct a program to evaluate options to improve the Department of Defense travel process. To carry out the program, the Secretary shall compare the results of the tests conducted

under subsection (b) to determine which travel process tested under such subsection is the better option to effectively manage travel of Department personnel.

(2) The program shall be conducted at not less than three and not more than six military installations, except that an installation may be the subject of only one test conducted under the program.

(3) The Secretary shall act through the Under Secretary of Defense (Comptroller) in the performance of the Secretary's responsibilities under this section.

(b) CONDUCT OF TESTS.—(1) The Secretary shall conduct a test at an installation referred to in subsection (a)(2) under which the Secretary—

(A) implements the changes proposed to be made with respect to the Department of Defense travel process by the task force on travel management that was established by the Secretary in July 1994;

(B) manages and uniformly applies that travel process (including the implemented changes) throughout the Department; and

(C) provides opportunities for private-sector sources to provide travel reservation services and credit card services to facilitate that travel process.

(2) The Secretary shall conduct a test at an installation referred to in subsection (a)(2) under which the Secretary—

(A) enters into one or more contracts with a private-sector source pursuant to which the private-sector source manages the Department of Defense travel process (except for functions referred to in subparagraph (B)), provides for responsive, reasonably priced services as part of the travel process, and uniformly applies the travel process throughout the Department; and

(B) provides for the performance by employees of the Department of only those travel functions, such as travel authorization, that the Secretary considers to be necessary to be performed by such employees.

(3) Each test required by this subsection shall begin not later than 60 days after the date of the enactment of this Act and end two years after the date on which it began. Each such test shall also be conducted in accordance with the guidelines for travel management issued for the Department by the Under Secretary of Defense (Comptroller).

(c) EVALUATION CRITERIA.—The Secretary shall establish criteria to evaluate the travel processes tested under subsection (b). The criteria shall, at a minimum, include the extent to which a travel process provides for the following:

(1) The coordination, at the time of a travel reservation, of travel policy and cost estimates with the mission which necessitates the travel.

(2) The use of fully integrated travel solutions envisioned by the travel reengineering report of the Department of Defense dated January 1995.

(3) The coordination of credit card data and travel reservation data with cost estimate data.

(4) The elimination of the need for multiple travel approvals through the coordination of such data with proposed travel plans.

(5) A responsive and flexible management information system that enables the Under Secretary of Defense (Comptroller) to monitor travel expenses throughout the year, accurately plan travel budgets for future years, and assess in the case of travel of an employee on temporary duty, the relationship between the cost of the travel and the value of the travel to the accomplishment of the mission which necessitates the travel.

(d) PLAN FOR PROGRAM.—Before conducting the program, the Secretary shall develop a plan for the program that addresses the following:

(1) The purposes of the program, including the achievement of an objective of reducing by at least 50 percent the total cost incurred by the Department annually to manage the Department of Defense travel process.

(2) The methodology and anticipated cost of the program, including the cost of an arrangement pursuant to which a private-sector source would receive an agreed-upon payment plus an additional negotiated amount that does not exceed 50 percent of the total amount saved in excess of the objective specified in paragraph (1).

(3) A specific citation to any provision or law, rule, or regulation that, if not waived, would prohibit the conduct of the program or any part of the program.

(4) The evaluation criteria established pursuant to subsection (c).

(5) A provision for implementing throughout the Department the travel process determined to be the better option to effectively manage travel of Department personnel on the basis of a final assessment of the results of the program.

(e) REPORT.—After the first full year of the conduct of the tests required by subsection (b), the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the implementation of the program. The report shall include an analysis of the evaluation criteria established pursuant to subsection (c).

SEC. 357. INCREASED RELIANCE ON PRIVATE-SECTOR SOURCES FOR COMMERCIAL PRODUCTS AND SERVICES.

(a) IN GENERAL.—The Secretary of Defense shall endeavor to carry out through a private-sector source any activity to provide a commercial product or service for the Department of Defense if—

(1) the product or service can be provided adequately through such a source; and

(2) an adequate competitive environment exists to provide for economical performance of the activity by such a source.

(b) APPLICABILITY.—(1) Subsection (a) shall not apply to any commercial product or service with respect to which the Secretary determines that production, manufacture, or provision of that product or service by the Government is necessary for reasons of national security.

(2) A determination under paragraph (1) shall be made in accordance with regulations prescribed under subsection (c).

(c) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section. Such regulations shall be prescribed in consultation with the Director of the Office of Management and Budget.

(d) REPORT.—(1) The Secretary shall identify activities of the Department (other than activities specified by the Secretary pursuant to subsection (b)) that are carried out by employees of the Department to provide commercial-type products or services for the Department.

(2) Not later than April 15, 1996, the Secretary shall transmit to the congressional defense committees a report on opportunities for increased use of private-sector sources to provide commercial products and services for the Department.

(3) The report required by paragraph (2) shall include the following:

(A) A list of activities identified under paragraph (1) indicating, for each activity, whether the Secretary proposes to convert the performance of that activity to performance by private-sector sources and, if not, the reasons why.

(B) An assessment of the advantages and disadvantages of using private-sector sources, rather than employees of the Department, to provide commercial products and services for the Department that are not essential to the warfighting mission of the Armed Forces.

(C) A specification of all legislative and regulatory impediments to converting the performance of activities identified under paragraph (1) to performance by private-sector sources.

(D) The views of the Secretary on the desirability of terminating the applicability of OMB Circular A–76 to the Department.

(4) The Secretary shall carry out paragraph (1) in consultation with the Director of the Office of Management and Budget and the Comptroller General of the United States. In carrying out that paragraph, the Secretary shall consult with, and seek the views of, representatives of the private sector, including organizations representing small businesses.

Subtitle F—Miscellaneous Reviews, Studies, and Reports

SEC. 361. QUARTERLY READINESS REPORTS.

(a) IN GENERAL.—(1) Chapter 22 of title 10, United States Code, is amended by adding at the end the following new section:

"§452. Quarterly readiness reports

"(a) REQUIREMENT.—Not later than 30 days after the end of each calendar-year quarter, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on military readiness. The report for any quarter shall be based on assessments that are provided during that quarter—

"(1) to any council, committee, or other body of the Department of Defense (A) that has responsibility for readiness oversight, and (B) the membership of which includes at least one civilian officer in the Office of the Secretary of Defense at the level of Assistant Secretary of Defense or higher;

"(2) by senior civilian and military officers of the military departments and the commanders of the unified and specified commands; and

"(3) as part of any regularly established process of periodic readiness reviews for the Department of Defense as a whole.

"(b) MATTERS TO BE INCLUDED.—Each such report shall—

"(1) specifically describe identified readiness problems or deficiencies and planned remedial actions; and

"(2) include the key indicators and other relevant data related to the identified problem or deficiency.

"(c) CLASSIFICATION OF REPORTS.—Reports under this section shall be submitted in unclassified form and may, as the Secretary determines necessary, also be submitted in classified form.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"452. Quarterly readiness reports.".

(b) EFFECTIVE DATE.—Section 452 of title 10, United States Code, as added by subsection (a), shall take effect with the calendar-year quarter during which this Act is enacted.

SEC. 362. RESTATEMENT OF REQUIREMENT FOR SEMIANNUAL REPORTS TO CONGRESS ON TRANSFERS FROM HIGH-PRIORITY READINESS APPROPRIATIONS.

Section 361 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2732) is amended to read as follows:

"SEC. 361. SEMIANNUAL REPORTS TO CONGRESS ON TRANSFERS FROM HIGH-PRIORITY READINESS APPROPRIATIONS.

"(a) ANNUAL REPORTS.—During 1996 and 1997, the Secretary of Defense shall submit to the congressional defense committees a report on transfers during the preceding fiscal year from funds available for each budget activity specified in subsection (d) (hereinafter in this section referred to as 'covered budget activities'). The report each year shall be submitted not later than the date in that year on which the President submits the budget for the next fiscal year to Congress pursuant to section 1105 of title 31, United States Code.

"(b) MIDYEAR REPORTS.—On May 1 of each year specified in subsection (a), the Secretary of Defense shall submit to the congressional defense committees a report providing the same information, with respect to the first six months of the fiscal year in which the report is submitted, that is provided in reports under subsection (a) with respect to the preceding fiscal year.

"(c) MATTERS TO BE INCLUDED.—In each report under this section, the Secretary shall include for each covered budget activity the following:

"(1) A statement, for the period covered by the report, of—

"(A) the total amount of transfers into funds available for that activity;

"(B) the total amount of transfers from funds available for that activity; and

"(C) the net amount of transfers into, or out of, funds available for that activity.

"(2) A detailed explanation of the transfers into, and out of, funds available for that activity during the period covered by the report.

"(d) COVERED BUDGET ACTIVITIES.—The budget activities to which this section applies are the following:

"(1) The budget activity groups (known as 'subactivities') within the Operating Forces budget activity of the annual Operation and Maintenance, Army, appropriation that are designated as follows:

"(A) Combat Units.

"(B) Tactical Support.

"(C) Force-Related Training/Special Activities.

"(D) Depot Maintenance.

"(E) JCS Exercises.

"(2) The budget activity groups (known as 'subactivities') within the Operating Forces budget activity of the annual Operation and Maintenance, Navy, appropriation that are designated as follows:

"(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.

"(F) Ship Depot Maintenance.

"(3) The budget activity groups (known as 'subactivities'), or other activity, within the Operating Forces budget activity of the annual Operation and Maintenance, Air Force, appropriation that are designated or otherwise identified as follows:

"(A) Primary Combat Forces.

"(B) Primary Combat Weapons.

"(C) Global and Early Warning.

"(D) Air Operations Training.

"(E) Depot Maintenance.

"(F) JCS Exercises.".

SEC. 363. REPORT REGARDING REDUCTION OF COSTS ASSOCIATED WITH CONTRACT MANAGEMENT OVERSIGHT.

(a) REPORT REQUIRED.—Not later than April 1, 1996, the Comptroller General of the United States shall submit to Congress a report identifying methods to reduce the cost to the Department of Defense of management oversight of contracts in connection with major defense acquisition programs.

(b) MAJOR DEFENSE ACQUISITION PROGRAMS DEFINED.—For purposes of this section, the term "major defense acquisition program" has the meaning given that term in section 2430(a) of title 10, United States Code.

SEC. 364. REVIEWS OF MANAGEMENT OF INVENTORY CONTROL POINTS AND MATERIEL MANAGEMENT STANDARD SYSTEM.

(a) REVIEW OF CONSOLIDATION OF INVENTORY CONTROL POINTS.—(1) The Secretary of Defense shall conduct a review of the management by the Defense Logistics Agency of all inventory control points of the Department of Defense. In conducting the review, the Secretary shall examine the management and acquisition practices of the Defense Logistics Agency for inventory of repairable spare parts.

(2) Not later than March 31, 1996, the Secretary shall submit to the Comptroller General of the United States and the congressional defense committees a report on the results the review conducted under paragraph (1).

(b) REVIEW OF MATERIEL MANAGEMENT STANDARD SYSTEM.—(1) The Comptroller General of the United States shall conduct a review of the automated data processing system of the Department of Defense known as the Materiel Management Standard System.

(2) Not later than May 1, 1996, the Comptroller General shall submit to the congressional defense committees a report on the results of the review conducted under paragraph (1).

SEC. 365. REPORT ON PRIVATE PERFORMANCE OF CERTAIN FUNCTIONS PERFORMED BY MILITARY AIRCRAFT.

(a) REPORT REQUIRED.—Not later than May 1, 1996, the Secretary of Defense shall submit to Congress a report on the feasibility of providing for the performance by private-sector sources of functions necessary to be performed to fulfill the requirements of the Department of Defense for air transportation of personnel and cargo.

(b) CONTENT OF REPORT.—The report shall include the following:

(1) A cost-benefit analysis with respect to the performance by private-sector sources of functions described in subsection (a), including an explanation of the assumptions used in the cost-benefit analysis.

(2) An assessment of the issues raised by providing for such performance by means of a contract entered into with a private-sector source.

(3) An assessment of the issues raised by providing for such performance by means of converting functions described in subsection (a) to private ownership and operation, in whole or in part.

(4) A discussion of the requirements for the performance of such functions in order to fulfill the requirements referred to in subsection (a) during wartime.

(5) The effect on military personnel and facilities of using private-sector sources to fulfill the requirements referred to in such subsection.

(6) The performance by private-sector sources of any other military aircraft functions (such as non-combat inflight fueling of aircraft) the Secretary considers appropriate.

SEC. 366. STRATEGY AND REPORT ON AUTOMATED INFORMATION SYSTEMS OF DEPARTMENT OF DEFENSE.

(a) DEVELOPMENT OF STRATEGY.—The Secretary of Defense shall develop a strategy for the development or modernization of automated information systems for the Department of Defense.

(b) MATTERS TO CONSIDER.—In developing the strategy required under subsection (a), the Secretary shall consider the following:

(1) The use of performance measures and management controls.

(2) Findings of the Functional Management Review conducted by the Secretary.

(3) Program management actions planned by the Secretary.

(4) Actions and milestones necessary for completion of functional and economic analyses for—

(A) the Automated System for Transportation data;

(B) continuous acquisition and life cycle support;

(C) electronic data interchange;

(D) flexible computer integrated manufacturing;

(E) the Navy Tactical Command Support System; and

(F) the Defense Information System Network.

(5) Progress made by the Secretary in resolving problems with respect to the Defense Information System Network and the Joint Computer-Aided Acquisition and Logistics Support System.

(6) Tasks identified in the review conducted by the Secretary of the Standard Installation/Division Personnel System-3.

(7) Such other matters as the Secretary considers appropriate.

(c) REPORT ON STRATEGY.—(1) Not later than April 15, 1996, the Secretary shall submit to Congress a report on the development of the strategy required under subsection (a).

(2) In the case of the Air Force Wargaming Center, the Air Force Command Exercise System, the Cheyenne Mountain Upgrade, the Transportation Coordinator Automated Command and Control Information Systems, and the Wing Command and Control Systems, the report required by paragraph (1) shall provide functional economic analyses and address waivers exercised for compelling military importance under section 381(d) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2739).

(3) The report required by paragraph (1) shall also include the following:

(A) A certification by the Secretary of the termination of the Personnel Electronic Record Management System or a justification for the continued need for such system.

(B) Findings of the Functional Management Review conducted by the Secretary and program management actions planned by the Secretary for—

(i) the Base Level System Modernization and the Sustaining Base Information System; and

(ii) the Standard Installation/Division Personnel System-3.

(C) An assessment of the implementation of migration systems and applications, including—

(i) identification of the systems and applications by functional or business area, specifying target dates for operation of the systems and applications;

(ii) identification of the legacy systems and applications that will be terminated;

(iii) the cost of and schedules for implementing the migration systems and applications; and

(iv) termination schedules.

(D) A certification by the Secretary that each information system that is subject to review by the Major Automated Information System Review Committee of the Department is cost-effective and supports the corporate information management goals of the Department, including the results of the review conducted for each such system by the Committee.

Subtitle G—Other Matters

SEC. 371. CODIFICATION OF DEFENSE BUSINESS OPERATIONS FUND.

(a) MANAGEMENT OF WORKING-CAPITAL FUNDS.—(1) Chapter 131 of title 10, United States Code, is amended by inserting after section 2215 the following new section:

"§2216. Defense Business Operations Fund

"(a) MANAGEMENT OF WORKING-CAPITAL FUNDS AND CERTAIN ACTIVITIES.—The Secretary of Defense may manage the performance of the working-capital funds and industrial, commercial, and support type activities described in subsection (b) through the fund known as the Defense Business Operations Fund, which is established on the books of the Treasury. Except for the funds and activities specified in subsection (b), no other functions, activities, funds, or accounts of the Department of Defense may be managed or converted to management through the Fund.

"(b) FUNDS AND ACTIVITIES INCLUDED.—The funds and activities referred to in subsection (a) are the following:

"(1) Working-capital funds established under section 2208 of this title and in existence on December 5, 1991.

"(2) Those activities that, on December 5, 1991, were funded through the use of a working-capital fund established under that section.

"(3) The Defense Finance and Accounting Service.

"(4) The Defense Commissary Agency.

"(5) The Defense Reutilization and Marketing Service.

"(6) The Joint Logistics Systems Center.

"(c) SEPARATE ACCOUNTING, REPORTING, AND AUDITING OF FUNDS AND ACTIVITIES.—(1) The Secretary of Defense shall provide in accordance with this subsection for separate accounting, reporting, and auditing of funds and activities managed through the Fund.

"(2) The Secretary shall maintain the separate identity of each fund and activity managed through the Fund that (before the establishment of the Fund) was managed as a separate fund or activity.

"(3) The Secretary shall maintain separate records for each function for which payment is made through the Fund and which (before the establishment of the Fund) was paid directly through appropriations, including the separate identity of the appropriation account used to pay for the performance of the function.

"(d) CHARGES FOR GOODS AND SERVICES PROVIDED THROUGH THE FUND.—(1) Charges for goods and services provided through the Fund shall include the following:

"(A) Amounts necessary to recover the full costs of the goods and services, whenever practicable, and the costs of the development, implementation, operation, and maintenance of systems supporting the wholesale supply and maintenance activities of the Department of Defense.

"(B) Amounts for depreciation of capital assets, set in accordance with generally accepted accounting principles.

"(C) Amounts necessary to recover the full cost of the operation of the Defense Finance Accounting Service.

"(2) Charges for goods and services provided through the Fund may not include the following:

"(A) Amounts necessary to recover the costs of a military construction project (as defined in section 2801(b) of this title), other than a minor construction project financed by the Fund pursuant to section 2805(c)(1) of this title.

"(B) Amounts necessary to cover costs incurred in connection with the closure or realignment of a military installation.

"(C) Amounts necessary to recover the costs of functions designated by the Secretary of Defense as mission critical, such as ammunition handling safety, and amounts for ancillary tasks not directly related to the mission of the function or activity managed through the Fund.

"(3)(A) The Secretary of Defense may submit to a customer a bill for the provision of goods and services through the Fund in advance of the provision of those goods and services.

"(B) The Secretary shall submit to Congress a report on advance billings made pursuant to subparagraph (A)—

"(i) when the aggregate amount of all such billings after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996 reaches $100,000,000; and

"(ii) whenever the aggregate amount of all such billings after the date of a preceding report under this subparagraph reaches $100,000,000.

"(C) Each report under subparagraph (B) shall include, for each such advance billing, the following:

"(i) An explanation of the reason for the advance billing.

"(ii) An analysis of the impact of the advance billing on readiness.

"(iii) An analysis of the impact of the advance billing on the customer so billed.

"(e) CAPITAL ASSET SUBACCOUNT.—(1) Amounts charged for depreciation of capital assets pursuant to subsection (d)(1)(B) shall be credited to a separate capital asset subaccount established within the Fund.

"(2) The Secretary of Defense may award contracts for capital assets of the Fund in advance of the availability of funds in the subaccount.

"(f) 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.

"(g) 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 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.

"(h) ANNUAL REPORTS AND BUDGET.—The Secretary of Defense shall annually submit to Congress, at the same time that the President submits the budget under section 1105 of title 31, 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 fiscal year ending in the year preceding the year in which the budget 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 fiscal year referred to in paragraph (1) with the amount proposed for the operation of the Fund for that fiscal year in the President's budget.

"(4) A report on the capital asset subaccount of the Fund that contains the following information:

"(A) The opening balance of the subaccount as of the beginning of the fiscal year in which the report is submitted.

"(B) The estimated amounts to be credited to the subaccount in the fiscal year in which the report is submitted.

"(C) The estimated amounts of outlays to be paid out of the subaccount in the fiscal year in which the report is submitted.

"(D) The estimated balance of the subaccount at the end of the fiscal year in which the report is submitted.

"(E) A statement of how much of the estimated balance at the end of the fiscal year in which the report is submitted will be needed to pay outlays in the immediately following fiscal year that are in excess of the amount to be credited to the subaccount in the immediately following fiscal year.

"(i) DEFINITIONS.—In this section:

"(1) The term 'capital assets' means the following capital assets that have a development or acquisition cost of not less than $50,000:

"(A) Minor construction projects financed by the Fund pursuant to section 2805(c)(1) of this title.

"(B) Automatic data processing equipment, software.

"(C) Equipment other than equipment described in subparagraph (B).

"(D) Other capital improvements.

"(2) The term 'Fund' means the Defense Business Operations Fund.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2215 the following new item:

"2216. Defense Business Operations Fund.".

(b) CONFORMING REPEALS.—The following provisions of law are hereby repealed:

(1) Subsections (b), (c), (d), and (e) of section 311 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 10 U.S.C. 2208 note).

(2) Subsections (a) and (b) of section 333 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 2208 note).

(3) Section 342 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 2208 note).

(4) Section 316 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 10 U.S.C. 2208 note).

(5) Section 8121 of the Department of Defense Appropriations Act, 1992 (Public Law 102–172; 10 U.S.C. 2208 note).

SEC. 372. CLARIFICATION OF SERVICES AND PROPERTY THAT MAY BE EXCHANGED TO BENEFIT THE HISTORICAL COLLECTION OF THE ARMED FORCES.

Section 2572(b)(1) of title 10, United States Code, is amended by striking out "not needed by the armed forces" and all that follows through the end of the paragraph and inserting in lieu thereof the following: "not needed by the armed forces for any of the following items or services if such items or services directly benefit the historical collection of the armed forces:

"(A) Similar items held by any individual, organization, institution, agency, or nation.

"(B) Conservation supplies, equipment, facilities, or systems.

"(C) Search, salvage, or transportation services.

"(D) Restoration, conservation, or preservation services.

"(E) Educational programs.".

SEC. 373. PROHIBITION ON CAPITAL LEASE FOR DEFENSE BUSINESS MANAGEMENT UNIVERSITY.

None of the funds appropriated to the Department of Defense for fiscal year 1996 may be used to enter into any lease with respect to the Center for Financial Management Education and Training of the Defense Business Management University if the lease would be treated as a capital lease for budgetary purposes.

SEC. 374. PERMANENT AUTHORITY FOR USE OF PROCEEDS FROM THE SALE OF CERTAIN LOST, ABANDONED, OR UNCLAIMED PROPERTY.

(a) PERMANENT AUTHORITY.—Section 2575 of title 10 is amended—

(1) by striking out subsection (b) and inserting in lieu thereof the following:

"(b)(1) In the case of lost, abandoned, or unclaimed personal property found on a military installation, the proceeds from the sale of the property under this section shall be credited to the operation and maintenance account of that installation and used—

"(A) to reimburse the installation for any costs incurred by the installation to collect, transport, store, protect, or sell the property; and

"(B) to the extent that the amount of the proceeds exceeds the amount necessary for reimbursing all such costs, to support morale, welfare, and recreation activities under the jurisdiction of the armed forces that are conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the armed forces at such installation.

"(2) The net proceeds from the sale of other property under this section shall be covered into the Treasury as miscellaneous receipts."; and

(2) by adding at the end the following:

"(d)(1) The owner (or heirs, next of kin, or legal representative of the owner) of personal property the proceeds of which are credited to a military installation under subsection (b)(1) may file a claim with the Secretary of Defense for the amount equal to the proceeds (less costs referred to in subparagraph (A) of such subsection). Amounts to pay the claim shall be drawn from

the morale, welfare, and recreation account for the installation that received the proceeds.

"(2) The owner (or heirs, next of kin, or legal representative of the owner) may file a claim with the Comptroller General of the United States for proceeds covered into the Treasury under subsection (b)(2).

"(3) Unless a claim is filed under this subsection within 5 years after the date of the disposal of the property to which the claim relates, the claim may not be considered by a court, the Secretary of Defense (in the case of a claim filed under paragraph (1)), or the Comptroller General of the United States (in the case of a claim filed under paragraph (2))."

(b) REPEAL OF AUTHORITY FOR DEMONSTRATION PROGRAM.—Section 343 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1343) is repealed.

SEC. 375. SALE OF MILITARY CLOTHING AND SUBSISTENCE AND OTHER SUPPLIES OF THE NAVY AND MARINE CORPS.

(a) IN GENERAL.—(1) Chapter 651 of title 10, United States Code, is amended by adding at the end the following new section:

"§7606. Subsistence and other supplies: members of armed forces; veterans; executive or military departments and employees; prices

"(a)(1) The Secretary of the Navy shall procure and sell, for cash or credit—

"(A) articles designated by the Secretary to members of the Navy and Marine Corps; and

"(B) items of individual clothing and equipment to members of the Navy and Marine Corps, under such restrictions as the Secretary may prescribe.

"(2) An account of sales on credit shall be kept and the amount due reported to the Secretary. Except for articles and items acquired through the use of working capital funds under section 2208 of this title, sales of articles shall be at cost, and sales of individual clothing and equipment shall be at average current prices, including overhead, as determined by the Secretary.

"(b) The Secretary shall sell subsistence supplies to members of other armed forces at the prices at which like property is sold to members of the Navy and Marine Corps.

"(c) The Secretary may sell serviceable supplies, other than subsistence supplies, to members of other armed forces for the buyers' use in the service. The prices at which the supplies are sold shall be the same prices at which like property is sold to members of the Navy and Marine Corps.

"(d) A person who has been discharged honorably or under honorable conditions from the Army, Navy, Air Force or Marine Corps and who is receiving care and medical treatment from the Public Health Service or the Department of Veterans Affairs may buy subsistence supplies and other supplies, except articles of uniform, at the prices at which like property is sold to members of the Navy and Marine Corps.

"(e) Under such conditions as the Secretary may prescribe, exterior articles of uniform may be sold to a person who has been discharged honorably or under honorable conditions from the Navy or Marine Corps, at the prices at which like articles are sold to members of the Navy or Marine Corps. This subsection does not modify sections 772 or 773 of this title.

"(f) Under regulations prescribed by the Secretary, payment for subsistence supplies shall be made in cash or by commercial credit.

"(g)(1) The Secretary may provide for the procurement and sale of stores designated by the Secretary to such civilian officers and employees of the United States, and such other persons, as the Secretary considers proper—

"(A) at military installations outside the United States; and

"(B) subject to paragraph (2), at military installations inside the United States where the Secretary determines that it is impracticable for those civilian officers, employees, and persons to obtain such stores from commercial enterprises without impairing the efficient operation of military activities.

"(2) Sales to civilian officers and employees inside the United States may be made under paragraph (1) only to civilian officers and employees residing within military installations.

"(h) Appropriations for subsistence of the Navy or Marine Corps may be applied to the purchase of subsistence supplies for sale to members of the Navy and Marine Corps on active duty for the use of such members and their families.".

(2) The table of sections at the beginning of chapter 651 of such title is amended by adding at the end the following:

"7606. Subsistence and other supplies: members of armed forces; veterans; executive or military departments and employees; prices.".

(b) CONFORMING AMENDMENTS FOR OTHER ARMED FORCES.—(1) Section 4621 of such title is amended—

(A) by striking out "The branch, office, or officer designated by the Secretary of the Army" in subsection (a) and inserting in lieu thereof "The Secretary of the Army";

(B) by striking out "The branch, office, or officer designated by the Secretary" both places it appears in subsections (b) and (c) and inserting in lieu thereof "The Secretary"; and

(C) by inserting before the period at the end of subsection (f) the following: "or by commercial credit".

(2) Section 9621 of such title is amended—

(A) by striking out "The Air Force shall" in subsection (b) and inserting in lieu thereof "The Secretary shall"; and

(B) by inserting before the period at the end of subsection (f) the following: "or by commercial credit".

SEC. 376. PERSONNEL SERVICES AND LOGISTICAL SUPPORT FOR CERTAIN ACTIVITIES HELD ON MILITARY INSTALLATIONS.

Section 2544 of title 10, United States Code, is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following new subsection:

"(g) In the case of a Boy Scout Jamboree held on a military installation, the Secretary of Defense may provide personnel services and logistical support at the military installation in addition to the support authorized under subsections (a) and (d).".

SEC. 377. RETENTION OF MONETARY AWARDS.

(a) MONETARY AWARDS.—Chapter 155 of title 10, United States Code, is amended by adding at the end the following new section:

"§2610. Competitions for excellence: acceptance of monetary awards

"(a) ACCEPTANCE AUTHORIZED.—The Secretary of Defense may accept a monetary award given to the Department of Defense by a nongovernmental entity as a result of the participation of the Department in a competition carried out to recognize excellence or innovation in providing services or administering programs.

"(b) DISPOSITION OF AWARDS.—A monetary award accepted under subsection (a) shall be credited to one or more nonappropriated fund accounts supporting morale, welfare, and recreation activities for the command, installation, or other activity that is recognized for the award. Amounts so credited may be expended only for such activities.

"(c) INCIDENTAL EXPENSES.—Subject to such limitations as may be provided in appropriation Acts, appropriations available to the Department of Defense may be used to pay incidental expenses incurred by the Department to participate in a competition described in subsection (a) or to accept a monetary award under this section.

"(d) REGULATIONS AND REPORTING.—(1) The Secretary shall prescribe regulations to determine the disposition of monetary awards accepted under this section and the payment of incidental expenses under subsection (c).

"(2) At the end of each year, the Secretary shall submit to Congress a report for that year describing the disposition of monetary awards accepted under this section and the payment of incidental expenses under subsection (c).

"(e) TERMINATION.—The authority of the Secretary under this section shall expire two years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2610. Competitions for excellence: acceptance of monetary awards.".

SEC. 378. PROVISION OF EQUIPMENT AND FACILITIES TO ASSIST IN EMERGENCY RESPONSE ACTIONS.

Section 372 of title 10, United States Code, is amended—

(1) by inserting "(a) IN GENERAL.—" before "The Secretary of Defense"; and

(2) by adding at the end the following new subsection:

"(b) EMERGENCIES INVOLVING CHEMICAL AND BIOLOGICAL AGENTS.—(1) In addition to equipment and facilities described in subsection (a), the Secretary may provide an item referred to in paragraph (2) to a Federal, State, or local law enforcement or emergency response agency to prepare for or respond to an emergency involving chemical or biological agents if the Secretary determines that the item is not reasonably available from another source.

"(2) An item referred to in paragraph (1) is any material or expertise of the Department of Defense appropriate for use in preparing for or responding to an emergency involving chemical or biological agents, including the following:

"(A) Training facilities.

"(B) Sensors.

"(C) Protective clothing.

"(D) Antidotes.".

SEC. 379. REPORT ON DEPARTMENT OF DEFENSE MILITARY AND CIVIL DEFENSE PREPAREDNESS TO RESPOND TO EMERGENCIES RESULTING FROM A CHEMICAL, BIOLOGICAL, RADIOLOGICAL, OR NUCLEAR ATTACK.

(a) REPORT.—(1) Not later than March 1, 1996, the Secretary of Defense and the Secretary of Energy shall submit to Congress a joint report on the military and civil defense plans and programs of the Department of Defense to prepare for and respond to the effects of an emergency in the United States resulting from a chemical, biological, radiological, or nuclear attack on the United States (hereinafter in this section referred to as an "attack-related civil defense emergency").

(2) The report shall be prepared in consultation with the Director of the Federal Emergency Management Agency.

(b) CONTENT OF REPORT.—The report shall include the following:

(1) A discussion of the military and civil defense plans and programs of the Department of Defense for preparing for and responding to an attack-related civil defense emergency arising from an attack of a type for which the Department of Defense has a primary responsibility to respond.

(2) A discussion of the military and civil defense plans and programs of the Department of

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Defense for preparing for and providing a response to an attack-related civil defense emergency arising from an attack of a type for which the Department of Defense has responsibility to provide a supporting response.

(3) A description of any actions, and any recommended legislation, that the Secretaries consider necessary for improving the preparedness of the Department of Defense to respond effectively to an attack-related civil defense emergency.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

(a) FISCAL YEAR 1996.—The Armed Forces are authorized strengths for active duty personnel as of September 30, 1996, as follows:

(1) The Army, 495,000, of which not more than 81,300 may be commissioned officers.

(2) The Navy, 428,340, of which not more than 58,870 may be commissioned officers.

(3) The Marine Corps, 174,000, of which not more than 17,978 may be commissioned officers.

(4) The Air Force, 388,200, of which not more than 75,928 may be commissioned officers.

(b) FLOOR ON END STRENGTHS.—(1) Chapter 39 of title 10, United States Code, is amended by adding at the end the following new section:

"§691. Permanent end strength levels to support two major regional contingencies

"(a) The end strengths specified in subsection (b) are the minimum strengths necessary to enable the armed forces to fulfill a national defense strategy calling for the United States to be able to successfully conduct two nearly simultaneous major regional contingencies.

"(b) Unless otherwise provided by law, the number of members of the armed forces (other than the Coast Guard) on active duty at the end of any fiscal year shall be not less than the following:

"(1) For the Army, 495,000.

"(2) For the Navy, 395,000.

"(3) For the Marine Corps, 174,000.

"(4) For the Air Force, 381,000.

"(c) No funds appropriated to the Department of Defense may be used to implement a reduction of the active duty end strength for any of the armed forces for any fiscal year below the level specified in subsection (b) unless the Secretary of Defense submits to Congress notice of the proposed lower end strength levels and a justification for those levels. No action may then be taken to implement such a reduction for that fiscal year until the end of the six-month period beginning on the date of the receipt of such notice by Congress.

"(d) For a fiscal year for which the active duty end strength authorized by law pursuant to section 115(a)(1)(A) of this title for any of the armed forces is identical to the number applicable to that armed force under subsection (b), the Secretary of Defense may reduce that number by not more than 0.5 percent.

"(e) The number of members of the armed forces on active duty shall be counted for purposes of this section in the same manner as applies under section 115(a)(1) of this title.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"691. Permanent end strength levels to support two major regional contingencies.".

(c) ACTIVE COMPONENT END STRENGTH FLEXIBILITY.—Section 115(c)(1) of title 10, United States Code, is amended by striking out "0.5 percent" and "inserting in lieu thereof "1 percent".

SEC. 402. TEMPORARY VARIATION IN DOPMA AUTHORIZED END STRENGTH LIMITATIONS FOR ACTIVE DUTY AIR FORCE AND NAVY OFFICERS IN CERTAIN GRADES.

(a) AIR FORCE OFFICERS.—In the administration of the limitation under section 523(a)(1) of title 10, United States Code, for fiscal years 1996 and 1997, the numbers applicable to officers of the Air Force serving on active duty in the grades of major, lieutenant colonel, and colonel shall be the numbers set forth for that fiscal year in the following table (rather than the numbers determined in accordance with the table in that section):

Fiscal year:	Number of officers who may be serving on active duty in the grade of:		
	Major	Lieutenant colonel	Colonel
1996	15,566	9,876	3,609
1997	15,645	9,913	3,627

(b) NAVY OFFICERS.—In the administration of the limitation under section 523(a)(2) of title 10, United States Code, for fiscal years 1996 and 1997, the numbers applicable to officers of the Navy serving on active duty in the grades of lieutenant commander, commander, and captain shall be the numbers set forth for that fiscal year in the following table (rather than the numbers determined in accordance with the table in that section):

Fiscal year:	Number of officers who may be serving on active duty in the grade of:		
	Lieutenant commander	Commander	Captain
1996	11,924	7,390	3,234
1997	11,732	7,297	3,188

SEC. 403. CERTAIN GENERAL AND FLAG OFFICERS AWAITING RETIREMENT NOT TO BE COUNTED.

(a) DISTRIBUTION OF OFFICERS ON ACTIVE DUTY IN GENERAL AND FLAG OFFICER GRADES.—Section 525 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d) An officer continuing to hold the grade of general or admiral under section 601(b)(4) of this title after relief from the position of Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps shall not be counted for purposes of this section.".

(b) NUMBER OF OFFICERS ON ACTIVE DUTY IN GRADE OF GENERAL OR ADMIRAL.—Section 528(b) of such title is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end the following:

"(2) An officer continuing to hold the grade of general or admiral under section 601(b)(4) of this title after relief from the position of Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps shall not be counted for purposes of this section.".

(c) CLARIFICATION.—Section 601(b) of such title is amended—

(1) in the matter preceding paragraph (1), by striking out "of importance and responsibility designated" and inserting in lieu thereof "designated under subsection (a) or by law";

(2) in paragraph (1), by striking out "of importance and responsibility";

(3) in paragraph (2), by striking out "designating" and inserting in lieu thereof "designated under subsection (a) or by law"; and

(4) in paragraph (4), by inserting "under subsection (a) or by law" after "designated".

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) FISCAL YEAR 1996.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 1996, as follows:

(1) The Army National Guard of the United States, 373,000.

(2) The Army Reserve, 230,000.

(3) The Naval Reserve, 98,894.

(4) The Marine Corps Reserve, 42,274.

(5) The Air National Guard of the United States, 112,707.

(6) The Air Force Reserve, 73,969.

(7) The Coast Guard Reserve, 8,000.

(b) WAIVER AUTHORITY.—The Secretary of Defense may vary 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 for a fiscal year shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year, and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 1996, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 23,390.

(2) The Army Reserve, 11,575.

(3) The Naval Reserve, 17,587.

(4) The Marine Corps Reserve, 2,559.

(5) The Air National Guard of the United States, 10,066.

(6) The Air Force Reserve, 628.

SEC. 413. COUNTING OF CERTAIN ACTIVE COMPONENT PERSONNEL ASSIGNED IN SUPPORT OF RESERVE COMPONENT TRAINING.

Section 414(c) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 10 U.S.C. 12001 note) is amended—

(1) by inserting "(1)" before "The Secretary"; and

(2) by adding at the end the following new paragraph:

"(2) The Secretary of Defense may count toward the number of active component personnel required under paragraph (1) to be assigned to serve as advisers under the program under this section any active component personnel who are assigned to an active component unit (A) that was established principally for the purpose of providing dedicated training support to reserve component units, and (B) the primary mission of which is to provide such dedicated training support.".

SEC. 414. INCREASE IN NUMBER OF MEMBERS IN CERTAIN GRADES AUTHORIZED TO SERVE ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

(a) OFFICERS.—The table in section 12011(a) of title 10, United States Code, is amended to read as follows:

"Grade	Army	Navy	Air Force	Marine Corps
Major or Lieutenant Commander	3,219	1,071	643	140
Lieutenant Colonel or Commander	1,524	520	672	90
Colonel or Navy Captain	412	188	274	30".

(b) SENIOR ENLISTED MEMBERS.—The table in section 12012(a) of such title is amended to read as follows:

"Grade	Army	Navy	Air Force	Marine Corps
E–9	603	202	366	20
E–8	2,585	429	890	94".

SEC. 415. RESERVES ON ACTIVE DUTY IN SUPPORT OF COOPERATIVE THREAT REDUCTION PROGRAMS NOT TO BE COUNTED.

Section 115(d) of title 10, United States Code, is amended by adding at the end the following:

"(8) Members of the Selected Reserve of the Ready Reserve on active duty for more that 180 days to support programs described in section 1203(b) of the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103–160; 22 U.S.C. 5952(b)).".

SEC. 416. RESERVES ON ACTIVE DUTY FOR MILITARY-TO-MILITARY CONTACTS AND COMPARABLE ACTIVITIES NOT TO BE COUNTED.

Section 168 of title 10, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection (f):

"(f) ACTIVE DUTY END STRENGTHS.—(1) A member of a reserve component referred to in paragraph (2) shall not be counted for purposes of the following personnel strength limitations:

"(A) The end strength for active-duty personnel authorized pursuant to section 115(a)(1) of this title for the fiscal year in which the member carries out the activities referred to in paragraph (2).

"(B) The authorized daily average for members in pay grades E–8 and E–9 under section 517 of this title for the calendar year in which the member carries out such activities.

"(C) The authorized strengths for commissioned officers under section 523 of this title for the fiscal year in which the member carries out such activities.

"(2) A member of a reserve component referred to in paragraph (1) is any member on active duty under an order to active duty for 180 days or more who is engaged in activities authorized under this section.".

Subtitle C—Military Training Student Loads

SEC. 421. AUTHORIZATION OF TRAINING STUDENT LOADS.

(a) IN GENERAL.—For fiscal year 1996, the components of the Armed Forces are authorized average military training loads as follows:

(1) The Army, 75,013.

(2) The Navy, 44,238.

(3) The Marine Corps, 26,095.

(4) The Air Force, 33,232.

(b) SCOPE.—The average military training student loads authorized for an armed force under subsection (a) apply 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 1996 a total of $69,191,008,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 1996.

SEC. 432. AUTHORIZATION FOR INCREASE IN ACTIVE-DUTY END STRENGTHS.

(a) AUTHORIZATION.—There is hereby authorized to be appropriated to the Department of Defense for fiscal year 1996 for military personnel the sum of $112,000,000. Any amount appropriated pursuant to this section shall be allocated, in such manner as the Secretary of Defense prescribes, among appropriations for active-component military personnel for that fiscal year and shall be available only to increase the number of members of the Armed Forces on active duty during that fiscal year (compared to the number of members that would be on active duty but for such appropriation).

(b) EFFECT ON END STRENGTHS.—The end-strength authorizations in section 401 shall each be deemed to be increased by such number as necessary to take account of additional members of the Armed Forces authorized by the Secretary of Defense pursuant to subsection (a).

TITLE V—MILITARY PERSONNEL POLICY

[Title V—Mil Pers Policy]

Subtitle A—Officer Personnel Policy

SEC. 501. JOINT OFFICER MANAGEMENT.

(a) CRITICAL JOINT DUTY ASSIGNMENT POSITIONS.—Section 661(d)(2)(A) of title 10, United States Code, is amended by striking out "1,000" and inserting in lieu thereof "800".

(b) ADDITIONAL QUALIFYING JOINT SERVICE.—Section 664 of such title is amended by adding at the end the following:

"(i) JOINT DUTY CREDIT FOR CERTAIN JOINT TASK FORCE ASSIGNMENTS.—(1) In the case of an officer who completes service in a qualifying temporary joint task force assignment, the Secretary of Defense, with the advice of the Chairman of the Joint Chiefs of Staff, may (subject to the criteria prescribed under paragraph (4)) grant the officer—

"(A) credit for having completed a full tour of duty in a joint duty assignment; or

"(B) credit countable for determining cumulative service in joint duty assignments.

"(2)(A) For purposes of paragraph (1), a qualifying temporary joint task force assignment of an officer is a temporary assignment, any part of which is performed by the officer on or after the date of the enactment of this subsection—

"(i) to the headquarters staff of a United States joint task force that is part of a unified command or the United States element of the headquarters staff of a multinational force; and

"(ii) with respect to which the Secretary of Defense determines that service of the officer in that assignment is equivalent to that which would be gained by the officer in a joint duty assignment.

"(B) An officer may not be granted credit under this subsection unless the officer is recommended for such credit by the Chairman of the Joint Chiefs of Staff.

"(3) Credit under paragraph (1) (including a determination under paragraph (2)(A)(ii) and a recommendation under paragraph (2)(B) with respect to such credit) may be granted only on a case-by-case basis in the case of an individual officer.

"(4) The Secretary of Defense shall prescribe by regulation criteria for determining whether an officer may be granted credit under paragraph (1) with respect to service in a qualifying temporary joint task force assignment. The criteria shall apply uniformly among the armed forces and shall include the following requirements:

"(A) For an officer to be credited as having completed a full tour of duty in a joint duty assignment, the length of the officer's service in the qualifying temporary joint task force assignment must meet the requirements of subsection (a) or (c).

"(B) For an officer to be credited with service for purposes of determining cumulative service in joint duty assignments, the officer must serve at least 90 consecutive days in the qualifying temporary joint task force assignment.

"(C) The service must be performed in support of a mission that is directed by the President or that is assigned by the President to United States forces in the joint task force involved.

"(D) The joint task force must be constituted or designated by the Secretary of Defense or by the commander of a combatant command or of another force.

"(E) The joint task force must conduct combat or combat-related operations in a unified action under joint or multinational command and control.

"(5) Officers for whom joint duty credit is granted pursuant to this subsection may not be taken into account for the purposes of any of the following provisions of this title: section 661(d)(1), section 662(a)(3), section 662(b), subsection (a) of this section, and paragraphs (7), (8), (9), (11), and (12) of section 667.

"(6) In the case of an officer credited with having completed a full tour of duty in a joint duty assignment pursuant to this subsection, the Secretary of Defense may waive the requirement in paragraph (1)(B) of section 661(c) of this title that the tour of duty in a joint duty assignment be performed after the officer completes a program of education referred to in paragraph (1)(A) of that section. The provisions of subparagraphs (C) and (D) of section 661(c)(3) of this title shall apply to such a waiver in the same manner as to a waiver under subparagraph (A) of that section.".

(c) INFORMATION IN ANNUAL REPORT.—Section 667 of such title is amended by striking out paragraph (16) and inserting after paragraph (15) the following new paragraph (16):

"(16) The number of officers granted credit for service in joint duty assignments under section 664(i) of this title and—

"(A) of those officers—

"(i) the number of officers credited with having completed a tour of duty in a joint duty assignment; and

"(ii) the number of officers granted credit for purposes of determining cumulative service in joint duty assignments; and

"(B) the identity of each operation for which an officer has been granted credit pursuant to section 664(i) of this title and a brief description of the mission of the operation.".

(d) APPLICABILITY OF LIMITATION ON WAIVER AUTHORITY.—Section 661(c)(3) of such title is amended—

(1) in the third sentence of subparagraph (D), by striking out "The total number" and inserting in lieu thereof "In the case of officers in grades below brigadier general and rear admiral (lower half), the total number"; and

(2) by adding at the end the following new subparagraph:

"(E) There may not be more than 32 general and flag officers on active duty at the same time

who were selected for the joint specialty while holding a general or flag officer grade and for whom a waiver was granted under this subparagraph.''.

(e) LENGTH OF SECOND JOINT TOUR.—Section 664 of such title is amended—

(1) in subsection (e)(2), by inserting after subparagraph (B) the following:

''(C) Service described in subsection (f)(6), except that no more than 10 percent of all joint duty assignments shown on the list published pursuant to section 668(b)(2)(A) of this title may be so excluded in any year.''; and

(2) in subsection (f)—

(A) in the matter preceding paragraph (1), by striking out ''completion of—'' and inserting in lieu thereof ''completion of any of the following:'';

(B) by striking out ''a'' at the beginning of paragraphs (1), (2), (4), and (5) and inserting in lieu thereof ''A'';

(C) by striking out ''cumulative'' in paragraph (3) and inserting in lieu thereof ''Cumulative'';

(D) by striking out the semicolon at the end of paragraphs (1), (2), and (3) and ''; or'' at the end of paragraph (4) and inserting in lieu thereof a period; and

(E) by adding at the end the following:

''(6) A second joint duty assignment that is less than the period required under subsection (a), but not less than two years, without regard to whether a waiver was granted for such assignment under subsection (b).''.

(f) TECHNICAL AMENDMENT.—Section 664(e)(1) of such title is amended by striking out ''(after fiscal year 1990)''.

SEC. 502. RETIRED GRADE FOR OFFICERS IN GRADES ABOVE MAJOR GENERAL AND REAR ADMIRAL.

(a) APPLICABILITY OF TIME-IN-GRADE REQUIREMENTS.—Section 1370 of title 10, United States Code, is amended—

(1) in subsection (a)(2)(A), by striking out ''and below lieutenant general or vice admiral''; and

(2) in the first sentence of subsection (d)(2)(B), as added effective October 1, 1996, by section 1641 of the Reserve Officer Personnel Management Act (title XVI of Public Law 103–337; 108 Stat. 2968), by striking out ''and below lieutenant general or vice admiral''.

(b) RETIREMENT IN HIGHEST GRADE UPON CERTIFICATION OF SATISFACTORY SERVICE.—Subsection (c) of such section is amended to read as follows:

''(c) OFFICERS IN O–9 AND O–10 GRADES.—(1) An officer who is serving in or has served in the grade of general or admiral or lieutenant general or vice admiral may be retired in that grade under subsection (a) only after the Secretary of Defense certifies in writing to the President and Congress that the officer served on active duty satisfactorily in that grade.

''(2) In the case of an officer covered by paragraph (1), the three-year service-in-grade requirement in paragraph (2)(A) of subsection (a) may not be reduced or waived under that subsection—

''(A) while the officer is under investigation for alleged misconduct; or

''(B) while there is pending the disposition of an adverse personnel action against the officer for alleged misconduct.''.

(c) REPEAL OF SUPERSEDED PROVISIONS.—Sections 3962(a), 5034, 5043(c), and 8962(a) of such title are repealed.

(d) TECHNICAL AND CLERICAL AMENDMENTS.—(1) Sections 3962(b) and 8962(b) of such title are amended by striking out ''(b) Upon'' and inserting in lieu thereof ''Upon''.

(2) The table of sections at the beginning of chapter 505 of such title is amended by striking out the item relating to section 5034.

(e) EFFECTIVE DATE FOR AMENDMENT TO PROVISION TAKING EFFECT IN 1996.—The amendment made by subsection (a)(2) shall take effect on October 1, 1996, immediately after subsection (d) of section 1370 of title 10, United States Code, takes effect under section 1691(b)(1) of the Reserve Officer Personnel Management Act (108 Stat. 3026).

(f) PRESERVATION OF APPLICABILITY OF LIMITATION.—Section 1370(a)(2)(C) of title 10, United States Code, is amended by striking out ''The number of officers in an armed force in a grade'' and inserting in lieu thereof ''In the case of a grade below the grade of lieutenant general or vice admiral, the number of members of one of the armed forces in that grade''.

(g) STYLISTIC AMENDMENTS.—Section 1370 of title 10, United States Code, is further amended—

(1) in subsection (a), by striking out ''(a)(1)'' and inserting in lieu thereof ''(a) RULE FOR RETIREMENT IN HIGHEST GRADE HELD SATISFACTORILY.—(1)'';

(2) in subsection (b), by inserting ''RETIREMENT IN NEXT LOWER GRADE.—'' after ''(b)''; and

(3) in subsection (d), as added effective October 1, 1996, by section 1641 of the Reserve Officer Personnel Management Act (title XVI of Public Law 103–337; 108 Stat. 2968), by striking out ''(d)(1)'' and inserting in lieu thereof ''(d) RESERVE OFFICERS.—(1)''.

SEC. 503. WEARING OF INSIGNIA FOR HIGHER GRADE BEFORE PROMOTION.

(a) AUTHORITY AND LIMITATIONS.—(1) Chapter 45 of title 10, United States Code, is amended by adding at the end the following new section:

''§777. Wearing of insignia of higher grade before promotion (frocking): authority; restrictions

''(a) AUTHORITY.—An officer who has been selected for promotion to the next higher grade may be authorized, under regulations and policies of the Department of Defense and subject to subsection (b), to wear the insignia for that next higher grade. An officer who is so authorized to wear the insignia of the next higher grade is said to be 'frocked' to that grade.

''(b) RESTRICTIONS.—An officer may not be authorized to wear the insignia for a grade as described in subsection (a) unless—

''(1) the Senate has given its advice and consent to the appointment of the officer to that grade; and

''(2) the officer is serving in, or has received orders to serve in, a position for which that grade is authorized.

''(c) BENEFITS NOT TO BE CONSTURED AS ACCRUING.—(1) Authority provided to an officer as described in subsection (a) to wear the insignia of the next higher grade may not be construed as conferring authority for that officer to—

''(A) be paid the rate of pay provided for an officer in that grade having the same number of years of service as that officer; or

''(B) assume any legal authority associated with that grade.

''(2) The period for which an officer wears the insignia of the next higher grade under such authority may not be taken into account for any of the following purposes:

''(A) Seniority in that grade.

''(B) Time of service in that grade.

''(d) LIMITATION ON NUMBER OF OFFICERS FROCKED TO SPECIFIED GRADES.—(1) The total number of colonels and Navy captains on the active-duty list who are authorized as described in subsection (a) to wear the insignia for the grade of brigadier general or rear admiral (lower half), as the case may be, may not exceed the following:

''(A) During fiscal years 1996 and 1997, 75.

''(B) During fiscal year 1998, 55.

''(C) After fiscal year 1998, 35.

''(2) The number of officers of an armed force on the active-duty list who are authorized as described in subsection (a) to wear the insignia for a grade to which a limitation on total number applies under section 523(a) of this title for a fiscal year may not exceed 1 percent of the total number provided for the officers in that grade in that armed force in the administration of the limitation under that section for that fiscal year.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''777. Wearing of insignia of higher grade before promotion (frocking): authority; restrictions.''.

(b) TEMPORARY VARIATION OF LIMITATIONS ON NUMBERS OF FROCKED OFFICERS.—In the administration of section 777(d)(2) of title 10, United States Code (as added by subsection (a)), the percent limitation applied under that section for fiscal year 1996 shall be 2 percent (instead of 1 percent).

(c) REPORT.—Not later than September 1, 1996, the Secretary of Defense shall submit to Congress a report providing the assessment of the Secretary on the practice, known as ''frocking'', of authorizing an officer who has been selected for promotion to the next higher grade to wear the insignia for that next higher grade. The report shall include the Secretary's assessment of the appropriate number, if any, of colonels and Navy captains to be eligible under section 777(d)(1) of title 10, United States Code (as added by subsection (a)), to wear the insignia for the grade of brigadier general or rear admiral (lower half).

SEC. 504. AUTHORITY TO EXTEND TRANSITION PERIOD FOR OFFICERS SELECTED FOR EARLY RETIREMENT.

(a) SELECTIVE RETIREMENT OF WARRANT OFFICERS.—Section 581 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e) The Secretary concerned may defer for not more than 90 days the retirement of an officer otherwise approved for early retirement under this section in order to prevent a personal hardship to the officer or for other humanitarian reasons. Any such deferral shall be made on a case-by-case basis considering the circumstances of the case of the particular officer concerned. The authority of the Secretary to grant such a deferral may not be delegated.''.

(b) SELECTIVE EARLY RETIREMENT OF ACTIVE-DUTY OFFICERS.—Section 638(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3) The Secretary concerned may defer for not more than 90 days the retirement of an officer otherwise approved for early retirement under this section or section 638a of this title in order to prevent a personal hardship to the officer or for other humanitarian reasons. Any such deferral shall be made on a case-by-case basis considering the circumstances of the case of the particular officer concerned. The authority of the Secretary to grant such a deferral may not be delegated.''.

SEC. 505. ARMY OFFICER MANNING LEVELS.

(a) IN GENERAL.—(1) Chapter 331 of title 10, United States Code, is amended by inserting after the table of sections the following new section:

''§3201. Officers on active duty: minimum strength based on requirements

''(a) The Secretary of the Army shall ensure that (beginning with fiscal year 1999) the strength at the end of each fiscal year of officers on active duty is sufficient to enable the Army to meet at least that percentage of the programmed manpower structure for officers for the active component of the Army that is provided

for in the most recent Defense Planning Guidance issued by the Secretary of Defense.

"(b) The number of officers on active duty shall be counted for purposes of this section in the same manner as applies under section 115(a)(1) of this title.

"(c) In this section:

"(1) The term 'programmed manpower structure' means the aggregation of billets describing the full manpower requirements for units and organizations in the programmed force structure.

"(2) The term 'programmed force structure' means the set of units and organizations that exist in the current year and that is planned to exist in each future year under the then-current Future-Years Defense Program.".

(2) The table of sections at the beginning of such chapter is amended by inserting after "Sec." the following new item:

"3201. Officers on active duty: minimum strength based on requirements.".

(b) ASSISTANCE IN ACCOMPLISHING REQUIREMENT.—The Secretary of Defense shall provide to the Army sufficient personnel and financial resources to enable the Army to meet the requirement specified in section 3201 of title 10, United States Code, as added by subsection (a).

SEC. 506. AUTHORITY FOR MEDICAL DEPARTMENT OFFICERS OTHER THAN PHYSICIANS TO BE APPOINTED AS SURGEON GENERAL.

(a) SURGEON GENERAL OF THE ARMY.—The third sentence of section 3036(b) of title 10, United States Code, is amended by inserting after "The Surgeon General" the following: "may be appointed from officers in any corps of the Army Medical Department and".

(b) SURGEON GENERAL OF THE NAVY.—Section 5137 of such title is amended—

(1) in the first sentence of subsection (a), by striking out "in the Medical Corps" and inserting in lieu thereof "in any corps of the Navy Medical Department"; and

(2) in subsection (b), by striking out "in the Medical Corps" and inserting in lieu thereof "who is qualified to be the Chief of the Bureau of Medicine and Surgery".

(c) SURGEON GENERAL OF THE AIR FORCE.—The first sentence of section 8036 of such title is amended by striking out "designated as medical officers under section 8067(a) of this title" and inserting in lieu thereof "in the Air Force medical department".

SEC. 507. DEPUTY JUDGE ADVOCATE GENERAL OF THE AIR FORCE.

(a) TENURE AND GRADE OF DEPUTY JUDGE ADVOCATE GENERAL.—Section 8037(d)(1) of such title is amended—

(1) in the second sentence, by striking out "two years" and inserting in lieu thereof "four years"; and

(2) by striking out the last sentence and inserting in lieu thereof the following: "An officer appointed as Deputy Judge Advocate General who holds a lower regular grade shall be appointed in the regular grade of major general.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply to any appointment to the position of Deputy Judge Advocate General of the Air Force that is made after the date of the enactment of this Act.

SEC. 508. AUTHORITY FOR TEMPORARY PROMOTIONS FOR CERTAIN NAVY LIEUTENANTS WITH CRITICAL SKILLS.

(a) EXTENSION OF AUTHORITY.—Subsection (f) of section 5721 of title 10, United States Code, is amended by striking out "September 30, 1995" and inserting in lieu thereof "September 30, 1996".

(b) LIMITATION.—Such section is further amended—

(1) by redesignating subsection (f), as amended by subsection (a), as subsection (g); and

(2) by inserting after subsection (e) the following new subsection (f):

"(f) LIMITATION ON NUMBER OF ELIGIBLE POSITIONS.—(1) An appointment under this section may only be made for service in a position designated by the Secretary of the Navy for purposes of this section. The number of positions so designated may not exceed 325.

"(2) Whenever the Secretary makes a change to the positions designated under paragraph (1), the Secretary shall submit notice of the change in writing to Congress.".

(c) REPORT.—Not later than April 1, 1996, the Secretary of Defense shall submit to Congress a report providing the Secretary's assessment of that continuing need for the promotion authority under section 5721 of title 10, United States Code. The Secretary shall include in the report the following:

(1) The nature and grade structure of the positions for which such authority has been used.

(2) The cause or causes of the reported chronic shortages of qualified personnel in the required grade to fill the positions specified under paragraph (1).

(3) The reasons for the perceived inadequacy of the officer promotion system (including "below-the-zone" selections) to provide sufficient officers in the required grade to fill those positions.

(4) The extent to which a bonus program or some other program would be a more appropriate means of resolving the reported chronic shortages in engineering positions.

(d) CLERICAL AMENDMENTS.—Section 5721 of title 10, United States Code, is amended as follows:

(1) Subsection (a) is amended by inserting "PROMOTION AUTHORITY FOR CERTAIN OFFICER WITH CRITICAL SKILLS.—" after "(a)".

(2) Subsection (b) is amended by inserting "STATUS OF OFFICERS APPOINTED.—" after "(b)".

(3) Subsection (c) is amended by inserting "BOARD RECOMMENDATION REQUIRED.—" after "(c)".

(4) Subsection (d) is amended by inserting "ACCEPTANCE AND EFFECTIVE DATE OF APPOINTMENT.—" after "(d)".

(5) Subsection (e) is amended by inserting "TERMINATION OF APPOINTMENT.—" after "(e)".

(6) Subsection (g), as redesignated by subsection (b)(1), is amended by inserting "TERMINATION OF APPOINTMENT AUTHORITY.—" after "(g)".

(e) EFFECTIVE DATE.—Subsection (f) of section 5721 of title 10, United States Code, as added by subsection (b)(2), shall take effect at the end of the 30-day period beginning on the date of the enactment of this Act and shall apply to any appointment under that section after the end of such period.

SEC. 509. RETIREMENT FOR YEARS OF SERVICE OF DIRECTORS OF ADMISSIONS OF MILITARY AND AIR FORCE ACADEMIES.

(a) MILITARY ACADEMY.—(1) Section 3920 of title 10, United States Code, is amended to read as follows:

"§3920. More than thirty years: permanent professors and the Director of Admissions of the United States Military Academy

"(a) The Secretary of the Army may retire an officer specified in subsection (b) who has more than 30 years of service as a commissioned officer.

"(b) Subsection (a) applies in the case of the following officers:

"(1) Any permanent professor of the United States Military Academy.

"(2) The Director of Admissions of the United States Military Academy.".

(2) The item relating to such section in the table of sections at the beginning of chapter 367 of such title is amended to read as follows:

"3920. More than thirty years: permanent professors and the Director of Admissions of the United States Military Academy.".

(b) AIR FORCE ACADEMY.—(1) Section 8920 of title 10, United States Code, is amended to read as follows:

"§8920. More than thirty years: permanent professors and the Director of Admissions of the United States Air Force Academy

"(a) The Secretary of the Air Force may retire an officer specified in subsection (b) who has more than 30 years of service as a commissioned officer.

"(b) Subsection (a) applies in the case of the following officers:

"(1) Any permanent professor of the United States Air Force Academy.

"(2) The Director of Admissions of the United States Air Force Academy.".

(2) The item relating to such section in the table of sections at the beginning of chapter 867 of such title is amended to read as follows:

"8920. More than thirty years: permanent professors and the Director of Admissions of the United States Air Force Academy.".

Subtitle B—Matters Relating to Reserve Components

SEC. 511. EXTENSION OF CERTAIN RESERVE OFFICER MANAGEMENT AUTHORITIES.

(a) GRADE DETERMINATION AUTHORITY FOR CERTAIN RESERVE MEDICAL OFFICERS.—Section 3359(b) and 8359(b) of title 10, United States Code, are each amended by striking out "September 30, 1995" and inserting in lieu thereof "September 30, 1996".

(b) PROMOTION AUTHORITY FOR CERTAIN RESERVE OFFICERS SERVING ON ACTIVE DUTY.—Sections 3380(d) and 8380(d) of title 10, United States Code, are each amended by striking out "September 30, 1995" and inserting in lieu thereof "September 30, 1996".

(c) YEARS OF SERVICE FOR MANDATORY TRANSFER TO THE RETIRED RESERVE.—Section 1016(d) of the Department of Defense Authorization Act, 1984 (10 U.S.C. 3360) is amended by striking out "September 30, 1995" and inserting in lieu thereof "September 30, 1996".

SEC. 512. MOBILIZATION INCOME INSURANCE PROGRAM FOR MEMBERS OF READY RESERVE.

(a) ESTABLISHMENT OF PROGRAM.—(1) Subtitle E of title 10, United States Code, is amended by inserting after chapter 1213 the following new chapter:

"CHAPTER 1214—READY RESERVE MOBILIZATION INCOME INSURANCE

"Sec.
"12521. Definitions.
"12522. Establishment of insurance program.
"12523. Risk insured.
"12524. Enrollment and election of benefits.
"12525. Benefit amounts.
"12526. Premiums.
"12527. Payment of premiums.
"12528. Reserve Mobilization Income Insurance Fund.
"12529. Board of Actuaries.
"12530. Payment of benefits.
"12531. Purchase of insurance.
"12532. Termination for nonpayment of premiums; forfeiture.

"§12521. Definitions

"In this chapter:

"(1) The term 'insurance program' means the Ready Reserve Mobilization Income Insurance Program established under section 12522 of this title.

"(2) The term 'covered service' means active duty performed by a member of a reserve component under an order to active duty for a period

of more than 30 days which specifies that the member's service—

"(A) is in support of an operational mission for which members of the reserve components have been ordered to active duty without their consent; or

"(B) is in support of forces activated during a period of war declared by Congress or a period of national emergency declared by the President or Congress.

"(3) The term 'insured member' means a member of the Ready Reserve who is enrolled for coverage under the insurance program in accordance with section 12524 of this title.

"(4) The term 'Secretary' means the Secretary of Defense.

"(5) The term 'Department' means the Department of Defense.

"(6) The term 'Board of Actuaries' means the Department of Defense Education Benefits Board of Actuaries referred to in section 2006(e)(1) of this title.

"(7) The term 'Fund' means the Reserve Mobilization Income Insurance Fund established by section 12528(a) of this title.

"§12522. Establishment of insurance program

"(a) ESTABLISHMENT.—The Secretary shall establish for members of the Ready Reserve (including the Coast Guard Reserve) an insurance program to be known as the 'Ready Reserve Mobilization Income Insurance Program'.

"(b) ADMINISTRATION.—The insurance program shall be administered by the Secretary. The Secretary may prescribe in regulations such rules, procedures, and policies as the Secretary considers necessary or appropriate to carry out the insurance program.

"(c) AGREEMENT WITH SECRETARY OF TRANSPORTATION.—The Secretary and the Secretary of Transportation shall enter into an agreement with respect to the administration of the insurance program for the Coast Guard Reserve.

"§12523. Risk insured

"(a) IN GENERAL.—The insurance program shall insure members of the Ready Reserve against the risk of being ordered into covered service.

"(b) ENTITLEMENT TO BENEFITS.—(1) An insured member ordered into covered service shall be entitled to payment of a benefit for each month (and fraction thereof) of covered service that exceeds 30 days of covered service, except that no member may be paid under the insurance program for more than 12 months of covered service served during any period of 18 consecutive months.

"(2) Payment shall be based solely on the insured status of a member and on the period of covered service served by the member. Proof of loss of income or of expenses incurred as a result of covered service may not be required.

"§12524. Enrollment and election of benefits

"(a) ENROLLMENT.—(1) Except as provided in subsection (f), upon first becoming a member of the Ready Reserve, a member shall be automatically enrolled for coverage under the insurance program. An automatic enrollment of a member shall be void if within 60 days after first becoming a member of the Ready Reserve the member declines insurance under the program in accordance with the regulations prescribed by the Secretary.

"(2) Promptly after the insurance program is established, the Secretary shall offer to members of the reserve components who are then members of the Ready Reserve (other than members ineligible under subsection (f)) an opportunity to enroll for coverage under the insurance program. A member who fails to enroll within 60 days after being offered the opportunity shall be considered as having declined to be insured under the program.

"(3) A member of the Ready Reserve ineligible to enroll under subsection (f) shall be afforded an opportunity to enroll upon being released from active duty in accordance with regulations prescribed by the Secretary if the member has not previously had the opportunity to be enrolled under paragraph (1) or (2). A member who fails to enroll within 60 days after being afforded that opportunity shall be considered as having declined to be insured under the program.

"(b) ELECTION OF BENEFIT AMOUNT.—The amount of a member's monthly benefit under an enrollment shall be the basic benefit under subsection (a) of section 12525 of this title unless the member elects a different benefit under subsection (b) of such section within 60 days after first becoming a member of the Ready Reserve or within 60 days after being offered the opportunity to enroll, as the case may be.

"(c) ELECTIONS IRREVOCABLE.—(1) An election to decline insurance pursuant to paragraph (1) or (2) of subsection (a) is irrevocable.

"(2) The amount of coverage may not be increased after enrollment.

"(d) ELECTION TO TERMINATE.—A member may terminate an enrollment at any time.

"(e) INFORMATION TO BE FURNISHED.—The Secretary shall ensure that members referred to in subsection (a) are given a written explanation of the insurance program and are advised that they have the right to decline to be insured and, if not declined, to elect coverage for a reduced benefit or an enhanced benefit under subsection (b).

"(f) MEMBERS INELIGIBLE TO ENROLL.—Members of the Ready Reserve serving on active duty (or full-time National Guard duty) are not eligible to enroll for coverage under the insurance program. The Secretary may define any additional category of members of the Ready Reserve to be excluded from eligibility to purchase insurance under this chapter.

"§12525. Benefit amounts

"(a) BASIC BENEFIT.—The basic benefit for an insured member under the insurance program is $1,000 per month (as adjusted under subsection (d)).

"(b) REDUCED AND ENHANCED BENEFITS.—Under the regulations prescribed by the Secretary, a person enrolled for coverage under the insurance program may elect—

"(1) a reduced coverage benefit equal to one-half the amount of the basic benefit; or

"(2) an enhanced benefit in the amount of $1,500, $2,000, $2,500, $3,000, $3,500, $4,000, $4,500, or $5,000 per month (as adjusted under subsection (d)).

"(c) AMOUNT FOR PARTIAL MONTH.—The amount of insurance payable to an insured member for any period of covered service that is less than one month shall be determined by multiplying 1/30 of the monthly benefit rate for the member by the number of days of the covered service served by the member during such period.

"(d) ADJUSTMENT OF AMOUNTS.—(1) The Secretary shall determine annually the effect of inflation on benefits and shall adjust the amounts set forth in subsections (a) and (b)(2) to maintain the constant dollar value of the benefit.

"(2) If the amount of a benefit as adjusted under paragraph (1) is not evenly divisible by $10, the amount shall be rounded to the nearest multiple of $10, except that an amount evenly divisible by $5 but not by $10 shall be rounded to the next lower amount that is evenly divisible by $10.

"§12526. Premiums

"(a) ESTABLISHMENT OF RATES.—(1) The Secretary, in consultation with the Board of Actuaries, shall prescribe the premium rates for insurance under the insurance program.

"(2) The Secretary shall prescribe a fixed premium rate for each $1,000 of monthly insurance benefit. The premium amount shall be equal to the share of the cost attributable to insuring the member and shall be the same for all members of the Ready Reserve who are insured under the insurance program for the same benefit amount. The Secretary shall prescribe the rate on the basis of the best available estimate of risk and financial exposure, levels of subscription by members, and other relevant factors.

"(b) LEVEL PREMIUMS.—The premium rate prescribed for the first year of insurance coverage of an insured member shall be continued without change for subsequent years of insurance coverage, except that the Secretary, after consultation with the Board of Actuaries, may adjust the premium rate in order to fund inflation-adjusted benefit increases on an actuarially sound basis.

"§12527. Payment of premiums

"(a) METHODS OF PAYMENT.—(1) The monthly premium for coverage of a member under the insurance program shall be deducted and withheld from the insured member's pay for each month.

"(2) An insured member who does not receive pay on a monthly basis shall pay the Secretary directly the premium amount applicable for the level of benefits for which the member is insured.

"(b) ADVANCE PAY FOR PREMIUM.—The Secretary concerned may advance to an insured member the amount equal to the first insurance premium payment due under this chapter. The advance may be paid out of appropriations for military pay. An advance to a member shall be collected from the member either by deducting and withholding the amount from basic pay payable for the member or by collecting it from the member directly. No disbursing or certifying officer shall be responsible for any loss resulting from an advance under this subsection.

"(c) PREMIUMS TO BE DEPOSITED IN FUND.—Premium amounts deducted and withheld from the pay of insured members and premium amounts paid directly to the Secretary shall be credited monthly to the Fund.

"§12528. Reserve Mobilization Income Insurance Fund

"(a) ESTABLISHMENT.—There is established on the books of the Treasury a fund to be known as the 'Reserve Mobilization Income Insurance Fund', which shall be administered by the Secretary of the Treasury. The Fund shall be used for the accumulation of funds in order to finance the liabilities of the insurance program on an actuarially sound basis.

"(b) ASSETS OF FUND.—There shall be deposited into the Fund the following:

"(1) Premiums paid under section 12527 of this title.

"(2) Any amount appropriated to the Fund.

"(3) Any return on investment of the assets of the Fund.

"(c) AVAILABILITY.—Amounts in the Fund shall be available for paying insurance benefits under the insurance program.

"(d) INVESTMENT OF ASSETS OF FUND.—The Secretary of the Treasury shall invest such portion of the Fund as is not in the judgment of the Secretary of Defense required to meet current liabilities. Such investments shall be in public debt securities with maturities suitable to the needs of the Fund, as determined by the Secretary of Defense, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities. The income on such investments shall be credited to the Fund.

"(e) ANNUAL ACCOUNTING.—At the beginning of each fiscal year, the Secretary, in consultation with the Board of Actuaries and the Secretary of the Treasury, shall determine the following:

"(1) The projected amount of the premiums to be collected, investment earnings to be received, and any transfers or appropriations to be made for the Fund for that fiscal year.

"(2) The amount for that fiscal year of any cumulative unfunded liability (including any negative amount or any gain to the Fund) resulting from payments of benefits.

"(3) The amount for that fiscal year (including any negative amount) of any cumulative actuarial gain or loss to the Fund.

"§12529. Board of Actuaries

"(a) ACTUARIAL RESPONSIBILITY.—The Board of Actuaries shall have the actuarial responsibility for the insurance program.

"(b) VALUATIONS AND PREMIUM RECOMMENDATIONS.—The Board of Actuaries shall carry out periodic actuarial valuations of the benefits under the insurance program and determine a premium rate methodology for the Secretary to use in setting premium rates for the insurance program. The Board shall conduct the first valuation and determine a premium rate methodology not later than six months after the insurance program is established.

"(c) EFFECTS OF CHANGED BENEFITS.—If at the time of any actuarial valuation under subsection (b) there has been a change in benefits under the insurance program that has been made since the last such valuation and such change in benefits increases or decreases the present value of amounts payable from the Fund, the Board of Actuaries shall determine a premium rate methodology, and recommend to the Secretary a premium schedule, for the liquidation of any liability (or actuarial gain to the Fund) resulting from such change and any previous such changes so that the present value of the sum of the scheduled premium payments (or reduction in payments that would otherwise be made) equals the cumulative increase (or decrease) in the present value of such benefits.

"(d) ACTUARIAL GAINS OR LOSSES.—If at the time of any such valuation the Board of Actuaries determines that there has been an actuarial gain or loss to the Fund as a result of changes in actuarial assumptions since the last valuation or as a result of any differences, between actual and expected experience since the last valuation, the Board shall recommend to the Secretary a premium rate schedule for the amortization of the cumulative gain or loss to the Fund resulting from such changes in assumptions and any previous such changes in assumptions or from the differences in actual and expected experience, respectively, through an increase or decrease in the payments that would otherwise be made to the Fund.

"(e) INSUFFICIENT ASSETS.—If at any time liabilities of the Fund exceed assets of the Fund as a result of members of the Ready Reserve being ordered to active duty as described in section 12521(2) of this title, and funds are unavailable to pay benefits completely, the Secretary shall request the President to submit to Congress a request for a special appropriation to cover the unfunded liability. If appropriations are not made to cover an unfunded liability in any fiscal year, the Secretary shall reduce the amount of the benefits paid under the insurance program to a total amount that does not exceed the assets of the Fund expected to accrue by the end of such fiscal year. Benefits that cannot be paid because of such a reduction shall be deferred and may be paid only after and to the extent that additional funds become available.

"(f) DEFINITION OF PRESENT VALUE.—The Board of Actuaries shall define the term 'present value' for purposes of this subsection.

"§12530. Payment of benefits

"(a) COMMENCEMENT OF PAYMENT.—An insured member who serves in excess of 30 days of covered service shall be paid the amount to which such member is entitled on a monthly basis beginning not later than one month after the 30th day of covered service.

"(b) METHOD OF PAYMENT.—The Secretary shall prescribe in the regulations the manner in which payments shall be made to the member or to a person designated in accordance with subsection (c).

"(c) DESIGNATED RECIPIENTS.—(1) A member may designate in writing another person (including a spouse, parent, or other person with an insurable interest, as determined in accordance with the regulations prescribed by the Secretary) to receive payments of insurance benefits under the insurance program.

"(2) A member may direct that payments of insurance benefits for a person designated under paragraph (1) be deposited with a bank or other financial institution to the credit of the designated person.

"(d) RECIPIENTS IN EVENT OF DEATH OF INSURED MEMBER.—Any insurance payable under the insurance program on account of a deceased member's period of covered service shall be paid, upon the establishment of a valid claim, to the beneficiary or beneficiaries which the deceased member designated in writing. If no such designation has been made, the amount shall be payable in accordance with the laws of the State of the member's domicile.

"§12531. Purchase of insurance

"(a) PURCHASE AUTHORIZED.—The Secretary may, instead of or in addition to underwriting the insurance program through the Fund, purchase from one or more insurance companies a policy or policies of group insurance in order to provide the benefits required under this chapter. The Secretary may waive any requirement for full and open competition in order to purchase an insurance policy under this subsection.

"(b) ELIGIBLE INSURERS.—In order to be eligible to sell insurance to the Secretary for purposes of subsection (a), an insurance company shall—

"(1) be licensed to issue insurance in each of the 50 States and in the District of Columbia; and

"(2) as of the most recent December 31 for which information is available to the Secretary, have in effect at least one percent of the total amount of insurance that all such insurance companies have in effect in the United States.

"(c) ADMINISTRATIVE PROVISIONS.—(1) An insurance company that issues a policy for purposes of subsection (a) shall establish an administrative office at a place and under a name designated by the Secretary.

"(2) For the purposes of carrying out this chapter, the Secretary may use the facilities and services of any insurance company issuing any policy for purposes of subsection (a), may designate one such company as the representative of the other companies for such purposes, and may contract to pay a reasonable fee to the designated company for its services.

"(d) REINSURANCE.—The Secretary shall arrange with each insurance company issuing any policy for purposes of subsection (a) to reinsure, under conditions approved by the Secretary, portions of the total amount of the insurance under such policy or policies with such other insurance companies (which meet qualifying criteria prescribed by the Secretary) as may elect to participate in such reinsurance.

"(e) TERMINATION.—The Secretary may at any time terminate any policy purchased under this section.

"§12532. Termination for nonpayment of premiums; forfeiture

"(a) TERMINATION FOR NONPAYMENT.—The coverage of a member under the insurance program shall terminate without prior notice upon a failure of the member to make required monthly payments of premiums for two consecutive months. The Secretary may provide in the regulations for reinstatement of insurance coverage terminated under this subsection.

"(b) FORFEITURE.—Any person convicted of mutiny, treason, spying, or desertion, or who refuses to perform service in the armed forces or refuses to wear the uniform of any of the armed forces shall forfeit all rights to insurance under this chapter.".

(2) The tables of chapters at the beginning of subtitle E, and at the beginning of part II of subtitle E, of title 10, United States Code, are amended by inserting after the item relating to chapter 1213 the following new item:

"1214. Ready Reserve Mobilization Income Insurance ..... 12521".

(b) EFFECTIVE DATE.—The insurance program provided for in chapter 1214 of title 10, United States Code, as added by subsection (a), and the requirement for deductions and contributions for that program shall take effect on September 30, 1996, or on any earlier date declared by the Secretary and published in the Federal Register.

SEC. 513. MILITARY TECHNICIAN FULL-TIME SUPPORT PROGRAM FOR ARMY AND AIR FORCE RESERVE COMPONENTS.

(a) REQUIREMENT OF ANNUAL AUTHORIZATION OF END STRENGTH.—(1) Section 115 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(g) Congress shall authorize for each fiscal year the end strength for military technicians for each reserve component of the Army and Air Force. Funds available to the Department of Defense for any fiscal year may not be used for the pay of a military technician during that fiscal year unless the technician fills a position that is within the number of such positions authorized by law for that fiscal year for the reserve component of that technician. This subsection applies without regard to section 129 of this title.".

(2) The amendment made by paragraph (1) does not apply with respect to fiscal year 1995.

(b) AUTHORIZATION FOR FISCAL YEARS 1996 AND 1997.—For each of fiscal years 1996 and 1997, the minimum number of military technicians, as of the last day of that fiscal year, for the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) Army National Guard, 25,500.
(2) Army Reserve, 6,630.
(3) Air National Guard, 22,906.
(4) Air Force Reserve, 9,802.

(c) ADMINISTRATION OF MILITARY TECHNICIAN PROGRAM.—(1) Chapter 1007 of title 10, United States Code, is amended by adding at the end the following new section:

"§10216. Military technicians

"(a) PRIORITY FOR MANAGEMENT OF MILITARY TECHNICIANS.—(1) As a basis for making the annual request to Congress pursuant to section 115 of this title for authorization of end strengths for military technicians of the Army and Air Force reserve components, the Secretary of Defense shall give priority to supporting authorizations for dual status military technicians in the following high-priority units and organizations:

"(A) Units of the Selected Reserve that are scheduled to deploy no later than 90 days after mobilization.

"(B) Units of the Selected Reserve that are or will deploy to relieve active duty peacetime operations tempo.

"(C) Those organizations with the primary mission of providing direct support surface and aviation maintenance for the reserve components of the Army and Air Force, to the extent that the military technicians in such units would mobilize and deploy in a skill that is compatible with their civilian position skill.

"(2) For each fiscal year, the Secretary of Defense shall, for the high-priority units and organizations referred to in paragraph (1), seek to

achieve a programmed manning level for military technicians that is not less than 90 percent of the programmed manpower structure for those units and organizations for military technicians for that fiscal year.

"(3) Military technician authorizations and personnel in high-priority units and organizations specified in paragraph (1) shall be exempt from any requirement (imposed by law or otherwise) for reductions in Department of Defense civilian personnel and shall only be reduced as part of military force structure reductions.

"(b) DUAL-STATUS REQUIREMENT.—The Secretary of Defense shall require the Secretary of the Army and the Secretary of the Air Force to establish as a condition of employment for each individual who is hired after the date of the enactment of this section as a military technician that the individual maintain membership in the Selected Reserve (so as to be a so-called 'dual-status' technician) and shall require that the civilian and military position skill requirements of dual-status military technicians be compatible. No Department of Defense funds may be spent for compensation for any military technician hired after the date of the enactment of this section who is not a member of the Selected Reserve, except that compensation may be paid for up to six months following loss of membership in the Selected Reserve if such loss of membership was not due to the failure to meet military standards.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"10216. Military technicians.".

(d) REVIEW OF RESERVE COMPONENT MANAGEMENT HEADQUARTERS.—(1) The Secretary of Defense shall, within six months after the date of the enactment of this Act, undertake steps to reduce, consolidate, and streamline management headquarters operations of the reserve components. As part of those steps, the Secretary shall identify those military technicians positions in such headquarters operations that are excess to the requirements of those headquarters.

(2) Of the military technicians positions that are identified under paragraph (1), the Secretary shall reallocate up to 95 percent of the annual funding required to support those positions for the purpose of creating new positions or filling existing positions in the high-priority units and activities specified in section 10216(a) of title 10, United States Code, as added by subsection (c).

(e) ANNUAL DEFENSE MANPOWER REQUIREMENTS REPORT.—Section 115a of title 10, United States Code, is amended by adding at the end the following new subsection:

"(h) In each such report, the Secretary shall include a separate report on the Army and Air Force military technician programs. The report shall include a presentation, shown by reserve component and shown both as of the end of the preceding fiscal year and for the next fiscal year, of the following:

"(1) The number of military technicians required to be employed (as specified in accordance with Department of Defense procedures), the number authorized to be employed under Department of Defense personnel procedures, and the number actually employed.

"(2) Within each of the numbers under paragraph (1)—

"(A) the number applicable to a reserve component management headquarter organization; and

"(B) the number applicable to high-priority units and organizations (as specified in section 10216(a) of this title).

"(3) Within each of the numbers under paragraph (1), the numbers of military technicians who are not themselves members of a reserve component (so-called 'single-status' technicians), with a further display of such numbers as specified in paragraph (2).".

SEC. 514. REVISIONS TO ARMY GUARD COMBAT REFORM INITIATIVE TO INCLUDE ARMY RESERVE UNDER CERTAIN PROVISIONS AND MAKE CERTAIN REVISIONS.

(a) PRIOR ACTIVE DUTY PERSONNEL.—Section 1111 of the Army National Guard Combat Readiness Reform Act of 1992 (title XI of Public Law 102–484) is amended—

(1) in the section heading, by striking out the first three words;

(2) by striking out subsections (a) and (b) and inserting in lieu thereof the following:

"(a) ADDITIONAL PRIOR ACTIVE DUTY OFFICERS.—The Secretary of the Army shall increase the number of qualified prior active-duty officers in the Army National Guard by providing a program that permits the separation of officers on active duty with at least two, but less than three, years of active service upon condition that the officer is accepted for appointment in the Army National Guard. The Secretary shall have a goal of having not fewer than 150 officers become members of the Army National Guard each year under this section.

"(b) ADDITIONAL PRIOR ACTIVE DUTY ENLISTED MEMBERS.—The Secretary of the Army shall increase the number of qualified prior active-duty enlisted members in the Army National Guard through the use of enlistments as described in section 8020 of the Department of Defense Appropriations Act, 1994 (Public Law 103–139). The Secretary shall enlist not fewer than 1,000 new enlisted members each year under enlistments described in that section."; and

(3) by striking out subsections (d) and (e).

(b) SERVICE IN THE SELECTED RESERVE IN LIEU OF ACTIVE DUTY SERVICE FOR ROTC GRADUATES.—Section 1112(b) of such Act (106 Stat. 2537) is amended by striking out "National Guard" before the period at the end and inserting in lieu thereof "Selected Reserve".

(c) REVIEW OF OFFICER PROMOTIONS.—Section 1113 of such Act (106 Stat. 2537) is amended—

(1) in subsection (a), by striking out "National Guard" both places it appears and inserting in lieu thereof "Selected Reserve"; and

(2) by striking out subsection (b) and inserting in lieu thereof the following:

"(b) COVERAGE OF SELECTED RESERVE COMBAT AND EARLY DEPLOYING UNITS.—(1) Subsection (a) applies to officers in all units of the Selected Reserve that are designated as combat units or that are designated for deployment within 75 days of mobilization.

"(2) Subsection (a) shall take effect with respect to officers of the Army Reserve, and with respect to officers of the Army National Guard in units not subject to subsection (a) as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996, at the end of the 90-day period beginning on such date of enactment.".

(d) INITIAL ENTRY TRAINING AND NONDEPLOYABLE PERSONNEL.—Section 1115 of such Act (106 Stat. 2538) is amended—

(1) in subsections (a) and (b), by striking out "National Guard" each place it appears and inserting in lieu thereof "Selected Reserve"; and

(2) in subsection (c)—

(A) by striking out "a member of the Army National Guard enters the National Guard" and inserting in lieu thereof "a member of the Army Selected Reserve enters the Army Selected Reserve"; and

(B) by striking out "from the Army National Guard".

(e) ACCOUNTING OF MEMBERS WHO FAIL PHYSICAL DEPLOYABILITY STANDARDS.—Section 1116 of such Act (106 Stat. 2539) is amended by striking out "National Guard" each place it appears and inserting in lieu thereof "Selected Reserve".

(f) USE OF COMBAT SIMULATORS.—Section 1120 of such Act (106 Stat. 2539) is amended by inserting "and the Army Reserve" before the period at the end.

SEC. 515. ACTIVE DUTY ASSOCIATE UNIT RESPONSIBILITY.

(a) ASSOCIATE UNITS.—Subsection (a) of section 1131 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2540) is amended to read as follows:

"(a) ASSOCIATE UNITS.—The Secretary of the Army shall require—

"(1) that each ground combat maneuver brigade of the Army National Guard that (as determined by the Secretary) is essential for the execution of the National Military Strategy be associated with an active-duty combat unit; and

"(2) that combat support and combat service support units of the Army Selected Reserve that (as determined by the Secretary) are essential for the execution of the National Military Strategy be associated with active-duty units.".

(b) RESPONSIBILITIES.—Subsection (b) of such section is amended—

(1) by striking out "National Guard combat unit" in the matter preceding paragraph (1) and inserting in lieu thereof "National Guard unit or Army Selected Reserve unit that (as determined by the Secretary under subsection (a)) is essential for the execution of the National Military Strategy"; and

(2) by striking out "of the National Guard unit" in paragraphs (1), (2), (3), and (4) and inserting in lieu thereof "of that unit".

SEC. 516. LEAVE FOR MEMBERS OF RESERVE COMPONENTS PERFORMING PUBLIC SAFETY DUTY.

(a) ELECTION OF LEAVE TO BE CHARGED.—Subsection (b) of section 6323 of title 5, United States Code, is amended by adding at the end the following: "Upon the request of an employee, the period for which an employee is absent to perform service described in paragraph (2) may be charged to the employee's accrued annual leave or to compensatory time available to the employee instead of being charged as leave to which the employee is entitled under this subsection. The period of absence may not be charged to sick leave.".

(b) PAY FOR PERIOD OF ABSENCE.—Section 5519 of such title is amended by striking out "entitled to leave" and inserting in lieu thereof "granted military leave".

SEC. 517. DEPARTMENT OF DEFENSE FUNDING FOR NATIONAL GUARD PARTICIPATION IN JOINT DISASTER AND EMERGENCY ASSISTANCE EXERCISES.

Section 503(a) of title 32, United States Code, is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end the following:

"(2) Paragraph (1) includes authority to provide for participation of the National Guard in conjunction with the Army or the Air Force, or both, in joint exercises for instruction to prepare the National Guard for response to civil emergencies and disasters.".

Subtitle C—Decorations and Awards

SEC. 521. AWARD OF PURPLE HEART TO PERSONS WOUNDED WHILE HELD AS PRISONERS OF WAR BEFORE APRIL 25, 1962.

(a) AWARD OF PURPLE HEART.—For purposes of the award of the Purple Heart, the Secretary concerned (as defined in section 101 of title 10, United States Code) shall treat a former prisoner of war who was wounded before April 25, 1962, while held as a prisoner of war (or while being taken captive) in the same manner as a former prisoner of war who is wounded on or after that date while held as a prisoner of war (or while being taken captive).

(b) STANDARDS FOR AWARD.—An award of the Purple Heart under subsection (a) shall be made in accordance with the standards in effect on the date of the enactment of this Act for the

award of the Purple Heart to persons wounded on or after April 25, 1962.

(c) ELIGIBLE FORMER PRISONERS OF WAR.—A person shall be considered to be a former prisoner of war for purposes of this section if the person is eligible for the prisoner-of-war medal under section 1128 of title 10, United States Code.

SEC. 522. AUTHORITY TO AWARD DECORATIONS RECOGNIZING ACTS OF VALOR PERFORMED IN COMBAT DURING THE VIETNAM CONFLICT.

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

(1) The Ia Drang Valley (Pleiku) campaign, carried out by the Armed Forces in the Ia Drang Valley of Vietnam from October 23, 1965, to November 26, 1965, is illustrative of the many battles during the Vietnam conflict which pitted forces of the United States against North Vietnamese Army regulars and Viet Cong in vicious fighting.

(2) Accounts of those battles that have been published since the end of that conflict authoritatively document numerous and repeated acts of extraordinary heroism, sacrifice, and bravery on the part of members of the Armed Forces, many of which have never been officially recognized.

(3) In some of those battles, United States military units suffered substantial losses, with some units sustaining casualties in excess of 50 percent.

(4) The incidence of heavy casualties throughout the Vietnam conflict inhibited the timely collection of comprehensive and detailed information to support recommendations for awards recognizing acts of heroism, sacrifice, and bravery.

(5) Subsequent requests to the Secretaries of the military departments for review of award recommendations for such acts have been denied because of restrictions in law and regulations that require timely filing of such recommendations and documented justification.

(6) Acts of heroism, sacrifice, and bravery performed in combat by members of the Armed Forces deserve appropriate and timely recognition by the people of the United States.

(7) It is appropriate to recognize acts of heroism, sacrifice, or bravery that are belatedly, but properly, documented by persons who witnessed those acts.

(b) WAIVER OF TIME LIMITATIONS FOR RECOMMENDATIONS FOR AWARDS.—(1) Any decoration covered by paragraph (2) may be awarded, without regard to any time limit imposed by law or regulation for a recommendation for such award to any person for actions by that person in the Southeast Asia theater of operations while serving on active duty during the Vietnam era. The waiver of time limitations under this paragraph applies only in the case of awards for acts of valor for which a request for consideration is submitted under subsection (c).

(2) Paragraph (1) applies to any decoration (including any device in lieu of a decoration) that, during or after the Vietnam era and before the date of the enactment of this Act, was authorized by law or under regulations of the Department of Defense or the military department concerned to be awarded to members of the Armed Forces for acts of valor.

(c) REVIEW OF REQUESTS FOR CONSIDERATION OF AWARDS.—(1) The Secretary of each military department shall review each request for consideration of award of a decoration described in subsection (b) that are received by the Secretary during the one-year period beginning on the date of enactment of this Act.

(2) The Secretaries shall begin the review within 30 days after the date of the enactment of this Act and shall complete the review of each request for consideration not later than one year after the date on which the request is received.

(3) The Secretary may use the same process for carrying out the review as the Secretary uses for reviewing other recommendations for award of decorations to members of the Armed Forces under the Secretary's jurisdiction for valorous acts.

(d) REPORT.—(1) Upon completing the review of each such request under subsection (c), the Secretary shall submit a report on the review to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives.

(2) The report shall include, with respect to each request for consideration received, the following information:

(A) A summary of the request for consideration.

(B) The findings resulting from the review.

(C) The final action taken on the request for consideration.

(e) DEFINITION.—For purposes of this section:

(1) The term "Vietnam era" has the meaning given that term in section 101 of title 38, United States Code.

(2) The term "active duty" has the meaning given that term in section 101 of title 10, United States Code.

SEC. 523. MILITARY INTELLIGENCE PERSONNEL PREVENTED BY SECRECY FROM BEING CONSIDERED FOR DECORATIONS AND AWARDS.

(a) WAIVER ON RESTRICTIONS OF AWARDS.—(1) Any decoration covered by paragraph (2) may be awarded, without regard to any time limit imposed by law or regulation for a recommendation for such award, to any person for an act, achievement, or service that the person performed in carrying out military intelligence duties during the period beginning on January 1, 1940, and ending on December 31, 1990.

(2) Paragraph (1) applies to any decoration (including any device in lieu of a decoration) that, during or after the period described in paragraph (1) and before the date of the enactment of this Act, was authorized by law or under the regulations of the Department of Defense or the military department concerned to be awarded to a person for an act, achievement, or service performed by that person while serving on active duty.

(b) REVIEW OF REQUESTS FOR CONSIDERATION OF AWARDS.—(1) The Secretary of each military department shall review each request for consideration of award of a decoration described in subsection (a) that is received by the Secretary during the one-year period beginning on the date of the enactment of this Act.

(2) The Secretaries shall begin the review within 30 days after the date of the enactment of this Act and shall complete the review of each request for consideration not later than one year after the date on which the request is received.

(3) The Secretary may use the same process for carrying out the review as the Secretary uses for reviewing other recommendations for awarding decorations to members of the Armed Forces under the Secretary's jurisdiction for acts, achievements, or service.

(c) REPORT.—(1) Upon completing the review of each such request under subsection (b), the Secretary shall submit a report on the review to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives.

(2) The report shall include, with respect to each request for consideration reviewed, the following information:

(A) A summary of the request for consideration.

(B) The findings resulting from the review.

(C) The final action taken on the request for consideration.

(D) Administrative or legislative recommendations to improve award procedures with respect to military intelligence personnel.

(d) DEFINITION.—For purposes of this section, the term "active duty" has the meaning given such term in section 101 of title 10, United States Code.

SEC. 524. REVIEW REGARDING UPGRADING OF DISTINGUISHED-SERVICE CROSSES AND NAVY CROSSES AWARDED TO ASIAN-AMERICANS AND NATIVE AMERICAN PACIFIC ISLANDERS FOR WORLD WAR II SERVICE.

(a) REVIEW REQUIRED.—(1) The Secretary of the Army shall review the records relating to each award of the Distinguished-Service Cross, and the Secretary of the Navy shall review the records relating to each award of the Navy Cross, that was awarded to an Asian-American or a Native American Pacific Islander with respect to service as a member of the Armed Forces during World War II. The purpose of the review shall be to determine whether any such award should be upgraded to the medal of honor.

(2) If the Secretary concerned determines, based upon the review under paragraph (1), that such an upgrade is appropriate in the case of any person, the Secretary shall submit to the President a recommendation that the President award the medal of honor to that person.

(b) WAIVER OF TIME LIMITATIONS.—A medal of honor may be awarded to a person referred to in subsection (a) in accordance with a recommendation of the Secretary concerned under that subsection without regard to—

(1) section 3744, 6248, or 8744 of title 10, United States Code, as applicable; and

(2) any regulation or other administrative restriction on—

(A) the time for awarding the medal of honor; or

(B) the awarding of the medal of honor for service for which a Distinguished-Service Cross or Navy Cross has been awarded.

(c) DEFINITION.—For purposes of this section, the term "Native American Pacific Islander" means a Native Hawaiian and any other Native American Pacific Islander within the meaning of the Native American Programs Act of 1974 (42 U.S.C. 2991 et seq.).

SEC. 525. ELIGIBILITY FOR ARMED FORCES EXPEDITIONARY MEDAL BASED UPON SERVICE IN EL SALVADOR.

(a) IN GENERAL.—For the purpose of determining eligibility of members and former members of the Armed Forces for the Armed Forces Expeditionary Medal, the country of El Salvador during the period beginning on January 1, 1981 and ending on February 1, 1992, shall be treated as having been designated as an area and a period of time in which members of the Armed Forces participated in operations in significant numbers and otherwise met the general requirements for the award of that medal.

(b) INDIVIDUAL DETERMINATION.—The Secretary of the military department concerned shall determine whether individual members or former members of the Armed Forces who served in El Salvador during the period beginning on January 1, 1981 and ending on February 1, 1992 meet the individual service requirements for award of the Armed Forces Expeditionary Medal as established in applicable regulations. Such determinations shall be made as expeditiously as possible after the date of the enactment of this Act.

SEC. 526. PROCEDURE FOR CONSIDERATION OF MILITARY DECORATIONS NOT PREVIOUSLY SUBMITTED IN TIMELY FASHION.

(a) IN GENERAL.—Chapter 57 of title 10, United States Code, is amended by adding at the end the following new section:

"§1130. Consideration of proposals for decorations not previously submitted in timely fashion: procedures for review and recommendation

"(a) Upon request of a Member of Congress, the Secretary concerned shall review a proposal

for the award or presentation of a decoration (or the upgrading of a decoration), either for an individual or a unit, that is not otherwise authorized to be presented or awarded due to limitations established by law or policy for timely submission of a recommendation for such award or presentation. Based upon such review, the Secretary shall make a determination as to the merits of approving the award or presentation of the decoration and the other determinations necessary to comply with subsection (b).

"(b) Upon making a determination under subsection (a) as to the merits of approving the award or presentation of the decoration, the Secretary concerned shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives and to the requesting member of Congress notice in writing of one of the following:

"(1) The award or presentation of the decoration does not warrant approval on the merits.

"(2) The award or presentation of the decoration warrants approval and a waiver by law of time restrictions prescribed by law is recommended.

"(3) The award or presentation of the decoration warrants approval on the merits and has been approved as an exception to policy.

"(4) The award or presentation of the decoration warrants approval on the merits, but a waiver of the time restrictions prescribed by law or policy is not recommended.

A notice under paragraph (1) or (4) shall be accompanied by a statement of the reasons for the decison of the Secretary.

"(c) Determinations under this section regarding the award or presentation of a decoration shall be made in accordance with the same procedures that apply to the approval or disapproval of the award or presentation of a decoration when a recommendation for such award or presentation is submitted in a timely manner as prescribed by law or regulation.

"(d) In this section:

"(1) The term 'Member of Congress' means—

"(A) a Senator; or

"(B) a Representative in, or a Delegate or Resident Commissioner to, Congress.

"(2) The term 'decoration' means any decoration or award that may be presented or awarded to a member or unit of the armed forces.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1130. Consideration of proposals for decorations not previously submitted in timely fashion: procedures for review and recommendation.".

Subtitle D—Officer Education Programs

PART I—SERVICE ACADEMIES

SEC. 531. REVISION OF SERVICE OBLIGATION FOR GRADUATES OF THE SERVICE ACADEMIES.

(a) MILITARY ACADEMY.—Section 4348(a)(2)(B) of title 10, United States Code, is amended by striking out "six years" and inserting in lieu thereof "five years".

(b) NAVAL ACADEMY.—Section 6959(a)(2)(B) of such title is amended by striking out "six years" and inserting in lieu thereof "five years".

(c) AIR FORCE ACADEMY.—Section 9348(a)(2)(B) of such title is amended by striking out "six years" and inserting in lieu thereof "five years".

(d) REQUIREMENT FOR REVIEW AND REPORT.—(1) The Secretary of Defense shall review the effects that each of various periods of obligated active duty service for graduates of the United States Military Academy, the United States Naval Academy, and the United States Air Force Academy would have on the number and quality of the eligible and qualified applicants seeking appointment to such academies.

(2) Not later than April 1, 1996, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the Secretary's findings under the review, together with any recommended legislation regarding the minimum periods of obligated active duty service for graduates of the United States Military Academy, the United States Naval Academy, and the United States Air Force Academy.

(e) APPLICABILITY.—The amendments made by this section apply to persons first admitted to the United States Military Academy, United States Naval Academy, and United States Air Force Academy after December 31, 1991.

SEC. 532. NOMINATIONS TO SERVICE ACADEMIES FROM COMMONWEALTH OF THE NORTHERN MARIANAS ISLANDS.

(a) MILITARY ACADEMY.—Section 4342(a) of title 10, United States Code, is amended by inserting after paragraph (9) the following new paragraph:

"(10) One cadet from the Commonwealth of the Northern Marianas Islands, nominated by the resident representative from the commonwealth.".

(b) NAVAL ACADEMY.—Section 6954(a) of title 10, United States Code, is amended by inserting after paragraph (9) the following new paragraph:

"(10) One from the Commonwealth of the Northern Marianas Islands, nominated by the resident representative from the commonwealth.".

(c) AIR FORCE ACADEMY.—Section 9342(a) of title 10, United States Code, is amended by inserting after paragraph (9) the following new paragraph:

"(10) One cadet from the Commonwealth of the Northern Marianas Islands, nominated by the resident representative from the commonwealth.".

SEC. 533. REPEAL OF REQUIREMENT FOR ATHLETIC DIRECTOR AND NONAPPROPRIATED FUND ACCOUNT FOR THE ATHLETICS PROGRAMS AT THE SERVICE ACADEMIES.

(a) UNITED STATES MILITARY ACADEMY.—(1) Section 4357 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 403 of such title is amended by striking out the item relating to section 4357.

(b) UNITED STATES NAVAL ACADEMY.—Section 556 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 2774) is amended by striking out subsections (b) and (e).

(c) UNITED STATES AIR FORCE ACADEMY.—(1) Section 9356 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 903 of such title is amended by striking out the item relating to section 9356.

SEC. 534. REPEAL OF REQUIREMENT FOR PROGRAM TO TEST PRIVATIZATION OF SERVICE ACADEMY PREPARATORY SCHOOLS.

Section 536 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 10 U.S.C. 4331 note) is repealed.

PART II—RESERVE OFFICER TRAINING CORPS

SEC. 541. ROTC ACCESS TO CAMPUSES.

(a) IN GENERAL.—Chapter 49 of title 10, United States Code, is amended by adding at the end the following new section:

"§983. Institutions of higher education that prohibit Senior ROTC units: denial of Department of Defense grants and contracts

"(a) DENIAL OF DEPARTMENT OF DEFENSE GRANTS AND CONTRACTS.—(1) No funds appropriated or otherwise available to the Department of Defense may be made obligated by contract or by grant (including a grant of funds to be available for student aid) to any institution of higher education that, as determined by the Secretary of Defense, has an anti-ROTC policy and at which, as determined by the Secretary, the Secretary would otherwise maintain or seek to establish a unit of the Senior Reserve Officer Training Corps or at which the Secretary would otherwise enroll or seek to enroll students for participation in a unit of the Senior Reserve Officer Training Corps at another nearby institution of higher education.

"(2) In the case of an institution of higher education that is ineligible for Department of Defense grants and contracts by reason of paragraph (1), the prohibition under that paragraph shall cease to apply to that institution upon a determination by the Secretary that the institution no longer has an anti-ROTC policy.

"(b) NOTICE OF DETERMINATION.—Whenever the Secretary makes a determination under subsection (a) that an institution has an anti-ROTC policy, or that an institution previously determined to have an anti-ROTC policy no longer has such a policy, the Secretary—

"(1) shall transmit notice of that determination to the Secretary of Education and to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives; and

"(2) shall publish in the Federal Register notice of that determination and of the effect of that determination under subsection (a)(1) on the eligibility of that institution for Department of Defense grants and contracts.

"(c) SEMIANNUAL NOTICE IN FEDERAL REGISTER.—The Secretary shall publish in the Federal Register once every six months a list of each institution of higher education that is currently ineligible for Department of Defense grants and contracts by reason of a determination of the Secretary under subsection (a).

"(d) ANTI-ROTC POLICY.—In this section, the term 'anti-ROTC policy' means a policy or practice of an institution of higher education that—

"(1) prohibits, or in effect prevents, the Secretary of Defense from maintaining or establishing a unit of the Senior Reserve Officer Training Corps at that institution, or

"(2) prohibits, or in effect prevents, a student at that institution from enrolling in a unit of the Senior Reserve Officer Training Corps at another institution of higher education.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"983. Institutions of higher education that prohibit Senior ROTC units: denial of Department of Defense grants and contracts.".

SEC. 542. ROTC SCHOLARSHIPS FOR THE NATIONAL GUARD.

(a) CLARIFICATION OF RESTRICTION ON ACTIVE DUTY.—Paragraph (2) of section 2107(h) of title 10, United States Code, is amended by inserting "full-time" before "active duty" in the second sentence.

(b) REDESIGNATION OF ROTC SCHOLARSHIPS.—Such paragraph is further amended by inserting after the first sentence the following new sentence: "A cadet designated under this paragraph who, having initially contracted for service as provided in subsection (b)(5)(A) and having received financial assistance for two years under an award providing for four years of financial assistance under this section, modifies such contract with the consent of the Secretary of the Army to provide for service as described in subsection (b)(5)(B), may be counted, for the year in which the contract is modified, toward the number of appointments required under the preceding sentence for financial assistance awarded for a period of four years.".

SEC. 543. DELAY IN REORGANIZATION OF ARMY ROTC REGIONAL HEADQUARTERS STRUCTURE.

(a) DELAY.—The Secretary of the Army may not take any action to reorganize the regional headquarters and basic camp structure of the Reserve Officers Training Corps program of the Army until six months after the date on which the report required by subsection (d) is submitted.

(b) COST-BENEFIT ANALYSIS.—The Secretary of the Army shall conduct a comparative cost-benefit analysis of various options for the reorganization of the regional headquarters and basic camp structure of the Army ROTC program. As part of such analysis, the Secretary shall measure each reorganization option considered against a common set of criteria.

(c) SELECTION OF REORGANIZATION OPTION FOR IMPLEMENTATION.—Based on the findings resulting from the cost-benefit analysis under subsection (b) and such other factors as the Secretary considers appropriate, the Secretary shall select one reorganization option for implementation. The Secretary may select an option for implementation only if the Secretary finds that the cost-benefit analysis and other factors considered clearly demonstrate that such option, better than any other option considered—

(1) provides the structure to meet projected mission requirements;

(2) achieves the most significant personnel and cost savings;

(3) uses existing basic and advanced camp facilities to the maximum extent possible;

(4) minimizes additional military construction costs; and

(5) makes maximum use of the reserve components to support basic and advanced camp operations, thereby minimizing the effect of those operations on active duty units.

(d) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report describing the reorganization option selected under subsection (c). The report shall include the results of the cost-benefit analysis under subsection (b) and a detailed rationale for the reorganization option selected.

SEC. 544. DURATION OF FIELD TRAINING OR PRACTICE CRUISE REQUIRED UNDER THE SENIOR RESERVE OFFICERS' TRAINING CORPS PROGRAM.

Section 2104(b)(6)(A)(ii) of title 10, United States Code, is amended by striking out "not less than six weeks' duration" and inserting in lieu thereof "a duration".

SEC. 545. ACTIVE DUTY OFFICERS DETAILED TO ROTC DUTY AT SENIOR MILITARY COLLEGES TO SERVE AS COMMANDANT AND ASSISTANT COMMANDANT OF CADETS AND AS TACTICAL OFFICERS.

(a) IN GENERAL.—Chapter 103 of title 10, United States Code, is amended by adding at the end the following new section:

"§2111a. Detail of officers to senior military colleges

"(a) DETAIL OF OFFICERS TO SERVE AS COMMANDANT OR ASSISTANT COMMANDANT OF CADETS.—(1) Upon the request of a senior military college, the Secretary of Defense may detail an officer on the active-duty list to serve as Commandant of Cadets at that college or (in the case of a college with an Assistant Commandant of Cadets) detail an officer on the active-duty list to serve as Assistant Commandant of Cadets at that college (but not both).

"(2) In the case of an officer detailed as Commandant of Cadets, the officer may, upon the request of the college, be assigned from among the Professor of Military Science, the Professor of Naval Science (if any), and the Professor of Aerospace Science (if any) at that college or may be in addition to any other officer detailed to that college in support of the program.

"(3) In the case of an officer detailed as Assistant Commandant of Cadets, the officer may, upon the request of the college, be assigned from among officers otherwise detailed to duty at that college in support of the program or may be in addition to any other officer detailed to that college in support of the program.

"(b) DESIGNATION OF OFFICERS AS TACTICAL OFFICERS.—Upon the request of a senior military college, the Secretary of Defense may authorize officers (other than officers covered by subsection (a)) who are detailed to duty as instructors at that college to act simultaneously as tactical officers (with or without compensation) for the Corps of Cadets at that college.

"(c) DETAIL OF OFFICERS.—The Secretary of a military department shall designate officers for detail to the program at a senior military college in accordance with criteria provided by the college. An officer may not be detailed to a senior military college without the approval of that college.

"(d) SENIOR MILITARY COLLEGES.—The senior military colleges are the following:

"(1) Texas A&M University.

"(2) Norwich College.

"(3) The Virginia Military Institute.

"(4) The Citadel.

"(5) Virginia Polytechnic Institute and State University.

"(6) North Georgia College.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2111a. Detail of officers to senior military colleges.".

Subtitle E—Miscellaneous Reviews, Studies, and Reports

SEC. 551. REPORT CONCERNING APPROPRIATE FORUM FOR JUDICIAL REVIEW OF DEPARTMENT OF DEFENSE PERSONNEL ACTIONS.

(a) ESTABLISHMENT.—The Secretary of Defense shall establish an advisory committee to consider issues relating to the appropriate forum for judicial review of Department of Defense administrative personnel actions.

(b) MEMBERSHIP.—(1) The committee shall be composed of five members, who shall be appointed by the Secretary of Defense after consultation with the Attorney General and the Chief Justice of the United States.

(2) All members of the committee shall be appointed not later than 30 days after the date of the enactment of this Act.

(c) DUTIES.—The committee shall review, and provide findings and recommendations regarding, the following matters with respect to judicial review of administrative personnel actions of the Department of Defense:

(1) Whether the existing forum for such review through the United States district courts provides appropriate and adequate review of such actions.

(2) Whether jurisdiction to conduct judicial review of such actions should be established in a single court in order to provide a centralized review of such actions and, if so, in which court that jurisdiction should be vested.

(d) REPORT.—(1) Not later than December 15, 1996, the committee shall submit to the Secretary of Defense a report setting forth its findings and recommendations, including its recommendations pursuant to subsection (c).

(2) Not later than January 1, 1997, the Secretary of Defense, after consultation with the Attorney General, shall transmit the committee's report to Congress. The Secretary may include in the transmittal any comments on the report that the Secretary or the Attorney General consider appropriate.

(e) TERMINATION OF COMMITTEE.—The committee shall terminate 30 days after the date of the submission of its report to Congress under subsection (d)(2).

SEC. 552. COMPTROLLER GENERAL REVIEW OF PROPOSED ARMY END STRENGTH ALLOCATIONS.

(a) IN GENERAL.—During fiscal years 1996 through 2001, the Comptroller General of the United States shall analyze the plans of the Secretary of the Army for the allocation of assigned active component end strengths for the Army through the requirements process known as Total Army Analysis 2003 and through any subsequent similar requirements process of the Army that is conducted before 2002. The Comptroller General's analysis shall consider whether the proposed active component end strengths and planned allocation of forces for that period will be sufficient to implement the national military strategy. In monitoring those plans, the Comptroller General shall determine the extent to which the Army will be able during that period—

(1) to man fully the combat force based on the projected active component Army end strength for each of fiscal years 1996 through 2001;

(2) to meet the support requirements for the force and strategy specified in the report of the Bottom-Up Review, including requirements for operations other than war; and

(3) to streamline further Army infrastructure in order to eliminate duplication and inefficiencies and replace active duty personnel in overhead positions, whenever practicable, with civilian or reserve personnel.

(b) ACCESS TO DOCUMENTS, ETC.—The Secretary of the Army shall ensure that the Comptroller General is provided access, on a timely basis and in accordance with the needs of the Comptroller General, to all analyses, models, memoranda, reports, and other documents prepared or used in connection with the requirements process of the Army known as Total Army Analysis 2003 and any subsequent similar requirements process of the Army that is conducted before 2002.

(c) ANNUAL REPORT.—Not later than March 1 of each year through 2002, the Comptroller General shall submit to Congress a report on the findings and conclusions of the Comptroller General under this section.

SEC. 553. REPORT ON MANNING STATUS OF HIGHLY DEPLOYABLE SUPPORT UNITS.

(a) REPORT.—Not later than September 30, 1996, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the units of the Armed Forces under the Secretary's jurisdiction—

(1) that (as determined by the Secretary of the military department concerned) are high-priority support units that would deploy early in a contingency operation or other crisis; and

(2) that are, as a matter of policy, managed at less than 100 percent of their authorized strengths.

(b) MATTERS TO BE INCLUDED.—The Secretary shall include in the report—

(1) the number of such high-priority support units (shown by type of unit) that are so managed;

(2) the level of manning within such high-priority support units; and

(3) with respect to each such unit, either the justification for manning of less than 100 percent or the status of corrective action.

SEC. 554. REVIEW OF SYSTEM FOR CORRECTION OF MILITARY RECORDS.

(a) REVIEW OF PROCEDURES.—The Secretary of Defense shall review the system and procedures for the correction of military records used by the Secretaries of the military departments in

the exercise of authority under section 1552 of title 10, United States Code, in order to identify potential improvements that could be made in the process for correcting military records to ensure fairness, equity, and (consistent with appropriate service to applicants) maximum efficiency. The Secretary may not delegate responsibility for the review to an officer or official of a military department.

(b) ISSUES REVIEWED.—In conducting the review, the Secretary shall consider (with respect to each Board for the Correction of Military Records) the following:

(1) The composition of the board and of the support staff for the board.

(2) Timeliness of final action.

(3) Independence of deliberations by the civilian board.

(4) The authority of the Secretary of the military department concerned to modify the recommendations of the board.

(5) Burden of proof and other evidentiary standards.

(6) Alternative methods for correcting military records.

(7) Whether the board should be consolidated with the Discharge Review Board of the military department.

(c) REPORT.—Not later than April 1, 1996, the Secretary of Defense shall submit a report on the results of the Secretary's review under this section to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives. The report shall contain the recommendations of the Secretary for improving the process for correcting military records in order to achieve the objectives referred to in subsection (a).

SEC. 555. REPORT ON THE CONSISTENCY OF REPORTING OF FINGERPRINT CARDS AND FINAL DISPOSITION FORMS TO THE FEDERAL BUREAU OF INVESTIGATION.

(a) REPORT.—The Secretary of Defense shall submit to Congress a report on the consistency with which fingerprint cards and final disposition forms, as described in Criminal Investigations Policy Memorandum 10 issued by the Defense Inspector General on March 25, 1987, are reported by the Defense Criminal Investigative Organizations to the Federal Bureau of Investigation for inclusion in the Bureau's criminal history identification files. The report shall be prepared in consultation with the Director of the Federal Bureau of Investigation.

(b) MATTERS TO BE INCLUDED.—In the report, the Secretary shall—

(1) survey fingerprint cards and final disposition forms filled out in the past 24 months by each investigative organization;

(2) compare the fingerprint cards and final disposition forms filled out to all judicial and nonjudicial procedures initiated as a result of actions taken by each investigative service in the past 24 months;

(3) account for any discrepancies between the forms filled out and the judicial and nonjudicial procedures initiated;

(4) compare the fingerprint cards and final disposition forms filled out with the information held by the Federal Bureau of Investigation criminal history identification files;

(5) identify any weaknesses in the collection of fingerprint cards and final disposition forms and in the reporting of that information to the Federal Bureau of Investigation; and

(6) determine whether or not other law enforcement activities of the military services collect and report such information or, if not, should collect and report such information.

(c) SUBMISSION OF REPORT.—The report shall be submitted not later than one year after the date of the enactment of this Act.

(d) DEFINITION.—For the purposes of this section, the term "criminal history identification files", with respect to the Federal Bureau of Investigation, means the criminal history record system maintained by the Federal Bureau of Investigation based on fingerprint identification and any other method of positive identification.

Subtitle F—Other Matters

SEC. 561. EQUALIZATION OF ACCRUAL OF SERVICE CREDIT FOR OFFICERS AND ENLISTED MEMBERS.

(a) ENLISTED SERVICE CREDIT.—Section 972 of title 10, United States Code, is amended—

(1) by inserting "(a) ENLISTED MEMBERS REQUIRED TO MAKE UP TIME LOST.—" before "An enlisted member";

(2) by striking out paragraphs (3) and (4) and inserting in lieu thereof the following:

"(3) is confined by military or civilian authorities for more than one day in connection with a trial, whether before, during, or after the trial; or"; and

(3) by redesignating paragraph (5) as paragraph (4).

(b) OFFICER SERVICE CREDIT.—Such section is further amended by adding at the end the following:

"(b) OFFICERS NOT ALLOWED SERVICE CREDIT FOR TIME LOST.—In the case of an officer of an armed force who after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996—

"(1) deserts;

"(2) is absent from his organization, station, or duty for more than one day without proper authority, as determined by competent authority;

"(3) is confined by military or civilian authorities for more than one day in connection with a trial, whether before, during, or after the trial; or

"(4) is unable for more than one day, as determined by competent authority, to perform his duties because of intemperate use of drugs or alcoholic liquor, or because of disease or injury resulting from his misconduct;

the period of such desertion, absence, confinement, or inability to perform duties may not be counted in computing, for any purpose other than basic pay under section 205 of title 37, the officer's length of service.".

(c) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§972. Members: effect of time lost

(2) The item relating to section 972 in the table of sections at the beginning of chapter 49 of such title is amended to read as follows:

"972. Members: effect of time lost.".

(d) CONFORMING AMENDMENTS.—(1) Section 1405(c) is amended—

(A) by striking out "MADE UP.—Time" and inserting in lieu thereof "MADE UP OR EXCLUDED.—(1) Time";

(B) by striking out "section 972" and inserting in lieu thereof "section 972(a)";

(C) by inserting after "of this title" the following: ", or required to be made up by an enlisted member of the Navy, Marine Corps, or Coast Guard under that section with respect to a period of time after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1995,"; and

(D) by adding at the end the following:

"(2) Section 972(b) of this title excludes from computation of an officer's years of service for purposes of this section any time identified with respect to that officer under that section.".

(2) Chapter 367 of such title is amended—

(A) in section 3925(b), by striking out "section 972" and inserting in lieu thereof "section 972(a)"; and

(B) by adding at the end of section 3926 the following new subsection:

"(e) Section 972(b) of this title excludes from computation of an officer's years of service for purposes of this section any time identified with respect to that officer under that section.".

(3)(A) Chapter 571 of such title is amended by inserting after section 6327 the following new section:

"§6328. Computation of years of service: voluntary retirement

"(a) ENLISTED MEMBERS.—Time required to be made up under section 972(a) of this title after the date of the enactment of this section may not be counted in computing years of service under this chapter.

"(b) OFFICERS.—Section 972(b) of this title excludes from computation of an officer's years of service for purposes of this chapter any time identified with respect to that officer under that section.".

(B) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 6327 the following new item:

"6328. Computation of years of service: voluntary retirement.".

(4) Chapter 867 of such title is amended—

(A) in section 8925(b), by striking out "section 972" and inserting in lieu thereof "section 972(a)"; and

(B) by adding at the end of section 8926 the following new subsection:

"(d) Section 972(b) of this title excludes from computation of an officer's years of service for purposes of this section any time identified with respect to that officer under that section.".

(e) EFFECTIVE DATE AND APPLICABILITY.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to any period of time covered by section 972 of title 10, United States Code, that occurs after that date.

SEC. 562. ARMY RANGER TRAINING.

(a) IN GENERAL.—(1) Chapter 401 of title 10, United States Code, is amended by inserting after section 4302 the following new section:

"§4303. Army Ranger training: instructor staffing; safety

"(a) LEVELS OF PERSONNEL ASSIGNED.—(1) The Secretary of the Army shall ensure that at all times the number of officers, and the number of enlisted members, permanently assigned to the Ranger Training Brigade (or other organizational element of the Army primarily responsible for ranger student training) are not less than 90 percent of the required manning spaces for officers, and for enlisted members, respectively, for that brigade.

"(2) In this subsection, the term 'required manning spaces' means the number of personnel spaces for officers, and the number of personnel spaces for enlisted members, that are designated in Army authorization documents as the number required to accomplish the missions of a particular unit or organization.

"(b) TRAINING SAFETY CELLS.—(1) The Secretary of the Army shall establish and maintain an organizational entity known as a 'safety cell' as part of the organizational elements of the Army responsible for conducting each of the three major phases of the Ranger Course. The safety cell in each different geographic area of Ranger Course training shall be comprised of personnel who have sufficient continuity and experience in that geographic area of such training to be knowledgeable of the local conditions year-round, including conditions of terrain, weather, water, and climate and other conditions and the potential effect on those conditions on Ranger student training and safety.

"(2) Members of each safety cell shall be assigned in sufficient numbers to serve as advisers to the officers in charge of the major phase of Ranger training and shall assist those officers in making informed daily 'go' and 'no-go' decisions regarding training in light of all relevant

conditions, including conditions of terrain, weather, water, and climate and other conditions.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 4302 the following new item:

"4303. Army Ranger training: instructor staffing; safety.".

(b) ACCOMPLISHMENT OF REQUIRED MANNING LEVELS.—(1) If, as of the date of the enactment of this Act, the number of officers, and the number of enlisted members, permanently assigned to the Army Ranger Training Brigade are not each at (or above) the requirement specified in subsection (a) of section 4303 of title 10, United States Code, as added by subsection (a), the Secretary of the Army shall—

(A) take such steps as necessary to accomplish that requirement within 12 months after such date of enactment; and

(B) submit to Congress, not later than 90 days after such date of enactment, a plan to achieve and maintain that requirement.

(2) The requirement specified in subsection (a) of section 4303 of title 10, United States Code, as added by subsection (a), shall expire two years after the date (on or after the date of the enactment of this Act) on which the required manning levels referred to in paragraph (1) are first attained.

(c) GAO ASSESSMENT.—(1) Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report providing a preliminary assessment of the implementation and effectiveness of all corrective actions taken by the Army as a result of the February 1995 accident at the Florida Ranger Training Camp, including an evaluation of the implementation of the required manning levels established by subsection (a) of section 4303 of title 10, United States Code, as added by subsection (a).

(2) At the end of the two-year period specified in subsection (b)(2), the Comptroller General shall submit to Congress a report providing a final assessment of the matters covered in the preliminary report under paragraph (1). The report shall include the Comptroller General's recommendation as to the need to continue required statutory manning levels as specified in subsection (a) of section 4303 of title 10, United States Code, as added by subsection (a).

(d) SENSE OF CONGRESS.—In light of requirement that particularly dangerous training activities (such as Ranger training, Search, Evasion, Rescue, and Escape (SERE) training, SEAL training, and Airborne training) must be adequately manned and resourced to ensure safety and effective oversight, it is the sense of Congress—

(1) that the Secretary of Defense, in conjunction with the Secretaries of the military departments, should review and, if necessary, enhance oversight of all such training activities; and

(2) that organizations similar to the safety cells required to be established for Army Ranger training in section 4303 of title 10, United States Code, as added by subsection (a), should (when appropriate) be used for all such training activities.

SEC. 563. SEPARATION IN CASES INVOLVING EXTENDED CONFINEMENT.

(a) SEPARATION.—(1)(A) Chapter 59 of title 10, United States Code, is amended by inserting after section 1166 the following new section:

"§1167. Members under confinement by sentence of court-martial: separation after six months confinement

"Except as otherwise provided in regulations prescribed by the Secretary of Defense, a member sentenced by a court-martial to a period of confinement for more than six months may be separated from the member's armed force at any time after the sentence to confinement has become final under chapter 47 of this title and the person has served in confinement for a period of six months.".

(B) The table of sections at the beginning of chapter 59 of such title is amended by inserting after the item relating to section 1166 the following new item:

"1167. Members under confinement by sentence of court-martial: separation after six months confinement.".

(2)(A) Chapter 1221 of title 10, United States Code, is amended by adding at the end the following:

"§12687. Reserves under confinement by sentence of court-martial: separation after six months confinement

"Except as otherwise provided in regulations prescribed by the Secretary of Defense, a Reserve sentenced by a court-martial to a period of confinement for more than six months may be separated from that Reserve's armed force at any time after the sentence to confinement has become final under chapter 47 of this title and the Reserve has served in confinement for a period of six months.".

(B) The table of sections at the beginning of chapter 1221 of such title is amended by inserting at the end thereof the following new item:

"12687. Reserves under confinement by sentence of court-martial: separation after six months confinement.".

(b) DROP FROM ROLLS.—(1) Section 1161(b) of title 10, United States Code, is amended by striking out "or (2)" and inserting in lieu thereof "(2) who may be separated under section 1178 of this title by reason of a sentence to confinement adjudged by a court-martial, or (3)".

(2) Section 12684 of such title is amended—

(A) by striking out "or" at the end of paragraph (1);

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following new paragraph (2):

"(2) who may be separated under section 12687 of this title by reason of a sentence to confinement adjudged by a court-martial; or".

SEC. 564. LIMITATIONS ON REDUCTIONS IN MEDICAL PERSONNEL.

(a) IN GENERAL.—(1) Chapter 3 of title 10, United States Code, is amended by inserting after section 129b the following new section:

"§129c. Medical personnel: limitations on reductions

"(a) LIMITATION ON REDUCTION.—For any fiscal year, the Secretary of Defense may not make a reduction in the number of medical personnel of the Department of Defense described in subsection (b) unless the Secretary makes a certification for that fiscal year described in subsection (c).

"(b) COVERED REDUCTIONS.—Subsection (a) applies to a reduction in the number of medical personnel of the Department of Defense as of the end of a fiscal year to a number that is less than—

"(1) 95 percent of the number of such personnel at the end of the immediately preceding fiscal year; or

"(2) 90 percent of the number of such personnel at the end of the third fiscal year preceding the fiscal year.

"(c) CERTIFICATION.—A certification referred to in subsection (a) with respect to reductions in medical personnel of the Department of Defense for any fiscal year is a certification by the Secretary of Defense to Congress that—

"(1) the number of medical personnel being reduced is excess to the current and projected needs of the Department of Defense; and

"(2) such reduction will not result in an increase in the cost of health care services provided under the Civilian Health and Medical Program of the Uniformed Services under chapter 55 of this title.

"(d) POLICY FOR IMPLEMENTING REDUCTIONS.—Whenever the Secretary of Defense directs that there be a reduction in the total number of military medical personnel of the Department of Defense, the Secretary shall require that the reduction be carried out so as to ensure that the reduction is not exclusively or disproportionatly borne by any one of the armed forces and is not exclusively or disproportionatly borne by either the active or the reserve components.

"(e) DEFINITION.—In this section, the term 'medical personnel' means—

"(1) the members of the armed forces covered by the term 'medical personnel' as defined in section 115a(g)(2) of this title; and

"(2) the civilian personnel of the Department of Defense assigned to military medical facilities.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 129b the following new item:

"129c. Medical personnel: limitations on reductions.".

(b) SPECIAL TRANSITION RULE FOR FISCAL YEAR 1996.—For purposes of applying subsection (b)(1) of section 129c of title 10, United States Code, as added by subsection (a), during fiscal year 1996, the number against which the percentage limitation of 95 percent is computed shall be the number of medical personnel of the Department of Defense as of the end of fiscal year 1994 (rather than the number as of the end of fiscal year 1995).

(c) REPORT ON PLANNED REDUCTIONS.—(1) Not later than March 1, 1996, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a plan for the reduction of the number of medical personnel of the Department of Defense over the five-year period beginning on October 1, 1996.

(2) The Secretary shall prepare the plan through the Assistant Secretary of Defense having responsibility for health affairs, who shall consult in the preparation of the plan with the Surgeon General of the Army, the Surgeon General of the Navy, and the Surgeon General of the Air Force.

(3) For purposes of this subsection, the term "medical personnel of the Department of Defense" shall have the meaning given the term "medical personnel" in section 129c(e) of title 10, United States Code, as added by subsection (a).

(d) REPEAL OF SUPERSEDED PROVISIONS OF LAW.—The following provisions of law are repealed:

(1) Section 711 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 115 note).

(2) Subsection (b) of section 718 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 10 U.S.C. 115 note).

(3) Section 518 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 12001 note).

SEC. 565. SENSE OF CONGRESS CONCERNING PERSONNEL TEMPO RATES.

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

(1) Excessively high personnel tempo rates for members of the Armed Forces resulting from high-tempo unit operations degrades unit readiness and morale and eventually can be expected to adversely affect unit retention.

(2) The Armed Forces have begun to develop methods to measure and manage personnel tempo rates.

(3) The Armed Forces have attempted to reduce operations and personnel tempo for heavily tasked units by employing alternative capabilities and reducing tasking requirements.

(b) SENSE OF CONGRESS.—The Secretary of Defense should continue to enhance the knowledge within the Armed Forces of personnel tempo and to improve the techniques by which personnel tempo is defined and managed with a view toward establishing and achieving reasonable personnel tempo standards for all personnel, regardless of service, unit, or assignment.

SEC. 566. SEPARATION BENEFITS DURING FORCE REDUCTION FOR OFFICERS OF COMMISSIONED CORPS OF NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

(a) SEPARATION BENEFITS.—Subsection (a) of section 3 of the Act of August 10, 1956 (33 U.S.C. 857a), is amended by adding at the end the following new paragraph:

"(15) Section 1174a, special separation benefits (except that benefits under subsection (b)(2)(B) of such section are subject to the availability of appropriations for such purpose and are provided at the discretion of the Secretary of Commerce).".

(b) TECHNICAL CORRECTIONS.—Such section is further amended—

(1) by striking out "Coast and Geodetic Survey" in subsections (a) and (b) and inserting in lieu thereof "commissioned officer corps of the National Oceanic and Atmospheric Administration"; and

(2) in subsection (a), by striking out "including changes in those rules made after the effective date of this Act" in the matter preceding paragraph (1) and inserting in lieu thereof "as those provisions are in effect from time to time".

(c) TEMPORARY EARLY RETIREMENT AUTHORITY.—Section 4403 (other than subsection (f)) 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 commissioned officer corps of the National Oceanic and Atmospheric Administration in the same manner and to the same extent as that section applies to the Department of Defense. The Secretary of Commerce shall implement the provisions of that section with respect to such commissioned officer corps and shall apply the provisions of that section to the provisions of the Coast and Geodetic Survey Commissioned Officers' Act of 1948 relating to the retirement of members of such commissioned officer corps.

(d) EFFECTIVE DATE.—This section shall apply only to members of the commissioned officer corps of the National Oceanic and Atmospheric Administration who are separated after September 30, 1995.

SEC. 567. DISCHARGE OF MEMBERS OF THE ARMED FORCES WHO HAVE THE HIV-1 VIRUS.

(a) IN GENERAL.—(1) Section 1177 of title 10, United States Code, is amended to read as follows:

"§1177. Members infected with HIV-1 virus: mandatory discharge or retirement

"(a) MANDATORY SEPARATION.—A member of the armed forces who is HIV-positive shall be separated. Such separation shall be made on a date determined by the Secretary concerned, which shall be as soon as practicable after the date on which the determination is made that the member is HIV-positive and not later than the last day of the sixth month beginning after such date.

"(b) FORM OF SEPARATION.—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. The characterization of the service of the member shall be determined without regard to the determination that the member is HIV-positive.

"(c) DEFERRAL OF SEPARATION FOR MEMBERS IN 18-YEAR RETIREMENT SANCTUARY.—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.

"(d) 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.

"(e) ENTITLEMENT TO HEALTH CARE.—A member separated under this section shall be entitled to medical and dental care under chapter 55 of this title to the same extent and under the same conditions as a person who is entitled to such care under section 1074(b) of this title.

"(f) 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.

"(g) HIV-POSITIVE MEMBERS.—A member shall be considered to be HIV-positive for purposes of this section if there is serologic evidence that the member is infected with the virus known as Human Immunodeficiency Virus-1 (HIV-1), the virus most commonly associated with the acquired immune deficiency syndrome (AIDS) in the United States. Such serologic evidence shall be considered to exist if there is a reactive result given by an enzyme-linked immunosorbent assay (ELISA) serologic test that is confirmed by a reactive and diagnostic immunoelectrophoresis test (Western blot) on two separate samples. Any such serologic test must be one that is approved by the Food and Drug Administration.".

(2) The item relating to such section in the table of sections at the beginning of chapter 59 of such title is amended to read as follows:

"1177. Members infected with HIV-1 virus: mandatory discharge or retirement.".

(b) EFFECTIVE DATE.—Section 1177 of title 10, United States Code, as amended by subsection (a), applies with respect to members of the Armed Forces determined to be HIV-positive before, on, or after the date of the enactment of this Act. In the case of a member of the Armed Forces determined to be HIV-positive before such date, the deadline for separation of the member under subsection (a) of such section, as so amended, shall be determined from the date of the enactment of this Act (rather than from the date of such determination).

SEC. 568. REVISION AND CODIFICATION OF MILITARY FAMILY ACT AND MILITARY CHILD CARE ACT.

(a) IN GENERAL.—(1) Subtitle A of title 10, United States Code, is amended by inserting after chapter 87 the following new chapter:

"CHAPTER 88—MILITARY FAMILY PROGRAMS AND MILITARY CHILD CARE

"Subchapter Sec.
"I. Military Family Programs 1781
"II. Military Child Care 1791

"SUBCHAPTER I—MILITARY FAMILY PROGRAMS

"Sec.
"1781. Office of Family Policy.
"1782. Surveys of military families.
"1783. Family members serving on advisory committees.
"1784. Employment opportunities for military spouses.
"1785. Youth sponsorship program.
"1786. Dependent student travel within the United States.
"1787. Reporting of child abuse.

"§1781. Office of Family Policy

"(a) ESTABLISHMENT.—There is in the Office of the Secretary of Defense an Office of Family Policy (hereinafter in this section referred to as the 'Office'). The Office shall be under the Assistant Secretary of Defense for Force Management and Personnel.

"(b) DUTIES.—The Office—

"(1) shall coordinate programs and activities of the military departments to the extent that they relate to military families; and

"(2) shall make recommendations to the Secretaries of the military departments with respect to programs and policies regarding military families.

"(c) STAFF.—The Office shall have not less than five professional staff members.

"§1782. Surveys of military families

"(a) AUTHORITY.—The Secretary of Defense may conduct surveys of members of the armed forces on active duty or in an active status, members of the families of such members, and retired members of the armed forces to determine the effectiveness of Federal programs relating to military families and the need for new programs.

"(b) RESPONSES TO BE VOLUNTARY.—Responses to surveys conducted under this section shall be voluntary.

"(c) FEDERAL RECORDKEEPING REQUIREMENTS.—With respect to such surveys, family members of members of the armed forces and reserve and retired members of the armed forces shall be considered to be employees of the United States for purposes of section 3502(3)(A)(i) of title 44.

"§1783. Family members serving on advisory committees

"A committee within the Department of Defense which advises or assists the Department in the performance of any function which affects members of military families and which includes members of military families in its membership shall not be considered an advisory committee under section 3(2) of the Federal Advisory Committee Act (5 U.S.C. App.) solely because of such membership.

"§1784. Employment opportunities for military spouses

"(a) AUTHORITY.—The President shall order such measures as the President considers necessary to increase employment opportunities for spouses of members of the armed forces. Such measures may include—

"(1) excepting, pursuant to section 3302 of title 5, from the competitive service positions in the Department of Defense located outside of the United States to provide employment opportunities for qualified spouses of members of the armed forces in the same geographical area as the permanent duty station of the members; and

"(2) providing preference in hiring for positions in nonappropriated fund activities to qualified spouses of members of the armed forces

stationed in the same geographical area as the nonappropriated fund activity for positions in wage grade UA–8 and below and equivalent positions and for positions paid at hourly rates.

"(b) REGULATIONS.—The Secretary of Defense shall prescribe regulations—

"(1) to implement such measures as the President orders under subsection (a);

"(2) to provide preference to qualified spouses of members of the armed forces in hiring for any civilian position in the Department of Defense if the spouse is among persons determined to be best qualified for the position and if the position is located in the same geographical area as the permanent duty station of the member;

"(3) to ensure that notice of any vacant position in the Department of Defense is provided in a manner reasonably designed to reach spouses of members of the armed forces whose permanent duty stations are in the same geographic area as the area in which the position is located; and

"(4) to ensure that the spouse of a member of the armed forces who applies for a vacant position in the Department of Defense shall, to the extent practicable, be considered for any such position located in the same geographic area as the permanent duty station of the member.

"(c) STATUS OF PREFERENCE ELIGIBLES.—Nothing in this section shall be construed to provide a spouse of a member of the armed forces with preference in hiring over an individual who is a preference eligible.

"§1785. Youth sponsorship program

"(a) REQUIREMENT.—The Secretary of Defense shall require that there be at each military installation a youth sponsorship program to facilitate the integration of dependent children of members of the armed forces into new surroundings when moving to that military installation as a result of a parent's permanent change of station.

"(b) DESCRIPTION OF PROGRAMS.—The program at each installation shall provide for involvement of dependent children of members presently stationed at the military installation and shall be directed primarily toward children in their preteen and teenage years.

"§1786. Dependent student travel within the United States

"Funds available to the Department of Defense for the travel and transportation of dependent students of members of the armed forces stationed overseas may be obligated for transportation allowances for travel within or between the contiguous States.

"§1787. Reporting of child abuse

"(a) IN GENERAL.—The Secretary of Defense shall request each State to provide for the reporting to the Secretary of any report the State receives of known or suspected instances of child abuse and neglect in which the person having care of the child is a member of the armed forces (or the spouse of the member).

"(b) DEFINITION.—In this section, the term 'child abuse and neglect' has the meaning provided in section 3(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5102).

"SUBCHAPTER II—MILITARY CHILD CARE

"Sec.
"1791. Funding for military child care.
"1792. Child care employees.
"1793. Parent fees.
"1794. Child abuse prevention and safety at facilities.
"1795. Parent partnerships with child development centers.
"1796. Subsidies for family home day care.
"1797. Early childhood education program.
"1798. Definitions.

"§1791. Funding for military child care

"It is the policy of Congress that the amount of appropriated funds available during a fiscal year for operating expenses for military child development centers and programs shall be not less than the amount of child care fee receipts that are estimated to be received by the Department of Defense during that fiscal year.

"§1792. Child care employees

"(a) REQUIRED TRAINING.—(1) The Secretary of Defense shall prescribe regulations implementing, a training program for child care employees. Those regulations shall apply uniformly among the military departments. Subject to paragraph (2), satisfactory completion of the training program shall be a condition of employment of any person as a child care employee.

"(2) Under those regulations, the Secretary shall require that each child care employee complete the training program not later than six months after the date on which the employee is employed as a child care employee.

"(3) The training program established under this subsection shall cover, at a minimum, training in the following:

"(A) Early childhood development.

"(B) Activities and disciplinary techniques appropriate to children of different ages.

"(C) Child abuse prevention and detection.

"(D) Cardiopulmonary resuscitation and other emergency medical procedures.

"(b) TRAINING AND CURRICULUM SPECIALISTS.—(1) The Secretary of Defense shall require that at least one employee at each military child development center be a specialist in training and curriculum development. The Secretary shall ensure that such employees have appropriate credentials and experience.

"(2) The duties of such employees shall include the following:

"(A) Special teaching activities at the center.

"(B) Daily oversight and instruction of other child care employees at the center.

"(C) Daily assistance in the preparation of lesson plans.

"(D) Assistance in the center's child abuse prevention and detection program.

"(E) Advising the director of the center on the performance of other child care employees.

"(3) Each employee referred to in paragraph (1) shall be an employee in a competitive service position.

"(c) COMPETITIVE RATES OF PAY.—For the purpose of providing military child development centers with a qualified and stable civilian workforce, employees at a military installation who are directly involved in providing child care and are paid from nonappropriated funds—

"(1) in the case of entry-level employees, shall be paid at rates of pay competitive with the rates of pay paid to other entry-level employees at that installation who are drawn from the same labor pool; and

"(2) in the case of other employees, shall be paid at rates of pay substantially equivalent to the rates of pay paid to other employees at that installation with similar training, seniority, and experience.

"(d) EMPLOYMENT PREFERENCE PROGRAM FOR MILITARY SPOUSES.—(1) The Secretary of Defense shall conduct a program under which qualified spouses of members of the armed forces shall be given a preference in hiring for the position of child care employee in a position paid from nonappropriated funds if the spouse is among persons determined to be best qualified for the position.

"(2) A spouse who is provided a preference under this subsection at a military child development center may not be precluded from obtaining another preference, in accordance with section 1794 of this title, in the same geographic area as the military child development center.

"(e) COMPETITIVE SERVICE POSITION DEFINED.—In this section, the term 'competitive service position' means a position in the competitive service, as defined in section 2102(a)(1) of title 5.

"§1793. Parent fees

"(a) IN GENERAL.—The Secretary of Defense shall prescribe regulations establishing fees to be charged parents for the attendance of children at military child development centers. Those regulations shall be uniform for the military departments and shall require that, in the case of children who attend the centers on a regular basis, the fees shall be based on family income.

"(b) LOCAL WAIVER AUTHORITY.—The Secretary of Defense may provide authority to installation commanders, on a case-by-case basis, to establish fees for attendance of children at child development centers at rates lower than those prescribed under subsection (a) if the rates prescribed under subsection (a) are not competitive with rates at local non-military child development centers.

"§1794. Child abuse prevention and safety at facilities

"(a) CHILD ABUSE TASK FORCE.—The Secretary of Defense shall maintain a special task force to respond to allegations of widespread child abuse at a military installation. The task force shall be composed of personnel from appropriate disciplines, including, where appropriate, medicine, psychology, and childhood development. In the case of such allegations, the task force shall provide assistance to the commander of the installation, and to parents at the installation, in helping them to deal with such allegations.

"(b) NATIONAL HOTLINE.—(1) The Secretary of Defense shall maintain a national telephone number for persons to use to report suspected child abuse or safety violations at a military child development center or family home day care site. The Secretary shall ensure that such reports may be made anonymously if so desired by the person making the report. The Secretary shall establish procedures for following up on complaints and information received over that number.

"(2) The Secretary shall publicize the existence of the number.

"(c) ASSISTANCE FROM LOCAL AUTHORITIES.—The Secretary of Defense shall prescribe regulations requiring that, in a case of allegations of child abuse at a military child development center or family home day care site, the commander of the military installation or the head of the task force established under subsection (a) shall seek the assistance of local child protective authorities if such assistance is available.

"(d) SAFETY REGULATIONS.—The Secretary of Defense shall prescribe regulations on safety and operating procedures at military child development centers. Those regulations shall apply uniformly among the military departments.

"(e) INSPECTIONS.—The Secretary of Defense shall require that each military child development center be inspected not less often than four times a year. Each such inspection shall be unannounced. At least one inspection a year shall be carried out by a representative of the installation served by the center, and one inspection a year shall be carried out by a representative of the major command under which that installation operates.

"(f) REMEDIES FOR VIOLATIONS.—(1) Except as provided in paragraph (2), any violation of a safety, health, or child welfare law or regulation (discovered at an inspection or otherwise) at a military child development center shall be remedied immediately.

"(2) In the case of a violation that is not life threatening, the commander of the major command under which the installation concerned operates may waive the requirement that the violation be remedied immediately for a period of up to 90 days beginning on the date of the discovery of the violation. If the violation is not remedied as of the end of that 90-day period, the

military child development center shall be closed until the violation is remedied. The Secretary of the military department concerned may waive the preceding sentence and authorize the center to remain open in a case in which the violation cannot reasonably be remedied within that 90-day period or in which major facility reconstruction is required.

"§1795. Parent partnerships with child development centers

"(a) PARENT BOARDS.—The Secretary of Defense shall require that there be established at each military child development center a board of parents, to be composed of parents of children attending the center. The board shall meet periodically with staff of the center and the commander of the installation served by the center for the purpose of discussing problems and concerns. The board, together with the staff of the center, shall be responsible for coordinating the parent participation program described in subsection (b).

"(b) PARENT PARTICIPATION PROGRAMS.—The Secretary of Defense shall require the establishment of a parent participation program at each military child development center. As part of such program, the Secretary of Defense may establish fees for attendance of children at such a center, in the case of parents who participate in the parent participation program at that center, at rates lower than the rates that otherwise apply.

"§1796. Subsidies for family home day care

"The Secretary of Defense may use appropriated funds available for military child care purposes to provide assistance to family home day care providers so that family home day care services can be provided to members of the armed forces at a cost comparable to the cost of services provided by military child development centers. The Secretary shall prescribe regulations for the provision of such assistance.

"§1797. Early childhood education program

"The Secretary of Defense shall require that all military child development centers meet standards of operation necessary for accreditation by an appropriate national early childhood programs accrediting body.

"§1798. Definitions

"In this subchapter:

"(1) The term 'military child development center' means a facility on a military installation (or on property under the jurisdiction of the commander of a military installation) at which child care services are provided for members of the armed forces or any other facility at which such child care services are provided that is operated by the Secretary of a military department.

"(2) The term 'family home day care' means home-based child care services that are provided for members of the armed forces by an individual who (A) is certified by the Secretary of the military department concerned as qualified to provide those services, and (B) provides those services on a regular basis for compensation.

"(3) The term 'child care employee' means a civilian employee of the Department of Defense who is employed to work in a military child development center (regardless of whether the employee is paid from appropriated funds or nonappropriated funds).

"(4) The term 'child care fee receipts' means those nonappropriated funds that are derived from fees paid by members of the armed forces for child care services provided at military child development centers.".

(2) The tables of chapters at the beginning of subtitle A, and at the beginning of part II of subtitle A, of title 10, United States Code, are amended by inserting after the item relating to chapter 87 the following new item:

"88. Military Family Programs and Military Child Care ..... 1781".

(b) REPORT ON FIVE-YEAR DEMAND FOR CHILD CARE.—(1) Not later than the date of the submission of the budget for fiscal year 1997 pursuant to section 1105 of title 31, United States Code, the Secretary of Defense shall submit to Congress a report on the expected demand for child care by military and civilian personnel of the Department of Defense during fiscal years 1997 through 2001.

(2) The report shall include—

(A) a plan for meeting the expected child care demand identified in the report; and

(B) an estimate of the cost of implementing that plan.

(3) The report shall also include a description of methods for monitoring family home day care programs of the military departments.

(c) PLAN FOR IMPLEMENTATION OF ACCREDITATION REQUIREMENT.—The Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a plan for carrying out the requirements of section 1787 of title 10, United States Code, as added by subsection (a). The plan shall be submitted not later than April 1, 1997.

(d) CONTINUATION OF DELEGATION OF AUTHORITY WITH RESPECT TO HIRING PREFERENCE FOR QUALIFIED MILITARY SPOUSES.—The provisions of Executive Order No. 12568, issued October 2, 1986 (10 U.S.C. 113 note), shall apply as if the reference in that Executive order to section 806(a)(2) of the Department of Defense Authorization Act of 1986 refers to section 1784 of title 10, United States Code, as added by subsection (a).

(e) REPEALER.—The following provisions of law are repealed:

(1) The Military Family Act of 1985 (title VIII of Public Law 99–145; 10 U.S.C. 113 note).

(2) The Military Child Care Act of 1989 (title XV of Public Law 101–189; 10 U.S.C. 113 note).

SEC. 569. DETERMINATION OF WHEREABOUTS AND STATUS OF MISSING PERSONS.

(a) PURPOSE.—The purpose of this section is to ensure that any member of the Armed Forces (and any Department of Defense civilian employee or contractor employee who serves with or accompanies the Armed Forces in the field under orders) who becomes missing or unaccounted for is ultimately accounted for by the United States and, as a general rule, is not declared dead solely because of the passage of time.

(b) IN GENERAL.—(1) Part II of subtitle A of title 10, United States Code, is amended by inserting after chapter 75 the following new chapter:

"CHAPTER 76—MISSING PERSONS

"Sec.
"1501. System for accounting for missing persons.
"1502. Missing persons: initial report.
"1503. Actions of Secretary concerned; initial board inquiry.
"1504. Subsequent board of inquiry.
"1505. Further review.
"1506. Personnel files.
"1507. Recommendation of status of death.
"1508. Judicial review.
"1509. Preenactment, special interest cases.
"1510. Applicability to Coast Guard.
"1511. Return alive of person declared missing or dead.
"1512. Effect on State law.
"1513. Definitions.

"§1501. System for accounting for missing persons

"(a) OFFICE FOR MISSING PERSONNEL.—(1) The Secretary of Defense shall establish within the Office of the Secretary of Defense an office to have responsibility for Department of Defense policy relating to missing persons. Subject to the authority, direction, and control of the Secretary of Defense, the responsibilities of the office shall include—

"(A) policy, control, and oversight within the Department of Defense of the entire process for investigation and recovery related to missing persons (including matters related to search, rescue, escape, and evasion); and

"(B) coordination for the Department of Defense with other departments and agencies of the United States on all matters concerning missing persons.

"(2) In carrying out the responsibilities of the office established under this subsection, the head of the office shall be responsible for the coordination for such purposes within the Department of Defense among the military departments, the Joint Staff, and the commanders of the combatant commands.

"(3) The office shall establish policies, which shall apply uniformly throughout the Department of Defense, for personnel recovery (including search, rescue, escape, and evasion).

"(4) The office shall establish procedures to be followed by Department of Defense boards of inquiry, and by officials reviewing the reports of such boards, under this chapter.

"(b) UNIFORM DOD PROCEDURES.—(1) The Secretary of Defense shall prescribe procedures, to apply uniformly throughout the Department of Defense, for—

"(A) the determination of the status of persons described in subsection (c); and

"(B) for the systematic, comprehensive, and timely collection, analysis, review, dissemination, and periodic update of information related to such persons.

"(2) Such procedures may provide for the delegation by the Secretary of Defense of any responsibility of the Secretary under this chapter to the Secretary of a military department.

"(3) Such procedures shall be prescribed in a single directive applicable to all elements of the Department of Defense.

"(4) As part of such procedures, the Secretary may provide for the extension, on a case by-case basis, of any time limit specified in section 1502, 1503, or 1504 of this title. Any such extension may not be for a period in excess of the period with respect to which the extension is provided. Subsequent extensions may be provided on the same basis.

"(c) COVERED PERSONS.—Section 1502 of this title applies in the case of the following persons:

"(1) Any member of the armed forces on active duty who becomes involuntarily absent as a result of a hostile action, or under circumstances suggesting that the involuntary absence is a result of a hostile action, and whose status is undetermined or who is unaccounted for.

"(2) Any civilian employee of the Department of Defense, and any employee of a contractor of the Department of Defense, who serves with or accompanies the armed forces in the field under orders who becomes involuntarily absent as a result of a hostile action, or under circumstances suggesting that the involuntary absence is a result of a hostile action, and whose status is undetermined or who is unaccounted for.

"(d) PRIMARY NEXT OF KIN.—The individual who is primary next of kin of any person prescribed in subsection (c) may for purposes of this chapter designate another individual to act on behalf of that individual as primary next of kin. The Secretary concerned shall treat an individual so designated as if the individual designated were the primary next of kin for purposes of this chapter. A designation under this subsection may be revoked at any time by the person who made the designation.

"(e) TERMINATION OF APPLICABILITY OF PROCEDURES WHEN MISSING PERSON IS ACCOUNTED

FOR.—The provisions of this chapter relating to boards of inquiry and to the actions by the Secretary concerned on the reports of those boards shall cease to apply in the case of a missing person upon the person becoming accounted for or otherwise being determined to be in a status other than missing.

"(f) SECRETARY CONCERNED.—In this chapter, the term 'Secretary concerned' includes, in the case of a civilian employee of the Department of Defense or contractor of the Department of Defense, the Secretary of the military department or head of the element of the Department of Defense employing the employee or contracting with the contractor, as the case may be.

"§1502. Missing persons: initial report

"(a) PRELIMINARY ASSESSMENT AND RECOMMENDATION BY COMMANDER.—After receiving information that the whereabouts and status of a person described in section 1501(c) of this title is uncertain and that the absence of the person may be involuntary, the commander of the unit, facility, or area to or in which the person is assigned shall make a preliminary assessment of the circumstances. If, as a result of that assessment, the commander concludes that the person is missing, the commander shall—

"(1) recommend that the person be placed in a missing status; and

"(2) not later than 48 hours after receiving such information, transmit a report containing that recommendation to the theater component commander with jurisdiction over the missing person in accordance with procedures prescribed under section 1501(b) of this title.

"(b) TRANSMISSION THROUGH THEATER COMPONENT COMMANDER.—Upon reviewing a report under subsection (a) recommending that a person be placed in a missing status, the theater component commander shall ensure that all necessary actions are being taken, and all appropriate assets are being used, to resolve the status of the missing person. Not later than 14 days after receiving the report, the theater component commander shall forward the report to the Secretary of Defense or the Secretary concerned in accordance with procedures prescribed under section 1501(b) of this title. The theater component commander shall include with such report a certification that all necessary actions are being taken, and all appropriate assets are being used, to resolve the status of the missing person.

"(c) SAFEGUARDING AND FORWARDING OF RECORDS.—A commander making a preliminary assessment under subsection (a) with respect to a missing person shall (in accordance with procedures prescribed under section 1501 of this title) safeguard and forward for official use any information relating to the whereabouts and status of the missing person that results from the preliminary assessment or from actions taken to locate the person. The theater component commander through whom the report with respect to the missing person is transmitted under subsection (b) shall ensure that all pertinent information relating to the whereabouts and status of the missing person that results from the preliminary assessment or from actions taken to locate the person is properly safeguarded to avoid loss, damage, or modification.

"§1503. Actions of Secretary concerned; initial board inquiry

"(a) DETERMINATION BY SECRETARY.—Upon receiving a recommendation under section 1502(b) of this title that a person be placed in a missing status, the Secretary receiving the recommendation shall review the recommendation and, not later than 10 days after receiving such recommendation, shall appoint a board under this section to conduct an inquiry into the whereabouts and status of the person.

"(b) INQUIRIES INVOLVING MORE THAN ONE MISSING PERSON.—If it appears to the Secretary who appoints a board under this section that the absence or missing status of two or more persons is factually related, the Secretary may appoint a single board under this section to conduct the inquiry into the whereabouts and status of all such persons.

"(c) COMPOSITION.—(1) A board appointed under this section to inquire into the whereabouts and status of a person shall consist of at least one individual described in paragraph (2) who has experience with and understanding of military operations or activities similar to the operation or activity in which the person disappeared.

"(2) An individual referred to in paragraph (1) is the following:

"(A) A military officer, in the case of an inquiry with respect to a member of the armed forces.

"(B) A civilian, in the case of an inquiry with respect to a civilian employee of the Department of Defense or of a contractor of the Department of Defense.

"(3) An individual may be appointed as a member of a board under this section only if the individual has a security clearance that affords the individual access to all information relating to the whereabouts and status of the missing persons covered by the inquiry.

"(4) A Secretary appointing a board under this subsection shall, for purposes of providing legal counsel to the board, assign to the board a judge advocate, or appoint to the board an attorney, who has expertise in the law relating to missing persons, the determination of death of such persons, and the rights of family members and dependents of such persons.

"(d) DUTIES OF BOARD.—A board appointed to conduct an inquiry into the whereabouts and status of a missing person under this section shall—

"(1) collect, develop, and investigate all facts and evidence relating to the disappearance or whereabouts and status of the person;

"(2) collect appropriate documentation of the facts and evidence covered by the board's investigation;

"(3) analyze the facts and evidence, make findings based on that analysis, and draw conclusions as to the current whereabouts and status of the person; and

"(4) with respect to each person covered by the inquiry, recommend to the Secretary who appointed the board that—

"(A) the person be placed in a missing status; or

"(B) the person be declared to have deserted, to be absent without leave, or (subject to the requirements of section 1507 of this title) to be dead.

"(e) BOARD PROCEEDINGS.—During the proceedings of an inquiry under this section, a board shall—

"(1) collect, record, and safeguard all facts, documents, statements, photographs, tapes, messages, maps, sketches, reports, and other information (whether classified or unclassified) relating to the whereabouts and status of each person covered by the inquiry;

"(2) gather information relating to actions taken to find the person, including any evidence of the whereabouts and status of the person arising from such actions; and

"(3) maintain a record of its proceedings.

"(f) COUNSEL FOR MISSING PERSON.—(1) The Secretary appointing a board to conduct an inquiry under this section shall appoint counsel to represent each person covered by the inquiry or, in a case covered by subsection (b), one counsel to represent all persons covered by the inquiry. Counsel appointed under this paragraph may be referred to as 'missing person's counsel' and represents the interests of the person covered by the inquiry (and not any member of the person's family or other interested parties).

"(2) To be appointed as a missing person's counsel, a person must—

"(A) have the qualifications specified in section 827(b) of this title (article 27(b) of the Uniform Code of Military Justice) for trial counsel or defense counsel detailed for a general court-martial;

"(B) have a security clearance that affords the counsel access to all information relating to the whereabouts and status of the person or persons covered by the inquiry; and

"(C) have expertise in the law relating to missing persons, the determination of the death of such persons, and the rights of family members and dependents of such persons.

"(3) A missing person's counsel—

"(A) shall have access to all facts and evidence considered by the board during the proceedings under the inquiry for which the counsel is appointed;

"(B) shall observe all official activities of the board during such proceedings;

"(C) may question witnesses before the board; and

"(D) shall monitor the deliberations of the board.

"(4) A missing person's counsel shall assist the board in ensuring that all appropriate information concerning the case is collected, logged, filed, and safeguarded.

"(5) A missing person's counsel shall review the report of the board under subsection (h) and submit to the Secretary concerned who appointed the board an independent review of that report. That review shall be made an official part of the record of the board.

"(g) ACCESS TO PROCEEDINGS.—The proceedings of a board during an inquiry under this section shall be closed to the public (including, with respect to the person covered by the inquiry, the primary next of kin, other members of the immediate family, and any other previously designated person of the person).

"(h) REPORT.—(1) A board appointed under this section shall submit to the Secretary who appointed the board a report on the inquiry carried out by the board. The report shall include—

"(A) a discussion of the facts and evidence considered by the board in the inquiry;

"(B) the recommendation of the board under subsection (d) with respect to each person covered by the report; and

"(C) disclosure of whether classified documents and information were reviewed by the board or were otherwise used by the board in forming recommendations under subparagraph (B).

"(2) A board shall submit a report under this subsection with respect to the inquiry carried out by the board not later than 30 days after the date of the appointment of the board to carry out the inquiry. The report may include a classified annex.

"(3) The Secretary of Defense shall prescribe procedures for the release of a report submitted under this subsection with respect to a missing person. Such procedures shall provide that the report may not be made public (except as provided for in subsection (j)) until one year after the date on which the report is submitted.

"(i) DETERMINATION BY SECRETARY.—(1) Not later than 30 days after receiving a report from a board under subsection (h), the Secretary receiving the report shall review the report.

"(2) In reviewing a report under paragraph (1), the Secretary shall determine whether or not the report is complete and free of administrative error. If the Secretary determines that the report is incomplete, or that the report is not free of administrative error, the Secretary may return the report to the board for further action on the report by the board.

"(3) Upon a determination by the Secretary that a report reviewed under this subsection is

complete and free of administrative error, the Secretary shall make a determination concerning the status of each person covered by the report, including whether the person shall—

"(A) be declared to be missing;

"(B) be declared to have deserted;

"(C) be declared to be absent without leave; or

"(D) be declared to be dead.

"(j) REPORT TO FAMILY MEMBERS AND OTHER INTERESTED PERSONS.—Not later than 30 days after the date on which the Secretary concerned makes a determination of the status of a person under subsection (i), the Secretary shall take reasonable actions to—

"(1) provide to the primary next of kin, the other members of the immediate family, and any other previously designated person of the person—

"(A) an unclassified summary of the unit commander's report with respect to the person under section 1502(a) of this title; and

"(B) the report of the board (including the names of the members of the board) under subsection (h); and

"(2) inform each individual referred to in paragraph (1) that the United States will conduct a subsequent inquiry into the whereabouts and status of the person on or about one year after the date of the first official notice of the disappearance of the person, unless information becomes available sooner that may result in a change in status of the person.

"(k) TREATMENT OF DETERMINATION.—Any determination of the status of a missing person under subsection (i) shall be treated as the determination of the status of the person by all departments and agencies of the United States.

"§1504. Subsequent board of inquiry

"(a) ADDITIONAL BOARD.—If information that may result in a change of status of a person covered by a determination under section 1503(i) of this title becomes available within one year after the date of the transmission of a report with respect to the person under section 1502(a)(2) of this title, the Secretary concerned shall appoint a board under this section to conduct an inquiry into the information.

"(b) DATE OF APPOINTMENT.—The Secretary concerned shall appoint a board under this section to conduct an inquiry into the whereabouts and status of a missing person on or about one year after the date of the transmission of a report concerning the person under section 1502(a)(2) of this title.

"(c) COMBINED INQUIRIES.—If it appears to the Secretary concerned that the absence or status of two or more persons is factually related, the Secretary may appoint one board under this section to conduct the inquiry into the whereabouts and status of such persons.

"(d) COMPOSITION.—(1) A board appointed under this section shall be composed of at least three members as follows:

"(A) In the case of a board that will inquire into the whereabouts and status of one or more members of the armed forces (and no civilians described in subparagraph (B)), the board shall be composed of officers having the grade of major or lieutenant commander or above.

"(B) In the case of a board that will inquire into the whereabouts and status of one or more civilian employees of the Department of Defense or contractors of the Department of Defense (and no members of the armed forces), the board shall be composed of—

"(i) not less than three employees of the Department of Defense whose rate of annual pay is equal to or greater than the rate of annual pay payable for grade GS–13 of the General Schedule under section 5332 of title 5; and

"(ii) such members of the armed forces as the Secretary considers advisable.

"(C) In the case of a board that will inquire into the whereabouts and status of both one or more members of the armed forces and one or more civilians described in subparagraph (B)—

"(i) the board shall include at least one officer described in subparagraph (A) and at least one employee of the Department of Defense described in subparagraph (B)(i); and

"(ii) the ratio of such officers to such employees on the board shall be roughly proportional to the ratio of the number of members of the armed forces who are subjects of the board's inquiry to the number of civilians who are subjects of the board's inquiry.

"(2) The Secretary concerned shall designate one member of a board appointed under this section as president of the board. The president of the board shall have a security clearance that affords the president access to all information relating to the whereabouts and status of each person covered by the inquiry.

"(3) One member of each board appointed under this subsection shall be an individual who—

"(A) has a occupational specialty similar to that of one or more of the persons covered by the inquiry; and

"(B) has an understanding of and expertise in the type of official activities that one or more such persons were engaged in at the time such person or persons disappeared.

"(4) The Secretary who appoints a board under this subsection shall, for purposes of providing legal counsel to the board, assign to the board a judge advocate, or appoint to the board an attorney, with the same qualifications as specified in section 1503(c)(4) of this title.

"(e) DUTIES OF BOARD.—A board appointed under this section to conduct an inquiry into the whereabouts and status of a person shall—

"(1) review the reports with respect to the person transmitted under section 1502(a)(2) of this title and submitted under section 1503(h) of this title;

"(2) collect and evaluate any document, fact, or other evidence with respect to the whereabouts and status of the person that has become available since the determination of the status of the person under section 1503 of this title;

"(3) draw conclusions as to the whereabouts and status of the person;

"(4) determine on the basis of the activities under paragraphs (1) and (2) whether the status of the person should be continued or changed; and

"(5) submit to the Secretary concerned a report describing the findings and conclusions of the board, together with a recommendation for a determination by the Secretary concerning the whereabouts and status of the person.

"(f) COUNSEL FOR MISSING PERSONS.—(1) When the Secretary concerned appoints a board to conduct an inquiry under this section, the Secretary shall appoint counsel to represent each person covered by the inquiry.

"(2) A person appointed as counsel under this subsection shall meet the qualifications and have the duties set forth in section 1503(f) of this title for a missing person's counsel appointed under that section.

"(3) The review of the report of a board on an inquiry that is submitted by such counsel shall be made an official part of the record of the board with respect to the inquiry.

"(g) ATTENDANCE OF FAMILY MEMBERS AND CERTAIN OTHER INTERESTED PERSONS AT PROCEEDINGS.—(1) With respect to any person covered by a inquiry under this section, the primary next of kin, other members of the immediate family, and any other previously designated person of the person may attend the proceedings of the board during the inquiry.

"(2) The Secretary concerned shall take reasonable actions to notify each individual referred to in paragraph (1) of the opportunity to attend the proceedings of a board. Such notice shall be provided not less than 60 days before the first meeting of the board.

"(3) An individual who receives notice under paragraph (2) shall notify the Secretary of the intent, if any, of that individual to attend the proceedings of the board not later than 21 days after the date on which the individual receives the notice.

"(4) Each individual who notifies the Secretary under paragraph (3) of the individual's intent to attend the proceedings of the board—

"(A) in the case of a individual who is the primary next of kin or the previously designated person, may attend the proceedings of the board with private counsel;

"(B) shall have access to the personnel file of the missing person, to unclassified reports, if any, of the board appointed under section 1503 of this title to conduct the inquiry into the whereabouts and status of the person, and to any other unclassified information or documents relating to the whereabouts and status of the person;

"(C) shall be afforded the opportunity to present information at the proceedings of the board that such individual considers to be relevant to those proceedings; and

"(D) subject to paragraph (5), shall be given the opportunity to submit in writing an objection to any recommendation of the board under subsection (i) as to the status of the missing person.

"(5)(A) Individuals who wish to file objections under paragraph (4)(D) to any recommendation of the board shall—

"(i) submit a letter of intent to the president of the board not later than 15 days after the date on which the recommendations are made; and

"(ii) submit to the president of the board the objections in writing not later than 30 days after the date on which the recommendations are made.

"(B) The president of a board shall include any objections to a recommendation of the board that are submitted to the president of the board under subparagraph (A) in the report of the board containing the recommendation under subsection (i).

"(6) An individual referred to in paragraph (1) who attends the proceedings of a board under this subsection shall not be entitled to reimbursement by the United States for any costs (including travel, lodging, meals, local transportation, legal fees, transcription costs, witness expenses, and other expenses) incurred by that individual in attending such proceedings.

"(h) AVAILABILITY OF INFORMATION TO BOARDS.—(1) In conducting proceedings in an inquiry under this section, a board may secure directly from any department or agency of the United States any information that the board considers necessary in order to conduct the proceedings.

"(2) Upon written request from the president of a board, the head of a department or agency of the United States shall release information covered by the request to the board. In releasing such information, the head of the department or agency shall—

"(A) declassify to an appropriate degree classified information; or

"(B) release the information in a manner not requiring the removal of markings indicating the classified nature of the information.

"(3)(A) If a request for information under paragraph (2) covers classified information that cannot be declassified, or if the classification markings cannot be removed before release from the information covered by the request, or if the material cannot be summarized in a manner that prevents the release of classified information, the classified information shall be made available only to the president of the board

making the request and the counsel for the missing person appointed under subsection (f).

"(B) The president of a board shall close to persons who do not have appropriate security clearances the proceeding of the board at which classified information is discussed. Participants at a proceeding of a board at which classified information is discussed shall comply with all applicable laws and regulations relating to the disclosure of classified information. The Secretary concerned shall assist the president of a board in ensuring that classified information is not compromised through board proceedings.

"(i) RECOMMENDATION ON STATUS.—(1) Upon completion of an inquiry under this subsection, a board shall make a recommendation as to the current whereabouts and status of each missing person covered by the inquiry.

"(2) A board may not recommend under paragraph (1) that a person be declared dead unless in making the recommendation the board complies with section 1507 of this title.

"(j) REPORT.—A board appointed under this section shall submit to the Secretary concerned a report on the inquiry carried out by the board, together with the evidence considered by the board during the inquiry. The report may include a classified annex.

"(k) ACTIONS BY SECRETARY CONCERNED.—(1) Not later than 30 days after the receipt of a report from a board under subsection (j), the Secretary shall review—

"(A) the report;

"(B) the review of the report submitted to the Secretary under subsection (f)(3) by the counsel for each person covered by the report; and

"(C) the objections, if any, to the report submitted to the president of the board under subsection (g)(5).

"(2) In reviewing a report under paragraph (1) (including the objections described in subparagraph (C) of that paragraph), the Secretary concerned shall determine whether or not the report is complete and free of administrative error. If the Secretary determines that the report is incomplete, or that the report is not free of administrative error, the Secretary may return the report to the board for further action on the report by the board.

"(3) Upon a determination by the Secretary that a report reviewed under this subsection is complete and free of administrative error, the Secretary shall make a determination concerning the status of each person covered by the report.

"(l) REPORT TO FAMILY MEMBERS AND OTHER INTERESTED PERSONS.—Not later than 60 days after the date on which the Secretary concerned makes a determination with respect to a missing person under subsection (k), the Secretary shall—

"(1) provide the report reviewed by the Secretary in making the determination to the primary next of kin, the other members of the immediate family, and any other previously designated person of the person; and

"(2) in the case of a person who continues to be in a missing status, inform each individual referred to in paragraph (1) that the United States will conduct a further investigation into the whereabouts and status of the person as specified in section 1505 of this title.

"(m) TREATMENT OF DETERMINATION.—Any determination of the status of a missing person under subsection (k) shall supersede the determination of the status of the person under section 1503 of this title and shall be treated as the determination of the status of the person by all departments and agencies of the United States.

"§1505. Further review

"(a) SUBSEQUENT REVIEW.—The Secretary concerned shall conduct subsequent inquiries into the whereabouts and status of any person determined by the Secretary under section 1504 of this title to be in a missing status.

"(b) FREQUENCY OF SUBSEQUENT REVIEWS.—(1) In the case of a missing person who was last known to be alive or who was last suspected of being alive, the Secretary shall appoint a board to conduct an inquiry with respect to a person under this subsection—

"(A) on or about three years after the date of the initial report of the disappearance of the person under section 1502(a) of this title; and

"(B) not later than every three years thereafter.

"(2) In addition to appointment of boards under paragraph (1), the Secretary shall appoint a board to conduct an inquiry with respect to a missing person under this subsection upon receipt of information that could result in a change of status of the missing person. When the Secretary appoints a board under this paragraph, the time for subsequent appointments of a board under paragraph (1)(B) shall be determined from the date of the receipt of such information.

"(3) The Secretary is not required to appoint a board under paragraph (1) with respect to the disappearance of any person—

"(A) more than 30 years after the initial report of the disappearance of the missing person required by section 1502 of this title; or

"(B) if, before the end of such 30-year period, the missing person is accounted for.

"(c) ACTION UPON DISCOVERY OR RECEIPT OF INFORMATION.—(1) Whenever any United States intelligence agency or other element of the Government finds or receives information that may be related to a missing person, the information shall promptly be forwarded to the office established under section 1501 of this title.

"(2) Upon receipt of information under paragraph (1), the head of the office established under section 1501 of this title shall as expeditiously as possible ensure that the information is added to the appropriate case file for that missing person and notify (A) the designated missing person's counsel for that person, and (B) the primary next of kin and any previously designated person for the missing person of the existence of that information.

"(3) The head of the office established under section 1501 of this title, with the advice of the missing person's counsel notified under paragraph (2), shall determine whether the information is significant enough to require a board review under this section.

"(d) CONDUCT OF PROCEEDINGS.—If it is determined that such a board should be appointed, the appointment of, and activities before, a board appointed under this section shall be governed by the provisions of section 1504 of this title with respect to a board appointed under that section.

"§1506. Personnel files

"(a) INFORMATION IN FILES.—Except as provided in subsections (b), (c), and (d), the Secretary concerned shall, to the maximum extent practicable, ensure that the personnel file of a missing person contains all information in the possession of the United States relating to the disappearance and whereabouts and status of the person.

"(b) CLASSIFIED INFORMATION.—The Secretary concerned may withhold classified information from a personnel file under this section. If the Secretary concerned withholds classified information from a personnel file, the Secretary shall ensure that the file contains the following:

"(1) A notice that the withheld information exists.

"(2) A notice of the date of the most recent review of the classification of the withheld information.

"(c) PROTECTION OF PRIVACY.—The Secretary concerned shall maintain personnel files under this section, and shall permit disclosure of or access to such files, in accordance with the provisions of section 552a of title 5 and with other applicable laws and regulations pertaining to the privacy of the persons covered by the files.

"(d) PRIVILEGED INFORMATION.—(1) The Secretary concerned shall withhold from personnel files under this section, as privileged information, debriefing reports provided by missing persons returned to United States control which are obtained under a promise of confidentiality made for the purpose of ensuring the fullest possible disclosure of information.

"(2) If a debriefing report contains non-derogatory information about the status and whereabouts of a missing person other than the source of the debriefing report, the Secretary concerned shall prepare an extract of the non-derogatory information. That extract, following a review by the source of the debriefing report, shall be placed in the personnel file of the missing person in such a manner as to protect the identity of the source providing the information.

"(3) Whenever the Secretary concerned withholds a debriefing report from a personnel file under this subsection, the Secretary shall ensure that the file contains a notice that withheld information exists.

"(e) WRONGFUL WITHHOLDING.—Except as provided in subsections (a) through (d), any person who knowingly and willfully withholds from the personnel file of a missing person any information relating to the disappearance or whereabouts and status of a missing person shall be fined as provided in title 18 or imprisoned not more than one year, or both.

"(f) AVAILABILITY OF INFORMATION.—The Secretary concerned shall, upon request, make available the contents of the personnel file of a missing person to the primary next of kin, the other members of the immediate family, or any other previously designated person of the person.

"§1507. Recommendation of status of death

"(a) REQUIREMENTS RELATING TO RECOMMENDATION.—A board appointed under section 1503, 1504, or 1505 of this title may not recommend that a person be declared dead unless—

"(1) credible evidence exists to suggest that the person is dead;

"(2) the United States possesses no credible evidence that suggests that the person is alive; and

"(3) representatives of the United States—

"(A) have made a complete search of the area where the person was last seen (unless, after making a good faith effort to obtain access to such area, such representatives are not granted such access); and

"(B) have examined the records of the government or entity having control over the area where the person was last seen (unless, after making a good faith effort to obtain access to such records, such representatives are not granted such access).

"(b) SUBMITTAL OF INFORMATION ON DEATH.—If a board appointed under section 1503, 1504, or 1505 of this title makes a recommendation that a missing person be declared dead, the board shall include in the report of the board with respect to the person under that section the following:

"(1) A detailed description of the location where the death occurred.

"(2) A statement of the date on which the death occurred.

"(3) A description of the location of the body, if recovered.

"(4) If the body has been recovered and is not identifiable through visual means, a certification by a practitioner of an appropriate forensic science that the body recovered is that of the missing person.

"§1508. Judicial review

"(a) RIGHT OF REVIEW.—A person who is the primary next of kin (or the previously designated person) of a person who is the subject of

a finding described in subsection (b) may obtain judicial review in a United States district court of that finding, but only on the basis of a claim that there is information that could affect the status of the missing person's case that was not adequately considered during the administrative review process under this chapter. Any such review shall be as provided in section 706 of title 5.

"(b) FINDINGS FOR WHICH JUDICIAL REVIEW MAY BE SOUGHT.—Subsection (a) applies to the following findings:

"(1) A finding by a board appointed under section 1504 or 1505 of this title that a missing person is dead.

"(2) A finding by a board appointed under section 1509 of this title that confirms that a missing person formerly declared dead is in fact dead.

"(c) SUBSEQUENT REVIEW.—Appeals from a decision of the district court shall be taken to the appropriate United States court of appeals and to the Supreme Court as provided by law.

"§1509. Preenactment, special interest cases

"(a) REVIEW OF STATUS.—In the case of an unaccounted for person covered by section 1501(c) of this title who is described in subsection (b), if new information that could change the status of that person is found or received by a United States intelligence agency, by a Department of Defense agency, or by a person specified in section 1504(g) of this title, that information shall be provided to the Secretary of Defense with a request that the Secretary evaluate the information in accordance with sections 1505(c) and 1505(d) of this title.

"(b) CASES ELIGIBLE FOR REVIEW.—The cases eligible for review under this section are the following:

"(1) With respect to the Korean conflict, any unaccounted for person who was classified as a prisoner of war or as missing in action during that conflict and who (A) was known to be or suspected to be alive at the end of that conflict, or (B) was classified as missing in action and whose capture was possible.

"(2) With respect to the Cold War, any unaccounted person who was engaged in intelligence operations (such as aerial "ferret" reconnaissance missions over and around the Soviet Union and China) during the Cold War.

"(3) With respect to Indochina war era, any unaccounted for person who was classified as a prisoner of war or as missing in action during the Indochina conflict.

"(c) SPECIAL RULE FOR PERSONS CLASSIFIED AS 'KIA/BNR'.—In the case of a person described in subsection (b) who was classified as 'killed in action/body not recovered', the case of that person may be reviewed under this section only if the new information referred to in subsection (a) is compelling.

"(d) DEFINITIONS.—In this section:

"(1) The term 'Korean conflict' means the period beginning on June 27, 1950, and ending on January 31, 1955.

"(2) The term 'Cold War' means the period beginning on September 2, 1945, and ending on August 21, 1991.

"(3) The term 'Indochina war era' means the period beginning on July 8, 1959, and ending on May 15, 1975.

"§1510. Applicability to Coast Guard

"(a) DESIGNATED OFFICER TO HAVE RESPONSIBILITY.—The Secretary of Transportation shall designate an officer of the Department of Transportation to have responsibility within the Department of Transportation for matters relating to missing persons who are members of the Coast Guard.

"(b) PROCEDURES.—The Secretary of Transportation shall prescribe procedures for the determination of the status of persons described in section 1501(c) of this title who are members of the Coast Guard and for the collection, analysis, review, and update of information on such persons. To the maximum extent practicable, the procedures prescribed under this section shall be similar to the procedures prescribed by the Secretary of Defense under section 1501(b) of this title.

"§1511. Return alive of person declared missing or dead

"(a) PAY AND ALLOWANCES.—Any person (except for a person subsequently determined to have been absent without leave or a deserter) in a missing status or declared dead under subchapter VII of chapter 55 of title 5 or chapter 10 of title 37 or by a board appointed under this chapter who is found alive and returned to the control of the United States shall be paid for the full time of the absence of the person while given that status or declared dead under the law and regulations relating to the pay and allowances of persons returning from a missing status.

"(b) EFFECT ON GRATUITIES PAID AS A RESULT OF STATUS.—Subsection (a) shall not be interpreted to invalidate or otherwise affect the receipt by any person of a death gratuity or other payment from the United States on behalf of a person referred to in subsection (a) before the date of the enactment of this chapter.

"§1512. Effect on State law

"(a) NONPREEMPTION OF STATE AUTHORITY.—Nothing in this chapter shall be construed to invalidate or limit the power of any State court or administrative entity, or the power of any court or administrative entity of any political subdivision thereof, to find or declare a person dead for purposes of such State or political subdivision.

"(b) STATE DEFINED.—In this section, the term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

"§1513. Definitions

"In this chapter:

"(1) The term 'missing person' means—

"(A) a member of the armed forces on active duty who is in a missing status; or

"(B) a civilian employee of the Department of Defense or an employee of a contractor of the Department of Defense who serves with or accompanies the armed forces in the field under orders and who is in a missing status.

"(2) The term 'missing status' means the status of a missing person who is determined to be absent in a category of any of the following:

"(A) Missing.

"(B) Missing in action.

"(C) Interned in a foreign country.

"(D) Captured.

"(E) Beleaguered.

"(F) Besieged.

"(G) Detained in a foreign country against that person's will.

"(3) The term 'accounted for', with respect to a person in a missing status, means that—

"(A) the person is returned to United States control alive;

"(B) the remains of the person are recovered and, if not identifiable through visual means as those of the missing person, are identified as those of the missing person by a practitioner of an appropriate forensic science; or

"(C) credible evidence exists to support another determination of the person's status.

"(4) The term 'primary next of kin', in the case of a missing person, means the individual authorized to direct disposition of the remains of the person under section 1482(c) of this title.

"(5) The term 'member of the immediate family', in the case of a missing person, means the following:

"(A) The spouse of the person.

"(B) A natural child, adopted child, step child, or illegitimate child (if acknowledged by the person or parenthood has been established by a court of competent jurisdiction) of the person, except that if such child has not attained the age of 18 years, the term means a surviving parent or legal guardian of such child.

"(C) A biological parent of the person, unless legal custody of the person by the parent has been previously terminated by reason of a court decree or otherwise under law and not restored.

"(D) A brother or sister of the person, if such brother or sister has attained the age of 18 years.

"(E) Any other blood relative or adoptive relative of the person, if such relative was given sole legal custody of the person by a court decree or otherwise under law before the person attained the age of 18 years and such custody was not subsequently terminated before that time.

"(6) The term 'previously designated person', in the case of a missing person, means an individual designated by the person under section 655 of this title for purposes of this chapter.

"(7) The term 'classified information' means any information the unauthorized disclosure of which (as determined under applicable law and regulations) could reasonably be expected to damage the national security.

"(8) The term 'theater component commander' means, with respect to any of the combatant commands, an officer of any of the armed forces who (A) is commander of all forces of that armed force assigned to that combatant command, and (B) is directly subordinate to the commander of the combatant command.".

(2) The tables of chapters at the beginning of subtitle A, and at the beginning of part II of subtitle A, of title 10, United States Code, are amended by inserting after the item relating to chapter 75 the following new item:

"76. Missing Persons ..... 1501".

(c) CONFORMING AMENDMENTS.—Chapter 10 of title 37, United States Code, is amended as follows:

(1) Section 555 is amended—

(A) in subsection (a), by striking out "When a member" and inserting in lieu thereof "Except as provided in subsection (d), when a member"; and

(B) by adding at the end the following new subsection:

"(d) This section does not apply in a case to which section 1502 of title 10 applies.".

(2) Section 552 is amended—

(A) in subsection (a), by striking out "for all purposes," in the second sentence of the matter following paragraph (2) and all that follows through the end of the sentence and inserting in lieu thereof "for all purposes.";

(B) in subsection (b), by inserting "or under chapter 76 of title 10" before the period at the end; and

(C) in subsection (e), by inserting "or under chapter 76 of title 10" after "section 555 of this title".

(3) Section 553 is amended—

(A) in subsection (f), by striking out "the date the Secretary concerned receives evidence that" and inserting in lieu thereof "the date on which, in a case covered by section 555 of this title, the Secretary concerned receives evidence, or, in a case covered by chapter 76 of title 10, the Secretary concerned determines pursuant to that chapter, that"; and

(B) in subsection (g), by inserting "or under chapter 76 of title 10" after "section 555 of this title".

(4) Section 556 is amended—

(A) in subsection (a), by inserting after paragraph (7) the following:

"Paragraphs (1), (5), (6), and (7) only apply with respect to a case to which section 555 of this title applies.";

(B) in subsection (b), by inserting ", in a case to which section 555 of this title applies," after "When the Secretary concerned"; and

(C) in subsection (h)—

(i) in the first sentence, by striking out "status" and inserting in lieu thereof "pay"; and

(ii) in the second sentence, by inserting "in a case to which section 555 of this title applies" after "under this section".

(d) DESIGNATION OF PERSONS HAVING INTEREST IN STATUS OF SERVICE MEMBERS.—(1) Chapter 37 of title 10, United States Code, is amended by adding at the end the following new section:

"§655. Designation of persons having interest in status of a missing member

"(a) The Secretary concerned shall, upon the enlistment or appointment of a person in the armed forces, require that the person specify in writing the person or persons, if any, other than that person's primary next of kin or immediate family, to whom information on the whereabouts and status of the member shall be provided if such whereabouts and status are investigated under chapter 76 of this title. The Secretary shall periodically, and whenever the member is deployed as part of a contingency operation or in other circumstances specified by the Secretary, require that such designation be reconfirmed, or modified, by the member.

"(b) The Secretary concerned shall, upon the request of a member, permit the member to revise the person or persons specified by the member under subsection (a) at any time. Any such revision shall be in writing.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"655. Designation of persons having interest in status of a missing member.".

(e) ACCOUNTING FOR CIVILIAN EMPLOYEE AND CONTRACTORS OF THE UNITED STATES.—(1) The Secretary of State shall carry out a comprehensive study of the provisions of subchapter VII of chapter 55 of title 5, United States Code (commonly referred to as the "Missing Persons Act of 1942) (5 U.S.C. 5561 et seq.) and any other law or regulation establishing procedures for the accounting for of civilian employees of the United States or contractors of the United States who serve with or accompany the Armed Forces in the field. The purpose of the study shall be to determine the means, if any, by which those procedures may be improved.

(2) The Secretary of State shall carry out the study required under paragraph (1) in consultation with the Secretary of Defense, the Secretary of Transportation, the Director of Central Intelligence, and the heads of such other departments and agencies of the United States as the President designates for that purpose.

(3) In carrying out the study, the Secretary of State shall examine the procedures undertaken when a civilian employee referred to in paragraph (1) becomes involuntarily absent as a result of a hostile action, or under circumstances suggesting that the involuntary absence is a result of a hostile action, and whose status is undetermined or who is unaccounted for, including procedures for—

(A) search and rescue for the employee;

(B) determining the status of the employee;

(C) reviewing and changing the status of the employee;

(D) determining the rights and benefits accorded to the family of the employee; and

(E) maintaining and providing appropriate access to the records of the employee and the investigation into the status of the employee.

(4) Not later than one year after the date of the enactment of this Act, the Secretary of State shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the study carried out by the Secretary under this subsection. The report shall include the recommendations, if any, of the Secretary for legislation to improve the procedures covered by the study.

SEC. 570. ASSOCIATE DIRECTOR OF CENTRAL INTELLIGENCE FOR MILITARY SUPPORT.

Section 102 of the National Security Act of 1947 (50 U.S.C. 403) is amended by adding at the end the following:

"(e) In the event that neither the Director nor Deputy Director of Central Intelligence is a commissioned officer of the Armed Forces, a commissioned officer of the Armed Forces appointed to the position of Associate Director of Central Intelligence for Military Support, while serving in such position, shall not be counted against the numbers and percentages of commissioned officers of the rank and grade of such officer authorized for the armed force of which such officer is a member.".

Subtitle G—Support for Non-Department of Defense Activities

SEC. 571. REPEAL OF CERTAIN CIVIL-MILITARY PROGRAMS.

(a) REPEAL OF CIVIL-MILITARY COOPERATIVE ACTION PROGRAM.—The following provisions of law are repealed:

(1) Section 410 of title 10, United States Code.

(2) Section 1081(a) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 410 note).

(b) REPEAL OF RELATED PROVISION.—Section 1045 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 410 note), relating to a pilot outreach program to reduce demand for illegal drugs, is repealed.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—Chapter 20 of title 10, United States Code, is amended—

(1) by striking out the table of subchapters after the chapter heading;

(2) by striking out the subchapter heading for subchapter I; and

(3) by striking out the subchapter heading for subchapter II and the table of sections following that subchapter heading.

SEC. 572. TRAINING ACTIVITIES RESULTING IN INCIDENTAL SUPPORT AND SERVICES FOR ELIGIBLE ORGANIZATIONS AND ACTIVITIES OUTSIDE THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—(1) Chapter 101 of title 10, United States Code, is amended by adding at the end the following new section:

"§2012. Support and services for eligible organizations and activities outside Department of Defense

"(a) AUTHORITY TO PROVIDE SERVICES AND SUPPORT.—Under regulations prescribed by the Secretary of Defense, the Secretary of a military department may in accordance with this section authorize units or individual members of the armed forces under that Secretary's jurisdiction to provide support and services to non-Department of Defense organizations and activities specified in subsection (e), but only if—

"(1) such assistance is authorized by a provision of law (other than this section); or

"(2) the provision of such assistance is incidental to military training.

"(b) SCOPE OF COVERED ACTIVITIES SUBJECT TO SECTION.—This section does not—

"(1) apply to the provision by the Secretary concerned, under regulations prescribed by the Secretary of Defense, of customary community relations and public affairs activities conducted in accordance with Department of Defense policy; or

"(2) prohibit the Secretary concerned from encouraging members of the armed forces under the Secretary's jurisdiction to provide volunteer support for community relations activities under regulations prescribed by the Secretary of Defense.

"(c) REQUIREMENT FOR SPECIFIC REQUEST.—Assistance under subsection (a) may only be provided if—

"(1) the assistance is requested by a responsible official of the organization to which the assistance is to be provided; and

"(2) the assistance is not reasonably available from a commercial entity or (if so available) the official submitting the request for assistance certifies that the commercial entity that would otherwise provide such services has agreed to the provision of such services by the armed forces.

"(d) RELATIONSHIP TO MILITARY TRAINING.—(1) Assistance under subsection (a) may only be provided if the following requirements are met:

"(A) The provision of such assistance—

"(i) in the case of assistance by a unit, will accomplish valid unit training requirements; and

"(ii) in the case of assistance by an individual member, will involve tasks directly related to the specific military occupational specialty of the member.

"(B) The provision of such assistance will not adversely affect the quality of training or otherwise interfere with the ability of a member or unit of the armed forces to perform the military functions of the member or unit.

"(C) The provision of such assistance will not result in a significant increase in the cost of the training.

"(2) Subparagraph (A)(i) of paragraph (1) does not apply in a case in which the assistance to be provided consists primarily of military manpower and the total amount of such assistance in the case of a particular project does not exceed 100 man-hours.

"(e) ELIGIBLE ENTITIES.—The following organizations and activities are eligible for assistance under this section:

"(1) Any Federal, regional, State, or local governmental entity.

"(2) Youth and charitable organizations specified in section 508 of title 32.

"(3) Any other entity as may be approved by the Secretary of Defense on a case-by-case basis.

"(f) REGULATIONS.—The Secretary of Defense shall prescribe regulations governing the provision of assistance under this section. The regulations shall include the following:

"(1) Rules governing the types of assistance that may be provided.

"(2) Procedures governing the delivery of assistance that ensure, to the maximum extent practicable, that such assistance is provided in conjunction with, rather than separate from, civilian efforts.

"(3) Procedures for appropriate coordination with civilian officials to ensure that the assistance—

"(A) meets a valid need; and

"(B) does not duplicate other available public services.

"(4) Procedures to ensure that Department of Defense resources are not applied exclusively to the program receiving the assistance.

"(g) ADVISORY COUNCILS.—(1) The Secretary of Defense shall encourage the establishment of advisory councils at regional, State, and local levels, as appropriate, in order to obtain recommendations and guidance concerning assistance under this section from persons who are knowledgeable about regional, State, and local conditions and needs.

"(2) The advisory councils should include officials from relevant military organizations, representatives of appropriate local, State, and Federal agencies, representatives of civic and social service organizations, business representatives, and labor representatives.

"(3) The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to such councils.

"(h) CONSTRUCTION OF PROVISION.—Nothing in this section shall be construed as authorizing—

"(1) the use of the armed forces for civilian law enforcement purposes or for response to natural or manmade disasters; or

"(2) the use of Department of Defense personnel or resources for any program, project, or activity that is prohibited by law.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2012. Support and services for eligible organizations and activities outside Department of Defense.".

SEC. 573. NATIONAL GUARD CIVILIAN YOUTH OPPORTUNITIES PILOT PROGRAM.

(a) TERMINATION.—The authority under subsection (a) of section 1091 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 32 U.S.C. 501 note) to carry out a pilot program under that section is hereby continued through the end of the 18-month period beginning on the date of the enactment of this Act and such authority shall terminate as of the end of that period.

(b) LIMITATION ON NUMBER OF PROGRAMS.—During the period beginning on the date of the enactment of this Act and ending on the termination of the pilot program under subsection (a), the number of programs carried out under subsection (d) of that section as part of the pilot program may not exceed the number of such programs as of September 30, 1995.

SEC. 574. TERMINATION OF FUNDING FOR OFFICE OF CIVIL-MILITARY PROGRAMS IN OFFICE OF THE SECRETARY OF DEFENSE.

No funds may be obligated or expended after the date of the enactment of this Act (1) for the office that as of the date of the enactment of this Act is designated, within the Office of the Assistant Secretary of Defense for Reserve Affairs, as the Office of Civil-Military Programs, or (2) for any other entity within the Office of the Secretary of Defense that has an exclusive or principal mission of providing centralized direction for activities under section 2012 of title 10, United States Code, as added by section 572.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. MILITARY PAY RAISE FOR FISCAL YEAR 1996.

(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 1996 shall not be made.

(b) INCREASE IN BASIC PAY AND BAS.—Effective on January 1, 1996, the rates of basic pay and basic allowance for subsistence of members of the uniformed services are increased by 2.4 percent.

(c) INCREASE IN BAQ.—Effective on January 1, 1996, the rates of basic allowance for quarters of members of the uniformed services are increased by 5.2 percent.

SEC. 602. LIMITATION ON BASIC ALLOWANCE FOR SUBSISTENCE FOR MEMBERS RESIDING WITHOUT DEPENDENTS IN GOVERNMENT QUARTERS.

(a) PERCENTAGE LIMITATION.—Subsection (b) of section 402 of title 37, United States Code, is amended by adding after the last sentence the following new paragraph:

"(4) In the case of enlisted members of the Army, Navy, Air Force, or Marine Corps who, when present at their permanent duty station, reside without dependents in Government quarters, the Secretary concerned may not provide a basic allowance for subsistence to more than 12 percent of such members under the jurisdiction of the Secretary concerned. The Secretary concerned may exceed such percentage if the Secretary determines that compliance would increase costs to the Government, would impose financial hardships on members otherwise entitled to a basic allowance for subsistence, or would reduce the quality of life for such members. This paragraph shall not apply to members described in the first sentence when the members are not residing at their permanent duty station. The Secretary concerned shall achieve the percentage limitation specified in this paragraph as soon as possible after the date of the enactment of this paragraph, but in no case later than September 30, 1996.".

(b) STYLISTIC AMENDMENTS.—Such subsection is further amended—

(1) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C);

(2) by inserting "(1)" after "(b)";

(3) by designating the text composed of the second, third, and fourth sentences as paragraph (2); and

(4) by designating the text composed of the fifth and sixth sentences as paragraph (3).

(c) CONFORMING AMENDMENTS.—(1) Subsection (e) of such section is amended—

(A) in paragraph (1), by striking out "the third sentence of subsection (b)" and inserting in lieu thereof "subsection (b)(2)"; and

(B) in paragraph (2), by striking out "subsection (b)" and inserting in lieu thereof "subsection (b)(2)".

(2) Section 1012 of title 37, United States Code, is amended by striking out "the last sentence of section 402(b)" and inserting in lieu thereof "section 402(b)(3)".

(d) REPORT REQUIRED.—Not later than March 31, 1996, the Secretary of Defense shall submit to Congress a report identifying, for the Army, Navy, Air Force, and Marine Corps—

(1) the number of members who reside without dependents in Government quarters at their permanent duty stations and receive a basic allowance for subsistence under section 402 of title 37, United States Code;

(2) such number as a percentage of the total number of members who reside without dependents in Government quarters;

(3) a recommended maximum percentage of the members residing without dependents in Government quarters at their permanent duty station who should receive a basic allowance for subsistence; and

(4) the reasons such maximum percentage is recommended.

SEC. 603. ELECTION OF BASIC ALLOWANCE FOR QUARTERS INSTEAD OF ASSIGNMENT TO INADEQUATE QUARTERS.

(a) ELECTION AUTHORIZED.—Section 403(b) of title 37, United States Code, is amended—

(1) by inserting "(1)" after "(b)";

(2) by designating the second sentence as paragraph (2) and, as so designated, by striking out "However, subject" and inserting in lieu thereof "Subject"; and

(3) by adding at the end the following new paragraph:

"(3) A member without dependents who is in pay grade E–6 and who is assigned to quarters of the United States that do not meet the minimum adequacy standards established by the Department of Defense for members in such pay grade, or to a housing facility under the jurisdiction of a uniformed service that does not meet such standards, may elect not to occupy such quarters or facility and instead to receive the basic allowance for quarters prescribed for the member's pay grade by this section.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 1996.

SEC. 604. PAYMENT OF BASIC ALLOWANCE FOR QUARTERS TO MEMBERS IN PAY GRADE E–6 WHO ARE ASSIGNED TO SEA DUTY.

(a) PAYMENT AUTHORIZED.—Section 403(c)(2) of title 37, United States Code, is amended—

(1) in the first sentence, by striking out "E–7" and inserting in lieu thereof "E–6"; and

(2) in the second sentence, by striking out "E–6" and inserting in lieu thereof "E–5".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 1996.

SEC. 605. LIMITATION ON REDUCTION OF VARIABLE HOUSING ALLOWANCE FOR CERTAIN MEMBERS.

(a) LIMITATION ON REDUCTION IN VHA.—(1) Subsection (c)(3) of section 403a of title 37, United States Code, is amended by adding at the end the following new sentence: "However, so long as a member of a uniformed service retains uninterrupted eligibility to receive a variable housing allowance within an area and the member's certified housing costs are not reduced (as indicated by certifications provided by the member under subsection (b)(4)), the monthly amount of a variable housing allowance under this section for the member within that area may not be reduced as a result of systematic adjustments required by changes in housing costs within that area.".

(2) The amendment made by paragraph (1) shall apply for fiscal years after fiscal year 1995.

(b) EFFECT ON TOTAL AMOUNT AVAILABLE FOR VHA.—Subsection (d)(3) of such section is amended by inserting after the first sentence the following new sentence: "In addition, the total amount determined under paragraph (1) shall be adjusted to ensure that sufficient amounts are available to allow payment of any additional amounts of variable housing allowance necessary as a result of the requirements of the second sentence of subsection (c)(3).".

(c) REPORT ON IMPLEMENTATION.—Not later than June 1, 1996, the Secretary of Defense shall submit to Congress a report describing the procedures to be used to implement the amendments made by this section and the costs of such amendments.

(d) RESOLVING VHA INADEQUACIES IN HIGH HOUSING COST AREAS.—If the Secretary of Defense determines that, despite the amendments made by this section, inadequacies exist in the provision of variable housing allowances under section 403a of title 37, United States Code, the Secretary shall submit to Congress a report containing a legislative proposal to address the inadequacies. The Secretary shall make the determination required by this subsection and submit the report, if necessary, not later than May 31, 1996.

SEC. 606. CLARIFICATION OF LIMITATION ON ELIGIBILITY FOR FAMILY SEPARATION ALLOWANCE.

Section 427(b)(4) of title 37, United States Code, is amended in the first sentence by inserting "paragraph (1)(A) of" after "not entitled to an allowance under".

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. EXTENSION OF CERTAIN BONUSES FOR RESERVE FORCES.

(a) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(f) of title 37, United States Code, is amended by striking out "September 30, 1996" and inserting in lieu thereof "September 30, 1997".

(b) SELECTED RESERVE ENLISTMENT BONUS.—Section 308c(e) of title 37, United States Code, is amended by striking out "September 30, 1996" and inserting in lieu thereof "September 30, 1997".

(c) SELECTED RESERVE AFFILIATION BONUS.—Section 308e(e) of title 37, United States Code, is amended by striking out "September 30, 1996" and inserting in lieu thereof "September 30, 1997".

(d) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS.—Section 308h(g) of title 37, United States Code, is amended by striking out "September 30, 1996" and inserting in lieu thereof "September 30, 1997".

(e) PRIOR SERVICE ENLISTMENT BONUS.—Section 308i(i) of title 37, United States Code, is

amended by striking out "September 30, 1996" and inserting in lieu thereof "September 30, 1997".

SEC. 612. EXTENSION OF CERTAIN BONUSES AND SPECIAL PAY FOR NURSE OFFICER CANDIDATES, REGISTERED NURSES, AND NURSE ANESTHETISTS.

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking out "September 30, 1996" and inserting in lieu thereof "September 30, 1997".

(b) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a)(1) of title 37, United States Code, is amended by striking out "September 30, 1996" and inserting in lieu thereof "September 30, 1997".

(c) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of title 37, United States Code, is amended by striking out "September 30, 1996" and inserting in lieu thereof "September 30, 1997".

SEC. 613. EXTENSION OF AUTHORITY RELATING TO PAYMENT OF OTHER BONUSES AND SPECIAL PAYS.

(a) AVIATION OFFICER RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by striking out "September 30, 1995," and inserting in lieu thereof "September 30, 1997".

(b) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of title 37, United States Code, is amended by striking out "September 30, 1996" and inserting in lieu thereof "September 30, 1997".

(c) ENLISTMENT BONUSES FOR CRITICAL SKILLS.—Sections 308a(c) and 308f(c) of title 37, United States Code, are each amended by striking out "September 30, 1996" and inserting in lieu thereof "September 30, 1997".

(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, 1996" and inserting in lieu thereof "September 30, 1997".

(e) 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, 1996" and inserting in lieu thereof "September 30, 1997".

(f) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(c) of title 37, United States Code, is amended by striking out "September 30, 1996" and inserting in lieu thereof "September 30, 1997".

(g) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—Section 312c(d) of title 37, United States Code, is amended by striking out "October 1, 1996" and inserting in lieu thereof "October 1, 1997".

(h) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 16302(d) of title 10, United States Code, is amended by striking out "October 1, 1996" and inserting in lieu thereof "October 1, 1997".

(i) COVERAGE OF PERIOD OF LAPSED AGREEMENT AUTHORITY.—(1) In the case of an officer described in section 301b(b) of title 37, United States Code, who executes an agreement described in paragraph (2) during the 90-day period beginning on the date of the enactment of this Act, the Secretary concerned may treat the agreement for purposes of the retention bonus authorized under the agreement as having been executed and accepted on the first date on which the officer would have qualified for such an agreement had the amendment made by subsection (a) taken effect on October 1, 1995.

(2) An agreement referred to in this subsection is a service agreement with the Secretary concerned that is a condition for the payment of a retention bonus under section 301b of title 37, United States Code.

(3) For purposes of this subsection, the term "Secretary concerned" has the meaning given that term in section 101(5) of title 37, United States Code.

SEC. 614. CODIFICATION AND EXTENSION OF SPECIAL PAY FOR CRITICALLY SHORT WARTIME HEALTH SPECIALISTS IN THE SELECTED RESERVES.

(a) SPECIAL PAY AUTHORIZED.—(1) Chapter 5 of title 37, United States Code, is amended by inserting after section 302f the following new section:

"§302g. Special pay: Selected Reserve health care professionals in critically short wartime specialties

"(a) SPECIAL PAY AUTHORIZED.—An officer of a reserve component of the armed forces described in subsection (b) who executes a written agreement under which the officer agrees to serve in the Selected Reserve of an armed force for a period of not less than one year nor more than three years, beginning on the date the officer accepts the award of special pay under this section, may be paid special pay at an annual rate not to exceed $10,000.

"(b) ELIGIBLE OFFICERS.—An officer referred to in subsection (a) is an officer in a health care profession who is qualified in a specialty designated by regulations as a critically short wartime specialty.

"(c) TIME FOR PAYMENT.—Special pay under this section shall be paid annually at the beginning of each twelve-month period for which the officer has agreed to serve.

"(d) REFUND REQUIREMENT.—An officer who voluntarily terminates service in the Selected Reserve of an armed force before the end of the period for which a payment was made to such officer under this section shall refund to the United States the full amount of the payment made for the period on which the payment was based.

"(e) INAPPLICABILITY OF DISCHARGE IN BANKRUPTCY.—A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an agreement under this section does not discharge the person receiving special pay under the agreement from the debt arising under the agreement.

"(f) TERMINATION OF AGREEMENT AUTHORITY.—No agreement under this section may be entered into after September 30, 1997.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 302f the following new item:

"302g. Special pay: Selected Reserve health care professionals in critically short wartime specialties.".

(b) CONFORMING AMENDMENT.—Section 303a of title 37, United States Code is amended by striking out "302, 302a, 302b, 302c, 302d, 302e," each place it appears and inserting in lieu thereof "302 through 302g,".

(c) CONFORMING REPEAL.—(1) Section 613 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 37 U.S.C. 302 note) is repealed.

(2) The provisions of section 613 of the National Defense Authorization Act, Fiscal Year 1989, as in effect on the day before the date of the enactment of this Act, shall continue to apply to agreements entered into under such section before such date.

SEC. 615. HAZARDOUS DUTY INCENTIVE PAY FOR WARRANT OFFICERS AND ENLISTED MEMBERS SERVING AS AIR WEAPONS CONTROLLERS.

(a) INCLUSION OF ADDITIONAL MEMBERS.—Subsection (a)(11) of section 301 of title 37, United States Code, is amended by striking out "an officer (other than a warrant officer)" and inserting in lieu thereof "a member".

(b) CALCULATION OF HAZARDOUS DUTY INCENTIVE PAY.—The table in subparagraph (A) of subsection (c)(2) of such section is amended to read as follows:

"Pay grade	Years of service as an air weapons controller						
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10
"O–7 and above	$200	$200	$200	$200	$200	$200	$200
"O–6	225	250	300	325	350	350	350
"O–5	200	250	300	325	350	350	350
"O–4	175	225	275	300	350	350	350
"O–3	125	156	188	206	350	350	350
"O–2	125	156	188	206	250	300	300
"O–1	125	156	188	206	250	250	250
"W–4	200	225	275	300	325	325	325
"W–3	175	225	275	300	325	325	325
"W–2	150	200	250	275	325	325	325
"W–1	100	125	150	175	325	325	325
"E–9	200	225	250	275	300	300	300
"E–8	200	225	250	275	300	300	300
"E–7	175	200	225	250	275	275	275
"E–6	156	175	200	225	250	250	250
"E–5	125	156	175	188	200	200	200
"E–4 and below	125	156	175	188	200	200	200

	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 24	Over 25
"O–7 and above	$200	$200	$200	$200	$200	$200	$200	$110
"O–6	350	350	350	350	300	250	250	225
"O–5	350	350	350	350	300	250	250	225
"O–4	350	350	350	350	300	250	250	225

"Pay grade	Years of service as an air weapons controller							
	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 24	Over 25
"O–3	350	350	350	300	275	250	225	200
"O–2	300	300	300	275	245	210	200	180
"O–1	250	250	250	245	210	200	180	150
"W–4	325	325	325	325	276	250	225	200
"W–3	325	325	325	325	325	250	225	200
"W–2	325	325	325	325	275	250	225	200
"W–1	325	325	325	325	275	250	225	200
"E–9	300	300	300	300	275	230	200	200
"E–8	300	300	300	300	265	230	200	200
"E–7	300	300	300	300	265	230	200	200
"E–6	300	300	300	300	265	230	200	200
"E–5	250	250	250	250	225	200	175	150
"E–4 and below	200	200	200	200	175	150	125	125".

(c) CONFORMING AMENDMENTS.—Subsection (c)(2) of such section is further amended—

(1) by striking out "an officer" each place it appears and inserting in lieu thereof "a member"; and

(2) by striking out "the officer" each place it appears and inserting in lieu thereof "the member".

SEC. 616. AVIATION CAREER INCENTIVE PAY.

(a) YEARS OF OPERATIONAL FLYING DUTIES REQUIRED.—Paragraph (4) of section 301a(a) of title 37, United States Code, is amended in the first sentence by striking out "9" and inserting in lieu thereof "8".

(b) EXERCISE OF WAIVER AUTHORITY.—Paragraph (5) of such section is amended by inserting after the second sentence the following new sentence: "The Secretary concerned may not delegate the authority in the preceding sentence to permit the payment of incentive pay under this subsection.".

SEC. 617. CLARIFICATION OF AUTHORITY TO PROVIDE SPECIAL PAY FOR NURSES.

Section 302c(d)(1) of title 37, United States Code, is amended—

(1) by striking out "or" after "Air Force,"; and

(2) by inserting before the semicolon the following: ", an officer of the Nurse Corps of the Army or Navy, or an officer of the Air Force designated as a nurse".

SEC. 618. CONTINUOUS ENTITLEMENT TO CAREER SEA PAY FOR CREW MEMBERS OF SHIPS DESIGNATED AS TENDERS.

Subparagraph (A) of section 305a(d)(1) of title 37, United States Code, is amended to read as follows:

"(A) while permanently or temporarily assigned to a ship, ship-based staff, or ship-based aviation unit and—

"(i) while serving on a ship the primary mission of which is accomplished while under way;

"(ii) while serving as a member of the off-crew of a two-crewed submarine; or

"(iii) while serving as a member of a tender-class ship (with the hull classification of submarine or destroyer); or".

SEC. 619. INCREASE IN MAXIMUM RATE OF SPECIAL DUTY ASSIGNMENT PAY FOR ENLISTED MEMBERS SERVING AS RECRUITERS.

(a) SPECIAL MAXIMUM RATE FOR RECRUITERS.—Section 307(a) of title 37, United States Code, is amended by adding at the end the following new sentence: "In the case of a member who is serving as a military recruiter and is eligible for special duty assignment pay under this subsection on account of such duty, the Secretary concerned may increase the monthly rate of special duty assignment pay for the member to not more than $375.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 1996.

Subtitle C—Travel and Transportation Allowances

SEC. 621. REPEAL OF REQUIREMENT REGARDING CALCULATION OF ALLOWANCES ON BASIS OF MILEAGE TABLES.

Section 404(d)(1)(A) of title 37, United States Code, is amended by striking out ", based on distances established over the shortest usually traveled route, under mileage tables prepared under the direction of the Secretary of Defense".

SEC. 622. DEPARTURE ALLOWANCES.

(a) ELIGIBILITY WHEN EVACUATION AUTHORIZED BUT NOT ORDERED.—Section 405a(a) of title 37, United States Code, is amended by striking out "ordered" each place it appears and inserting in lieu thereof "authorized or ordered".

(b) APPLICATION OF AMENDMENT.—The amendment made by subsection (a) shall apply with respect to persons authorized or ordered to depart as described in section 405a(a) of title 37, United States Code, on or after October 1, 1995.

SEC. 623. TRANSPORTATION OF NONDEPENDENT CHILD FROM MEMBER'S STATION OVERSEAS AFTER LOSS OF DEPENDENT STATUS WHILE OVERSEAS.

Section 406(h)(1) of title 37, United States Code, is amended in the last sentence—

(1) by striking out "who became 21 years of age" and inserting in lieu thereof "who, by reason of age or graduation from (or cessation of enrollment in) an institution of higher education, would otherwise cease to be a dependent of the member"; and

(2) by inserting "still" after "shall".

SEC. 624. AUTHORIZATION OF DISLOCATION ALLOWANCE FOR MOVES IN CONNECTION WITH BASE REALIGNMENTS AND CLOSURES.

(a) DISLOCATION ALLOWANCE AUTHORIZED.—Subsection (a) of section 407 of title 37, United States Code, is amended—

(1) by striking out "or" at the end of paragraph (3);

(2) by striking out the period at the end of paragraph (4)(B) and inserting in lieu thereof "; or"; and

(3) by inserting after paragraph (4)(B) the following new paragraph:

"(5) the member is ordered to move in connection with the closure or realignment of a military installation and, as a result, the member's dependents actually move or, in the case of a member without dependents, the member actually moves.".

(b) CONFORMING AMENDMENTS.—(1) The last sentence of such subsection is amended—

(A) by striking out "clause (3) or (4)(B)" and inserting in lieu thereof "paragraph (3) or (4)(B)"; and

(B) by striking out "clause (1)" and inserting in lieu thereof "paragraph (1) or (5)".

(2) Subsection (b) of such section is amended—

(A) by striking out "subsection (a)(3) or (a)(4)(B)" in the first sentence and inserting in lieu thereof "paragraph (3) or (4)(B) of subsection (a)"; and

(B) by striking out "subsection (a)(1)" in the second sentence and inserting in lieu thereof "paragraph (1) or (5) of subsection (a)".

Subtitle D—Retired Pay, Survivor Benefits, and Related Matters

SEC. 631. EFFECTIVE DATE FOR MILITARY RETIREE COST-OF-LIVING ADJUSTMENTS FOR FISCAL YEARS 1996, 1997, AND 1998.

(a) ADJUSTMENT OF EFFECTIVE DATES.—Subparagraph (B) of section 1401a(b)(2) of title 10, United States Code, is amended to read as follows:

"(B) SPECIAL RULES FOR FISCAL YEARS 1996 AND 1998.—

"(i) FISCAL YEAR 1996.—In the case of the increase in retired pay that, pursuant to paragraph (1), becomes effective on December 1, 1995, the initial month for which such increase is payable as part of such retired pay shall (notwithstanding such December 1 effective date) be March 1996.

"(ii) FISCAL YEAR 1998.—In the case of the increase in retired pay that, pursuant to paragraph (1), becomes effective on December 1, 1997, the initial month for which such increase is payable as part of such retired pay shall (notwithstanding such December 1 effective date) be September 1998.".

(b) CONTINGENT ALTERNATIVE DATE FOR FISCAL YEAR 1998.—(1) If a civil service retiree cola that becomes effective during fiscal year 1998 becomes effective on a date other than the date on which a military retiree cola during that fiscal year is specified to become effective under subparagraph (B) of section 1401a(b)(2) of title 10, United States Code, as amended by subsection (a), then the increase in military retired and retainer pay shall become payable as part of such retired and retainer pay effective on the same date on which such civil service retiree cola becomes effective (notwithstanding the date otherwise specified in such subparagraph (B)).

(2) Paragraph (1) does not apply with respect to the retired pay of a person retired under chapter 61 of title 10, United States Code.

(3) For purposes of this subsection:

(A) The term "civil service retiree cola" means an increase in annuities under the Civil Service Retirement System either under section 8340(b) of title 5, United States Code, or pursuant to a law providing a general increase in such annuities.

(B) The term "military retiree cola" means an adjustment in retired and retainer pay pursuant to section 1401a(b) of title 10, United States Code.

(c) REPEAL OF PRIOR CONDITIONAL ENACTMENT.—Section 8114A(b) of Public Law 103–335 (108 Stat. 2648) is repealed.

SEC. 632. DENIAL OF NON-REGULAR SERVICE RETIRED PAY FOR RESERVES RECEIVING CERTAIN COURT-MARTIAL SENTENCES.

(a) IN GENERAL.—(1) Chapter 1223 of title 10, United States Code, is amended by adding at the end the following new section:

"§12740. Eligibility: denial upon certain punitive discharges or dismissals

"A person who—

"(1) is convicted of an offense under the Uniform Code of Military Justice (chapter 47 of this title) and whose sentence includes death; or

"(2) is separated pursuant to sentence of a court-martial with a dishonorable discharge, a bad conduct discharge, or (in the case of an officer) a dismissal,

is not eligible for retired pay under this chapter.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"12740. Eligibility: denial upon certain punitive discharges or dismissals.".

(b) EFFECTIVE DATE.—Section 12740 of title 10, United States Code, as added by subsection (a), shall apply with respect to court-martial sentences adjudged after the date of the enactment of this Act.

SEC. 633. REPORT ON PAYMENT OF ANNUITIES FOR CERTAIN MILITARY SURVIVING SPOUSES.

(a) STUDY REQUIRED.—(1) The Secretary of Defense shall conduct a study to determine the number of potential beneficiaries there would be if Congress were to enact authority for the Secretary of the military department concerned to pay an annuity to the qualified surviving spouse of each member of the Armed Forces who—

(A) died before March 21, 1974, and was entitled to retired or retainer pay on the date of death; or

(B) was a member of a reserve component who died during the period beginning on September 21, 1972, and ending on October 1, 1978, and at the time of death would have been entitled to retired pay under chapter 67 of title 10, United States Code, but for the fact that he was under 60 years of age.

(2) A qualified surviving spouse for purposes of paragraph (1) is a surviving spouse who has not remarried and who is not eligible for an annuity under section 4 of Public Law 92–425 (10 U.S.C. 1448 note).

(b) REQUIRED DETERMINATIONS.—As part of the study under subsection (a), the Secretary shall determine the following:

(1) The number of unremarried surviving spouses of deceased members and deceased former members of the Armed Forces referred to in subparagraph (A) of subsection (a)(1) who would be eligible for an annuity under authority described in such subsection.

(2) The number of unremarried surviving spouses of deceased members and deceased former members of reserve components referred to in subparagraph (B) of subsection (a)(1) who would be eligible for an annuity under authority described in such subsection.

(3) The number of persons in each group of unremarried former spouses described in paragraphs (1) and (2) who are receiving a widow's insurance benefit or a widower's insurance benefit under title II of the Social Security Act on the basis of employment of a deceased member or deceased former member referred to in subsection (a)(1).

(c) REPORT.—Not later than March 1, 1996, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the results of the study under this section. The Secretary shall include in the report a recommendation on the amount of the annuity that should be authorized to be paid under any authority described in subsection (a)(1), together with a recommendation on whether the annuity should be adjusted annually to offset increases in the cost of living.

SEC. 634. PAYMENT OF BACK QUARTERS AND SUBSISTENCE ALLOWANCES TO WORLD WAR II VETERANS WHO SERVED AS GUERILLA FIGHTERS IN THE PHILIPPINES.

(a) IN GENERAL.—The Secretary of the military department concerned shall pay, upon request, to an individual described in subsection (b) the amount determined with respect to that individual under subsection (c).

(b) COVERED INDIVIDUALS.—A payment under subsection (a) shall be made to any individual who as a member of the Armed Forces during World War II—

(1) was captured on the Island of Bataan in the territory of the Philippines by Japanese forces;

(2) participated in the Bataan Death March;

(3) escaped from captivity; and

(4) served as a guerilla fighter in the Philippines during the period from January 1942 through February 1945.

(c) AMOUNT TO BE PAID.—The amount of a payment under subsection (a) shall be the amount of quarters and subsistence allowance which accrued to an individual described in subsection (b) during the period specified in paragraph (4) of subsection (b) and which was not paid to that individual. The Secretary shall apply interest compounded at the three-month Treasury bill rate.

(d) PAYMENT TO SURVIVORS.—In the case of any individual described in subsection (b) who is deceased, payment under this section with respect to that individual shall be made to that individual's nearest surviving relative, as determined by the Secretary concerned.

SEC. 635. AUTHORITY FOR RELIEF FROM PREVIOUS OVERPAYMENTS UNDER MINIMUM INCOME WIDOWS PROGRAM.

(a) AUTHORITY.—The Secretary of Defense may waive recovery by the United States of any overpayment by the United States described in subsection (b). In the case of any such waiver, any debt to the United States arising from such overpayment is forgiven.

(b) COVERED OVERPAYMENTS.—Subsection (a) applies in the case of an overpayment by the United States that—

(1) was made before the date of the enactment of this Act under section 4 of Public Law 92–425 (10 U.S.C. 1448 note); and

(2) is attributable to failure by the Department of Defense to apply the eligibility provisions of subsection (a) of such section in the case of the person to whom the overpayment was made.

SEC. 636. TRANSITIONAL COMPENSATION FOR DEPENDENTS OF MEMBERS OF THE ARMED FORCES SEPARATED FOR DEPENDENT ABUSE.

(a) COVERAGE OF PROGRAM.—Subsection (a) of section 1059 of title 10, United States Code, is amended by adding at the end the following: "Upon establishment of such a program, the program shall apply in the case of each such member described in subsection (b) who is under the jurisdiction of the Secretary establishing the program.".

(b) CLARIFICATION OF PAYMENT TO DEPENDENTS OF MEMBERS NOT DISCHARGED.—Subsection (d) of such section is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking out "any case of a separation from active duty as described in subsection (b)" and inserting in lieu thereof "the case of any individual described in subsection (b)"; and

(B) by striking "former member" and inserting in lieu thereof "individual";

(2) in paragraph (1)—

(A) by striking out "former member" and inserting in lieu thereof "individual"; and

(B) by striking out "member" and inserting in lieu there of "individual";

(3) in paragraph (2), by striking out "former member" both places it appears and inserting in lieu thereof "individual described in subsection (b)";

(4) in paragraph (3), by striking out "former member" and inserting in lieu thereof "individual described in subsection (b)"; and

(5) in paragraph (4), by striking out "member" both places it appears and inserting in lieu thereof "individual described in subsection (b)".

(c) EFFECTIVE DATE.—Section 554(b) of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 1059 note) is amended—

(1) in paragraph (1), by striking out "on or after the date of the enactment of this Act" and inserting in lieu thereof "after November 29, 1993"; and

(2) by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) Payments of transitional compensation under that section in the case of any person eligible to receive payments under that section shall be made for each month after November 1993 for which that person may be paid transitional compensation in accordance with that section.".

Subtitle E—Other Matters

SEC. 641. PAYMENT TO SURVIVORS OF DECEASED MEMBERS FOR ALL LEAVE ACCRUED.

(a) INAPPLICABILITY OF 60-DAY LIMITATION.—Section 501(d) of title 37, United States Code, is amended—

(1) in paragraph (1), by striking out the third sentence; and

(2) by striking out paragraph (2) and inserting in lieu thereof the following new paragraph:

"(2) The limitations in the second sentence of subsection (b)(3), subsection (f), and the second sentence of subsection (g) shall not apply with respect to a payment made under this subsection.".

(b) CONFORMING AMENDMENT.—Section 501(f) of such title is amended by striking out ", (d)," in the first sentence.

SEC. 642. REPEAL OF REPORTING REQUIREMENTS REGARDING COMPENSATION MATTERS.

(a) REPORT ON TRAVEL AND TRANSPORTATION ALLOWANCES FOR DEPENDENTS.—(1) Section 406 of title 37, United States Code, is amended—

(A) by striking out subsection (i); and

(B) by redesignating subsections (j), (k), (l), (m), and (n) as subsections (i), (j), (k), (l), and (m), respectively.

(2) Section 2634(d) of title 10, United States Code, is amended by striking out "section 406(l) of title 37" and inserting in lieu thereof "section 406(k) of title 37".

(b) ANNUAL REVIEW OF PAY AND ALLOWANCES.—Section 1008(a) of title 37, United States Code, is amended by striking out the second sentence.

(c) REPORT ON QUADRENNIAL REVIEW OF ADJUSTMENTS IN COMPENSATION.—Section 1009(f) of such title is amended by striking out "of this title," and all that follows through the period at the end and inserting in lieu thereof "of this title.".

SEC. 643. RECOUPMENT OF ADMINISTRATIVE EXPENSES IN GARNISHMENT ACTIONS.

(a) IN GENERAL.—Subsection (j) of section 5520a of title 5, United States Code, is amended by striking out paragraph (2) and inserting in lieu thereof the following new paragraph:

"(2) Such regulations shall provide that an agency's administrative costs incurred in executing legal process to which the agency is subject under this section shall be deducted from the amount withheld from the pay of the employee concerned pursuant to the legal process.".

(b) INVOLUNTARY ALLOTMENTS OF PAY OF MEMBERS OF THE UNIFORMED SERVICES.—Subsection (k) of such section is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph:

"(3) Regulations under this subsection may also provide that the administrative costs incurred in establishing and maintaining an involuntary allotment be deducted from the amount withheld from the pay of the member of the uniformed services concerned pursuant to such regulations.".

(c) DISPOSITION OF AMOUNTS WITHHELD FOR ADMINISTRATIVE EXPENSES.—Such section is further amended by adding at the end the following:

"(l) The amount of an agency's administrative costs deducted under regulations prescribed pursuant to subsection (j)(2) or (k)(3) shall be credited to the appropriation, fund, or account from which such administrative costs were paid.".

SEC. 644. REPORT ON EXTENDING TO JUNIOR NONCOMMISSIONED OFFICERS PRIVILEGES PROVIDED FOR SENIOR NONCOMMISSIONED OFFICERS.

(a) REPORT REQUIRED.—Not later than February 1, 1996, the Secretary of Defense shall submit to Congress a report containing the determinations of the Secretary regarding whether, in order to improve the working conditions of noncommissioned officers in pay grades E–5 and E–6, any of the privileges afforded noncommissioned officers in any of the pay grades above E–6 should be extended to noncommissioned officers in pay grades E–5 and E–6.

(b) SPECIFIC RECOMMENDATION REGARDING ELECTION OF BAS.—The Secretary shall include in the report a determination on whether noncommissioned officers in pay grades E–5 and E–6 should be afforded the same privilege as noncommissioned officers in pay grades above E–6 to elect to mess separately and receive the basic allowance for subsistence.

(c) ADDITIONAL MATTERS.—The report shall also contain a discussion of the following matters:

(1) The potential costs of extending additional privileges to noncommissioned officers in pay grades E–5 and E–6.

(2) The effects on readiness that would result from extending the additional privileges.

(3) The options for extending the privileges on an incremental basis over an extended period.

(d) RECOMMENDED LEGISLATION.—The Secretary shall include in the report any recommended legislation that the Secretary considers necessary in order to authorize extension of a privilege as determined appropriate under subsection (a).

SEC. 645. STUDY REGARDING JOINT PROCESS FOR DETERMINING LOCATION OF RECRUITING STATIONS.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study regarding the feasibility of—

(1) using a joint process among the Armed Forces for determining the location of recruiting stations and the number of military personnel required to operate such stations; and

(2) basing such determinations on market research and analysis conducted jointly by the Armed Forces.

(b) REPORT.—Not later than March 31, 1996, the Secretary of Defense shall submit to Congress a report describing the results of the study. The report shall include a recommended method for measuring the efficiency of individual recruiting stations, such as cost per accession or other efficiency standard, as determined by the Secretary.

SEC. 646. AUTOMATIC MAXIMUM COVERAGE UNDER SERVICEMEN'S GROUP LIFE INSURANCE.

Effective April 1, 1996, section 1967 of title 38, United States Code, is amended—

(1) in subsections (a) and (c), by striking out "$100,000" each place it appears and inserting in lieu thereof in each instance "$200,000";

(2) by striking out subsection (e); and

(3) by redesignating subsection (f) as subsection (e).

SEC. 647. TERMINATION OF SERVICEMEN'S GROUP LIFE INSURANCE FOR MEMBERS OF THE READY RESERVE WHO FAIL TO PAY PREMIUMS.

(a) AUTHORITY.—Section 1969(a)(2) of title 38, United States Code, is amended—

(1) by inserting "(A)" after "(2)"; and

(2) by adding at the end the following:

"(B) If an individual who is required pursuant to subparagraph (A) to make a direct remittance of costs to the Secretary concerned fails to make the required remittance within 60 days of the date on which such remittance is due, such individual's insurance with respect to which such remittance is required shall be terminated by the Secretary concerned. Such termination shall be made by written notice to the individual's official address and shall be effective 60 days after the date of such notice. Such termination of insurance may be vacated if, before the effective date of termination, the individual remits all amounts past due for such insurance and demonstrates to the satisfaction of the Secretary concerned that the failure to make timely remittances was justifiable.".

(b) CONFORMING AMENDMENT.—Section 1968(a) is amended by inserting "(or discontinued pursuant to section 1969(a)(2)(B) of this title)" in the matter preceding paragraph (1) after "upon the written request of the insured".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on April 1, 1996.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Health Care Services

SEC. 701. MODIFICATION OF REQUIREMENTS REGARDING ROUTINE PHYSICAL EXAMINATIONS AND IMMUNIZATIONS UNDER CHAMPUS.

Section 1079(a) of title 10, United States Code, is amended by striking out paragraph (2) and inserting in lieu thereof the following new paragraph:

"(2) consistent with such regulations as the Secretary of Defense may prescribe regarding the content of health promotion and disease prevention visits, the schedule of pap smears and mammograms, and the types and schedule of immunizations—

"(A) for dependents under six years of age, both health promotion and disease prevention visits and immunizations may be provided; and

"(B) for dependents six years of age or older, health promotion and disease prevention visits may be provided in connection with immunizations or with diagnostic or preventive pap smears and mammograms;".

SEC. 702. CORRECTION OF INEQUITIES IN MEDICAL AND DENTAL CARE AND DEATH AND DISABILITY BENEFITS FOR CERTAIN RESERVES.

(a) MEDICAL AND DENTAL CARE.—Section 1074a(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3) Each member of the armed forces who incurs or aggravates an injury, illness, or disease in the line of duty while remaining overnight, between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training, if the site is outside reasonable commuting distance from the member's residence.".

(b) RECOVERY, CARE, AND DISPOSITION OF REMAINS.—Section 1481(a)(2) of title 10, United States Code, is amended—

(1) in subparagraph (C), by striking out "or" at the end of the subparagraph;

(2) by redesignating subparagraph (D) as subparagraph (E); and

(3) by inserting after subparagraph (C) the following new subparagraph:

"(D) remaining overnight, between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training, if the site is outside reasonable commuting distance from the member's residence; or".

(c) ENTITLEMENT TO BASIC PAY.—(1) Subsection (g)(1) of section 204 of title 37, United States Code, is amended—

(A) in subparagraph (B), by striking out "or" at the end of the subparagraph;

(B) in subparagraph (C), by striking out the period at the end of the subparagraph and inserting in lieu thereof "; or"; and

(C) by inserting after subparagraph (C) the following new subparagraph:

"(D) in line of duty while remaining overnight, between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training, if the site is outside reasonable commuting distance from the member's residence.".

(2) Subsection (h)(1) of such section is amended—

(A) in subparagraph (B), by striking out "or" at the end of the subparagraph;

(B) in subparagraph (C), by striking out the period at the end of the subparagraph and inserting in lieu thereof "; or"; and

(C) by inserting after subparagraph (C) the following new subparagraph:

"(D) in line of duty while remaining overnight, between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training, if the site is outside reasonable commuting distance from the member's residence.".

(d) COMPENSATION FOR INACTIVE-DUTY TRAINING.—Section 206(a)(3) of title 37, United States Code, is amended—

(1) in subparagraph (A), by striking out "or" at the end of clause (ii);

(2) in subparagraph (B), by striking out the period at the end of the subparagraph and inserting in lieu thereof "; or"; and

(3) by inserting after subparagraph (B) the following new subparagraph:

"(C) in line of duty while remaining overnight, between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training, if the site is outside reasonable commuting distance from the member's residence.".

SEC. 703. MEDICAL CARE FOR SURVIVING DEPENDENTS OF RETIRED RESERVES WHO DIE BEFORE AGE 60.

(a) CHANGE IN ELIGIBILITY REQUIREMENTS.—Paragraph (2) of section 1076(b) of title 10, United States Code, is amended—

(1) by striking out "death (A) would" and inserting in lieu thereof "death would"; and

(2) by striking out ", and (B) had elected to participate in the Survivor Benefit Plan established under subchapter II of chapter 73 of this title".

(b) CONFORMING AMENDMENTS.—Such paragraph is further amended—

(1) in the matter following paragraph (2), by striking out "clause (2)" the first place it appears and inserting in lieu thereof "paragraph (2)"; and

(2) by striking out the second sentence.

SEC. 704. MEDICAL AND DENTAL CARE FOR MEMBERS OF THE SELECTED RESERVE ASSIGNED TO EARLY DEPLOYING UNITS OF THE ARMY SELECTED RESERVE.

(a) ANNUAL MEDICAL AND DENTAL SCREENINGS AND CARE.—Section 1074a of title 10, United States Code, is amended—

(1) in subsection (c), by striking out "this section" and inserting in lieu thereof "subsection (b)"; and

(2) by adding at the end the following new subsection:

"(d)(1) The Secretary of the Army shall provide to members of the Selected Reserve of the

Army who are assigned to units scheduled for deployment within 75 days after mobilization the following medical and dental services:

"(A) An annual medical screening.

"(B) For members who are over 40 years of age, a full physical examination not less often than once every two years.

"(C) An annual dental screening.

"(D) The dental care identified in an annual dental screening as required to ensure that a member meets the dental standards required for deployment in the event of mobilization.

"(2) The services provided under this subsection shall be provided at no cost to the member.".

(b) CONFORMING REPEALS.—Sections 1117 and 1118 of the Army National Guard Combat Readiness Reform Act of 1992 (title XI of Public Law 102–484; 10 U.S.C. 3077 note) are repealed.

SEC. 705. DENTAL INSURANCE FOR MEMBERS OF THE SELECTED RESERVE.

(a) PROGRAM AUTHORIZATION.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1076a the following new section:

"§ 1076b. Selected Reserve dental insurance

"(a) AUTHORITY TO ESTABLISH PLAN.—The Secretary of Defense shall establish a dental insurance plan for members of the Selected Reserve of the Ready Reserve. The plan shall provide for voluntary enrollment and for premium sharing between the Department of Defense and the members enrolled in the plan. The plan shall be administered under regulations prescribed by the Secretary of Defense.

"(b) PREMIUM SHARING.—(1) A member enrolling in the dental insurance plan shall pay a share of the premium charged for the insurance coverage. The member's share may not exceed $25 per month.

"(2) The Secretary of Defense may reduce the monthly premium required to be paid by enlisted members under paragraph (1) if the Secretary determines that the reduction is appropriate in order to assist enlisted members to participate in the dental insurance plan.

"(3) A member's share of the premium for coverage by the dental insurance plan shall be deducted and withheld from the basic pay payable to the member for inactive duty training and from the basic pay payable to the member for active duty.

"(4) The Secretary of Defense shall pay the portion of the premium charged for coverage of a member under the dental insurance plan that exceeds the amount paid by the member.

"(c) BENEFITS AVAILABLE UNDER THE PLAN.—The dental insurance plan shall provide benefits for basic dental care and treatment, including diagnostic services, preventative services, basic restorative services, and emergency oral examinations.

"(d) TERMINATION OF COVERAGE.—The coverage of a member by the dental insurance plan shall terminate on the last day of the month in which the member is discharged, transfers to the Individual Ready Reserve, Standby Reserve, or Retired Reserve, or is ordered to active duty for a period of more than 30 days.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1076a the following:

"1076b. Selected Reserve dental insurance.".

(b) IMPLEMENTATION.—Beginning not later than October 1, 1996, the Secretary of Defense shall offer members of the Selected Reserve the opportunity to enroll in the dental insurance plan required under section 1076b of title 10, United States Code (as added by subsection (a)). During fiscal year 1996, the Secretary shall collect such information and complete such planning and other preparations as are necessary to offer and administer the dental insurance plan by that date. The activities undertaken by the Secretary under this subsection during fiscal year 1996 may include—

(1) surveys; and

(2) tests, in not more than three States, of a dental insurance plan or alternative dental insurance plans meeting the requirements of section 1076b of title 10, United States Code.

SEC. 706. PERMANENT AUTHORITY TO CARRY OUT SPECIALIZED TREATMENT FACILITY PROGRAM.

Section 1105 of title 10, United States Code, is amended by striking out subsection (h).

Subtitle B—TRICARE Program

SEC. 711. DEFINITION OF TRICARE PROGRAM.

For purposes of this subtitle, the term "TRICARE program" 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.

SEC. 712. PRIORITY USE OF MILITARY TREATMENT FACILITIES FOR PERSONS ENROLLED IN MANAGED CARE INITIATIVES.

Section 1097(c) of title 10, United States Code, is amended in the third sentence by striking out "However, the Secretary may" and inserting in lieu thereof "Notwithstanding the preferences established by sections 1074(b) and 1076 of this title, the Secretary shall".

SEC. 713. STAGGERED PAYMENT OF ENROLLMENT FEES FOR TRICARE PROGRAM.

Section 1097(e) of title 10, United States Code, is amended by adding at the end the following new sentence: "Without imposing additional costs on covered beneficiaries who participate in contracts for health care services under this section or health care plans offered under section 1099 of this title, the Secretary shall permit such covered beneficiaries to pay, on a quarterly basis, any enrollment fee required for such participation.".

SEC. 714. REQUIREMENT OF BUDGET NEUTRALITY FOR TRICARE PROGRAM TO BE BASED ON ENTIRE PROGRAM.

(a) CHANGE IN BUDGET NEUTRALITY REQUIREMENTS.—Subsection (c) of section 731 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 1073 note) is amended—

(1) by striking out "each managed health care initiative that includes the option" and inserting in lieu thereof "the TRICARE program"; and

(2) by striking out "covered beneficiaries who enroll in the option" and inserting in lieu thereof "members of the uniformed services and covered beneficiaries who participate in the TRICARE program".

(b) ADDITION OF DEFINITION OF TRICARE PROGRAM.—Subsection (d) of such section is amended to read as follows:

"(d) DEFINITIONS.—For purposes of this section:

"(1) The term 'covered beneficiary' means a beneficiary under chapter 55 of title 10, United States Code, other than a beneficiary under section 1074(a) of such title.

"(2) The term 'TRICARE program' 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.".

SEC. 715. TRAINING IN HEALTH CARE MANAGEMENT AND ADMINISTRATION FOR TRICARE LEAD AGENTS.

(a) PROVISION OF TRAINING.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall implement a professional educational program to provide appropriate training in health care management and administration—

(1) to each commander of a military medical treatment facility of the Department of Defense who is selected to serve as a lead agent to coordinate the delivery of health care by military and civilian providers under the TRICARE program; and

(2) to appropriate members of the support staff of the treatment facility who will be responsible for daily operation of the TRICARE program.

(b) REPORT ON IMPLEMENTATION.—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 professional educational program implemented pursuant to this section.

SEC. 716. PILOT PROGRAM OF INDIVIDUALIZED RESIDENTIAL MENTAL HEALTH SERVICES.

(a) PROGRAM REQUIRED.—(1) During fiscal year 1996, the Secretary of Defense, in consultation with the other administering Secretaries under chapter 55 of title 10, United States Code, shall implement a pilot program to provide residential and wraparound services to children described in paragraph (2) who are in need of mental health services. The Secretary shall implement the pilot program for an initial period of at least two years in a military health care region in which the TRICARE program has been implemented.

(2) A child shall be eligible for selection to participate in the pilot program if the child is a dependent (as described in subparagraph (D) or (I) of section 1072(2) of title 10, United States Code) who—

(A) is eligible for health care under section 1079 or 1086 of such title; and

(B) has a serious emotional disturbance that is generally regarded as amenable to treatment.

(b) WRAPAROUND SERVICES DEFINED.—For purposes of this section, the term "wraparound services" means individualized mental health services that are provided principally to allow a child to remain in the family home or other least-restrictive and least-costly setting, but also are provided as an aftercare planning service for children who have received acute or residential care. Such term includes montraditional mental health services that will assist the child to be maintained in the least-restrictive and least-costly setting.

(c) PILOT PROGRAM AGREEMENT.—Under the pilot program the Secretary of Defense shall enter into one or more agreements that require a mental health services provider under the agreement—

(1) to provide wraparound services to a child described in subsection (a)(2);

(2) to continue to provide such services as needed during the period of the agreement even if the child moves to another location within the same TRICARE program region during that period; and

(3) to share financial risk by accepting as a maximum annual payment for such services a case-rate reimbursement not in excess of the amount of the annual standard CHAMPUS residential treatment benefit payable (as determined in accordance with section 8.1 of chapter 3 of volume II of the CHAMPUS policy manual).

(d) REPORT.—Not later than March 1, 1998, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the program carried out under this section. The report shall contain—

(1) an assessment of the effectiveness of the program; and

(2) the Secretary's views regarding whether the program should be implemented throughout the military health care system.

SEC. 717. EVALUATION AND REPORT ON TRICARE PROGRAM EFFECTIVENESS.

(a) EVALUATION REQUIRED.—The Secretary of Defense shall arrange for an on-going evaluation of the effectiveness of the TRICARE program in meeting the goals of increasing the access of covered beneficiaries under chapter 55 of title 10, United States Code, to health care and improving the quality of health care provided to covered beneficiaries, without increasing the costs incurred by the Government or covered beneficiaries. The evaluation shall specifically address—

(1) the impact of the TRICARE program on military retirees with regard to access, costs, and quality of health care services; and

(2) identify noncatchment areas in which the health maintenance organization option of the TRICARE program is available or is proposed to become available.

(b) ENTITY TO CONDUCT EVALUATION.—The Secretary may use a federally funded research and development center to conduct the evaluation required by subsection (a).

(c) ANNUAL REPORT.—Not later than March 1, 1997, and each March 1 thereafter, the Secretary shall submit to Congress a report describing the results of the evaluation under subsection (a) during the preceding year.

SEC. 718. SENSE OF CONGRESS REGARDING ACCESS TO HEALTH CARE UNDER TRICARE PROGRAM FOR COVERED BENEFICIARIES WHO ARE MEDICARE ELIGIBLE.

(a) FINDINGS.—Congress finds the following:

(1) Medical care provided in facilities of the uniformed services is generally less expensive to the Federal Government than the same care provided at Government expense in the private sector.

(2) Covered beneficiaries under the military health care provisions of chapter 55, United States Code, who are eligible for medicare under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) deserve health care options that empower them to choose the health plan that best fits their needs.

(b) SENSE OF CONGRESS.—In light of the findings specified in subsection (a), it is the sense of Congress that—

(1) the Secretary of Defense should develop a program to ensure that such covered beneficiaries who reside in a region in which the TRICARE program has been implemented continue to have adequate access to health care services after the implementation of the TRICARE program; and

(2) as a means of ensuring such access, the budget for fiscal year 1997 submitted by the President under section 1105 of title 31, United States Code, should provide for reimbursement by the Health Care Financing Administration to the Department of Defense for health care services provided to such covered beneficiaries in medical treatment facilities of the Department of Defense.

Subtitle C—Uniformed Services Treatment Facilities

SEC. 721. DELAY OF TERMINATION OF STATUS OF CERTAIN FACILITIES AS UNIFORMED SERVICES TREATMENT FACILITIES.

Section 1252(e) of the Department of Defense Authorization Act, 1984 (42 U.S.C. 248d(e)) is amended by striking out "December 31, 1996" in the first sentence and inserting in lieu thereof "September 30, 1997".

SEC. 722. LIMITATION ON EXPENDITURES TO SUPPORT UNIFORMED SERVICES TREATMENT FACILITIES.

Subsection (f) of section 1252 of the Department of Defense Authorization Act, 1984 (42 U.S.C. 248d), is amended to read as follows:

"(f) LIMITATION ON EXPENDITURES.—The total amount of expenditures by the Secretary of Defense to carry out this section and section 911 of the Military Construction Authorization Act, 1982 (42 U.S.C. 248c), for fiscal year 1996 may not exceed $300,000,000, adjusted by the Secretary to reflect the inflation factor used by the Department of Defense for such fiscal year.".

SEC. 723. APPLICATION OF CHAMPUS PAYMENT RULES IN CERTAIN CASES.

Section 1074 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d)(1) The Secretary of Defense may require, by regulation, a private CHAMPUS provider to apply the CHAMPUS payment rules (subject to any modifications considered appropriate by the Secretary) in imposing charges for health care that the private CHAMPUS provider provides to a member of the uniformed services who is enrolled in a health care plan of a facility deemed to be a facility of the uniformed services under section 911(a) of the Military Construction Authorization Act, 1982 (42 U.S.C. 248c(a)) when the health care is provided outside the catchment area of the facility.

"(2) In this subsection:

"(A) The term 'private CHAMPUS provider' means a private facility or health care provider that is a health care provider under the Civilian Health and Medical Program of the Uniformed Services.

"(B) The term 'CHAMPUS payment rules' means the payment rules referred to in subsection (c).

"(3) The Secretary of Defense shall prescribe regulations under this subsection after consultation with the other administering Secretaries.".

SEC. 724. APPLICATION OF FEDERAL ACQUISITION REGULATION TO PARTICIPATION AGREEMENTS WITH UNIFORMED SERVICES TREATMENT FACILITIES.

(a) Section 718(c) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1587) is amended—

(1) in the second sentence of paragraph (1), by striking out "A participation agreement" and inserting in lieu thereof "Except as provided in paragraph (4), a participation agreement";

(2) by redesignating paragraph (4) as paragraph (6); and

(3) by inserting after paragraph (3) the following new paragraph:

"(4) APPLICATION OF FEDERAL ACQUISITION REGULATION.—On and after the date of the enactment of this paragraph, Uniformed Services Treatment Facilities and any participation agreement between Uniformed Services Treatment Facilities and the Secretary of Defense shall be subject to the Federal Acquisition Regulation issued pursuant to section 25(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)) notwithstanding any provision to the contrary in such a participation agreement. The requirements regarding competition in the Federal Acquisition Regulation shall apply with regard to the negotiation of any new participation agreement between the Uniformed Services Treatment Facilities and the Secretary of Defense under this subsection or any other provision of law.".

(b) SENSE OF CONGRESS.—(1) Congress finds that the Uniformed Services Treatment Facilities provide quality health care to the 120,000 Department of Defense beneficiaries enrolled in the Uniformed Services Family Health Plan provided by these facilities.

(2) In light of such finding, it is the sense of Congress that the Uniformed Services Family Health Plan provided by the Uniformed Services Treatment Facilities should not be terminated for convenience under provisions of the Federal Acquisition Regulation by the Secretary of Defense before the expiration of the current participation agreements.

(3) For purposes of this subsection, the term "Uniformed Services Treatment Facility" means a facility deemed to be a facility of the uniformed services by virtue of section 911(a) of the Military Construction Authorization Act, 1982 (42 U.S.C. 248c(a)).

SEC. 725. DEVELOPMENT OF PLAN FOR INTEGRATING UNIFORMED SERVICES TREATMENT FACILITIES IN MANAGED CARE PROGRAMS OF DEPARTMENT OF DEFENSE.

Section 718(c) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1587) is amended by inserting after paragraph (4), as added by section 722, the following new paragraph:

"(5) PLAN FOR INTEGRATING FACILITIES.—(A) The Secretary of Defense shall develop a plan under which Uniformed Services Treatment Facilities could be included, before the expiration date of the participation agreements entered into under this section, in the exclusive health care provider networks established by the Secretary for the geographic regions in which the facilities are located. The Secretary shall address in the plan the feasibility of implementing the managed care plan of the Uniformed Services Treatment Facilities, known as Option II, on a mandatory basis for all USTF Medicare-eligible beneficiaries and the potential cost savings to the Military Health Care Program that could be achieved under such option.

"(B) The Secretary shall submit the plan developed under this paragraph to Congress not later than March 1, 1996.

"(C) The plan developed under this paragraph shall be consistent with the requirements specified in paragraph (4). If the plan is not submitted to Congress by the expiration date of the participation agreements entered into under this section, the participation agreements shall remain in effect, at the option of the Uniformed Services Treatment Facilities, until the end of the 180-day period beginning on the date the plan is finally submitted.

"(D) For purposes of this paragraph, the term 'USTF Medicare-eligible beneficiaries' means covered beneficiaries under chapter 55 of title 10, United States Code, who are enrolled in a managed health plan offered by the Uniformed Services Treatment Facilities and entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.).".

SEC. 726. EQUITABLE IMPLEMENTATION OF UNIFORM COST SHARING REQUIREMENTS FOR UNIFORMED SERVICES TREATMENT FACILITIES.

(a) TIME FOR FEE IMPLEMENTATION.—The uniform managed care benefit fee and copayment schedule developed by the Secretary of Defense for use in all managed care initiatives of the military health service system, including the managed care program of the Uniformed Services Treatment Facilities, shall be extended to the managed care program of a Uniformed Services Treatment Facility only after the later of—

(1) the implementation of the TRICARE regional program covering the service area of the Uniformed Services Treatment Facility; or

(2) the end of the 180-day period beginning on the date of the enactment of this Act.

(b) SUBMISSION OF ACTUARIAL ESTIMATES.—Paragraph (2) of subsection (a) shall operate as a condition on the extension of the uniform managed care benefit fee and copayment schedule to the Uniformed Services Treatment Facilities only if the Uniformed Services Treatment Facilities submit to the Comptroller General of

the United States, within 30 days after the date of the enactment of this Act, actuarial estimates in support of their contention that the extension of such fees and copayments will have an adverse effect on the operation of the Uniformed Services Treatment Facilities and the enrollment of participants.

(c) EVALUATION.—(1) Except as provided in paragraph (2), not later than 90 days after the date of the enactment of this Act, the Comptroller General shall submit to Congress the results of an evaluation of the effect on the Uniformed Services Treatment Facilities of the extension of the uniform benefit fee and copayment schedule to the Uniformed Services Treatment Facilities. The evaluation shall include an examination of whether the benefit fee and copayment schedule may—

(A) cause adverse selection of enrollees;

(B) be inappropriate for a fully at-risk program similar to civilian health maintenance organizations; or

(C) result in an enrolled population dissimilar to the general beneficiary population.

(2) The Comptroller General shall not be required to prepare or submit the evaluation under paragraph (1) if the Uniformed Services Treatment Facilities fail to satisfactorily comply with subsection (b), as determined by the Comptroller General.

SEC. 727. ELIMINATION OF UNNECESSARY ANNUAL REPORTING REQUIREMENT REGARDING UNIFORMED SERVICES TREATMENT FACILITIES.

Section 1252 of the Department of Defense Authorization Act, 1984 (42 U.S.C. 248d), is amended by striking out subsection (d).

Subtitle D—Other Changes to Existing Laws Regarding Health Care Management

SEC. 731. MAXIMUM ALLOWABLE PAYMENTS TO INDIVIDUAL HEALTH-CARE PROVIDERS UNDER CHAMPUS.

(a) MAXIMUM PAYMENT.—Subsection (h) of section 1079 of title 10, United States Code, is amended by striking out paragraph (1) and inserting in lieu thereof the following new paragraph:

"(1) Payment for a charge for services by an individual health care professional (or other noninstitutional health care provider) for which a claim is submitted under a plan contracted for under subsection (a) may not exceed the lesser of—

"(A) the amount equivalent to the 80th percentile of billed charges made for similar services in the same locality during the base period; or

"(B) an amount determined to be appropriate, to the extent practicable, in accordance with the same reimbursement rules as apply to payments for similar services under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).".

(b) COMPARISON TO MEDICARE PAYMENTS.—Such subsection is further amended by adding at the end the following new paragraph:

"(3) For the purposes of paragraph (1)(B), the appropriate payment amount shall be determined by the Secretary of Defense, in consultation with the other administering Secretaries.".

(c) EXCEPTIONS AND LIMITATIONS.—Such subsection is further amended by inserting after paragraph (3), as added by subsection (b), the following new paragraphs:

"(4) The Secretary of Defense, in consultation with the other administering Secretaries, shall prescribe regulations to provide for such exceptions to the payment limitations under paragraph (1) as the Secretary determines to be necessary to assure that covered beneficiaries retain adequate access to health care services. Such exceptions may include the payment of amounts higher than the amount allowed under paragraph (1) when enrollees in managed care programs obtain covered emergency services from nonparticipating providers. To provide a suitable transition from the payment methodologies in effect before the date of the enactment of this paragraph to the methodology required by paragraph (1), the amount allowable for any service may not be reduced by more than 15 percent below the amount allowed for the same service during the immediately preceding 12-month period (or other period as established by the Secretary of Defense).

"(5) The Secretary of Defense, in consultation with the other administering Secretaries, shall prescribe regulations to establish limitations (similar to the limitations established under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.)) on beneficiary liability for charges of an individual health care professional (or other noninstitutional health care provider).".

(d) CONFORMING AMENDMENT.—Paragraph (2) of such subsection is amended by striking out "paragraph (1)" and inserting in lieu thereof "paragraph (1)(A)".

(e) REPORT ON EFFECT OF AMENDMENTS.—Not later than March 1, 1996, the Secretary of Defense shall submit to Congress a report analyzing the effect of the amendments made by this section on the ability or willingness of individual health care professionals and other noninstitutional health care providers to participate in the Civilian Health and Medical Program of the Uniformed Services.

SEC. 732. NOTIFICATION OF CERTAIN CHAMPUS COVERED BENEFICIARIES OF LOSS OF CHAMPUS ELIGIBILITY.

Section 1086(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4) The administering Secretaries shall develop a mechanism by which persons described in paragraph (1) who satisfy only the criteria specified in subparagraphs (A) and (B) of paragraph (2), but not subparagraph (C) of such paragraph, are promptly notified of their ineligibility for health benefits under this section. In developing the notification mechanism, the administering Secretaries shall consult with the administrator of the Health Care Financing Administration.".

SEC. 733. PERSONAL SERVICES CONTRACTS FOR MEDICAL TREATMENT FACILITIES OF THE COAST GUARD.

(a) CONTRACTING AUTHORITY.—Section 1091(a) of title 10, United States Code, is amended—

(1) by inserting after "Secretary of Defense" the following: ", with respect to medical treatment facilities of the Department of Defense, and the Secretary of Transportation, with respect to medical treatment facilities of the Coast Guard when the Coast Guard is not operating as a service in the Navy,"; and

(2) by striking out "medical treatment facilities of the Department of Defense" and inserting in lieu thereof "such facilities".

(b) RATIFICATION OF EXISTING CONTRACTS.—Any exercise of authority under section 1091 of title 10, United States Code, to enter into a personal services contract on behalf of the Coast Guard before the effective date of the amendments made by subsection (a) is hereby ratified.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as of October 1, 1995.

SEC. 734. IDENTIFICATION OF THIRD-PARTY PAYER SITUATIONS.

Section 1095 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(k)(1) To improve the administration of this section and sections 1079(j)(1) and 1086(d) of this title, the Secretary of Defense, in consultation with the other administering Secretaries, may prescribe regulations providing for the collection of information regarding insurance, medical service, or health plans of third-party payers held by covered beneficiaries.

"(2) The collection of information under regulations prescribed under paragraph (1) shall be conducted in the same manner as is provided in section 1862(b)(5) of the Social Security Act (42 U.S.C. 1395y(b)(5)). The Secretary may provide for obtaining from the Commissioner of Social Security employment information comparable to the information provided to the Administrator of the Health Care Financing Administration pursuant to such section. Such regulations may require the mandatory disclosure of social security account numbers for all covered beneficiaries.

"(3) The Secretary may disclose relevant employment information collected under this subsection to fiscal intermediaries or other designated contractors.

"(4) The Secretary may provide for contacting employers of covered beneficiaries to obtain group health plan information comparable to the information authorized to be obtained under section 1862(b)(5)(C) of the Social Security Act (42 U.S.C. 1395y(b)(5)(C)). Notwithstanding clause (iii) of such section, clause (ii) of such section regarding the imposition of civil money penalties shall apply to the collection of information under this paragraph.

"(5) Information obtained under this subsection may not be disclosed for any purpose other than to carry out the purpose of this section and sections 1079(j)(1) and 1086(d) of this title.".

SEC. 735. REDESIGNATION OF MILITARY HEALTH CARE ACCOUNT AS DEFENSE HEALTH PROGRAM ACCOUNT AND TWO-YEAR AVAILABILITY OF CERTAIN ACCOUNT FUNDS.

(a) REDESIGNATION.—Section 1100 of title 10, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by striking out "Military Health Care Account" and inserting in lieu thereof "Defense Health Program Account"; and

(B) by striking out "the Civilian Health and Medical Program of the Uniformed Services" and inserting in lieu thereof "medical and health care programs of the Department of Defense"; and

(2) in subsection (b)—

(A) by striking out "entering into a contract" and inserting in lieu thereof "conducting programs and activities under this chapter, including contracts entered into"; and

(B) by inserting a comma after "title".

(b) TWO YEAR AVAILABILITY OF CERTAIN APPROPRIATIONS.—Subsection (a)(2) of such section is amended to read as follows:

"(2) Of the total amount appropriated for a fiscal year for programs and activities carried out under this chapter, the amount equal to three percent of such total amount shall remain available for obligation until the end of the following fiscal year.".

(c) CONFORMING AMENDMENTS.—Such section is further amended—

(1) by striking out subsections (c), (d), and (f); and

(2) by redesignating subsection (e) as subsection (c).

(d) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§1100. Defense Health Program Account".

(2) The item relating to such section in the table of sections at the beginning of chapter 55 of such title is amended to read as follows:

"1100. Defense Health Program Account.".

SEC. 736. EXPANSION OF FINANCIAL ASSISTANCE PROGRAM FOR HEALTH-CARE PROFESSIONALS IN RESERVE COMPONENTS TO INCLUDE DENTAL SPECIALTIES.

Section 16201(b) of title 10, United States Code, is amended—

(1) in the subsection heading, by inserting "AND DENTISTS" after "PHYSICIANS";

(2) in paragraph (1)(A), by inserting "or dental school" after "medical school";

(3) in paragraphs (1)(B) and (2)(B), by inserting "or dental officer" after "medical officer"; and

(4) in paragraph (1)(C), by striking out "physicians in a medical specialty" and inserting in lieu thereof "physicians or dentists in a medical or dental specialty".

SEC. 737. APPLICABILITY OF LIMITATION ON PRICES OF PHARMACEUTICALS PROCURED FOR COAST GUARD.

(a) INCLUSION OF COAST GUARD.—Section 8126(b) of title 38, United States Code, is amended by adding at the end the following new paragraph:

"(4) The Coast Guard.".

(b) EFFECTIVE DATE; APPLICATION OF AMENDMENT.—The amendment made by subsection (a) shall take effect as if included in the enactment of section 603 of the Veterans Health Care Act of 1992 (Public Law 102–585; 106 Stat. 4971).

SEC. 738. RESTRICTION ON USE OF DEPARTMENT OF DEFENSE FACILITIES FOR ABORTIONS.

(a) IN GENERAL.—Section 1093 of title 10, United States Code, is amended—

(1) by inserting "(a) RESTRICTION ON USE OF FUNDS.—" before "Funds available"; and

(2) by adding at the end the following:

"(b) RESTRICTION ON USE OF FACILITIES.—No medical treatment facility or other facility of the Department of Defense may be used to perform an abortion except where the life of the mother would be endangered if the fetus were carried to term or in a case in which the pregnancy is the result of an act of rape or incest.".

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§1093. Performance of abortions: restrictions".

(2) The item relating to such section in the table of sections at the beginning of chapter 55 of such title is amended to read as follows:

"1093. Performance of abortions: restrictions.".

Subtitle E—Other Matters

SEC. 741. TRISERVICE NURSING RESEARCH.

(a) PROGRAM AUTHORIZED.—Chapter 104 of title 10, United States Code, is amended by adding at the end the following new section:

"§2116. Military nursing research

"(a) DEFINITIONS.—In this section:

"(1) The term 'military nursing research' means research on the furnishing of care and services by nurses in the armed forces.

"(2) The term 'TriService Nursing Research Program' means the program of military nursing research authorized under this section.

"(b) PROGRAM AUTHORIZED.—The Secretary of Defense may establish at the University a program of military nursing research.

"(c) TRISERVICE RESEARCH GROUP.—The TriService Nursing Research Program shall be administered by a TriService Nursing Research Group composed of Army, Navy, and Air Force nurses who are involved in military nursing research and are designated by the Secretary concerned to serve as members of the group.

"(d) DUTIES OF GROUP.—The TriService Nursing Research Group shall—

"(1) develop for the Department of Defense recommended guidelines for requesting, reviewing, and funding proposed military nursing research projects; and

"(2) make available to Army, Navy, and Air Force nurses and Department of Defense officials concerned with military nursing research—

"(A) information about nursing research projects that are being developed or carried out in the Army, Navy, and Air Force; and

"(B) expertise and information beneficial to the encouragement of meaningful nursing research.

"(e) RESEARCH TOPICS.—For purposes of this section, military nursing research includes research on the following issues:

"(1) Issues regarding how to improve the results of nursing care and services provided in the armed forces in time of peace.

"(2) Issues regarding how to improve the results of nursing care and services provided in the armed forces in time of war.

"(3) Issues regarding how to prevent complications associated with battle injuries.

"(4) Issues regarding how to prevent complications associated with the transporting of patients in the military medical evacuation system.

"(5) Issues regarding how to improve methods of training nursing personnel.

"(6) Clinical nursing issues, including such issues as prevention and treatment of child abuse and spouse abuse.

"(7) Women's health issues.

"(8) Wellness issues.

"(9) Preventive medicine issues.

"(10) Home care management issues.

"(11) Case management issues.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 104 of such title is amended by adding at the end the following:

"2116. Military nursing research.".

SEC. 742. TERMINATION OF PROGRAM TO TRAIN MILITARY PSYCHOLOGISTS TO PRESCRIBE PSYCHOTROPIC MEDICATIONS.

(a) TERMINATION.—Not later than June 30, 1997, the Secretary of Defense shall terminate the demonstration pilot program for training military psychologists in the prescription of psychotropic medications, which is referred to in section 8097 of the Department of Defense Appropriations Act, 1991 (Public Law 101–511; 104 Stat. 1897).

(b) PROHIBITION ON ADDITIONAL ENROLLEES PENDING TERMINATION.—After the date of the enactment of this Act, The Secretary of Defense may not enroll any new participants for the demonstration pilot program described in subsection (a).

(c) EFFECT ON CURRENT PARTICIPANTS.—The requirement to terminate the demonstration pilot program described in subsection (a) shall not be construed to affect the training or utilization of military psychologists in the prescription of psychotropic medications who are participating in the demonstration pilot program on the date of the enactment of this Act or who have completed such training before that date.

(d) EVALUATION.—As soon as possible after the date of the enactment of this Act, but not later than April 1, 1997, the Comptroller General of the United States shall submit to Congress a report evaluating the success of the demonstration pilot program described in subsection (a). The report shall include—

(1) a cost-benefit analysis of the program;

(2) a discussion of the utilization requirements under the program; and

(3) recommendations regarding—

(A) whether the program should be extended so as to continue to provide training to military psychologists in the prescription of psychotropic medications; and

(B) any modifications that should be made in the manner in which military psychologists are trained and used to prescribe psychotropic medications so as to improve the training provided under the program, if the program is extended.

SEC. 743. WAIVER OF COLLECTION OF PAYMENTS DUE FROM CERTAIN PERSONS UNAWARE OF LOSS OF CHAMPUS ELIGIBILITY.

(a) AUTHORITY TO WAIVE COLLECTION.—The administering Secretaries may waive the collection of payments otherwise due from a person described in subsection (b) as a result of the receipt by the person of health benefits under section 1086 of title 10, United States Code, after the termination of the person's eligibility for such benefits.

(b) PERSONS ELIGIBLE FOR WAIVER.—A person shall be eligible for relief under subsection (a) if the person—

(1) is a person described in paragraph (1) of subsection (d) of section 1086 of title 10, United States Code;

(2) in the absence of such paragraph, would have been eligible for health benefits under such section; and

(3) at the time of the receipt of such benefits, satisfied the criteria specified in subparagraphs (A) and (B) of paragraph (2) of such subsection.

(c) EXTENT OF WAIVER AUTHORITY.—The authority to waive the collection of payments pursuant to this section shall apply with regard to health benefits provided under section 1086 of title 10, United States Code, to persons described in subsection (b) during the period beginning on January 1, 1967, and ending on the later of—

(1) the termination date of any special enrollment period provided under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) specifically for such persons; and

(2) July 1, 1996.

(d) DEFINITIONS.—For purposes of this section, the term "administering Secretaries" has the meaning given such term in section 1072(3) of title 10, United States Code.

SEC. 744. DEMONSTRATION PROGRAM TO TRAIN MILITARY MEDICAL PERSONNEL IN CIVILIAN SHOCK TRAUMA UNITS.

(a) DEMONSTRATION PROGRAM.—(1) Not later than April 1, 1996, the Secretary of Defense shall implement a demonstration program to evaluate the feasibility of providing shock trauma training for military medical personnel through one or more public or nonprofit hospitals. The Secretary shall carry out the program pursuant to an agreement with such hospitals.

(2) Under the agreement with a hospital, the Secretary shall assign military medical personnel participating in the demonstration program to temporary duty in shock trauma units operated by the hospitals that are parties to the agreement.

(3) The agreement shall require, as consideration for the services provided by military medical personnel under the agreement, that the hospital provide appropriate care to members of the Armed Forces and to other persons whose care in the hospital would otherwise require reimbursement by the Secretary. The value of the services provided by the hospitals shall be at least equal to the value of the services provided by military medical personnel under the agreement.

(b) TERMINATION OF PROGRAM.—The authority of the Secretary of Defense to conduct the demonstration program under this section, and any agreement entered into under the demonstration program, shall expire on March 31, 1998.

(c) REPORT AND EVALUATION OF PROGRAM.—(1) Not later than March 1 of each year in which the demonstration program is conducted under this section, the Secretary of Defense shall submit to Congress a report describing the scope and activities of the demonstration program during the preceding year.

(2) Not later than May 1, 1998, the Comptroller General of the United States shall submit to Congress a report evaluating the effectiveness of the demonstration program in providing shock trauma training for military medical personnel.

SEC. 745. STUDY REGARDING DEPARTMENT OF DEFENSE EFFORTS TO DETERMINE APPROPRIATE FORCE LEVELS OF WARTIME MEDICAL PERSONNEL.

(a) STUDY REQUIRED.—The Comptroller General of the United States shall conduct a study

to evaluate the reasonableness of the models used by each military department for determining the appropriate wartime force level for medical personnel in the department. The study shall include the following:

(1) An assessment of the modeling techniques used by each department.

(2) An analysis of the data used in the models to identify medical personnel requirements.

(3) An identification of the ability of the models to integrate personnel of reserve components to meet department requirements.

(4) An evaluation of the ability of the Secretary of Defense to integrate the various modeling efforts into a comprehensive, coordinated plan for obtaining the optimum force level for wartime medical personnel.

(b) REPORT OF STUDY.—Not later than June 30, 1996, the Comptroller General shall report to Congress on the results of the study conducted under subsection (a).

SEC. 746. REPORT ON IMPROVED ACCESS TO MILITARY HEALTH CARE FOR COVERED BENEFICIARIES ENTITLED TO MEDICARE.

Not later than March 1, 1996, the Secretary of Defense shall submit to Congress a report evaluating the feasibility, costs, and consequences for the military health care system of improving access to the system for covered beneficiaries under chapter 55 of title 10, United States Code, who have limited access to military medical treatment facilities and are ineligible for the Civilian Health and Medical Program of the Uniformed Services under section 1086(d)(1) of such title. The alternatives that the Secretary shall consider to improve access for such covered beneficiaries shall include—

(1) whether CHAMPUS should serve as a second payer for covered beneficiaries who are entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.); and

(2) whether such covered beneficiaries should be offered enrollment in the Federal Employees Health Benefits program under chapter 89 of title 5, United States Code.

SEC. 747. REPORT ON EFFECT OF CLOSURE OF FITZSIMONS ARMY MEDICAL CENTER, COLORADO, ON PROVISION OF CARE TO MILITARY PERSONNEL, RETIRED MILITARY PERSONNEL, AND THEIR DEPENDENTS.

(a) EFFECT OF CLOSURE ON MEMBERS EXPERIENCING HEALTH DIFFICULTIES ASSOCIATED WITH PERSIAN GULF SYNDROME.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report that—

(1) assesses the effects of the closure of Fitzsimons Army Medical Center, Colorado, on the capability of the Department of Defense to provide appropriate and adequate health care to members and former members of the Armed Forces who suffer from undiagnosed illnesses (or combination of illnesses) as a result of service in the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf conflict; and

(2) describes the plans of the Secretary of Defense and the Secretary of the Army to ensure that adequate and appropriate health care is provided to such members for such illnesses (or combination of illnesses).

(b) EFFECT OF CLOSURE ON OTHER COVERED BENEFICIARIES.—The report required by subsection (a) shall also include—

(1) an assessment of the effects of the closure of Fitzsimons Army Medical Center on the capability of the Department of Defense to provide appropriate and adequate health care to the dependents of members and former members of the Armed Forces and retired members and their dependents who currently obtain care at the medical center; and

(2) a description of the plans of the Secretary of Defense and the Secretary of the Army to ensure that adequate and appropriate health care is provided to such persons, as called for in the recommendations of the Secretary of Defense for the closure of Fitzsimons Army Medical Center.

SEC. 748. SENSE OF CONGRESS ON CONTINUITY OF HEALTH CARE SERVICES FOR COVERED BENEFICIARIES ADVERSELY AFFECTED BY CLOSURES OF MILITARY MEDICAL TREATMENT FACILITIES.

(a) FINDINGS.—Congress finds the following:

(1) Military installations selected for closure in the 1991 and 1993 rounds of the base closure process will soon close.

(2) Additional military installations have been selected for closure in the 1995 round of the base closure process.

(3) Some of the military installations selected for closure include military medical treatment facilities.

(3) As a result of these base closures, tens of thousands of covered beneficiaries under chapter 55 of title 10, United States Code, who reside in the vicinity of such installations will be left without immediate access to military medical treatment facilities.

(b) SENSE OF CONGRESS.—In light of the findings specified in subsection (a), it is the sense of Congress that the Secretary of Defense should take all appropriate steps necessary to ensure the continuation of medical and pharmaceutical benefits for covered beneficiaries adversely affected by the closure of military installations.

SEC. 749. STATE RECOGNITION OF MILITARY ADVANCE MEDICAL DIRECTIVES.

(a) REQUIREMENT FOR RECOGNITION BY STATES.—(1) Chapter 53 of title 10, United States Code, is amended by inserting after section 1044b the following new section:

"§1044c. Advance medical directives of members and dependents: requirement for recognition by States

"(a) INSTRUMENTS TO BE GIVEN LEGAL EFFECT WITHOUT REGARD TO STATE LAW.—An advance medical directive executed by a person eligible for legal assistance—

"(1) is exempt from any requirement of form, substance, formality, or recording that is provided for advance medical directives under the laws of a State; and

"(2) shall be given the same legal effect as an advance medical directive prepared and executed in accordance with the laws of the State concerned.

"(b) ADVANCE MEDICAL DIRECTIVES.—For purposes of this section, an advance medical directive is any written declaration that—

"(1) sets forth directions regarding the provision, withdrawal, or withholding of life-prolonging procedures, including hydration and sustenance, for the declarant whenever the declarant has a terminal physical condition or is in a persistent vegetative state; or

"(2) authorizes another person to make health care decisions for the declarant, under circumstances stated in the declaration, whenever the declarant is incapable of making informed health care decisions.

"(c) STATEMENT TO BE INCLUDED.—(1) Under regulations prescribed by the Secretary concerned, an advance medical directive prepared by an attorney authorized to provide legal assistance shall contain a statement that sets forth the provisions of subsection (a).

"(2) Paragraph (1) shall not be construed to make inapplicable the provisions of subsection (a) to an advance medical directive that does not include a statement described in that paragraph.

"(d) STATES NOT RECOGNIZING ADVANCE MEDICAL DIRECTIVES.—Subsection (a) does not make an advance medical directive enforceable in a State that does not otherwise recognize and enforce advance medical directives under the laws of the State.

"(e) DEFINITIONS.—In this section:

"(1) The term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, and a possession of the United States.

"(2) The term 'person eligible for legal assistance' means a person who is eligible for legal assistance under section 1044 of this title.

"(3) The term 'legal assistance' means legal services authorized under section 1044 of this title.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1044b the following:

"1044c. Advance medical directives of members and dependents: requirement for recognition by States.".

(b) EFFECTIVE DATE.—Section 1044c of title 10, United States Code, shall take effect on the date of the enactment of this Act and shall apply to advance medical directives referred to in that section that are executed before, on, or after that date.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Reform

SEC. 801. INAPPLICABILITY OF LIMITATION ON EXPENDITURE OF APPROPRIATIONS TO CONTRACTS AT OR BELOW SIMPLIFIED ACQUISITION THRESHOLD.

Section 2207 of title 10, United States Code, is amended—

(1) by inserting "(a)" before "Money appropriated"; and

(2) by adding at the end the following new subsection:

"(b) This section does not apply to a contract that is for an amount not greater than the simplified acquisition threshold (as defined in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11))).".

SEC. 802. AUTHORITY TO DELEGATE CONTRACTING AUTHORITY.

(a) REPEAL OF DUPLICATIVE AUTHORITY AND RESTRICTION.—Section 2356 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 139 of title 10, United States Code, is amended by striking out the item relating to section 2356.

SEC. 803. CONTROL IN PROCUREMENTS OF CRITICAL AIRCRAFT AND SHIP SPARE PARTS.

(a) REPEAL.—Section 2383 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 141 of such title is amended by striking out the item relating to section 2383.

SEC. 804. FEES FOR CERTAIN TESTING SERVICES.

Section 2539b(c) of title 10, United States Code, is amended by inserting "and indirect" after "recoup the direct" in the second sentence.

SEC. 805. COORDINATION AND COMMUNICATION OF DEFENSE RESEARCH ACTIVITIES.

Section 2364 of title 10, United States Code, is amended—

(1) in subsection (b)(5), by striking out "milestone O, milestone I, and milestone II" and inserting in lieu thereof "acquisition program"; and

(2) in subsection (c), by striking out paragraphs (2), (3), and (4) and inserting in lieu thereof the following:

"(2) The term 'acquisition program decision' has the meaning prescribed by the Secretary of Defense in regulations.".

SEC. 806. ADDITION OF CERTAIN ITEMS TO DOMESTIC SOURCE LIMITATION.

(a) LIMITATION.—(1) Paragraph (3) of section 2534(a) of title 10, United States Code, is amended to read as follows:

"(3) COMPONENTS FOR NAVAL VESSELS.—(A) The following components:

"(i) Air circuit breakers.

"(ii) Welded shipboard anchor and mooring chain with a diameter of four inches or less.

"(iii) Vessel propellers with a diameter of six feet or more.

"(B) The following components of vessels, to the extent they are unique to marine applications: gyrocompasses, electronic navigation chart systems, steering controls, pumps, propulsion and machinery control systems, and totally enclosed lifeboats.".

(2) Subsection (b) of section 2534 of such title is amended by adding at the end the following:

"(3) MANUFACTURER OF VESSEL PROPELLERS.—In the case of a procurement of vessel propellers referred to in subsection (a)(3)(A)(ii), the manufacturer of the propellers meets the requirements of this subsection only if—

"(A) the manufacturer meets the requirements set forth in paragraph (1); and

"(B) all castings incorporated into such propellers are poured and finished in the United States.".

(3) Paragraph (1) of section 2534(c) of such title is amended to read as follows:

"(1) COMPONENTS FOR NAVAL VESSELS.—Subsection (a) does not apply to a procurement of spare or repair parts needed to support components for naval vessels produced or manufactured outside the United States.".

(4) Section 2534 of such title is amended by adding at the end the following new subsection:

"(h) IMPLEMENTATION OF NAVAL VESSEL COMPONENT LIMITATION.—In implementing subsection (a)(3)(B), the Secretary of Defense—

"(1) may not use contract clauses or certifications; and

"(2) shall use management and oversight techniques that achieve the objective of the subsection without imposing a significant management burden on the Government or the contractor involved.".

(5) Subsection (a)(3)(B) of section 2534 of title 10, United States Code, as amended by paragraph (1), shall apply only to contracts entered into after March 31, 1996.

(b) EXTENSION OF LIMITATION RELATING TO BALL BEARINGS AND ROLLER BEARINGS.—Section 2534(c)(3) of such title is amended by striking out "October 1, 1995" and inserting in lieu thereof "October 1, 2000".

(c) TERMINATION OF VESSEL PROPELLER LIMITATION.—Section 2534(c) of such title is amended by adding at the end the following new paragraph:

"(4) VESSEL PROPELLERS.—Subsection (a)(3)(A)(iii) and this paragraph shall cease to be effective on the date occurring two years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996.".

(d) ADDITIONAL WAIVER AUTHORITY.—Section 2534(d) of such title is amended by adding at the end the following new paragraph:

"(9) Application of the limitation would result in a retaliatory trade action by a foreign country against the United States, as determined by the Secretary of Defense after consultation with the United States Trade Representative.".

(e) INAPPLICABILITY OF SIMPLIFIED ACQUISITION LIMITATION TO CONTRACTS FOR BALL BEARINGS AND ROLLER BEARINGS.—Section 2534(g) of title 10, United States Code, is amended—

(1) by inserting "(1)" before "This section"; and

(2) by adding at the end the following new paragraph:

"(2) Paragraph (1) does not apply to contracts for items described in subsection (a)(5) (relating to ball bearings and roller bearings), notwithstanding section 33 of the Office of Federal Procurement Policy Act (41 U.S.C. 429).".

SEC. 807. ENCOURAGEMENT OF USE OF LEASING AUTHORITY.

(a) IN GENERAL.—(1) Section 2401a of title 10, United States Code, is amended—

(A) by inserting before "The Secretary of Defense" the following subsection heading: "(b) LIMITATION ON CONTRACTS WITH TERMS OF 18 MONTHS OR MORE.—";

(B) by inserting after the section heading the following:

"(a) LEASING OF COMMERCIAL VEHICLES AND EQUIPMENT.—The Secretary of Defense may use leasing in the acquisition of commercial vehicles and equipment whenever the Secretary determines that leasing of such vehicles is practicable and efficient."; and

(C) by amending the section heading to read as follows:

"§2401a. Lease of vehicles, equipment, vessels, and aircraft".

(2) The item relating to section 2401a in the table of sections at the beginning of chapter 141 of such title is amended to read as follows:

"2401a. Lease of vehicles, equipment, vessels, and aircraft.".

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report setting forth changes in legislation that would be required to facilitate the use of leasing in the acquisition of equipment by the Department of Defense.

(c) PILOT PROGRAM.—(1) The Secretary of the Army may conduct a pilot program for leasing commercial utility cargo vehicles in accordance with this subsection.

(2) Under the pilot program—

(A) the Secretary may trade existing commercial utility cargo vehicles of the Army for credit against the costs of leasing new replacement commercial utility cargo vehicles for the Army;

(B) the quantities and trade-in value of commercial utility cargo vehicles to be traded in shall be subject to negotiation between the Secretary and the lessors of the new replacement commercial utility cargo vehicles;

(C) the lease agreement for a new commercial utility cargo vehicle may be executed with or without an option to purchase at the end of the lease period;

(D) the lease period for a new commercial utility cargo vehicle may not exceed the warranty period for the vehicle; and

(E) up to 40 percent of the validated requirement for commercial utility cargo vehicles may be satisfied by leasing such vehicles, except that one or more options for satisfying the remainder of the validated requirement may be provided for and exercised (subject to the requirements of paragraph (6)).

(3) In awarding contracts under the pilot program, the Secretary shall comply with section 2304 of title 10, United States Code.

(4) The pilot program may not be commenced until—

(A) the Secretary submits to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report that contains the plans of the Secretary for implementing the program and that sets forth in detail the savings in operating and support costs expected to be derived from retiring older commercial utility cargo vehicles, as compared to the expected costs of leasing newer commercial utility cargo vehicles; and

(B) a period of 30 calendar days has elapsed after submission of such report.

(5) Not later than one year after the date on which the first lease under the pilot program is entered into, the Secretary of the Army shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the status of the pilot program. Such report shall be based on at least six months of experience in operating the pilot program.

(6) The Secretary may exercise an option provided for under paragraph (2) only after a period of 60 days has elapsed after the submission of the report.

(7) No lease of commercial utility cargo vehicles may be entered into under the pilot program after September 30, 2000.

SEC. 808. COST REIMBURSEMENT RULES FOR INDIRECT COSTS ATTRIBUTABLE TO PRIVATE SECTOR WORK OF DEFENSE CONTRACTORS.

(a) DEFENSE CAPABILITY PRESERVATION AGREEMENT.—The Secretary of Defense may enter into an agreement, to be known as a "defense capability preservation agreement", with a defense contractor under which the cost reimbursement rules described in subsection (b) shall be applied. Such an agreement may be entered into in any case in which the Secretary determines that the application of such cost reimbursement rules would facilitate the achievement of the policy objectives set forth in section 2501(b) of title 10, United States Code.

(b) COST REIMBURSEMENT RULES.—(1) The cost reimbursement rules applicable under an agreement entered into under subsection (a) are as follows:

(A) The Department of Defense shall, in determining the reimbursement due a contractor for its indirect costs of performing a defense contract, allow the contractor to allocate indirect costs to its private sector work only to the extent of the contractor's allocable indirect private sector costs, subject to subparagraph (C).

(B) For purposes of subparagraph (A), the allocable indirect private sector costs of a contractor are those costs of the contractor that are equal to the sum of—

(i) the incremental indirect costs attributable to such work; and

(ii) the amount by which the revenue attributable to such private sector work exceeds the sum of—

(I) the direct costs attributable to such private sector work; and

(II) the incremental indirect costs attributable to such private sector work.

(C) The total amount of allocable indirect private sector costs for a contract in any year of the agreement may not exceed the amount of indirect costs that a contractor would have allocated to its private sector work during that year in accordance with the contractor's established accounting practices.

(2) The cost reimbursement rules set forth in paragraph (1) may be modified by the Secretary of Defense if the Secretary of Defense determines that modifications are appropriate to the particular situation to facilitate achievement of the policy set forth in section 2501(b) of title 10, United States Code.

(c) IMPLEMENTATION.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall establish application procedures and procedures for expeditious consideration of defense capability preservation agreements as authorized by this section.

(d) CONTRACTS COVERED.—An agreement entered into with a contractor under subsection (a) shall apply to each Department of Defense contract with the contractor in effect on the date on which the agreement is entered into and each Department of Defense contract that is awarded to the contractor during the term of the agreement.

(e) REPORTS.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth—

(1) the number of applications received and the number of applications approved for defense capability preservation agreements; and

(2) any changes to the authority in this section that the Secretary recommends to further facilitate the policy set forth in section 2501(b) of title 10, United States Code.

SEC. 809. SUBCONTRACTS FOR OCEAN TRANSPORTATION SERVICES.

Notwithstanding any other provision of law, neither section 901(b) of the Merchant Marine Act, 1936 (46 U.S.C. 1241(b)) nor section 2631 of title 10, United States Code, shall be included before May 1, 1996, on any list promulgated under section 34(b) of the Office of Federal Procurement Policy Act (41 U.S.C. 430(b)).

SEC. 810. PROMPT RESOLUTION OF AUDIT RECOMMENDATIONS.

Section 6009 of the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355; 108 Stat. 3367) is amended to read as follows:

"SEC. 6009. PROMPT MANAGEMENT DECISIONS AND IMPLEMENTATION OF AUDIT RECOMMENDATIONS.

"(a) MANAGEMENT DECISIONS.—(1) The head of a Federal agency shall make management decisions on all findings and recommendations set forth in an audit report of the inspector general of the agency within a maximum of six months after the issuance of the report.

"(2) The head of a Federal agency shall make management decisions on all findings and recommendations set forth in an audit report of any auditor from outside the Federal Government within a maximum of six months after the date on which the head of the agency receives the report.

"(b) COMPLETION OF FINAL ACTION.—The head of a Federal agency shall complete final action on each management decision required with regard to a recommendation in an inspector general's report under subsection (a)(1) within 12 months after the date of the inspector general's report. If the head of the agency fails to complete final action with regard to a management decision within the 12-month period, the inspector general concerned shall identify the matter in each of the inspector general's semiannual reports pursuant to section 5(a)(3) of the Inspector General Act of 1978 (5 U.S.C. App.) until final action on the management decision is completed.".

SEC. 811. TEST PROGRAM FOR NEGOTIATION OF COMPREHENSIVE SUBCONTRACTING PLANS.

(a) REVISION OF AUTHORITY.—Subsection (a) of section 834 of National Defense Authorization Act for Fiscal Years 1990 and 1991 (15 U.S.C. 637 note) is amended by striking out paragraph (1) and inserting in lieu thereof the following:

"(1) The Secretary of Defense shall establish a test program under which contracting activities in the military departments and the Defense Agencies are authorized to undertake one or more demonstration projects to determine whether the negotiation and administration of comprehensive subcontracting plans will reduce administrative burdens on contractors while enhancing opportunities provided under Department of Defense contracts for small business concerns and small business concerns owned and controlled by socially and economically disadvantaged individuals. In selecting the contracting activities to undertake demonstration projects, the Secretary shall take such action as is necessary to ensure that a broad range of the supplies and services acquired by the Department of Defense are included in the test program.".

(b) COVERED CONTRACTORS.—Subsection (b) of such section is amended by striking out paragraph (3) and inserting in lieu thereof the following:

"(3) A Department of Defense contractor referred to in paragraph (1) is, with respect to a comprehensive subcontracting plan negotiated in any fiscal year, a business concern that, during the immediately preceding fiscal year, furnished the Department of Defense with supplies or services (including professional services, research and development services, and construction services) pursuant to at least three Department of Defense contracts having an aggregate value of at least $5,000,000.".

(c) TECHNICAL AMENDMENTS.—Such section is amended—

(1) by striking out subsection (g); and

(2) by redesignating subsection (h) as subsection (g).

SEC. 812. PROCUREMENT OF ITEMS FOR EXPERIMENTAL OR TEST PURPOSES.

Section 2373(b) of title 10, United States Code, is amended by inserting "only" after "applies" in the second sentence.

SEC. 813. USE OF FUNDS FOR ACQUISITION OF DESIGNS, PROCESSES, TECHNICAL DATA, AND COMPUTER SOFTWARE.

Section 2386(3) of title 10, United States Code, is amended to read as follows:

"(3) Design and process data, technical data, and computer software.".

SEC. 814. INDEPENDENT COST ESTIMATES FOR MAJOR DEFENSE ACQUISITION PROGRAMS.

Section 2434(b)(1)(A) of title 10, United States Code, is amended to read as follows:

"(A) be prepared—

"(i) by an office or other entity that is not under the supervision, direction, or control of the military department, Defense Agency, or other component of the Department of Defense that is directly responsible for carrying out the development or acquisition of the program; or

"(ii) if the decision authority for the program has been delegated to an official of a military department, Defense Agency, or other component of the Department of Defense, by an office or other entity that is not directly responsible for carrying out the development or acquisition of the program; and".

SEC. 815. CONSTRUCTION, REPAIR, ALTERATION, FURNISHING, AND EQUIPPING OF NAVAL VESSELS.

(a) APPLICABILITY OF CERTAIN LAW.—Chapter 633 of title 10, United States Code, is amended by inserting after section 7297 the following:

"§7299. Contracts: applicability of Walsh-Healey Act

"Each contract for the construction, alteration, furnishing, or equipping of a naval vessel is subject to the Walsh-Healey Act (41 U.S.C. 35 et seq.) unless the President determines that this requirement is not in the interest of national defense.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7297 the following:

"7299. Contracts: applicability of Walsh-Healey Act.".

Subtitle B—Other Matters

SEC. 821. PROCUREMENT TECHNICAL ASSISTANCE PROGRAMS.

(a) FUNDING.—Of the amount authorized to be appropriated under section 301(5), $12,000,000 shall be available for carrying out the provisions of chapter 142 of title 10, United States Code.

(b) SPECIFIC PROGRAMS.—Of the amounts made available pursuant to subsection (a), $600,000 shall be available for fiscal year 1996 for the purpose of carrying out programs sponsored by eligible entities referred to in subparagraph (D) of section 2411(1) of title 10, United States Code, that provide procurement technical assistance in distressed areas referred to in subparagraph (B) of section 2411(2) of such title. If there is an insufficient number of satisfactory proposals for cooperative agreements in such distressed areas to allow effective use of the funds made available in accordance with this subsection in such areas, the funds shall be allocated among the Defense Contract Administration Services regions in accordance with section 2415 of such title.

SEC. 822. DEFENSE FACILITY-WIDE PILOT PROGRAM.

(a) AUTHORITY TO CONDUCT DEFENSE FACILITY-WIDE PILOT PROGRAM.—The Secretary of Defense may conduct a pilot program, to be known as the "defense facility-wide pilot program", for the purpose of determining the potential for increasing the efficiency and effectiveness of the acquisition process in facilities by using commercial practices on a facility-wide basis.

(b) DESIGNATION OF PARTICIPATING FACILITIES.—(1) Subject to paragraph (2), the Secretary may designate up to two facilities as participants in the defense facility-wide pilot program.

(2) The Secretary may designate for participation in the pilot program only those facilities that are authorized to be so designated in a law authorizing appropriations for national defense programs that is enacted after the date of the enactment of this Act.

(c) SCOPE OF PROGRAM.—At a facility designated as a participant in the pilot program, the pilot program shall consist of the following:

(1) All contracts and subcontracts for defense supplies and services that are performed at the facility.

(2) All Department of Defense contracts and all subcontracts under Department of Defense contracts performed elsewhere that the Secretary determines are directly and substantially related to the production of defense supplies and services at the facility and are necessary for the pilot program.

(d) CRITERIA FOR DESIGNATION OF PARTICIPATING FACILITIES.—The Secretary shall establish criteria for selecting a facility for designation as a participant in the pilot program. In developing such criteria, the Secretary shall consider the following:

(1) The number of existing and anticipated contracts and subcontracts performed at the facility—

(A) for which contractors are required to provide certified cost or pricing data pursuant to section 2306a of title 10, United States Code; and

(B) which are administered with the application of cost accounting standards under section 26(f) of the Office of Federal Procurement Policy Act (41 U.S.C. 422(f)).

(2) The relationship of the facility to other organizations and facilities performing under contracts with the Department of Defense and subcontracts under such contracts.

(3) The impact that the participation of the facility under the pilot program would have on competing domestic manufacturers.

(4) Such other factors as the Secretary considers appropriate.

(e) NOTIFICATION.—(1) The Secretary shall transmit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a written notification of each facility proposed to be designated by the Secretary for participation in the pilot program.

(2) The Secretary shall include in the notification regarding a facility designated for participation in the program a management plan addressing the following:

(A) The proposed treatment of research and development contracts or subcontracts to be performed at the facility during the pilot program.

(B) The proposed treatment of the cost impact of the use of commercial practices on the award and administration of contracts and subcontracts performed at the facility.

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(C) The proposed method for reimbursing the contractor for existing and new contracts.

(D) The proposed method for measuring the performance of the facility for meeting the management goals of the Secretary.

(E) Estimates of the annual amount and the total amount of the contracts and subcontracts covered under the pilot program.

(3)(A) The Secretary shall ensure that the management plan for a facility provides for attainment of the following objectives:

(i) A significant reduction of the cost to the Government for programs carried out at the facility.

(ii) A reduction of the schedule associated with programs carried out at the facility.

(iii) An increased used of commercial practices and procedures for programs carried at the facility.

(iv) Protection of a domestic manufacturer competing for contracts at such facility from being placed at a significant competitive disadvantage by the participation of the facility in the pilot program.

(B) The management plan for a facility shall also require that all or substantially all of the contracts to be awarded and performed at the facility after the designation of that facility under subsection (b), and all or substantially all of the subcontracts to be awarded under those contracts and performed at the facility after the designation, be—

(i) for the production of supplies or services on a firm-fixed price basis;

(ii) awarded without requiring the contractors or subcontractors to provide certified cost or pricing data pursuant to section 2306a of title 10, United States Code; and

(iii) awarded and administered without the application of cost accounting standards under section 26(f) of the Office of Federal Procurement Policy Act (41 U.S.C. 422(f)).

(f) EXEMPTION FROM CERTAIN REQUIREMENTS.—In the case of a contract or subcontract that is to be performed at a facility designated for participation in the defense facility-wide pilot program and that is subject to section 2306a of title 10, United States Code, or section 26(f) of the Office of Federal Procurement Policy Act (41 U.S.C. 422(f)), the Secretary of Defense may exempt such contract or subcontract from the requirement to obtain certified cost or pricing data under such section 2306a or the requirement to apply mandatory cost accounting standards under such section 26(f) if the Secretary determines that the contract or subcontract—

(1) is within the scope of the pilot program (as described in subsection (c)); and

(2) is fairly and reasonably priced based on information other than certified cost and pricing data.

(g) SPECIAL AUTHORITY.—The authority provided under subsection (a) includes authority for the Secretary of Defense—

(1) to apply any amendment or repeal of a provision of law made in this Act to the pilot program before the effective date of such amendment or repeal; and

(2) to apply to a procurement of items other than commercial items under such program—

(A) the authority provided in section 34 of the Office of Federal Procurement Policy Act (41 U.S.C. 430) to waive a provision of law in the case of commercial items, and

(B) any exception applicable under this Act or the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355) (or an amendment made by a provision of either Act) in the case of commercial items,

before the effective date of such provision (or amendment) to the extent that the Secretary determines necessary to test the application of such waiver or exception to procurements of items other than commercial items.

(h) APPLICABILITY.—(1) Subsections (f) and (g) apply to the following contracts, if such contracts are within the scope of the pilot program at a facility designated for the pilot program under subsection (b):

(A) A contract that is awarded or modified during the period described in paragraph (2).

(B) A contract that is awarded before the beginning of such period, that is to be performed (or may be performed), in whole or in part, during such period, and that may be modified as appropriate at no cost to the Government.

(2) The period referred to in paragraph (1), with respect to a facility designated under subsection (b), is the period that—

(A) begins 45 days after the date of the enactment of the Act authorizing the designation of that facility in accordance with paragraph (2) of such subsection; and

(B) ends on September 30, 2000.

(i) COMMERCIAL PRACTICES ENCOURAGED.—With respect to contracts and subcontracts within the scope of the defense facility-wide pilot program, the Secretary of Defense may, to the extent the Secretary determines appropriate and in accordance with applicable law, adopt commercial practices in the administration of contracts and subcontracts. Such commercial practices may include the following:

(1) Substitution of commercial oversight and inspection procedures for Government audit and access to records.

(2) Incorporation of commercial oversight, inspection, and acceptance procedures.

(3) Use of alternative dispute resolution techniques (including arbitration).

(4) Elimination of contract provisions authorizing the Government to make unilateral changes to contracts.

SEC. 823. TREATMENT OF DEPARTMENT OF DEFENSE CABLE TELEVISION FRANCHISE AGREEMENTS.

Not later than 180 days after the date of the enactment of this Act, the chief judge of the United States Court of Federal Claims shall transmit to Congress a report containing an advisory opinion on the following two questions:

(1) Is it within the power of the executive branch to treat cable television franchise agreements for the construction, installation, or capital improvement of cable television systems at military installations of the Department of Defense as contracts under part 49 of the Federal Acquisition Regulation without violating title VI of the Communications Act of 1934 (47 U.S.C. 521 et seq.)?

(2) If the answer to the question in paragraph (1) is in the affirmative, is the executive branch required by law to so treat such franchise agreements?

SEC. 824. EXTENSION OF PILOT MENTOR-PROTEGE PROGRAM.

Section 831 (j)(1) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2301 note) is amended by striking out "1995" and inserting in lieu thereof "1996".

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—General Matters

SEC. 901. ORGANIZATION OF THE OFFICE OF THE SECRETARY OF DEFENSE.

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

(1) The statutory provisions that as of the date of the enactment of this Act govern the organization of the Office of the Secretary of Defense have evolved from enactment of a number of executive branch legislative proposals and congressional initiatives over a period of years.

(2) The May 1995 report of the congressionally mandated Commission on Roles and Missions of the Armed Forces included a number of recommendations relating to the Office of the Secretary of Defense.

(3) The Secretary of Defense has decided to create a special Department task force and to conduct other reviews to review many of the Commission's recommendations.

(4) The Secretary of Defense has decided to institute a 5 percent per year reduction of civilian personnel assigned to the Office of the Secretary of Defense, including the Washington Headquarters Service and the Defense Support Activities, for the period from fiscal year 1996 through fiscal year 2001.

(5) Over the ten-year period from 1986 through 1995, defense spending in real dollars has been reduced by 34 percent and military end-strengths have been reduced by 28 percent. During the same period, the number of civilian employees of the Office of the Secretary of Defense has increased by 22 percent.

(6) To achieve greater efficiency and to revalidate the role and mission of the Office of the Secretary of Defense, a comprehensive review of the organizations and functions of that Office and of the personnel needed to carry out those functions is required.

(b) REVIEW.—The Secretary of Defense shall conduct a further review of the organizations and functions of the Office of the Secretary of Defense, including the Washington Headquarters Service and the Defense Support Activities, and the personnel needed to carry out those functions. The review shall include the following:

(1) An assessment of the appropriate functions of the Office and whether the Office of the Secretary of Defense or some of its component parts should be organized along mission lines.

(2) An assessment of the adequacy of the present organizational structure to efficiently and effectively support the Secretary in carrying out his responsibilities in a manner that ensures civilian authority in the Department of Defense.

(3) An assessment of the advantages and disadvantages of the use of political appointees to fill the positions of the various Under Secretaries of Defense, Assistant Secretaries of Defense, and Deputy Under Secretaries of Defense.

(4) An assessment of the extent of unnecessary duplication of functions between the Office of the Secretary of Defense and the Joint Staff.

(5) An assessment of the extent of unnecessary duplication of functions between the Office of the Secretary of Defense and the military departments.

(6) An assessment of the appropriate number of positions referred to in paragraph (3) and of Deputy Assistant Secretaries of Defense.

(7) An assessment of whether some or any of the functions currently performed by the Office of Humanitarian and Refugee Affairs are more properly or effectively performed by another agency of Government or elsewhere within the Department of Defense.

(8) An assessment of the efficacy of the Joint Requirements Oversight Council and whether it is advisable or necessary to establish a statutory charter for this organization.

(9) An assessment of any benefits or efficiencies derived from decentralizing certain functions currently performed by the Office of the Secretary of Defense.

(10) An assessment of the appropriate size, number, and functional responsibilities of the Defense Agencies and other Department of Defense support organizations.

(c) REPORT.—Not later than March 1, 1996, the Secretary of Defense shall submit to the congressional defense committees a report containing —

(1) his findings and conclusions resulting from the review under subsection (b); and

(2) a plan for implementing resulting recommendations, including proposals for legislation (with supporting rationale) that would be required as a result of the review.

(d) PERSONNEL REDUCTION.—(1) Effective October 1, 1999, the number of OSD personnel may not exceed 75 percent of the number of OSD personnel as of October 1, 1994.

(2) For purposes of this subsection, the term "OSD personnel" means military and civilian personnel of the Department of Defense who are assigned to, or employed in, functions in the Office of the Secretary of Defense (including Direct Support Activities of that Office and the Washington Headquarters Services of the Department of Defense).

(3) In carrying out reductions in the number of personnel assigned to, or employed in, the Office of the Department of Defense in order to comply with paragraph (1), the Secretary may not reassign functions solely in order to evade the requirement contained in that paragraph.

(4) If the Secretary of Defense determines, and certifies to Congress, that the limitation in paragraph (1) would adversely affect United States national security, the limitation under paragraph (1) shall be applied by substituting "80 percent" for "75 percent".

SEC. 902. REDUCTION IN NUMBER OF ASSISTANT SECRETARY OF DEFENSE POSITIONS.

(a) REDUCTION.—Section 138(a) of title 10, United States Code, is amended by striking out "eleven" and inserting in lieu thereof "ten".

(b) CONFORMING AMENDMENT.—Section 5315 of title 5, United States Code, is amended by striking out "(11)" after "Assistant Secretaries of Defense" and inserting in lieu thereof "(10)".

SEC. 903. DEFERRED REPEAL OF VARIOUS STATUTORY POSITIONS AND OFFICES IN OFFICE OF THE SECRETARY OF DEFENSE.

(a) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 31, 1997.

(b) TERMINATION OF SPECIFICATION BY LAW OF ASD POSITIONS.—Subsection (b) of section 138 of title 10, United States Code, is amended to read as follows:

"(b) The Assistant Secretaries shall perform such duties and exercise such powers as the Secretary of Defense may prescribe.".

(c) REPEAL OF CERTAIN OSD PRESIDENTIAL APPOINTMENT POSITIONS.—The following sections of chapter 4 of such title are repealed:

(1) Section 133a, relating to the Deputy Under Secretary of Defense for Acquisition and Technology.

(2) Section 134a, relating to the Deputy Under Secretary of Defense for Policy.

(3) Section 134a, relating to the Director of Defense Research and Engineering.

(4) Section 139, relating to the Director of Operational Test and Evaluation.

(5) Section 142, relating to the Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs.

(d) DIRECTOR OF MILITARY RELOCATION ASSISTANCE PROGRAMS.—Section 1056 of such title is amended by striking out subsection (d).

(e) CONFORMING AMENDMENTS RELATING TO REPEAL OF VARIOUS OSD POSITIONS.—Chapter 4 of such title is further amended—

(1) in section 131(b)—

(A) by striking out paragraphs (6) and (8); and

(B) by redesignating paragraphs (7), (9), (10), and (11), as paragraphs (6), (7), (8), and (9), respectively;

(2) in section 138(d), by striking out "the Under Secretaries of Defense, and the Director of Defense Research and Engineering" and inserting in lieu thereof "and the Under Secretaries of Defense"; and

(3) in the table of sections at the beginning of the chapter, by striking out the items relating to sections 133a, 134a, 137, 139, and 142.

(f) CONFORMING AMENDMENTS RELATING TO REPEAL OF SPECIFICATION OF ASD POSITIONS.—(1) Section 176(a)(3) of title 10, United States Code, is amended—

(A) by striking out "Assistant Secretary of Defense for Health Affairs" and inserting in lieu thereof "official in the Department of Defense with principal responsibility for health affairs"; and

(B) by striking out "Chief Medical Director of the Department of Veterans Affairs" and inserting in lieu thereof "Under Secretary for Health of the Department of Veterans Affairs".

(2) Section 1216(d) of such title is amended by striking out "Assistant Secretary of Defense for Health Affairs" and inserting in lieu thereof "official in the Department of Defense with principal responsibility for health affairs".

(3) Section 1587(d) of such title is amended by striking out "Assistant Secretary of Defense for Manpower and Logistics" and inserting in lieu thereof "official in the Department of Defense with principal responsibility for personnel and readiness".

(4) The text of section 10201 of such title is amended to read as follows:

"The official in the Department of Defense with responsibility for overall supervision of reserve component affairs of the Department of Defense is the official designated by the Secretary of Defense to have that responsibility.".

(5) Section 1211(b)(2) of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (P.L. 100–180; 101 Stat 1155; 10 U.S.C. 167 note) is amended by striking out "the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict" and inserting in lieu thereof "the official designated by the Secretary of Defense to have principal responsibility for matters relating to special operations and low intensity conflict".

(g) CONFORMING AMENDMENTS RELATING TO OPERATIONAL TEST AND EVALUATION AUTHORITY.—(1) Subsection (a) of section 2399 of title 10, United States Code, is amended—

(A) by inserting "a conventional weapons system that" after "means" in the matter in paragraph (2) preceding subparagraph (A);

(B) by striking out "a conventional weapons system that" in paragraph (2)(A); and

(C) by adding at the end the following new paragraph:

"(3) The Secretary of Defense shall designate an official of the Department of Defense to perform the duties of the position referred to in this section as the 'designated OT&E official'.".

(2) Subsection (b) of such section is amended—

(A) by striking out "Director of Operational Test and Evaluation of the Department of Defense" in paragraph (1) and inserting in lieu thereof "designated OT&E official"; and

(B) by striking out "Director" each place it appears in paragraphs (2), (3), and (4) and inserting in lieu thereof "designated OT&E official".

(3) Subsection (c)(1) of such section is amended by striking out "Director of Operational Test and Evaluation of the Department of Defense" and inserting in lieu thereof "designated OT&E official".

(4) Subsection (e) of such section is amended by striking out "Director" each place it appears and inserting in lieu thereof "designated OT&E official".

(5) Such section is further amended—

(A) by striking out subsection (g); and

(B) by redesignating subsection (h) as subsection (g).

(h) REPEAL OF MINIMUM NUMBER OF SENIOR STAFF FOR SPECIFIED ASSISTANT SECRETARY OF DEFENSE.—Section 355 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1540) is repealed.

SEC. 904. REDESIGNATION OF THE POSITION OF ASSISTANT TO THE SECRETARY OF DEFENSE FOR ATOMIC ENERGY.

(a) IN GENERAL.—(1) Section 142 of title 10, United States Code, is amended—

(A) by striking out the section heading and inserting in lieu thereof the following:

"§142. Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs";

(B) in subsection (a), by striking out "Assistant to the Secretary of Defense for Atomic Energy" and inserting in lieu thereof "Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs"; and

(C) by striking out subsection (b) and inserting in lieu thereof the following:

"(b) The Assistant to the Secretary shall—

"(1) advise the Secretary of Defense on nuclear energy, nuclear weapons, and chemical and biological defense;

"(2) serve as the Staff Director of the Nuclear Weapons Council established by section 179 of this title; and

"(3) perform such additional duties as the Secretary may prescribe.".

(2) 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:

"142. Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs.".

(b) CONFORMING AMENDMENTS.—(1) Section 179(c)(2) of title 10, United States Code, is amended by striking out "The Assistant to the Secretary of Defense for Atomic Energy" and inserting in lieu thereof "The Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs".

(2) Section 5316 of title 5, United States Code, is amended by striking out "The Assistant to the Secretary of Defense for Atomic Energy, Department of Defense." and inserting in lieu thereof the following:

"Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs, Department of Defense.".

SEC. 905. JOINT REQUIREMENTS OVERSIGHT COUNCIL.

(a) IN GENERAL.—(1) Chapter 7 of title 10, United States Code, is amended by adding at the end the following new section:

"§181. Joint Requirements Oversight Council

"(a) ESTABLISHMENT.—The Secretary of Defense shall establish a Joint Requirements Oversight Council in the Department of Defense.

"(b) MISSION.—In addition to other matters assigned to it by the President or Secretary of Defense, the Joint Requirements Oversight Council shall—

"(1) assist the Chairman of the Joint Chiefs of Staff in identifying and assessing the priority of joint military requirements (including existing systems and equipment) to meet the national military strategy;

"(2) assist the Chairman in considering alternatives to any acquisition program that has been identified to meet military requirements by evaluating the cost, schedule, and performance criteria of the program and of the identified alternatives; and

"(3) as part of its mission to assist the Chairman in assigning joint priority among existing and future programs meeting valid requirements, ensure that the assignment of such priorities conforms to and reflects resource levels projected by the Secretary of Defense through defense planning guidance.

"(c) COMPOSITION.—(1) The Joint Requirements Oversight Council is composed of—

"(A) the Chairman of the Joint Chiefs of Staff, who is the chairman of the Council;

"(B) an Army officer in the grade of general;

"(C) a Navy officer in the grade of admiral;

"(D) an Air Force officer in the grade of general; and

"(E) a Marine Corps officer in the grade of general.

"(2) Members of the Council, other than the Chairman of the Joint Chiefs of Staff, shall be selected by the Chairman of the Joint Chiefs of Staff, after consultation with the Secretary of Defense, from officers in the grade of general or admiral, as the case may be, who are recommended for such selection by the Secretary of the military department concerned.

"(3) The functions of the Chairman of the Joint Chiefs of Staff as chairman of the Council may only be delegated to the Vice Chairman of the Joint Chiefs of Staff.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"181. Joint Requirements Oversight Council.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 31, 1997.

SEC. 906. RESTRUCTURING OF DEPARTMENT OF DEFENSE ACQUISITION ORGANIZATION AND WORKFORCE.

(a) RESTRUCTURING REPORT.—Not later than March 1, 1996, the Secretary of Defense shall submit to Congress a report on the acquisition organization and workforce of the Department of Defense. The report shall include—

(1) the plan described in subsection (b); and

(2) the assessment of streamlining and restructuring options described in subsection (c).

(b) PLAN FOR RESTRUCTURING.—(1) The Secretary shall include in the report under subsection (a) a plan on how to restructure the current acquisition organization of the Department of Defense in a manner that would enable the Secretary to accomplish the following:

(A) Reduce the number of military and civilian personnel assigned to, or employed in, acquisition organizations of the Department of Defense (as defined by the Secretary) by 25 percent over a period of five years, beginning on October 1, 1995.

(B) Eliminate duplication of functions among existing acquisition organizations of the Department of Defense.

(C) Maximize opportunity for consolidation among acquisition organizations of the Department of Defense to reduce management overhead.

(2) In the report, the Secretary shall also identify any statutory requirement or congressional directive that inhibits any proposed restructuring plan or reduction in the size of the defense acquisition organization.

(3) In designing the plan under paragraph (1), the Secretary shall give full consideration to the process efficiencies expected to be achieved through the implementation of the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355), the Federal Acquisition Reform Act of 1995 (division D of this Act), and other ongoing initiatives to increase the use of commercial practices and reduce contract overhead in the defense procurement system.

(c) ASSESSMENT OF SPECIFIED RESTRUCTURING OPTIONS.—The Secretary shall include in the report under subsection (a) a detailed assessment of each of the following options for streamlining and restructuring the existing defense acquisition organization, together with a specific recommendation as to whether each such option should be implemented:

(1) Consolidation of certain functions of the Defense Contract Audit Agency and the Defense Contract Management Command.

(2) Contracting for performance of a significant portion of the workload of the Defense Contract Audit Agency and other Defense Agencies that perform acquisition functions.

(3) Consolidation or selected elimination of Department of Defense acquisition organizations.

(4) Any other defense acquisition infrastructure streamlining or restructuring option the Secretary may determine.

(d) REDUCTION OF ACQUISITION WORKFORCE.—(1) The Secretary of Defense shall accomplish reductions in defense acquisition personnel positions during fiscal year 1996 so that the total number of such personnel as of October 1, 1996, is less than the total number of such personnel as of October 1, 1995, by at least 15,000.

(2) For purposes of this subsection, the term "defense acquisition personnel" means military and civilian personnel assigned to, or employed in, acquisition organizations of the Department of Defense (as specified in Department of Defense Instruction numbered 5000.58 dated January 14, 1992) with the exception of personnel who possess technical competence in trade-skill maintenance and repair positions involved in performing depot maintenance functions.

SEC. 907. REPORT ON NUCLEAR POSTURE REVIEW AND ON PLANS FOR NUCLEAR WEAPONS MANAGEMENT IN EVENT OF ABOLITION OF DEPARTMENT OF ENERGY.

(a) REPORT REQUIRED.—The Secretary of Defense shall submit to Congress a report concerning the nuclear weapons complex. The report shall set forth—

(1) the Secretary's views on the effectiveness of the Department of Energy in managing the nuclear weapons complex, including the fulfillment of the requirements for nuclear weapons established for the Department of Energy in the Nuclear Posture Review; and

(1) the Secretary's recommended plan for the incorporation into the Department of Defense of the national security programs of the Department of Energy if the Department of Energy should be abolished and those programs be transferred to the Department of Defense.

(b) DEFINITION.—For purposes of this section, the term "Nuclear Posture Review" means the Department of Defense Nuclear Posture Review as contained in the report entitled "Report of the Secretary of Defense to the President and the Congress", dated February 19, 1995, or in subsequent such reports.

(c) SUBMISSION OF REPORT.—The report under subsection (a) shall be submitted not later than March 15, 1996.

SEC. 908. REDESIGNATION OF ADVANCED RESEARCH PROJECTS AGENCY.

(a) REDESIGNATION.—The agency in the Department of Defense known as the Advanced Research Projects Agency shall after the date of the enactment of this Act be designated as the Defense Advanced Research Projects Agency.

(b) REFERENCES.—Any reference in any law, regulation, document, record, or other paper of the United States or in any provision of this Act to the Advanced Research Projects Agency shall be considered to be a reference to the Defense Advanced Research Projects Agency.

SEC. 909. NAVAL NUCLEAR PROPULSION PROGRAM.

(a) REPEAL OF PROVISION GIVING PERMANENT STATUS TO EXECUTIVE ORDER.—Effective October 1, 1998, section 1634 of the Department of Defense Authorization, 1985 (Public Law 98–525; 42 U.S.C. 7158 note), is repealed.

(b) NOTICE-AND-WAIT FOR CHANGES TO EXECUTIVE ORDER.—An Executive order that includes a provision that after the effective date of subsection (a) would amend, modify, or repeal Executive order 12344 (42 U.S.C. 7158 note) may not be issued until 60 days after the date on which notice of the intent to issue an Executive order containing such a provision (together with the text of that provision) is submitted in writing to the congressional defense committees.

Subtitle B—Financial Management

SEC. 911. TRANSFER AUTHORITY REGARDING FUNDS AVAILABLE FOR FOREIGN CURRENCY FLUCTUATIONS.

(a) TRANSFERS TO MILITARY PERSONNEL ACCOUNTS AUTHORIZED.—Section 2779 of title 10, United States Code, is amended by adding at the end the following:

"(c) TRANSFERS TO MILITARY PERSONNEL ACCOUNTS.—The Secretary of Defense may transfer funds to military personnel appropriations for a fiscal year out of funds available to the Department of Defense for that fiscal year under the appropriation 'Foreign Currency Fluctuations, Defense'.".

(b) REVISION AND CODIFICATION OF AUTHORITY FOR TRANSFERS TO FOREIGN CURRENCY FLUCTUATIONS ACCOUNT.—Section 2779 of such title, as amended by subsection (a), is further amended by adding at the end the following:

"(d) TRANSFERS TO FOREIGN CURRENCY FLUCTUATIONS ACCOUNT.—(1) The Secretary of Defense may transfer to the appropriation 'Foreign Currency Fluctuations, Defense' unobligated amounts of funds appropriated for operation and maintenance and unobligated amounts of funds appropriated for military personnel.

"(2) Any transfer from an appropriation under paragraph (1) shall be made not later than the end of the second fiscal year following the fiscal year for which the appropriation is provided.

"(3) Any transfer made pursuant to the authority provided in this subsection shall be limited so that the amount in the appropriation 'Foreign Currency Fluctuations, Defense' does not exceed $970,000,000 at the time the transfer is made.".

(c) CONDITIONS OF AVAILABILITY FOR TRANSFERRED FUNDS.—Section 2779 of such title, as amended by subsection (b), is further amended by adding at the end the following:

"(e) CONDITIONS OF AVAILABILITY FOR TRANSFERRED FUNDS.—Amounts transferred under subsection (c) or (d) shall be merged with and be available for the same purposes and for the same period as the appropriations to which transferred.".

(d) REPEAL OF SUPERSEDED PROVISIONS.—(1) Section 767A of Public Law 96–527 (94 Stat. 3093) is repealed.

(2) Section 791 of the Department of Defense Appropriation Act, 1983 (enacted in section 101(c) of Public Law 97–377; 96 Stat. 1865) is repealed.

(e) TECHNICAL AMENDMENTS.—Section 2779 of title 10, United States Code, is amended—

(1) in subsection (a), by striking out "(a)(1)" and inserting in lieu thereof "(a) TRANSFERS BACK TO FOREIGN CURRENCY FLUCTUATIONS APPROPRIATION.—(1)";

(2) in subsection (a)(2), by striking out "2d fiscal year" and inserting in lieu thereof "second fiscal year"; and

(3) in subsection (b), by striking out "(b)(1)" and inserting in lieu thereof "(b) FUNDING FOR LOSSES IN MILITARY CONSTRUCTION AND FAMILY HOUSING.—(1)".

(f) EFFECTIVE DATE.—Subsections (c) and (d) of section 2779 of title 10, United States Code, as added by subsections (a) and (b), and the repeals made by subsection (d), shall apply only with respect to amounts appropriated for a fiscal year after fiscal year 1995.

SEC. 912. DEFENSE MODERNIZATION ACCOUNT.

(a) ESTABLISHMENT AND USE.—(1) Chapter 131 of title 10, United States Code, is amended by inserting after section 2215 the following new section:

"§2216. Defense Modernization Account

"(a) ESTABLISHMENT.—There is established in the Treasury an account to be known as the 'Defense Modernization Account'.

"(b) TRANSFERS TO ACCOUNT.—(1)(A) Upon a determination by the Secretary of a military department or the Secretary of Defense with respect to Defense-wide appropriations accounts of the availability and source of funds described

in subparagraph (B), that Secretary may transfer to the Defense Modernization Account during any fiscal year any amount of funds available to the Secretary described in that subparagraph. Such funds may be transferred to that account only after the Secretary concerned notifies the congressional defense committees in writing of the amount and source of the proposed transfer.

"(B) This subsection applies to the following funds available to the Secretary concerned:

"(i) Unexpired funds in appropriations accounts that are available for procurement and that, as a result of economies, efficiencies, and other savings achieved in a carrying out a particular procurement, are excess to the requirements of that procurement.

"(ii) Unexpired funds that are available during the final 30 days of a fiscal year for support of installations and facilities and that, as a result of economies, efficiencies, and other savings, are excess to the requirements for support of installations and facilities.

"(C) Any transfer under subparagraph (A) shall be made under regulations prescribed by the Secretary of Defense.

"(2) Funds referred to in paragraph (1) may not be transferred to the Defense Modernization Account if—

"(A) the funds are necessary for programs, projects, and activities that, as determined by the Secretary, have a higher priority than the purposes for which the funds would be available if transferred to that account; or

"(B) the balance of funds in the account, after transfer of funds to the account, would exceed $1,000,000,000.

"(3) Amounts credited to the Defense Modernization Account shall remain available for transfer until the end of the third fiscal year that follows the fiscal year in which the amounts are credited to the account.

"(4) The period of availability of funds for expenditure provided for in sections 1551 and 1552 of title 31 may not be extended by transfer into the Defense Modernization Account.

"(c) SCOPE OF USE OF FUNDS.—Funds transferred to the Defense Modernization Account from funds appropriated for a military department, Defense Agency, or other element of the Department of Defense shall be available in accordance with subsections (f) and (g) only for transfer to funds available for that military department, Defense Agency, or other element.

"(d) AUTHORIZED USE OF FUNDS.—Funds available from the Defense Modernization Account pursuant to subsection (f) or (g) may be used for the following purposes:

"(1) For increasing, subject to subsection (e), the quantity of items and services procured under a procurement program in order to achieve a more efficient production or delivery rate.

"(2) For research, development, test, and evaluation and for procurement necessary for modernization of an existing system or of a system being procured under an ongoing procurement program.

"(e) LIMITATIONS.—(1) Funds in the Defense Modernization Account may not be used to increase the quantity of an item or services procured under a particular procurement program to the extent that doing so would—

"(A) result in procurement of a total quantity of items or services in excess of—

"(i) a specific limitation provided by law on the quantity of the items or services that may be procured; or

"(ii) the requirement for the items or services as approved by the Joint Requirements Oversight Council and reported to Congress by the Secretary of Defense; or

"(B) result in an obligation or expenditure of funds in excess of a specific limitation provided by law on the amount that may be obligated or expended, respectively, for that procurement program.

"(2) Funds in the Defense Modernization Account may not be used for a purpose or program for which Congress has not authorized appropriations.

"(3) Funds may not be transferred from the Defense Modernization Account in any year for the purpose of—

"(A) making an expenditure for which there is no corresponding obligation; or

"(B) making an expenditure that would satisfy an unliquidated or unrecorded obligation arising in a prior fiscal year.

"(f) TRANSFER OF FUNDS.—(1) The Secretary of Defense may transfer funds in the Defense Modernization Account to appropriations available for purposes set forth in subsection (d).

"(2) Funds in the Defense Modernization Account may not be transferred under paragraph (1) until 30 days after the date on which the Secretary concerned notifies the congressional defense committees in writing of the amount and purpose of the proposed transfer.

"(3) The total amount of transfers from the Defense Modernization Account during any fiscal year under this subsection may not exceed $500,000,000.

"(g) AVAILABILITY OF FUNDS BY APPROPRIATION.—In addition to transfers under under subsection (f), funds in the Defense Modernization Account may be made available for purposes set forth in subsection (d) in accordance with the provisions of appropriations Acts, but only to the extent authorized in an Act other than an appropriations Act.

"(h) SECRETARY TO ACT THROUGH COMPTROLLER.—The Secretary of Defense shall carry out this section through the Under Secretary of Defense (Comptroller), who shall be authorized to implement this section through the issuance of any necessary regulations, policies, and procedures after consultation with the General Counsel and Inspector General of the Department of Defense.

"(i) QUARTERLY REPORTS.—(1) Not later than 15 days after the end of each calendar quarter, the Secretary of Defense shall submit to the congressional committees specified in paragraph (2) a report on the Defense Modernization Account. Each such report shall set forth the following:

"(A) The amount and source of each credit to the account during that quarter.

"(B) The amount and purpose of each transfer from the account during that quarter.

"(C) The balance in the account at the end of the quarter and, of such balance, the amount attributable to transfers to the account from each Secretary concerned.

"(2) The committees referred to in paragraph (1) are the congressional defense committees and the Committee on Governmental Affairs of the Senate and the Committee on Government Reform and Oversight of the House of Representatives.

"(j) DEFINITIONS.—In this section:

"(1) The term 'Secretary concerned' includes the Secretary of Defense with respect to Defense-wide appropriations accounts.

"(2) The term 'unexpired funds' means funds appropriated for a definite period that remain available for obligation.

"(3) The term 'congressional defense committees' means—

"(A) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

"(B) the Committee on National Security and the Committee on Appropriations of the House of Representatives.".

(2) The table of sections at the beginning of chapter 131 of such title is amended by inserting after the item relating to section 2215 the following new item:

"2216. Defense Modernization Account.".

(b) EFFECTIVE DATE.—Section 2216 of title 10, United States Code (as added by subsection (a)), shall apply only to funds appropriated for fiscal years after fiscal year 1995.

(c) EXPIRATION OF AUTHORITY AND ACCOUNT.—(1) The authority under section 2216(b) of title 10, United States Code (as added by subsection (a)), to transfer funds into the Defense Modernization Account terminates at the close of September 30, 2003.

(2) Three years after the termination date specified in paragraph (1), the Defense Modernization Account shall be closed and any remaining balance in the account shall be canceled and thereafter shall not be available for any purpose.

(d) GAO REVIEWS.—(1) The Comptroller General of the United States shall conduct two reviews of the administration of the Defense Modernization Account. In each review, the Comptroller General shall assess the operations and benefits of the account.

(2) Not later than March 1, 2000, the Comptroller General shall—

(A) complete the first review; and

(B) submit to the specified committees of Congress an initial report on the administration and benefits of the Defense Modernization Account.

(3) Not later than March 1, 2003, the Comptroller General shall—

(A) complete the second review; and

(B) submit to the specified committees of Congress a final report on the administration and benefits of the Defense Modernization Account.

(4) Each such report shall include any recommended legislation regarding the account that the Comptroller General considers appropriate.

(5) For purposes of this subsection, the term "specified committees of Congress" means the congressional committees referred to in section 2216(i)(2) of title 10, United States Code, as added by subsection (a).

SEC. 913. DESIGNATION AND LIABILITY OF DISBURSING AND CERTIFYING OFFICIALS.

(a) DISBURSING OFFICIALS.—(1) Section 3321(c) of title 31, United States Code, is amended by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) The Department of Defense.".

(2) Section 2773 of title 10, United States Code, is amended—

(A) in subsection (a)—

(i) in paragraph(1), by striking out "With the approval of a Secretary of a military department when the Secretary considers it necessary, a disbursing official of the military department" and inserting in lieu thereof "Subject to paragraph (3), a disbursing official of the Department of Defense"; and

(ii) by adding at the end the following new paragraph:

"(3) A disbursing official may make a designation under paragraph (1) only with the approval of the Secretary of Defense or, in the case of a disbursing official of a military department, the Secretary of that military department."; and

(B) in subsection (b)(1), by striking out "any military department" and inserting in lieu thereof "the Department of Defense".

(b) DESIGNATION OF MEMBERS OF THE ARMED FORCES TO HAVE AUTHORITY TO CERTIFY VOUCHERS.—Section 3325(b) of title 31, United States Code, is amended to read as follows:

"(b) In addition to officers and employees referred to in subsection (a)(1)(B) of this section as having authorization to certify vouchers, members of the armed forces under the jurisdiction of the Secretary of Defense may certify vouchers when authorized, in writing, by the Secretary to do so.".

(c) CONFORMING AMENDMENTS.—(1) Section 1012 of title 37, United States Code, is amended

by striking out "Secretary concerned" both places it appears and inserting in lieu thereof "Secretary of Defense".

(2) Section 1007(a) of title 37, United States Code, is amended by striking out "Secretary concerned" and inserting in lieu thereof "Secretary of Defense, or upon the denial of relief of an officer pursuant to section 3527 of title 31".

(3)(A) Section 7863 of title 10, United States Code, is amended—

(i) in the first sentence, by striking out "disbursements of public moneys or" and "the money was paid or"; and

(ii) in the second sentence, by striking out "disbursement or".

(B)(i) The heading of such section is amended to read as follows:

"§7863. Disposal of public stores by order of commanding officer".

(ii) The item relating to such section in the table of sections at the beginning of chapter 661 of such title is amended to read as follows:

"7863. Disposal of public stores by order of commanding officer.".

(4) Section 3527(b)(1) of title 31, United States Code, is amended—

(A) by striking out "a disbursing official of the armed forces" and inserting in lieu thereof "an official of the armed forces referred to in subsection (a)";

(B) by striking out "records," and inserting in lieu thereof "records, or a payment described in section 3528(a)(4)(A) of this title,";

(C) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), and realigning such clauses four ems from the left margin;

(D) by inserting before clause (i), as so redesignated, the following:

"(A) in the case of a physical loss or deficiency—";

(E) in clause (iii), as so redesignated, by striking out the period at the end and inserting in lieu thereof "; or"; and

(F) by adding at the end the following:

"(B) in the case of a payment described in section 3528(a)(4)(A) of this title, the Secretary of Defense or the Secretary of the appropriate military department, after taking a diligent collection action, finds that the criteria of section 3528(b)(1) of this title are satisfied.".

SEC. 914. FISHER HOUSE TRUST FUNDS.

(a) ESTABLISHMENT.—(1) Chapter 131 of title 10, United States Code, is amended by adding at the end the following new section:

"§2221. Fisher House trust funds

"(a) ESTABLISHMENT.—The following trust funds are established on the books of the Treasury:

"(1) The Fisher House Trust Fund, Department of the Army.

"(2) The Fisher House Trust Fund, Department of the Air Force.

"(b) INVESTMENT.—Funds in the trust funds may be invested in securities of the United States. Earnings and gains realized from the investment of funds in a trust fund shall be credited to the trust fund.

"(c) USE OF FUNDS.—(1) Amounts in the Fisher House Trust Fund, Department of the Army, that are attributable to earnings or gains realized from investments shall be available for the operation and maintenance of Fisher houses that are located in proximity to medical treatment facilities of the Army.

"(2) Amounts in the Fisher House Trust Fund, Department of the Air Force, that are attributable to earnings or gains realized from investments shall be available for the operation and maintenance of Fisher houses that are located in proximity to medical treatment facilities of the Air Force.

"(3) The use of funds under this section is subject to section 1321(b)(2) of title 31.

"(d) FISHER HOUSE DEFINED.—In this section, the term 'Fisher house' means a housing facility that—

"(1) is located in proximity to a medical treatment facility of the Army or the Air Force; and

"(2) is available for residential use on a temporary basis by patients at such facilities, members of the family of such patients, and others providing the equivalent of familial support for such patients.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2221. Fisher House trust funds.".

(b) CORPUS OF TRUST FUNDS.—(1) The Secretary of the Treasury shall—

(A) close the accounts established with the funds that were required by section 8019 of Public Law 102–172 (105 Stat. 1175) and section 9023 of Public Law 102–396 (106 Stat. 1905) to be transferred to an appropriated trust fund; and

(B) transfer the amounts in such accounts to the Fisher House Trust Fund, Department of the Army, established by subsection (a)(1) of section 2221 of title 10, United States Code, as added by subsection (a).

(2) The Secretary of the Air Force shall transfer to the Fisher House Trust Fund, Department of the Air Force, established by subsection (a)(2) of section 2221 of title 10, United States Code (as added by section (a)), all amounts in the accounts for Air Force installations and other facilities that, as of the date of the enactment of this Act, are available for operation and maintenance of Fisher houses (as defined in subsection (d) of such section 2221).

(c) CONFORMING AMENDMENTS.—Section 1321 of title 31, United States Code, is amended—

(1) by adding at the end of subsection (a) the following:

"(92) Fisher House Trust Fund, Department of the Army.

"(93) Fisher House Trust Fund, Department of the Air Force."; and

(2) in subsection (b)—

(A) by inserting "(1)" after "(b)";

(B) in the second sentence, by striking out "Amounts accruing to these funds (except to the trust fund 'Armed Forces Retirement Home Trust Fund')" and inserting in lieu thereof "Except as provided in paragraph (2), amounts accruing to these funds";

(C) by striking out the third sentence; and

(D) by adding at the end the following:

"(2) Expenditures from the following trust funds may be made only under annual appropriations and only if the appropriations are specifically authorized by law:

"(A) Armed Forces Retirement Home Trust Fund.

"(B) Fisher House Trust Fund, Department of the Army.

"(C) Fisher House Trust Fund, Department of the Air Force.".

(d) REPEAL OF SUPERSEDED PROVISIONS.—The following provisions of law are repealed:

(1) Section 8019 of Public Law 102–172 (105 Stat. 1175).

(2) Section 9023 of Public Law 102–396 (106 Stat. 1905).

(3) Section 8019 of Public Law 103–139 (107 Stat. 1441).

(4) Section 8017 of Public Law 103–335 (108 Stat. 2620; 10 U.S.C. 1074 note).

SEC. 915. LIMITATION ON USE OF AUTHORITY TO PAY FOR EMERGENCY AND EXTRAORDINARY EXPENSES.

Section 127 of title 10, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

"(c)(1) Funds may not be obligated or expended in an amount in excess of $500,000 under the authority of subsection (a) or (b) until the Secretary of Defense has notified the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropriations of the House of Representatives of the intent to obligate or expend the funds, and—

"(A) in the case of an obligation or expenditure in excess of $1,000,000, 15 days have elapsed since the date of the notification; or

"(B) in the case of an obligation or expenditure in excess of $500,000, but not in excess of $1,000,000, 5 days have elapsed since the date of the notification.

"(2) Subparagraph (A) or (B) of paragraph (1) shall not apply to an obligation or expenditure of funds otherwise covered by such subparagraph if the Secretary of Defense determines that the national security objectives of the United States will be compromised by the application of the subparagraph to the obligation or expenditure. If the Secretary makes a determination with respect to an obligation or expenditure under the preceding sentence, the Secretary shall immediately notify the committees referred to in paragraph (1) that such obligation or expenditure is necessary and provide any relevant information (in classified form, if necessary) jointly to the chairman and ranking minority member (or their designees) of such committees.

"(3) A notification under paragraph (1) and information referred to in paragraph (2) shall include the amount to be obligated or expended, as the case may be, and the purpose of the obligation or expenditure.".

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 1996 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary of Defense may transfer under the authority of this section may not exceed $2,000,000,000.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. INCORPORATION OF CLASSIFIED ANNEX.

(a) STATUS OF CLASSIFIED ANNEX.—The Classified Annex prepared by the committee on conference to accompany the bill H.R. 1530 of the One Hundred Fourth 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. 1003. IMPROVED FUNDING MECHANISMS FOR UNBUDGETED OPERATIONS.

(a) REVISION OF FUNDING MECHANISM.—(1) Section 127a of title 10, United States Code, is amended to read as follows:

"§127a. Operations for which funds are not provided in advance: funding mechanisms

"(a) IN GENERAL.—(1) The Secretary of Defense shall use the procedures prescribed by this section with respect to any operation specified in paragraph (2) that involves—

"(A) the deployment (other than for a training exercise) of elements of the armed forces for a purpose other than a purpose for which funds have been specifically provided in advance; or

"(B) the provision of humanitarian assistance, disaster relief, or support for law enforcement (including immigration control) for which funds have not been specifically provided in advance.

"(2) This section applies to—

"(A) any operation the incremental cost of which is expected to exceed $50,000,000; and

"(B) any other operation the expected incremental cost of which, when added to the expected incremental costs of other operations that are currently ongoing, is expected to result in a cumulative incremental cost of ongoing operations of the Department of Defense in excess of $100,000,000.

Any operation the incremental cost of which is expected not to exceed $10,000,000 shall be disregarded for the purposes of subparagraph (B).

"(3) Whenever an operation to which this section applies is commenced or subsequently becomes covered by this section, the Secretary of Defense shall designate and identify that operation for the purposes of this section and shall promptly notify Congress of that designation (and of the identification of the operation).

"(4) This section does not provide authority for the President or the Secretary of Defense to carry out any operation, but establishes mechanisms for the Department of Defense by which funds are provided for operations that the armed forces are required to carry out under some other authority.

"(b) WAIVER OF REQUIREMENT TO REIMBURSE SUPPORT UNITS.—(1) The Secretary of Defense shall direct that, when a unit of the armed forces participating in an operation described in subsection (a) receives services from an element of the Department of Defense that operates through the Defense Business Operations Fund (or a successor fund), such unit of the armed forces may not be required to reimburse that element for the incremental costs incurred by that element in providing such services, notwithstanding any other provision of law or any Government accounting practice.

"(2) The amounts which but for paragraph (1) would be required to be reimbursed to an element of the Department of Defense (or a fund) shall be recorded as an expense attributable to the operation and shall be accounted for separately.

"(c) TRANSFER AUTHORITY.—(1) Whenever there is an operation of the Department of Defense described in subsection (a), the Secretary of Defense may transfer amounts described in paragraph (3) to accounts from which incremental expenses for that operation were incurred in order to reimburse those accounts for those incremental expenses. Amounts so transferred shall be merged with and be available for the same purposes as the accounts to which transferred.

"(2) The total amount that the Secretary of Defense may transfer under the authority of this section in any fiscal year is $200,000,000.

"(3) Transfers under this subsection may only be made from amounts appropriated to the Department of Defense for any fiscal year that remain available for obligation, other than amounts within any operation and maintenance appropriation that are available for (A) an account (known as a budget activity 1 account) that is specified as being for operating forces, or (B) an account (known as a budget activity 2 account) that is specified as being for mobilization.

"(4) The authority provided by this subsection is in addition to any other authority provided by law authorizing the transfer of amounts available to the Department of Defense. However, the Secretary may not use any such authority under another provision of law for a purpose described in paragraph (1) if there is authority available under this subsection for that purpose.

"(5) The authority provided by this subsection to transfer amounts may not be used to provide authority for an activity that has been denied authorization by Congress.

"(6) 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.

"(d) REPORT UPON DESIGNATION OF AN OPERATION.—Within 45 days after the Secretary of Defense identifies an operation pursuant to subsection (a)(2), the Secretary of Defense shall submit to Congress a report that sets forth the following:

"(1) The manner by which the Secretary proposes to obtain funds for the cost to the United States of the operation, including a specific discussion of how the Secretary proposes to restore balances in—

"(A) the Defense Business Operations Fund (or a successor fund), or

"(B) the accounts from which the Secretary transfers funds under the authority of subsection (c),

to the levels that would have been anticipated but for the provisions of subsection (c).

"(2) If the operation is described in subsection (a)(1)(B), a justification why the budgetary resources of another department or agency of the Federal Government, instead of resources of the Department of Defense, are not being used for carrying out the operation.

"(3) The objectives of the operation.

"(4) The estimated duration of the operation and of any deployment of armed forces personnel in such operation.

"(5) The estimated incremental cost of the operation to the United States.

"(6) The exit criteria for the operation and for the withdrawal of the elements of the armed forces involved in the operation.

"(e) LIMITATIONS.—(1) The Secretary may not restore balances in the Defense Business Operations Fund through increases in rates charged by that fund in order to compensate for costs incurred and not reimbursed due to subsection (b).

"(2) The Secretary may not restore balances in the Defense Business Operations Fund or any other fund or account through the use of unobligated amounts in an operation and maintenance appropriation that are available within that appropriation for (A) an account (known as a budget activity 1 account) that is specified as being for operating forces, or (B) an account (known as a budget activity 2 account) that is specified as being for mobilization.

"(f) SUBMISSION OF REQUESTS FOR SUPPLEMENTAL APPROPRIATIONS.—(1) Whenever there is an operation described in subsection (a), the President shall submit to Congress a request for the enactment of supplemental appropriations for the then-current fiscal year in order to provide funds to replenish the Defense Business Operations Fund or any other fund or account of the Department of Defense from which funds for the incremental expenses of that operation were derived under this section.

"(2) A request under paragraph (1) shall be submitted not later than 45 days after the date on which notification is provided pursuant to subsection (a)(3). The request shall be submitted as a separate request from any other legislative proposal.

"(g) REQUIREMENTS RELATING TO ADDITIONAL SUPPLEMENTAL APPROPRIATIONS.—If, after a supplemental appropriation has been requested for an operation under subsection (f) and has been provided by law, enactment of an additional supplemental appropriation becomes necessary for the operation before the withdrawal of all armed forces personnel from the operation, the Secretary of Defense shall submit to Congress a revised report described in subsection (d) and the President shall submit to Congress an additional request for enactment of a supplemental appropriation as described in subsection (f). The revised report and the request shall be submitted as soon as it is determined that the additional supplemental appropriation is necessary.

"(h) INCREMENTAL COSTS.—For purposes of this section, incremental costs of the Department of Defense with respect to an operation are the costs of the Department that are directly attributable to the operation (and would not have been incurred but for the operation). Incremental costs do not include the cost of property or services acquired by the Department that are paid for by a source outside the Department or out of funds contributed by such a source.

"(i) RELATIONSHIP TO WAR POWERS RESOLUTION.—This section may not be construed as altering or superseding the War Powers Resolution. This section does not provide authority to conduct any military operation.

"(j) GAO COMPLIANCE REVIEWS.—The Comptroller General of the United States shall from time to time, and when requested by a committee of Congress, conduct a review of the defense funding structure under this section to determine whether the Department of Defense is complying with the requirements and limitations of this section.".

(2) The item relating to section 127a in the table of sections at the beginning of chapter 3 of such title is amended to read as follows:

"127a. Operations for which funds are not provided in advance: funding mechanisms.".

(b) EFFECTIVE DATE.—The amendment to section 127a of title 10, United States Code, made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to any operation of the Department of Defense that is in effect on or after that date, whether such operation is begun before, on, or after such date of enactment. In the case of an operation begun before such date, any reference in such section to the commencement of such operation shall be treated as referring to the effective date under the preceding sentence.

SEC. 1004. OPERATION PROVIDE COMFORT.

(a) AUTHORIZATION OF AMOUNTS AVAILABLE.—Within the total amounts authorized to be appropriated in titles III and IV, there is

hereby authorized to be appropriated for fiscal year 1996 for costs associated with Operation Provide Comfort—

(1) $136,300,000 for operation and maintenance costs; and

(2) $7,000,000 for incremental military personnel costs.

(b) REPORT.—Not more than $70,000,000 of the amount appropriated under subsection (a) may be obligated until the Secretary of Defense submits to the congressional defense committees a report on Operation Provide Comfort which includes the following:

(1) A detailed presentation of the projected costs to be incurred by the Department of Defense for Operation Provide Comfort during fiscal year 1996, together with a discussion of missions and functions expected to be performed by the Department as part of that operation during that fiscal year.

(2) A detailed presentation of the projected costs to be incurred by other departments and agencies of the Federal Government participating in or providing support to Operation Provide Comfort during fiscal year 1996.

(3) A discussion of available options to reduce the involvement of the Department of Defense in those aspects of Operation Provide Comfort that are not directly related to the military mission of the Department of Defense.

(4) A plan establishing an exit strategy for United States involvement in, and support for, Operation Provide Comfort.

(c) OPERATION PROVIDE COMFORT.—For purposes of this section, the term "Operation Provide Comfort" means the operation of the Department of Defense that as of October 30, 1995, is designated as Operation Provide Comfort.

SEC. 1005. OPERATION ENHANCED SOUTHERN WATCH.

(a) AUTHORIZATION OF AMOUNTS AVAILABLE.—Within the total amounts authorized to be appropriated in titles III and IV, there is hereby authorized to be appropriated for fiscal year 1996 for costs associated with Operation Enhanced Southern Watch—

(1) $433,400,000 for operation and maintenance costs; and

(2) $70,400,000 for incremental military personnel costs.

(b) REPORT.—(1) Of the amounts specified in subsection (a), not more than $250,000,000 may be obligated until the Secretary of Defense submits to the congressional defense committees a report designating Operation Enhanced Southern Watch, or significant elements thereof, as a forward presence operation for which funding should be budgeted as part of the annual defense budget process in the same manner as other activities of the Armed Forces involving forward presence or forward deployed forces.

(2) The report shall set forth the following:

(A) The expected duration and annual costs of the various elements of Operation Enhanced Southern Watch.

(B) Those elements of Operation Enhanced Southern Watch that are semi-permanent in nature and should be budgeted in the future as part of the annual defense budget process in the same manner as other activities of the Armed Forces involving forward presence or forward deployed forces.

(C) The political and military objectives associated with Operation Enhanced Southern Watch.

(D) The contributions (both in-kind and actual) by other nations to the costs of conducting Operation Enhanced Southern Watch.

(c) OPERATION ENHANCED SOUTHERN WATCH.—For purposes of this section, the term "Operation Enhanced Southern Watch" means the operation of the Department of Defense that as of October 30, 1995, is designated as Operation Enhanced Southern Watch.

SEC. 1006. AUTHORITY FOR OBLIGATION OF CERTAIN UNAUTHORIZED FISCAL YEAR 1995 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 1995 defense appropriations except as otherwise provided in subsection (c).

(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 1995 defense appropriations that are in excess of the amounts provided for such programs, projects, and activities in fiscal year 1995 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 1995 defense appropriations):

(1) The TARTAR support equipment program under "Weapons Procurement, Navy" in the amount of $2,400,000.

(2) The natural gas utilization equipment program under "Other Procurement, Navy" in the amount of $8,000,000.

(3) The munitions standardization-plasma furnace technology program under "Research, Development, Test, and Evaluation, Army" in the amount of $7,500,000.

(4) The logistics technology-cold pasteurization/sterilization program under "Research, Development, Test, and Evaluation, Army" in the amount of $2,000,000.

(5) The logistics technology-air beam tents program under "Research, Development, Test, and Evaluation, Army" in the amount of $500,000.

(d) DEFINITIONS.—For the purposes of this section:

(1) FISCAL YEAR 1995 DEFENSE APPROPRIATIONS.—The term "fiscal year 1995 defense appropriations" means amounts appropriated or otherwise made available to the Department of Defense for fiscal year 1995 in the Department of Defense Appropriations Act, 1995 (Public Law 103–335).

(2) FISCAL YEAR 1995 DEFENSE AUTHORIZATIONS.—The term "fiscal year 1995 defense authorizations" means amounts authorized to be appropriated for the Department of Defense for fiscal year 1995 in the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337).

SEC. 1007. AUTHORIZATION OF PRIOR EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 1995.

(a) ADJUSTMENT TO PREVIOUS AUTHORIZATIONS.—Amounts authorized to be appropriated to the Department of Defense for fiscal year 1995 in the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337) are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization were increased (by a supplemental appropriation) or decreased (by a rescission), or both, in title I of the Emergency Supplemental Appropriations and Rescissions for the Department of Defense to Preserve and Enhance Military Readiness Act of 1995 (Public Law 104–6; 109 Stat. 73).

(b) NEW AUTHORIZATION.—The appropriation provided in section 104 of such Act (109 Stat. 79) is hereby authorized.

SEC. 1008. AUTHORIZATION REDUCTIONS TO REFLECT SAVINGS FROM REVISED ECONOMIC ASSUMPTIONS.

(a) REDUCTION.—The total amount authorized to be appropriated in titles I, II, and III of this Act is hereby reduced by $832,000,000 to reflect savings from revised economic assumptions. Such reduction shall be made from accounts in those titles as follows:

Operation and Maintenance, Army, $54,000,000.

Operation and Maintenance, Navy, $80,000,000.

Operation and Maintenance, Marine Corps, $9,000,000.

Operation and Maintenance, Air Force, $51,000,000.

Operation and Maintenance, Defense-Wide, $36,000,000.

Operation and Maintenance, Army Reserve, $4,000,000.

Operation and Maintenance, Navy Reserve, $4,000,000.

Operation and Maintenance, Marine Corps Reserve, $1,000,000.

Operation and Maintenance, Air Force Reserve, $3,000,000.

Operation and Maintenance, Army National Guard, $7,000,000.

Operation and Maintenance, Air National Guard, $7,000,000.

Drug Interdiction and Counter-Drug Activities, Defense, $5,000,000.

Environmental Restoration, Defense, $11,000,000.

Overseas Humanitarian, Disaster, and Civic Aid, $1,000,000.

Former Soviet Union Threat Reduction, $2,000,000.

Defense Health Program, $51,000,000.

Aircraft Procurement, Army, $9,000,000.

Missile Procurement, Army, $5,000,000.

Procurement of Weapons and Tracked Combat Vehicles, Army, $10,000,000.

Procurement of Ammunition, Army, $6,000,000.

Other Procurement, Army, $17,000,000.

Aircraft Procurement, Navy, $29,000,000.

Weapons Procurement, Navy, $13,000,000.

Shipbuilding and Conversion, Navy, $42,000,000.

Other Procurement, Navy, $18,000,000.

Procurement, Marine Corps, $4,000,000.

Aircraft Procurement, Air Force, $50,000,000.

Missile Procurement, Air Force, $29,000,000.

Other Procurement, Air Force, $45,000,000.

Procurement, Defense-Wide, $16,000,000.

Chemical Agents and Munitions Destruction, Defense, $5,000,000.

Research, Development, Test and Evaluation, Army, $20,000,000.

Research, Development, Test and Evaluation, Navy, $50,000,000.

Research, Development, Test and Evaluation, Air Force, $79,000,000.

Research, Development, Test and Evaluation, Defense-Wide, $57,000,000.

Research, Development, Test and Evaluation, Defense, $2,000,000.

(b) REDUCTIONS TO BE APPLIED PROPORTIONALLY.—Reductions under this section shall be applied proportionally to each budget activity, activity group, and subactivity group and to each program, project, and activity within each account.

Subtitle B—Naval Vessels and Shipyards

SEC. 1011. IOWA CLASS BATTLESHIPS.

(a) RETURN TO NAVAL VESSEL REGISTER.—The Secretary of the Navy shall list on the Naval Vessel Register, and maintain on such register, at least two of the Iowa-class battleships that were stricken from the register in February 1995.

(b) SUPPORT.—The Secretary shall retain the existing logistical support necessary for support of at least two operational Iowa class battleships in active service, including technical manuals, repair and replacement parts, and ordnance.

(c) SELECTION OF SHIPS.—The Secretary shall select for listing on the Naval Vessel Register under subsection (a) Iowa class battleships that

are in good material condition and can provide adequate fire support for an amphibious assault.

(d) REPLACEMENT FIRE-SUPPORT CAPABILITY.—(1) If the Secretary of the Navy makes a certification described in paragraph (2), the requirements of subsections (a) and (b) shall terminate, effective 60 days after the date of the submission of such certification.

(2) A certification referred to in paragraph (1) is a certification submitted by the Secretary of the Navy in writing to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives that the Navy has within the fleet an operational surface fire-support capability that equals or exceeds the fire-support capability that the Iowa class battleships listed on the Naval Vessel Register pursuant to subsection (a) would, if in active service, be able to provide for Marine Corps amphibious assaults and operations ashore.

SEC. 1012. TRANSFER OF NAVAL VESSELS TO CERTAIN FOREIGN COUNTRIES.

(a) TRANSFERS BY GRANT.—The Secretary of the Navy is authorized to transfer on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) frigates of the Oliver Hazard Perry class to other countries as follows:

(1) To the Government of Bahrain, the guided missile frigate Jack Williams (FFG 24).

(2) To the Government of Egypt, the frigate Copeland (FFG 25).

(3) To the Government of Turkey, the frigates Clifton Sprague (FFG 16) and Antrim (FFG 20).

(b) TRANSFERS BY LEASE OR SALE.—The Secretary of the Navy is authorized to transfer on a lease basis under section 61 of the Arms Export Control Act (22 U.S.C. 2796) or on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761) frigates of the Oliver Hazard Perry class to other countries as follows:

(1) To the Government of Egypt, the frigate Duncan (FFG 10).

(2) To the Government of Oman, the guided missile frigate Mahlon S. Tisdale (FFG 27).

(3) To the Government of Turkey, the frigate Flatley (FFG 21).

(4) To the Government of the United Arab Emirates, the guided missile frigate Gallery (FFG 26).

(c) FINANCING FOR TRANSFERS BY LEASE.—Section 23 of the Arms Export Control Act (22 U.S.C. 2763) may be used to provide financing for any transfer by lease under subsection (b) in the same manner as if such transfer were a procurement by the recipient nation of a defense article.

(d) COSTS OF TRANSFERS.—Any expense incurred by the United States in connection with a transfer authorized by subsection (a) or (b) shall be charged to the recipient.

(e) EXPIRATION OF AUTHORITY.—The authority to transfer a vessel under subsection (a) and under subsection (b) shall expire at the end of the two-year period beginning on the date of the enactment of this Act, except that a lease entered into during that period under any provision of subsection (b) may be renewed.

(f) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—The Secretary of the Navy shall require, as a condition of the transfer of a vessel under this section, that the country to which the vessel is transferred have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country, performed at a shipyard located in the United States, including a United States Navy shipyard.

(g) PROHIBITION ON CERTAIN TRANSFERS OF VESSELS ON GRANT BASIS.—(1) Section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) is amended by adding at the end the following new subsection:

"(g) PROHIBITION ON CERTAIN TRANSFERS OF VESSELS ON GRANT BASIS.—(1) The President may not transfer on a grant basis under this section a vessel that is in excess of 3,000 tons or that is less than 20 years of age.

"(2) If the President determines that it is in the national security interests of the United States to transfer a particular vessel on a grant basis under this section, the President may request that Congress enact legislation exempting the transfer from the prohibition in paragraph (1).".

(2) The amendment made by paragraph (1) shall apply with respect to the transfer of a vessel on or after the date of the enactment of this Act (other than a vessel the transfer of which is authorized by subsection (a) or by law before the date of the enactment of this Act).

SEC. 1013. CONTRACT OPTIONS FOR LMSR VESSELS.

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

(1) A requirement for the Department of the Navy to acquire 19 large, medium-speed, roll-on/roll-off (LMSR) vessels was established by the Secretary of Defense in the Mobility Requirements Study conducted after the Persian Gulf War pursuant to section 909 of the National Defense Authorization Act for Fiscal Year 1991 (Public law 101–510; 104 Stat. 1623) and was revalidated by the Secretary of Defense in the report entitled "Mobility Requirements Study Bottom-Up Review Update", submitted to Congress in April 1995.

(2) The Strategic Sealift Program is a vital element of the national military strategy calling for the Nation to be able to fight and win two nearly simultaneous major regional contingencies.

(3) The Secretary of the Navy has entered into contracts with shipyards covering acquisition of a total of 17 such LMSR vessels, of which five are vessel conversions and 12 are new construction vessels. Under those contracts, the Secretary has placed orders for the acquisition of 11 vessels and has options for the acquisition of six more, all of which would be new construction vessels. The options allow the Secretary to place orders for one vessel to be constructed at each of two shipyards for award before December 31, 1995, December 31, 1996, and December 31, 1997, respectively.

(4) Acquisition of an additional two such LMSR vessels, for a total of 19 vessels (the requirement described in paragraph (1)) would contribute to preservation of the industrial base of United States shipyards capable of building auxiliary and sealift vessels.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of the Navy should plan for, and budget to provide for, the acquisition as soon as possible of a total of 19 large, medium-speed, roll-on/roll-off (LMSR) vessels (the number determined to be required in the Mobility Requirements Study referred to in subsection (a)(1)), rather than only 17 such vessels (the number of vessels under contract as of May 1995).

(c) ADDITIONAL NEW CONSTRUCTION CONTRACT OPTION.—The Secretary of the Navy should negotiate with each of the two shipyards holding new construction contracts referred to in subsection (a)(3) (Department of the Navy contracts numbered N00024–93–C–2203 and N00024–93–C–2205) for an option under each such contract for construction of one additional such LMSR vessel, with such option to be available to the Secretary for exercise during 1995, 1996, or 1997.

(d) REPORT.—The Secretary of the Navy shall submit to the congressional defense committees, by March 31, 1996, a report stating the intentions of the Secretary regarding the acquisition of options for the construction of two additional LMSR vessels as described in subsection (c).

SEC. 1014. NATIONAL DEFENSE RESERVE FLEET.

(a) AVAILABILITY OF NATIONAL DEFENSE SEALIFT FUND.—Section 2218 of title 10, United States Code, is amended—

(1) in subsection (c)(1)—

(A) by striking out "only for—" in the matter preceding subparagraph (A) and inserting in lieu thereof "only for the following purposes:";

(B) by capitalizing the first letter of the first word of subparagraphs (A), (B), (C), and (D);

(C) by striking out the semicolon at the end of subparagraphs (A) and (B) and inserting in lieu thereof a period;

(D) by striking out "; and" at the end of subparagraph (C) and inserting in lieu thereof a period; and

(E) by adding at the end the following new subparagraph:

"(E) Expenses for maintaining the National Defense Reserve Fleet under section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the costs of acquisition of vessels for, and alteration and conversion of vessels in (or to be placed in), the fleet, but only for vessels built in United States shipyards."; and

(2) in subsection (i), by inserting "(other than subsection (c)(1)(E))" after "Nothing in this section".

(b) CLARIFICATION OF EXEMPTION OF NDRF VESSELS FROM RETROFIT REQUIREMENT.—Section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744) is amended by adding at the end the following new subsection:

"(e) Vessels in the National Defense Reserve Fleet are exempt from the provisions of section 3703a of title 46, United States Code.".

(c) AUTHORITY TO USE NATIONAL DEFENSE SEALIFT FUND TO CONVERT TWO VESSELS.—Of the amount authorized to be appropriated in section 302 for fiscal year 1996 for the National Defense Sealift Fund under section 2218 of title 10, United States Code, not more than $20,000,000 shall be available for conversion work on the following two roll-on/roll-off vessels, which were acquired by the Maritime Administration during fiscal year 1995:

(1) M/V Cape Knox (ON-1036323).

(2) M/V Cape Kennedy (ON-1036324).

SEC. 1015. NAVAL SALVAGE FACILITIES.

Chapter 637 of title 10, United States Code, is amended to read as follows:

"CHAPTER 637—SALVAGE FACILITIES

"Sec.
"7361. Authority to provide for necessary salvage facilities.
"7362. Acquisition and transfer of vessels and equipment.
"7363. Settlement of claims.
"7364. Disposition of receipts.

"§7361. Authority to provide for necessary salvage facilities

"(a) AUTHORITY.—The Secretary of the Navy may provide, by contract or otherwise, necessary salvage facilities for public and private vessels.

"(b) COORDINATION WITH SECRETARY OF TRANSPORTATION.—The Secretary shall submit to the Secretary of Transportation for comment each proposed contract for salvage facilities that affects the interests of the Department of Transportation.

"(c) LIMITATION.—The Secretary of the Navy may enter into a term contract under subsection (a) only if the Secretary determines that available commercial salvage facilities are inadequate to meet the requirements of national defense.

"(d) PUBLIC NOTICE.—The Secretary may not enter into a contract under subsection (a) until the Secretary has provided public notice of the intent to enter into such a contract.

"§7362. Acquisition and transfer of vessels and equipment

"(a) AUTHORITY.—The Secretary of the Navy may acquire or transfer for operation by private

salvage companies such vessels and equipment as the Secretary considers necessary.

"(b) AGREEMENT ON USE.—Before any salvage vessel or salvage gear is transferred by the Secretary to a private party, the private party must agree in writing with the Secretary that the vessel or gear will be used to support organized offshore salvage facilities for a period of as many years as the Secretary considers appropriate.

"(c) REFERENCE TO AUTHORITY TO ADVANCE FUNDS FOR IMMEDIATE SALVAGE OPERATIONS.—For authority for the Secretary of the Navy to advance to private salvage companies such funds as the Secretary considers necessary to provide for the immediate financing of salvage operations, see section 2307(g)(2) of this title.

"§ 7363. Settlement of claims

"The Secretary of the Navy may settle any claim by the United States for salvage services rendered by the Department of the Navy and may receive payment of any such claim.

"§ 7364. Disposition of receipts

"Amounts received under this chapter shall be credited to appropriations for maintaining naval salvage facilities. However, any amount received under this chapter in any fiscal year in excess of naval salvage costs incurred by the Navy during that fiscal year shall be deposited into the general fund of the Treasury.".

SEC. 1016. VESSELS SUBJECT TO REPAIR UNDER PHASED MAINTENANCE CONTRACTS.

(a) IN GENERAL.—The Secretary of the Navy shall ensure that any vessel that is covered by the contract referred to in subsection (b) remains covered by that contract, regardless of the operating command to which the vessel is subsequently assigned, unless the vessel is taken out of service for the Department of the Navy.

(b) COVERED CONTRACT.—The contract referred to in subsection (a) is the contract entered into before the date of the enactment of this Act for the phased maintenance of AE class ships.

SEC. 1017. CLARIFICATION OF REQUIREMENTS RELATING TO REPAIRS OF VESSELS.

Section 7310(a) of title 10, United States Code, is amended by inserting "or Guam" after "the United States" the second place it appears.

SEC. 1018. SENSE OF CONGRESS CONCERNING NAMING OF AMPHIBIOUS SHIPS.

It is the sense of Congress that the Secretary of the Navy—

(1) should name the vessel to be designated LHD–7 as the U.S.S. Iwo Jima; and

(2) should name the vessel to be designated LPD–17, and each subsequent ship of the LPD–17 class, after a Marine Corps battle or a member of the Marine Corps.

SEC. 1019. SENSE OF CONGRESS CONCERNING NAMING OF NAVAL VESSEL.

It is the sense of Congress that the Secretary of the Navy should name an appropriate ship of the United States Navy the U.S.S. Joseph Vittori, in honor of Marine Corporal Joseph Vittori (1929–1951) of Beverly, Massachusetts, who was posthumously awarded the Medal of Honor for actions against the enemy in Korea on September 15–16, 1951.

SEC. 1020. TRANSFER OF RIVERINE PATROL CRAFT.

(a) AUTHORITY TO TRANSFER VESSEL.—Notwithstanding subsections (a) and (d) of section 7306 of title 10, United States Code, but subject to subsections (b) and (c) of that section, the Secretary of the Navy may transfer a vessel described in subsection (b) to Tidewater Community College, Portsmouth, Virginia, for scientific and educational purposes.

(b) VESSEL.—The authority under subsection (a) applies in the case of a riverine patrol craft of the U.S.S. Swift class.

(c) LIMITATION.—The transfer authorized by subsection (a) may be made only if the Secretary determines that the vessel to be transferred is of no further use to the United States for national security purposes.

(d) 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.

Subtitle C—Counter-Drug Activities

SEC. 1021. REVISION AND CLARIFICATION OF AUTHORITY FOR FEDERAL SUPPORT OF DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES OF THE NATIONAL GUARD.

(a) FUNDING ASSISTANCE AUTHORIZED.—Subsection (a) of section 112 of title 32, United States Code, is amended to read as follows:

"(a) FUNDING ASSISTANCE.—The Secretary of Defense may provide funds to the Governor of a State who submits to the Secretary a State drug interdiction and counter-drug activities plan satisfying the requirements of subsection (c). Such funds shall be used for—

"(1) the pay, allowances, clothing, subsistence, gratuities, travel, and related expenses, as authorized by State law, of personnel of the National Guard of that State used, while not in Federal service, for the purpose of druginterdiction and counter-drug activities;

"(2) the operation and maintenance of the equipment and facilities of the National Guard of that State used for the purpose of drug interdiction and counter-drug activities; and

"(3) the procurement of services and leasing of equipment for the National Guard of that State used for the purpose of drug interdiction and counter-drug activities.".

(b) REORGANIZATION OF SECTION.—Such section is further amended—

(1) by redesignating subsection (f) as subsection (h);

(2) by redesignating subsection (d) as subsection (g) and transferring that subsection to appear before subsection (h), as redesignated by paragraph (1); and

(3) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively.

(c) STATE DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES PLAN.—Subsection (c) of such section, as redesignated by subsection (b)(3), is amended—

(1) in the matter preceding paragraph (1), by striking out "A plan referred to in subsection (a)" and inserting in lieu thereof "A State drug interdiction and counter-drug activities plan";

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

(3) in paragraph (3)—

(A) by striking out "annual training" and inserting in lieu thereof "training";

(B) by striking out the period at the end and inserting in lieu thereof a semicolon; and

(C) by adding at the end the following new paragraphs:

"(4) include a certification by the Attorney General of the State (or, in the case of a State with no position of Attorney General, a civilian official of the State equivalent to a State attorney general) that the use of the National Guard of the State for the activities proposed under the plan is authorized by, and is consistent with, State law; and

"(5) certify that the Governor of the State or a civilian law enforcement official of the State designated by the Governor has determined that any activities included in the plan that are carried out in conjunction with Federal law enforcement agencies serve a State law enforcement purpose.".

(d) EXAMINATION OF STATE PLAN.—Subsection (d) of such section, as redesignated by subsection (b)(3), is amended—

(1) in paragraph (1)—

(A) by striking out "subsection (b)" and inserting in lieu thereof "subsection (c)"; and

(B) by inserting after "Before funds are provided to the Governor of a State under this section" the following: "and before members of the National Guard of that State are ordered to full-time National Guard duty as authorized in subsection (b)"; and

(2) in paragraph (3)—

(A) in subparagraph (A), by striking out "subsection (b)" and inserting in lieu thereof "subsection (c)"; and

(B) by striking out subparagraph (B) and inserting in lieu thereof the following:

"(B) pursuant to the plan submitted for a previous fiscal year, funds were provided to the State in accordance with subsection (a) or personnel of the National Guard of the State were ordered to perform full-time National Guard duty in accordance with subsection (b).".

(e) USE OF PERSONNEL PERFORMING FULL-TIME NATIONAL GUARD DUTY.—Such section is further amended by inserting after subsection (a) the following new subsection (b):

"(b) USE OF PERSONNEL PERFORMING FULL-TIME NATIONAL GUARD DUTY.—Under regulations prescribed by the Secretary of Defense, personnel of the National Guard of a State may, in accordance with the State drug interdiction and counter-drug activities plan referred to in subsection (c), be ordered to perform full-time National Guard duty under section 502(f) of this title for the purpose of carrying out drug interdiction and counter-drug activities.".

(f) END STRENGTH LIMITATION.—Such section is further amended by inserting after subsection (e) the following new subsection (f):

"(f) END STRENGTH LIMITATION.—(1) Except as provided in paragraph (2), at the end of a fiscal year there may not be more than 4000 members of the National Guard—

"(A) on full-time National Guard duty under section 502(f) of this title to perform drug interdiction or counter-drug activities pursuant to an order to duty for a period of more than 180 days; or

"(B) on duty under State authority to perform drug interdiction or counter-drug activities pursuant to an order to duty for a period of more than 180 days with State pay and allowances being reimbursed with funds provided under subsection (a)(1).

"(2) The Secretary of Defense may increase the end strength authorized under paragraph (1) by not more than 20 percent for any fiscal year if the Secretary determines that such an increase is necessary in the national security interests of the United States.".

(g) DEFINITIONS.—Subsection (h) of such section, as redesignated by subsection (b)(1), is amended by striking out paragraph (1) and inserting in lieu thereof the following:

"(1) The term 'drug interdiction and counter-drug activities', with respect to the National Guard of a State, means the use of National Guard personnel in drug interdiction and counter-drug law enforcement activities authorized by the law of the State and requested by the Governor of the State.".

(h) TECHNICAL AMENDMENTS.—Subsection (e) of such section is amended—

(1) in paragraph (1), by striking out "sections 517 and 524" and inserting in lieu thereof "sections 12011 and 12012"; and

(2) in paragraph (2), by striking out "the Committees on Armed Services of the Senate and House of Representatives" and inserting in lieu thereof "the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives".

SEC. 1022. NATIONAL DRUG INTELLIGENCE CENTER.

(a) LIMITATION ON USE OF FUNDS.—Except as provided in subsection (b), funds appropriated or otherwise made available for the Department of Defense pursuant to this or any other Act

may not be obligated or expended for the National Drug Intelligence Center, Johnstown, Pennsylvania.

(b) EXCEPTION.—If the Attorney General operates the National Drug Intelligence Center using funds available for the Department of Justice, the Secretary of Defense may continue to provide Department of Defense intelligence personnel to support intelligence activities at the Center. The number of such personnel providing support to the Center after the date of the enactment of this Act may not exceed the number of the Department of Defense intelligence personnel who are supporting intelligence activities at the Center on the day before such date.

Subtitle D—Civilian Personnel

SEC. 1031. MANAGEMENT OF DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL.

Section 129 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking out "man-year constraint or limitation" and inserting in lieu thereof "constraint or limitation in terms of man years, end strength, full-time equivalent positions, or maximum number of employees"; and

(B) by adding at the end the following new sentence: "The Secretary of Defense and the Secretaries of the military departments may not be required to make a reduction in the number of full-time equivalent positions in the Department of Defense unless such reduction is necessary due to a reduction in funds available to the Department or is required under a law that is enacted after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996 and that refers specifically to this subsection.";

(2) in subsection (b)(2), by striking out "any end-strength" and inserting in lieu thereof "any constraint or limitation in terms of man years, end strength, full-time equivalent positions, or maximum number of employees"; and

(3) by adding at the end the following new subsection:

"(d) With respect to each budget activity within an appropriation for a fiscal year for operations and maintenance, the Secretary of Defense shall ensure that there are employed during that fiscal year employees in the number and with the combination of skills and qualifications that are necessary to carry out the functions within that budget activity for which funds are provided for that fiscal year.".

SEC. 1032. CONVERSION OF MILITARY POSITIONS TO CIVILIAN POSITIONS.

(a) CONVERSION REQUIREMENT.—(1) By September 30, 1997, the Secretary of Defense shall convert at least 10,000 military positions to civilian positions.

(2) At least 3,000 of the military positions converted to satisfy the requirement of paragraph (1) shall be converted to civilian positions not later than September 30, 1996.

(3) In this subsection:

(A) The term "military position" means a position that, as of the date of the enactment of this Act, is authorized to be filled by a member of the Armed Forces on active duty.

(B) The term "civilian position" means a position that is required to be filled by a civilian employee of the Department of Defense.

(b) IMPLEMENTATION PLAN.—Not later than March 31, 1996, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a plan for the implementation of subsection (a).

SEC. 1033. ELIMINATION OF 120-DAY LIMITATION ON DETAILS OF CERTAIN EMPLOYEES.

(a) ELIMINATION OF LIMITATION.—Subsection (b) of section 3341 of title 5, United States Code, is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end the following:

"(2) The 120-day limitation in paragraph (1) for details and renewals of details does not apply to the Department of Defense in the case of a detail—

"(A) made in connection with the closure or realignment of a military installation pursuant to a base closure law or an organizational restructuring of the Department as part of a reduction in the size of the armed forces or the civilian workforce of the Department; and

"(B) in which the position to which the employee is detailed is eliminated on or before the date of the closure, realignment, or restructuring.

"(c) For purposes of this section—

"(1) the term 'base closure law' means—

"(A) section 2687 of title 10;

"(B) title II of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note); and

"(C) the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note); and

"(2) the term 'military installation'—

"(A) in the case of an installation covered by section 2687 of title 10, has the meaning given such term in subsection (e)(1) of such section;

"(B) in the case of an installation covered by the Act referred to in subparagraph (B) of paragraph (1), has the meaning given such term in section 209(6) of such Act; and

"(C) in the case of an installation covered by the Act referred to in subparagraph (C) of that paragraph, has the meaning given such term in section 2910(4) of such Act.".

(b) APPLICABILITY.—The amendments made by subsection (a) apply to details made before the date of the enactment of this Act but still in effect on that date and details made on or after that date.

SEC. 1034. AUTHORITY FOR CIVILIAN EMPLOYEES OF DEPARTMENT OF DEFENSE TO PARTICIPATE VOLUNTARILY IN REDUCTIONS IN FORCE.

Section 3502 of title 5, United States Code, is amended by adding at the end the following:

"(f)(1) The Secretary of Defense or the Secretary of a military department may—

"(A) release in a reduction in force an employee who volunteers for the release even though the employee is not otherwise subject to release in the reduction in force under the criteria applicable under the other provisions of this section; and

"(B) for each employee voluntarily released in the reduction in force under subparagraph (A), retain an employee in a similar position who would otherwise be released in the reduction in force under such criteria.

"(2) A voluntary release of an employee in a reduction in force pursuant to paragraph (1) shall be treated as an involuntary release in the reduction in force.

"(3) An employee with critical knowledge and skills (as defined by the Secretary concerned) may not participate in a voluntary release under paragraph (1) if the Secretary concerned determines that such participation would impair the performance of the mission of the Department of Defense or the military department concerned.

"(4) The regulations prescribed under this section shall incorporate the authority provided in this subsection.

"(5) The authority under paragraph (1) may not be exercised after September 30, 1996.".

SEC. 1035. AUTHORITY TO PAY SEVERANCE PAYMENTS IN LUMP SUMS.

Section 5595 of title 5, United States Code, is amended by adding at the end the following:

"(i)(1) In the case of an employee of the Department of Defense who is entitled to severance pay under this section, the Secretary of Defense or the Secretary of the military department concerned may, upon application by the employee, pay the total amount of the severance pay to the employee in one lump sum.

"(2)(A) If an employee paid severance pay in a lump sum under this subsection is reemployed by the Government of the United States or the government of the District of Columbia at such time that, had the employee been paid severance pay in regular pay periods under subsection (b), the payments of such pay would have been discontinued under subsection (d) upon such reemployment, the employee shall repay to the Department of Defense (for the military department that formerly employed the employee, if applicable) an amount equal to the amount of severance pay to which the employee was entitled under this section that would not have been paid to the employee under subsection (d) by reason of such reemployment.

"(B) The period of service represented by an amount of severance pay repaid by an employee under subparagraph (A) shall be considered service for which severance pay has not been received by the employee under this section.

"(C) Amounts repaid to an agency under this paragraph shall be credited to the appropriation available for the pay of employees of the agency for the fiscal year in which received. Amounts so credited shall be merged with, and shall be available for the same purposes and the same period as, the other funds in that appropriation.

"(3) If an employee fails to repay to an agency an amount required to be repaid under paragraph (2)(A), that amount is recoverable from the employee as a debt due the United States.

"(4) This subsection applies with respect to severance pay payable under this section for separations taking effect on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996 and before October 1, 1999.".

SEC. 1036. CONTINUED HEALTH INSURANCE COVERAGE.

Section 8905a(d)(4) of title 5, United States Code, is amended—

(1) in subparagraph (A), by inserting ", or a voluntary separation from a surplus position," after "an involuntary separation from a position"; and

(2) by adding at the end the following new subparagraph:

"(C) For the purpose of this paragraph, 'surplus position' means a position which is identified in pre-reduction-in-force planning as no longer required, and which is expected to be eliminated under formal reduction-in-force procedures.".

SEC. 1037. REVISION OF AUTHORITY FOR APPOINTMENTS OF INVOLUNTARILY SEPARATED MILITARY RESERVE TECHNICIANS.

(a) REVISION OF AUTHORITY.—Section 3329 of title 5, United States Code, as added by section 544 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2415), is amended—

(1) in subsection (b), by striking out "be offered" and inserting in lieu thereof "be provided placement consideration in a position described in subsection (c) through a priority placement program of the Department of Defense"; and

(2) by striking out subsection (c) and inserting in lieu thereof the following new subsection (c):

"(c)(1) The position for which placement consideration shall be provided to a former military technician under subsection (b) shall be a position—

"(A) in either the competitive service or the excepted service;

"(B) within the Department of Defense; and

"(C) in which the person is qualified to serve, taking into consideration whether the employee in that position is required to be a member of a

reserve component of the armed forces as a condition of employment.

"(2) To the maximum extent practicable, the position shall also be in a pay grade or other pay classification sufficient to ensure that the rate of basic pay of the former military technician, upon appointment to the position, is not less than the rate of basic pay last received by the former military technician for technician service before separation.".

(b) TECHNICAL AND CLERICAL AMENDMENTS.—(1) The section 3329 of title 5, United States Code, that was added by section 4431 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2719) is redesignated as section 3330 of such title.

(2) The table of sections at the beginning of chapter 33 of such title is amended by striking out the item relating to section 3329, as added by section 4431(b) of such Act (106 Stat. 2720), and inserting in lieu thereof the following new item:

"3330. Government-wide list of vacant positions.".

SEC. 1038. WEARING OF UNIFORM BY NATIONAL GUARD TECHNICIANS.

(a) REQUIREMENT.—Section 709(b) of title 32, United States Code, is amended to read as follows:

"(b) Except as prescribed by the Secretary concerned, a technician employed under subsection (a) shall, while so employed—

"(1) be a member of the National Guard;

"(2) hold the military grade specified by the Secretary concerned for that position; and

"(3) wear the uniform appropriate for the member's grade and component of the armed forces while performing duties as a technician.".

(b) UNIFORM ALLOWANCES FOR OFFICERS.—Section 417 of title 37, United States Code, is amended by adding at the end the following:

"(d)(1) For purposes of sections 415 and 416 of this title, a period for which an officer of an armed force, while employed as a National Guard technician, is required to wear a uniform under section 709(b) of title 32 shall be treated as a period of active duty (other than for training).

"(2) A uniform allowance may not be paid, and uniforms may not be furnished, to an officer under section 1593 of title 10 or section 5901 of title 5 for a period of employment referred to in paragraph (1) for which an officer is paid a uniform allowance under section 415 or 416 of this title.".

(c) CLOTHING OR ALLOWANCES FOR ENLISTED MEMBERS.—Section 418 of title 37, United States Code, is amended—

(1) by inserting "(a)" before "The President"; and

(2) by adding at the end the following:

"(b) In determining the quantity and kind of clothing or allowances to be furnished pursuant to regulations prescribed under this section to persons employed as National Guard technicians under section 709 of title 32, the President shall take into account the requirement under subsection (b) of such section for such persons to wear a uniform.

"(c) A uniform allowance may not be paid, and uniforms may not be furnished, under section 1593 of title 10 or section 5901 of title 5 to a person referred to in subsection (b) for a period of employment referred to in that subsection for which a uniform allowance is paid under section 415 or 416 of this title.".

SEC. 1039. MILITARY LEAVE FOR MILITARY RESERVE TECHNICIANS FOR CERTAIN DUTY OVERSEAS.

Section 6323 of title 5, United States Code is amended by adding at the end the following new subsection:

"(d)(1) A military reserve technician described in section 8401(30) is entitled at such person's request to leave without loss of, or reduction in, pay, leave to which such person is otherwise entitled, credit for time or service, or performance or efficiency rating for each day, not to exceed 44 workdays in a calendar year, in which such person is on active duty without pay, as authorized pursuant to section 12315 of title 10, under section 12301(b) or 12301(d) of title 10 (other than active duty during a war or national emergency declared by the President or Congress) for participation in noncombat operations outside the United States, its territories and possessions.

"(2) An employee who requests annual leave or compensatory time to which the employee is otherwise entitled, for a period during which the employee would have been entitled upon request to leave under this subsection, may be granted such annual leave or compensatory time without regard to this section or section 5519.".

SEC. 1040. PERSONNEL ACTIONS INVOLVING EMPLOYEES OF NONAPPROPRIATED FUND INSTRUMENTALITIES.

(a) CLARIFICATION OF DEFINITION OF NONAPPROPRIATED FUND INSTRUMENTALITY EMPLOYEE.—Subsection (a)(1) of section 1587 of title 10, United States Code, is amended by adding at the end the following new sentence: "Such term includes a civilian employee of a support organization within the Department of Defense or a military department, such as the Defense Finance and Accounting Service, who is paid from nonappropriated funds on account of the nature of the employee's duties.".

(b) DIRECT REPORTING OF VIOLATIONS.—Subsection (e) of such section is amended in the second sentence by inserting before the period the following: "and to permit the reporting of alleged violations of subsection (b) directly to the Inspector General of the Department of Defense".

(c) TECHNICAL AMENDMENT.—Subsection (a)(1) of such section is further amended by striking out "Navy Resale and Services Support Office" and inserting in lieu thereof "Navy Exchange Service Command".

(d) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§1587. Employees of nonappropriated fund instrumentalities: reprisals".

(2) The item relating to such section in the table of sections at the beginning of chapter 81 of such title is amended to read as follows:

"1587. Employees of nonappropriated fund instrumentalities: reprisals.".

SEC. 1041. COVERAGE OF NONAPPROPRIATED FUND EMPLOYEES UNDER AUTHORITY FOR FLEXIBLE AND COMPRESSED WORK SCHEDULES.

Paragraph (2) of section 6121 of title 5, United States Code, is amended to read as follows:

"(2) 'employee' has the meaning given the term in subsection (a) of section 2105 of this title, except that such term also includes an employee described in subsection (c) of that section;".

SEC. 1042. LIMITATION ON PROVISION OF OVERSEAS LIVING QUARTERS ALLOWANCES FOR NONAPPROPRIATED FUND INSTRUMENTALITY EMPLOYEES.

(a) CONFORMING ALLOWANCE TO ALLOWANCES FOR OTHER CIVILIAN EMPLOYEES.—Subject to subsection (b), an overseas living quarters allowance paid from nonappropriated funds and provided to a nonappropriated fund instrumentality employee after the date of the enactment of this Act may not exceed the amount of a quarters allowance provided under subchapter III of chapter 59 of title 5 to a similarly situated civilian employee of the Department of Defense paid from appropriated funds.

(b) APPLICATION TO CERTAIN CURRENT EMPLOYEES.—In the case of a nonappropriated fund instrumentality employee who, as of the date of the enactment of this Act, receives an overseas living quarters allowance under any other authority, subsection (a) shall apply to such employee only after the earlier of—

(1) September 30, 1997; or

(2) the date on which the employee otherwise ceases to be eligible for such an allowance under such other authority.

(c) NONAPPROPRIATED FUND INSTRUMENTALITY EMPLOYEE DEFINED.—For purposes of this section, the term "nonappropriated fund instrumentality employee" has the meaning given such term in section 1587(a)(1) of title 10, United States Code.

SEC. 1043. ELECTIONS RELATING TO RETIREMENT COVERAGE.

(a) IN GENERAL.—

(1) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8347(q) of title 5, United States Code, is amended—

(A) in paragraph (1)—

(i) by striking "of the Department of Defense or the Coast Guard" in the matter before subparagraph (A); and

(ii) by striking "3 days" and inserting "1 year"; and

(B) in paragraph (2)(C)—

(i) by striking "3 days" and inserting "1 year"; and

(ii) by striking "in the Department of Defense or the Coast Guard, respectively,".

(2) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8461(n) of title 5, United States Code, is amended—

(A) in paragraph (1)—

(i) by striking "of the Department of Defense or the Coast Guard" in the matter before subparagraph (A); and

(ii) by striking "3 days" and inserting "1 year"; and

(B) in paragraph (2)(C)—

(i) by striking "3 days" and inserting "1 year"; and

(ii) by striking "in the Department of Defense or the Coast Guard, respectively,".

(b) REGULATIONS.—Not later than 6 months after the date of the enactment of this Act, the Office of Personnel Management (and each of the other administrative authorities, within the meaning of subsection (c)(2)(C)(iii)) shall prescribe any regulations (or make any modifications in existing regulations) necessary to carry out this section and the amendments made by this section, including regulations to provide for the notification of individuals who may be affected by the enactment of this section. All regulations (and modifications to regulations) under the preceding sentence shall take effect on the same date.

(c) APPLICABILITY; RELATED PROVISIONS.—

(1) PROSPECTIVE RULES.—Except as otherwise provided in this subsection, the amendments made by this section shall apply with respect to moves occurring on or after the effective date of the regulations under subsection (b). Moves occurring on or after the date of the enactment of this Act and before the effective date of such regulations shall be subject to applicable provisions of title 5, United States Code, disregarding the amendments made by this section, except that any individual making an election pursuant to this sentence shall be ineligible to make an election otherwise allowable under paragraph (2).

(2) RETROACTIVE RULES.—

(A) IN GENERAL.—The regulations under subsection (b) shall include provisions for the application of sections 8347(q) and 8461(n) of title 5, United States Code, as amended by this section, with respect to any individual who, at any time after December 31, 1965, and before the effective date of such regulations, moved between positions in circumstances that would have qualified such individual to make an election under the provisions of such section 8347(q) or 8461(n),

as so amended, if such provisions had then been in effect.

(B) DEADLINE; RELATED PROVISIONS.—An election pursuant to this paragraph—

(i) shall be made within 1 year after the effective date of the regulations under subsection (b), and

(ii) shall have the same force and effect as if it had been timely made at the time of the move, except that no such election may be made by any individual—

(I) who has previously made, or had an opportunity to make, an election under section 8347(q) or 8461(n) of title 5, United States Code (as in effect before being amended by this section); however, this subclause shall not be considered to render an individual ineligible, based on an opportunity arising out of a move occurring during the period described in the second sentence of paragraph (1), if no election has in fact been made by such individual based on such move;

(II) who has not, since the move on which eligibility for the election is based, remained continuously subject (disregarding any break in service of less than 3 days) to CSRS or FERS or both seriatim (if the move was from a NAFI position) or any retirement system (or 2 or more such systems seriatim) established for employees described in section 2105(c) of such title (if the move was to a NAFI position); or

(III) if such election would be based on a move to the Civil Service Retirement System from a retirement system established for employees described in section 2105(c) of such title.

(C) TRANSFERS OF CONTRIBUTIONS.—

(i) IN GENERAL.—If an individual makes an election under this paragraph to be transferred back to a retirement system in which such individual previously participated (in this section referred to as the "previous system"), all individual contributions (including interest) and Government contributions to the retirement system in which such individual is then currently participating (in this section referred to as the "current system"), excluding those made to the Thrift Savings Plan or any other defined contribution plan, which are attributable to periods of service performed since the move on which the election is based, shall be paid to the fund, account, or other repository for contributions made under the previous system. For purposes of this section, the term "current system" shall be considered also to include any retirement system (besides the one in which the individual is participating at the time of making the election) in which such individual previously participated since the move on which the election is based.

(ii) CONDITION SUBSEQUENT RELATING TO REPAYMENT OF LUMP-SUM CREDIT.—In the case of an individual who has received such individual's lump-sum credit (within the meaning of section 8401(19) of title 5, United States Code, or a similar payment) from such individual's previous system, the payment described in clause (i) shall not be made (and the election to which it relates shall be ineffective) unless such lump-sum credit is redeposited or otherwise paid at such time and in such manner as shall be required under applicable regulations. Regulations to carry out this clause shall include provisions for the computation of interest (consistent with section 8334(e)(2) and (3) of title 5, United States Code), if no provisions for such computation otherwise exist.

(iii) CONDITION SUBSEQUENT RELATING TO DEFICIENCY IN PAYMENTS RELATIVE TO AMOUNTS NEEDED TO ENSURE THAT BENEFITS ARE FULLY FUNDED.—

(I) IN GENERAL.—Except as provided in subclause (II), the payment described in clause (i) shall not be made (and the election to which it relates shall be ineffective) if the actuarial present value of the future benefits that would be payable under the previous system with respect to service performed by such individual after the move on which the election under this paragraph is based and before the effective date of the election, exceeds the total amounts required to be transferred to the previous system under the preceding provisions of this subparagraph with respect to such service, as determined by the authority administering such previous system (in this section referred to as the "administrative authority").

(II) PAYMENT OF DEFICIENCY.—A determination of a deficiency under this clause shall not render an election ineffective if the individual pays or arranges to pay, at a time and in a manner satisfactory to such administrative authority, the full amount of the deficiency described in subclause (I).

(D) ALTERNATIVE ELECTION FOR AN INDIVIDUAL THEN PARTICIPATING IN FERS.—

(i) APPLICABILITY.—This subparagraph applies with respect to any individual who—

(I) is then currently participating in FERS; and

(II) would then otherwise be eligible to make an election under subparagraphs (A) through (C) of this paragraph, determined disregarding the matter in subclause (I) of subparagraph (B) before the first semicolon therein.

(ii) ELECTION.—An individual described in clause (i) may, instead of making an election for which such individual is otherwise eligible under this paragraph, elect to have all prior qualifying NAFI service of such individual treated as creditable service for purposes of any annuity under FERS payable out of the Civil Service Retirement and Disability Fund.

(iii) QUALIFYING NAFI SERVICE.—For purposes of this subparagraph, the term "qualifying NAFI service" means any service which, but for this subparagraph, would be creditable for purposes of any retirement system established for employees described in section 2105(c) of title 5, United States Code.

(iv) SERVICE CEASES TO BE CREDITABLE FOR NAFI RETIREMENT SYSTEM PURPOSES.—Any qualifying NAFI service that becomes creditable for FERS purposes by virtue of an election made under this subparagraph shall not be creditable for purposes of any retirement system referred to in clause (iii).

(v) CONDITIONS.—An election under this subparagraph shall be subject to requirements, similar to those set forth in subparagraph (C), to ensure that—

(I) appropriate transfers of individual and Government contributions are made to the Civil Service Retirement and Disability Fund; and

(II) the actuarial present value of future benefits under FERS attributable to service made creditable by such election is fully funded.

(E) ALTERNATIVE ELECTION FOR AN INDIVIDUAL THEN PARTICIPATING IN A NAFI RETIREMENT SYSTEM.—

(i) APPLICABILITY.—This subparagraph applies with respect to any individual who—

(I) is then currently participating in any retirement system established for employees described in section 2105(c) of title 5, United States Code (in this subparagraph referred to as a "NAFI retirement system"); and

(II) would then otherwise be eligible to make an election under subparagraphs (A) through (C) of this paragraph (determined disregarding the matter in subclause (I) of subparagraph (B) before the first semicolon therein) based on a move from FERS.

(ii) ELECTION.—An individual described in clause (i) may, instead of making an election for which such individual is otherwise eligible under this paragraph, elect to have all prior qualifying FERS service of such individual treated as creditable service for purposes of determining eligibility for benefits under a NAFI retirement system, but not for purposes of computing the amount of any such benefits except as provided in clause (v)(II).

(iii) QUALIFYING FERS SERVICE.—For purposes of this subparagraph, the term "qualifying FERS service" means any service which, but for this subparagraph, would be creditable for purposes of the Federal Employees' Retirement System.

(iv) SERVICE CEASES TO BE CREDITABLE FOR PURPOSES OF FERS.—Any qualifying FERS service that becomes creditable for NAFI purposes by virtue of an election made under this subparagraph shall not be creditable for purposes of the Federal Employees' Retirement System.

(v) FUNDING REQUIREMENTS.—

(I) IN GENERAL.—Except as provided in subclause (II), nothing in this section or in any other provision of law or any other authority shall be considered to require any payment or transfer of monies in order for an election under this subparagraph to be effective.

(II) CONTRIBUTION REQUIRED ONLY IF INDIVIDUAL ELECTS TO HAVE SERVICE MADE CREDITABLE FOR COMPUTATION PURPOSES AS WELL.—Under regulations prescribed by the appropriate administrative authority, an individual making an election under this subparagraph may further elect to have the qualifying FERS service made creditable for computation purposes under a NAFI retirement system, but only if the individual pays or arranges to pay, at a time and in a manner satisfactory to such administrative authority, the amount necessary to fully fund the actuarial present value of future benefits under the NAFI retirement system attributable to the qualifying FERS service.

(3) INFORMATION.—The regulations under subsection (b) shall include provisions under which any individual—

(A) shall, upon request, be provided information or assistance in determining whether such individual is eligible to make an election under paragraph (2) and, if so, the exact amount of any payment which would be required of such individual in connection with any such election; and

(B) may seek any other information or assistance relating to any such election.

(d) CREDITABILITY OF NAFI SERVICE FOR RIF PURPOSES.—

(1) IN GENERAL.—Clause (ii) of section 3502(a)(C) of title 5, United States Code, is amended by striking "January 1, 1987" and inserting "January 1, 1966".

(2) EFFECTIVE DATE.—Notwithstanding any provision of subsection (c), the amendment made by paragraph (1) shall—

(A) take effect on the date of the enactment of this Act; and

(B) apply with respect to any reduction in force carried out on or after such date.

SEC. 1044. EXTENSION OF TEMPORARY AUTHORITY TO PAY CIVILIAN EMPLOYEES WITH RESPECT TO THE EVACUATION FROM GUANTANAMO, CUBA.

(a) EXTENSION OF AUTHORITY.—The Secretary of Defense may, until the end of January 31, 1996 and without regard to the time limitations specified in subsection (a) of section 5523 of title 5, United States Code, make payments under the provisions of such section from funds available for the pay of civilian personnel in the case of employees, or an employee's dependents or immediate family, evacuated from Guantanamo Bay, Cuba, pursuant to the August 26, 1994 order of the Secretary. This section shall take effect as of October 1, 1995, and shall apply with respect to payments made for periods occurring on or after that date.

(b) MONTHLY REPORT.—On the first day of each month beginning after the date of the enactment of this Act and ending before March 1996, the Secretary of the Navy shall transmit to

the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report regarding the payment of employees pursuant to subsection (a). Each such report shall include, for the month preceding the month in which the report is transmitted, a statement of the following:

(1) The number of the employees paid pursuant to such section.

(2) The positions of employment of the employees.

(3) The number and location of the employees' dependents and immediate families.

(4) The actions taken by the Secretary to eliminate the conditions which necessitated the payments.

Subtitle E—Miscellaneous Reporting Requirements

SEC. 1051. REPORT ON FISCAL YEAR 1997 BUDGET SUBMISSION REGARDING GUARD AND RESERVE COMPONENTS.

(a) REPORT.—The Secretary of Defense shall submit to the congressional defense committees, at the same time that the President submits the budget for fiscal year 1997 under section 1105(a) of title 31, United States Code, a report on amounts requested in that budget for the Guard and Reserve components.

(b) CONTENT.—The report shall include the following:

(1) A description of the anticipated effect that the amounts requested (if approved by Congress) will have to enhance the capabilities of each of the Guard and Reserve components.

(2) A listing, with respect to each such component, of each of the following:

(A) The amount requested for each major weapon system for which funds are requested in the budget for that component.

(B) The amount requested for each item of equipment (other than a major weapon system) for which funds are requested in the budget for that component.

(C) The amount requested for each military construction project, together with the location of each such project, for which funds are requested in the budget for that component.

(c) INCLUSION OF INFORMATION IN NEXT FYDP.—The Secretary of Defense shall specifically display in the next future-years defense program (or program revision) submitted to Congress after the date of the enactment of this Act the amounts programmed for procurement of equipment and for military construction for each of the Guard and Reserve components.

(d) DEFINITION.—For purposes of this section, the term "Guard and Reserve components" means the following:

(1) The Army Reserve.

(2) The Army National Guard of the United States.

(3) The Naval Reserve.

(4) The Marine Corps Reserve.

(5) The Air Force Reserve.

(6) The Air National Guard of the United States.

SEC. 1052. REPORT ON DESIRABILITY AND FEASIBILITY OF PROVIDING AUTHORITY FOR USE OF FUNDS DERIVED FROM RECOVERED LOSSES RESULTING FROM CONTRACTOR FRAUD.

(a) REPORT.—Not later than April 1, 1996, the Secretary of Defense shall submit to Congress a report on the desirability and feasibility of authorizing by law the retention and use by the Department of Defense of a specified portion (not to exceed three percent) of amounts recovered by the Government during any fiscal year from losses and expenses incurred by the Department of Defense as a result of contractor fraud at military installations.

(b) MATTERS TO BE INCLUDED.—The report shall include the views of the Secretary of Defense regarding—

(1) the degree to which such authority would create enhanced incentives for the discovery, investigation, and resolution of contractor fraud at military installations; and

(2) the appropriate allocation for funds that would be available for expenditure pursuant to such authority.

SEC. 1053. REPORT OF NATIONAL POLICY ON PROTECTING THE NATIONAL INFORMATION INFRASTRUCTURE AGAINST STRATEGIC ATTACKS.

Not later than 120 days after the date of the enactment of this Act, the President shall submit to Congress a report setting forth the results of a review of the national policy on protecting the national information infrastructure against strategic attacks. The report shall include the following:

(1) A description of the national policy and architecture governing the plans for establishing procedures, capabilities, systems, and processes necessary to perform indications, warning, and assessment functions regarding strategic attacks by foreign nations, groups, or individuals, or any other entity against the national information infrastructure.

(2) An assessment of the future of the National Communications System (NCS), which has performed the central role in ensuring national security and emergency preparedness communications for essential United States Government and private sector users, including a discussion of—

(A) whether there is a Federal interest in expanding or modernizing the National Communications System in light of the changing strategic national security environment and the revolution in information technologies; and

(B) the best use of the National Communications System and the assets and experience it represents as an integral part of a larger national strategy to protect the United States against a strategic attack on the national information infrastructure.

SEC. 1054. REPORT ON DEPARTMENT OF DEFENSE BOARDS AND COMMISSIONS.

(a) STUDY.—The Secretary of Defense shall conduct a study of the boards and commissions described in subsection (c). As part of such study, the Secretary shall determine, with respect to each such board or commission that received support from the Department of Defense during fiscal year 1995, whether that board or commission merits continued support from the Department.

(b) REPORT.—Not later than April 1, 1996, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the results of the study. The report shall include the following:

(1) A list of each board and commission described in subsection (c) that received support from the Department of Defense during fiscal year 1995.

(2) With respect to the boards and commissions specified on the list under paragraph (1)—

(A) a list of each such board or commission concerning which the Secretary determined under subsection (a) that continued support from the Department of Defense is merited; and

(B) a list of each such board or commission concerning which the Secretary determined under subsection (a) that continued support from the Department if not merited.

(3) For each board and commission specified on the list under paragraph (2)(A), a description of—

(A) the purpose of the board or commission;

(B) the nature and cost of the support provided by the Department to the board or commission during fiscal year 1995;

(C) the nature and duration of the support that the Secretary proposes to provide to the board or commission;

(D) the anticipated cost to the Department of providing such support; and

(E) a justification of the determination that the board or commission merits the continued support of the Department.

(4) For each board and commission specified on the list under paragraph (2)(B), a description of—

(A) the purpose of the board or commission;

(B) the nature and cost of the support provided by the Department to the board or commission during fiscal year 1995; and

(C) a justification of the determination that the board or commission does not merit the continued support of the Department.

(c) COVERED BOARDS AND COMMISSIONS.—Subsection (a) applies to any board or commission (including any board or commission authorized by law) that operates within or for the Department of Defense and that—

(1) provides only policy-making assistance or advisory services for the Department; or

(2) carries out only activities that are not routine activities, on-going activities, or activities necessary to the routine, on-going operations of the Department.

(d) SUPPORT DEFINED.—For purposes of this section, the term "support" includes the provision of any of the following:

(1) Funds.

(2) Equipment, materiel, or other assets.

(3) Services of personnel.

SEC. 1055. DATE FOR SUBMISSION OF ANNUAL REPORT ON SPECIAL ACCESS PROGRAMS.

Section 119(a) of title 10, United States Code, is amended by striking out "February 1" and inserting in lieu thereof "March 1".

Subtitle F—Repeal of Certain Reporting and Other Requirements and Authorities

SEC. 1061. REPEAL OF MISCELLANEOUS PROVISIONS OF LAW.

(a) VOLUNTEERS INVESTING IN PEACE AND SECURITY PROGRAM.—(1) Chapter 89 of title 10, United States Code, is repealed.

(2) The tables of chapters at the beginning of subtitle A, and at the beginning of part II of subtitle A, of such title are each amended by striking out the item relating to chapter 89.

(b) SECURITY AND CONTROL OF SUPPLIES.—(1) Chapter 171 of such title is repealed.

(2) The tables of chapters at the beginning of subtitle A, and at the beginning of part IV of subtitle A, of such title are each amended by striking out the item relating to chapter 171.

(c) ANNUAL AUTHORIZATION OF MILITARY TRAINING STUDENT LOADS.—Section 115 of such title is amended—

(1) in subsection (a), by striking out paragraph (3);

(2) in subsection (b)—

(A) by inserting "or" at the end of paragraph (1);

(B) by striking out "; or" at the end of paragraph (2) and inserting in lieu thereof a period; and

(C) by striking out paragraph (3); and

(3) by striking out subsection (f).

(d) PORTIONS OF ANNUAL MANPOWER REQUIREMENTS REPORT.—Section 115a of such title is amended—

(1) in subsection (b)(2), by striking out subparagraph (C);

(2) by striking out subsection (d);

(3) by redesignating subsection (e) as subsection (d) and striking out paragraphs (4) and (5) thereof;

(4) by striking out subsection (f); and

(5) by redesignating subsection (g) as subsection (e).

(e) OBSOLETE AUTHORITY FOR PAYMENT OF STIPENDS FOR MEMBERS OF CERTAIN ADVISORY COMMITTEES AND BOARDS OF VISITORS OF SERVICE ACADEMIES.—(1) The second sentence of

each of sections 173(b) and 174(b) of such title is amended to read as follows: "Other members and part-time advisers shall (except as otherwise specifically authorized by law) serve without compensation for such service.".

(2) Sections 4355(h), 6968(h), and 9355(h) of such title are amended by striking out "is entitled to not more than $5 a day and".

(f) ANNUAL BUDGET INFORMATION CONCERNING RECRUITING COSTS.—(1) Section 227 of such title is repealed.

(2) The table of sections at the beginning of chapter 9 of such title is amended by striking out the item relating to section 227.

(g) EXPIRED AUTHORITY RELATING TO PEACEKEEPING ACTIVITIES.—(1) Section 403 of such title is repealed.

(2) The table of sections at the beginning of subchapter I of chapter 20 of such title is amended by striking out the item relating to section 403.

(h) PROCUREMENT OF GASOHOL FOR DEPARTMENT OF DEFENSE MOTOR VEHICLES.—(1) Subsection (a) of section 2398 of such title is repealed.

(2) Such section is further amended—

(A) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively; and

(B) in subsection (b), as so redesignated, by striking out "subsection (b)" and inserting in lieu thereof "subsection (a)".

(i) REQUIREMENT OF NOTICE OF CERTAIN DISPOSALS AND GIFTS BY SECRETARY OF NAVY.—Section 7545 of such title is amended—

(1) by striking out subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(j) ANNUAL REPORT ON BIOLOGICAL DEFENSE RESEARCH PROGRAM.—(1) Section 2370 of such title is repealed.

(2) The table of sections at the beginning of chapter 139 of such title is amended by striking out the item relating to such section.

(k) REPORTS AND NOTIFICATIONS RELATING TO CHEMICAL AND BIOLOGICAL AGENTS.—Subsection (a) of section 409 of Public Law 91–121 (50 U.S.C. 1511) is repealed.

(l) ANNUAL REPORT ON BALANCED TECHNOLOGY INITIATIVE.—Subsection (e) of section 211 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1394) is repealed.

(m) REPORT ON ENVIRONMENTAL RESTORATION COSTS FOR INSTALLATIONS TO BE CLOSED UNDER 1990 BASE CLOSURE LAW.—Section 2827 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 10 U.S.C. 2687 note) is amended by striking out subsection (b).

(n) LIMITATION ON AMERICAN DIPLOMATIC FACILITIES IN GERMANY.—Section 1432 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1833) is repealed.

SEC. 1062. REPORTS REQUIRED BY TITLE 10, UNITED STATES CODE.

(a) ANNUAL REPORT ON RELOCATION ASSISTANCE PROGRAMS.—Section 1056 of title 10, United States Code, is amended—

(1) by striking out subsection (f); and

(2) by redesignating subsection (g) as subsection (f).

(b) NOTICE OF SALARY INCREASES FOR FOREIGN NATIONAL EMPLOYEES.—Section 1584 of such title is amended—

(1) by striking out subsection (b); and

(2) in subsection (a), by striking out "(a) WAIVER OF EMPLOYMENT RESTRICTIONS FOR CERTAIN PERSONNEL.—".

(c) NOTICE REGARDING CONTRACTS PERFORMED FOR PERIODS EXCEEDING 10 YEARS.—(1) Section 2352 of such title is repealed.

(2) The table of sections at the beginning of chapter 139 of such title is amended by striking out the item relating to section 2352.

(d) REPORT ON LOW-RATE PRODUCTION UNDER NAVAL VESSEL AND MILITARY SATELLITE PROGRAMS.—Section 2400(c) of such title is amended—

(1) by striking out paragraph (2); and

(2) in paragraph (1)—

(A) by striking out "(1)"; and

(B) by redesignating clauses (A) and (B) as clauses (1) and (2), respectively.

(e) REPORT ON WAIVERS OF PROHIBITION ON EMPLOYMENT OF FELONS.—Section 2408(a)(3) of such title is amended by striking out the second sentence.

(f) REPORT ON DETERMINATION NOT TO DEBAR FOR FRAUDULENT USE OF LABELS.—Section 2410f(a) of such title is amended by striking out the second sentence.

(g) NOTICE OF MILITARY CONSTRUCTION CONTRACTS ON GUAM.—Section 2864(b) of such title is amended by striking out "after the 21-day period" and all that follows through "determination".

SEC. 1063. REPORTS REQUIRED BY DEFENSE AUTHORIZATION AND APPROPRIATIONS ACTS.

(a) PUBLIC LAW 99–661 REQUIREMENT FOR REPORT ON FUNDING FOR NICARAGUAN DEMOCRATIC RESISTANCE.—Section 1351 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99–661; 100 Stat. 3995; 10 U.S.C. 114 note) is amended—

(1) by striking out subsection (b); and

(2) in subsection (a), by striking out "(a) LIMITATION.—".

(b) ANNUAL REPORT ON OVERSEAS MILITARY FACILITY INVESTMENT RECOVERY ACCOUNT.—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—

(1) by striking out subsection (f); and

(2) by redesignating subsections (g) and (h) as subsections (f) and (g), respectively.

(c) SCIENCE, MATHEMATICS, AND ENGINEERING EDUCATION MASTER PLAN.—Section 829 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1444; 10 U.S.C. 2192 note) is repealed.

(d) REPORT REGARDING HEATING FACILITY MODERNIZATION AT KAISERSLAUTERN.—Section 8008 of the Department of Defense Appropriations Act, 1994 (Public Law 103–139; 107 Stat. 1438), is amended by inserting "but without regard to the notification requirement in subsection (b)(2) of such section," after "section 2690 of title 10, United States Code,".

SEC. 1064. REPORTS REQUIRED BY OTHER PROVISIONS OF LAW.

(a) REQUIREMENT UNDER ARMS EXPORT CONTROL ACT FOR QUARTERLY REPORT ON PRICE AND AVAILABILITY ESTIMATES.—Section 28 of the Arms Export Control Act (22 U.S.C. 2768) is repealed.

(b) ANNUAL REPORT ON NATIONAL SECURITY AGENCY EXECUTIVE PERSONNEL.—Section 12(a) of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by striking out paragraph (5).

(c) REPORTS CONCERNING CERTAIN FEDERAL CONTRACTING AND FINANCIAL TRANSACTIONS.—Section 1352 of title 31, United States Code, is amended—

(1) in subsection (b)(6)(A), by inserting "(other than the Secretary of Defense and Secretary of a military department)" after "The head of each agency"; and

(2) in subsection (d)(1), by inserting "(other than in the case of the Department of Defense or a military department)" after "paragraph (3) of this subsection".

(d) ANNUAL REPORT ON WATER RESOURCES PROJECT AGREEMENTS.—Section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) is amended—

(1) by striking out subsection (e); and

(2) by redesignating subsection (f) as subsection (e).

(e) ANNUAL REPORT ON CONSTRUCTION OF TENNESSEE-TOMBIGBEE WATERWAY.—Section 185 of the Water Resources Development Act of 1976 (33 U.S.C. 544c) is amended by striking out the second sentence.

(f) ANNUAL REPORT ON MONITORING OF NAVY HOME PORT WATERS.—Section 7 of the Organotin Antifouling Paint Control Act of 1988 (33 U.S.C. 2406) is amended—

(1) by striking out subsection (d); and

(2) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

Subtitle G—Department of Defense Education Programs

SEC. 1071. CONTINUATION OF UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

(a) POLICY.—Congress reaffirms—

(1) the prohibition set forth in subsection (a) of section 922 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2829; 10 U.S.C. 2112 note) regarding closure of the Uniformed Services University of the Health Sciences; and

(2) the expression of the sense of Congress set forth in subsection (b) of such section regarding the budgetary commitment to continuation of the university.

(b) PERSONNEL STRENGTH.—During the five-year period beginning on October 1, 1995, the personnel staffing levels for the Uniformed Services University of the Health Services may not be reduced below the personnel staffing levels for the university as of October 1, 1993.

(c) BUDGETARY COMMITMENT TO CONTINUATION.—It is the sense of Congress that the Secretary of Defense should budget for the operation of the Uniformed Services University of the Health Sciences during fiscal year 1997 at a level at least equal to the level of operations conducted at the University during fiscal year 1995.

SEC. 1072. ADDITIONAL GRADUATE SCHOOLS AND PROGRAMS AT UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

(a) ADDITIONAL SCHOOLS AND PROGRAMS.—Subsection (h) of section 2113 of title 10, United States Code, is amended to read as follows:

"(h) The Secretary of Defense may establish the following educational programs at the University:

"(1) Postdoctoral, postgraduate, and technological institutes.

"(2) A graduate school of nursing.

"(3) Other schools or programs that the Secretary determines necessary in order to operate the University in a cost-effective manner.".

(b) CONFORMING AMENDMENTS TO REFLECT ADVISORY NATURE OF BOARD OF REGENTS.—(1) Section 2112(b) of such title is amended by striking out ", upon recommendation of the Board of Regents,".

(2) Section 2113 of such title is amended—

(A) in subsection (a)—

(i) by striking out "a Board of Regents (hereinafter in this chapter referred to as the 'Board')" in the first sentence and inserting in lieu thereof "the Secretary of Defense"; and

(ii) by inserting after the first sentence the following new sentence: "To assist the Secretary in an advisory capacity, there is a Board of Regents for the University.";

(B) in subsection (d), by striking out "Board" the first place it appears and inserting in lieu thereof "Secretary";

(C) in subsection (e), by striking out "of Defense";

(D) in subsection (f)(1), by striking out "of Defense";

(E) in subsection (g)—

(i) by striking out "Board is authorized to" in the first sentence and inserting in lieu thereof "Secretary may";

(ii) by striking out "Board is also authorized to" in the third sentence and inserting in lieu thereof "Secretary may"; and

(iii) by striking out "Board may also, subject to the approval of the Secretary of Defense," in the fifth sentence and inserting in lieu thereof "Secretary may"; and

(F) by striking out "Board" each place it appears in subsections (f), (i), and (j) and inserting in lieu thereof "Secretary".

(3) Section 2114(e)(1) of such title is amended by striking out "Board, upon approval of the Secretary of Defense," and inserting in lieu thereof "Secretary of Defense".

(c) CLERICAL AMENDMENTS.—(1) The heading of section 2113 of such title is amended to read as follows:

"§2113. Administration of University".

(2) The item relating to such section in the table of sections at the beginning of chapter 104 of such title is amended to read as follows:

"2113. Administration of University.".

SEC. 1073. FUNDING FOR ADULT EDUCATION PROGRAMS FOR MILITARY PERSONNEL AND DEPENDENTS OUTSIDE THE UNITED STATES.

Of amounts appropriated pursuant to section 301, $600,000 shall be available to carry out adult education programs, consistent with the Adult Education Act (20 U.S.C. 1201 et seq.), for the following:

(1) Members of the Armed Forces who are serving in locations—

(A) that are outside the United States; and

(B) for which amounts are not required to be allotted under section 313(b) of such Act (20 U.S.C. 1201b(b)).

(2) The dependents of such members.

SEC. 1074. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) CONTINUATION OF DEPARTMENT OF DEFENSE PROGRAM FOR FISCAL YEAR 1996.—(1) Of the amounts authorized to be appropriated in section 301(5)—

(A) $30,000,000 shall be available for providing educational agencies assistance (as defined in paragraph (4)(A)) to local educational agencies; and

(B) $5,000,000 shall be available for making educational agencies payments (as defined in paragraph (4)(B)) to local educational agencies.

(2) Not later than June 30, 1996, the Secretary of Defense shall—

(A) notify each local educational agency that is eligible for educational agencies assistance for fiscal year 1996 of that agency's eligibility for such assistance and the amount of such assistance for which that agency is eligible; and

(B) notify each local educational agency that is eligible for an educational agencies payment for fiscal year 1996 of that agency's eligibility for such payment and the amount of the payment for which that agency is eligible.

(3) The Secretary of Defense shall disburse funds made available under subparagraphs (A) and (B) of paragraph (1) not later than 30 days after the date on which notification to the eligible local educational agencies is provided pursuant to paragraph (2).

(4) In this section:

(A) 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; 20 U.S.C. 238 note).

(B) The term "educational agencies payments" means payments authorized under subsection (d) of that section, as amended by subsection (d).

(b) SPECIAL RULE FOR 1994 PAYMENTS.—The Secretary of Education shall not consider any payment to a local educational agency by the Department of Defense, that is available to such agency for current expenditures and used for capital expenses, as funds available to such agency for purposes of making a determination for fiscal year 1994 under section 3(d)(2)(B)(i) of the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such Act was in effect on September 30, 1994).

(c) REDUCTION IN IMPACT THRESHOLD.—Subsection (c)(1) of section 386 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 20 U.S.C. 238 note) is amended—

(1) by striking out "30 percent" and inserting in lieu thereof "20 percent"; and

(2) by striking out "counted under subsection (a) or (b) of section 3 of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress; 20 U.S.C. 238)" and inserting in lieu thereof "counted under section 8003(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a))".

(d) ADJUSTMENTS RELATED TO BASE CLOSURES AND REALIGNMENTS.—Subsection (d) of section 386 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 28 U.S.C. 238 note) is amended to read as follows:

"(d) ADJUSTMENTS RELATED TO BASE CLOSURES AND REALIGNMENTS.—To assist communities in making adjustments resulting from reductions in the size of the Armed Forces, the Secretary of Defense shall, in consultation with the Secretary of Education, make payments to local educational agencies that, during the period between the end of the school year preceding the fiscal year for which the payments are authorized and the beginning of the school year immediately preceding that school year, had an overall reduction of not less than 20 percent in the number of military dependent students as a result of the closure or realignment of military installations.".

(e) EXTENSION OF REPORTING REQUIREMENT.—Subsection (e)(1) of section 386 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 20 U.S.C. 238 note) is amended by striking out "and 1995" and inserting in lieu thereof "1995, and 1996".

(f) PAYMENTS FOR ELIGIBLE FEDERALLY CONNECTED CHILDREN.—Subsection (f) of section 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703) is amended—

(1) in paragraph (2)—

(A) in the matter preceding clause (i) of subparagraph (A), by striking "only if such agency" and inserting "if such agency is eligible for a supplementary payment in accordance with subparagraph (B) or such agency"; and

(B) by adding at the end the following new subparagraph:

"(D) A local educational agency shall only be eligible to receive additional assistance under this subsection if the Secretary determines that—

"(i) such agency is exercising due diligence in availing itself of State and other financial assistance; and

"(ii) the eligibility of such agency under State law for State aid with respect to the free public education of children described in subsection (a)(1) and the amount of such aid are determined on a basis no less favorable to such agency than the basis used in determining the eligibility of local educational agencies for State aid, and the amount of such aid, with respect to the free public education of other children in the State."; and

(2) in paragraph (3)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by inserting "(other than any amount received under paragraph (2)(B))" after "subsection";

(ii) in subclause (I) of clause (i), by striking "or the average per-pupil expenditure of all the States";

(iii) by amending clause (ii) to read as follows:

"(ii) The Secretary shall next multiply the amount determined under clause (i) by the total number of students in average daily attendance at the schools of the local educational agency."; and

(iv) by amending clause (iii) to read as follows:

"(iii) The Secretary shall next subtract from the amount determined under clause (ii) all funds available to the local educational agency for current expenditures, but shall not so subtract funds provided—

"(I) under this Act; or

"(II) by any department or agency of the Federal Government (other than the Department) that are used for capital expenses."; and

(B) by amending subparagraph (B) to read as follows:

"(B) SPECIAL RULE.—With respect to payments under this subsection for a fiscal year for a local educational agency described in clause (ii) or (iii) of paragraph (2)(A), the maximum amount of payments under this subsection shall be equal to—

"(i) the product of—

"(I) the average per-pupil expenditure in all States multiplied by 0.7, except that such amount may not exceed 125 percent of the average per-pupil expenditure in all local educational agencies in the State; multiplied by

"(II) the number of students described in subparagraph (A) or (B) of subsection (a)(1) for such agency; minus

"(ii) the amount of payments such agency receives under subsections (b) and (d) for such year.".

(g) CURRENT YEAR DATA.—Paragraph (4) of section 8003(f) of such Act (20 U.S.C. 7703(f)) is amended to read as follows:

"(4) CURRENT YEAR DATA.—For purposes of providing assistance under this subsection the Secretary—

"(A) shall use student and revenue data from the fiscal year for which the local educational agency is applying for assistance under this subsection; and

"(B) shall derive the per pupil expenditure amount for such year for the local educational agency's comparable school districts by increasing or decreasing the per pupil expenditure data for the second fiscal year preceding the fiscal year for which the determination is made by the same percentage increase or decrease reflected between the per pupil expenditure data for the fourth fiscal year preceding the fiscal year for which the determination is made and the per pupil expenditure data for such second year.".

(h) TECHNICAL AMENDMENTS TO CORRECT REFERENCES TO REPEALED LAW.—Section 386 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 20 U.S.C. 238 note) is amended—

(1) in subsection (e)(2)—

(A) in subparagraph (C), by inserting after "et seq.)," the following: "title VIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7701 et seq.),"; and

(B) in subparagraph (D)(iii), by striking out "under subsections (a) and (b) of section 3 of such Act (20 U.S.C. 238)"; and

(2) in subsection (h)—

(A) in paragraph (1), by striking out "section 14101 of the Elementary and Secondary Education Act of 1965" and inserting in lieu thereof "section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9))"; and

(B) by striking out paragraph (3) and inserting in lieu thereof the following new paragraph:

"(3) The term 'State' means each of the 50 States and the District of Columbia.".

SEC. 1075. SHARING OF PERSONNEL OF DEPARTMENT OF DEFENSE DOMESTIC DEPENDENT SCHOOLS AND DEFENSE DEPENDENTS' EDUCATION SYSTEM.

Section 2164(e) of title 10, United States Code, is amended by adding at the end the following:

"(4)(A) The Secretary may, without regard to the provisions of any law relating to the number, classification, or compensation of employees—

"(i) transfer employees from schools established under this section to schools in the defense dependents' education system in order to provide the services referred to in subparagraph (B) to such system; and

"(ii) transfer employees from such system to schools established under this section in order to provide such services to those schools.

"(B) The services referred to in subparagraph (A) are the following:

"(i) Administrative services.

"(ii) Logistical services.

"(iii) Personnel services.

"(iv) Such other services as the Secretary considers appropriate.

"(C) Transfers under this paragraph shall extend for such periods as the Secretary considers appropriate. The Secretary shall provide appropriate compensation for employees so transferred.

"(D) The Secretary may provide that the transfer of an employee under this paragraph occur without reimbursement of the school or system concerned.

"(E) In this paragraph, the term 'defense dependents' education system' means the program established and operated under section 1402(a) of the Defense Dependents' Education Act of 1978 (20 U.S.C. 921(a))."

SEC. 1076. INCREASE IN RESERVE COMPONENT MONTGOMERY GI BILL EDUCATIONAL ASSISTANCE ALLOWANCE WITH RESPECT TO SKILLS OR SPECIALTIES FOR WHICH THERE IS A CRITICAL SHORTAGE OF PERSONNEL.

Section 16131 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(j)(1) In the case of a person who has a skill or specialty designated by the Secretary concerned as a skill or specialty in which there is a critical shortage of personnel or for which it is difficult to recruit or, in the case of critical units, retain personnel, the Secretary concerned may increase the rate of the educational assistance allowance applicable to that person to such rate in excess of the rate prescribed under subparagraphs (A) through (D) of subsection (b)(1) as the Secretary of Defense considers appropriate, but the amount of any such increase may not exceed $350 per month.

"(2) In the case of a person who has a skill or specialty designated by the Secretary concerned as a skill or specialty in which there is a critical shortage of personnel or for which it is difficult to recruit or, in the case of critical units, retain personnel, who is eligible for educational benefits under chapter 30 (other than section 3012) of title 38 and who meets the eligibility criteria specified in subparagraphs (A) and (B) of section 16132(a)(1) of this title, the Secretary concerned may increase the rate of the educational assistance allowance applicable to that person to such rate in excess of the rate prescribed under section 3015 of title 38 as the Secretary of Defense considers appropriate, but the amount of any such increase may not exceed $350 per month.

"(3) The authority provided by paragraphs (1) and (2) shall be exercised by the Secretaries concerned under regulations prescribed by the Secretary of Defense.".

SEC. 1077. DATE FOR ANNUAL REPORT ON RESERVE COMPONENT MONTGOMERY GI BILL EDUCATIONAL ASSISTANCE PROGRAM.

Section 16137 of title 10, United States Code, is amended by striking out "December 15 of each year" and inserting in lieu thereof "March 1 of each year".

SEC. 1078. SCOPE OF EDUCATION PROGRAMS OF COMMUNITY COLLEGE OF THE AIR FORCE.

(a) LIMITATION TO MEMBERS OF THE AIR FORCE.—Section 9315(a)(1) of title 10, United States Code, is amended by striking out "for enlisted members of the armed forces" and inserting in lieu thereof "for enlisted members of the Air Force".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to enrollments in the Community College of the Air Force after March 31, 1996.

SEC. 1079. AMENDMENTS TO EDUCATION LOAN REPAYMENT PROGRAMS.

(a) GENERAL EDUCATION LOAN REPAYMENT PROGRAM.—Section 2171(a)(1) of title 10, United States Code, is amended—

(1) by striking out "or" at the end of subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following new subparagraph (B):

"(B) any loan made under part D of such title (the William D. Ford Federal Direct Loan Program, 20 U.S.C. 1087a et seq.); or".

(b) EDUCATION LOAN REPAYMENT PROGRAM FOR ENLISTED MEMBERS OF SELECTED RESERVE WITH CRITICAL SPECIALTIES.—Section 16301(a)(1) of such title is amended—

(1) by striking out "or" at the end of subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following new subparagraph (B):

"(B) any loan made under part D of such title (the William D. Ford Federal Direct Loan Program, 20 U.S.C. 1087a et seq.); or".

(c) EDUCATION LOAN REPAYMENT PROGRAM FOR HEALTH PROFESSIONS OFFICERS SERVING IN SELECTED RESERVE WITH WARTIME CRITICAL MEDICAL SKILL SHORTAGES.—Section 16302(a) of such title is amended—

(1) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5) respectively; and

(2) by inserting after paragraph (1) the following new paragraph (2):

"(2) any loan made under part D of such title (the William D. Ford Federal Direct Loan Program, 20 U.S.C. 1087a et seq.); or".

Subtitle H—Other Matters

SEC. 1081. NATIONAL DEFENSE TECHNOLOGY AND INDUSTRIAL BASE, DEFENSE REINVESTMENT, AND DEFENSE CONVERSION PROGRAMS.

(a) NATIONAL SECURITY OBJECTIVES FOR NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.—(1) Section 2501 of title 10, United States Code, is amended—

(A) in subsection (a)—

(i) by striking out "DEFENSE POLICY" in the subsection heading and inserting in lieu thereof "NATIONAL SECURITY"; and

(ii) by striking out paragraph (5);

(B) by striking out subsection (b); and

(C) by redesignating subsection (c) as subsection (b).

(2) The heading of such section is amended to read as follows:

"§2501. National security objectives concerning national technology and industrial base".

(b) NATIONAL DEFENSE TECHNOLOGY AND INDUSTRIAL BASE COUNCIL.—Section 2502(c) of such title is amended—

(1) in paragraph (1), by striking out subparagraph (B) and inserting in lieu thereof the following new subparagraph:

"(B) programs for achieving such national security objectives; and";

(2) by striking out paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

(c) MODIFICATION OF DEFENSE DUAL-USE CRITICAL TECHNOLOGY PARTNERSHIPS PROGRAM.—Section 2511 of such title is amended to read as follows:

"§2511. Defense dual-use critical technology program

"(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Defense shall conduct a program to further the national security objectives set forth in section 2501(a) of this title by encouraging and providing for research, development, and application of dual-use critical technologies. The Secretary may make grants, enter into contracts, or enter into cooperative agreements and other transactions pursuant to section 2371 of this title in furtherance of the program. The Secretary shall identify projects to be conducted as part of the program.

"(b) ASSISTANCE AUTHORIZED.—The Secretary of Defense may provide technical and other assistance to facilitate the achievement of the purposes of projects conducted under the program. In providing such assistance, the Secretary shall make available, as appropriate for the work to be performed, equipment and facilities of Department of Defense laboratories (including the scientists and engineers at those laboratories) for purposes of projects selected by the Secretary.

"(c) FINANCIAL COMMITMENT OF NON-FEDERAL GOVERNMENT PARTICIPANTS.—(1) The total amount of funds provided by the Federal Government for a project conducted under the program may not exceed 50 percent of the total cost of the project. However, the Secretary of Defense may agree to a project in which the total amount of funds provided by the Federal Government exceeds 50 percent if the Secretary determines the project is particularly meritorious, but the project would not otherwise have sufficient non-Federal funding or in-kind contributions.

"(2) The Secretary may prescribe regulations to provide for consideration of in-kind contributions by non-Federal Government participants in a project conducted under the program for the purpose of calculating the share of the project costs that has been or is being undertaken by such participants. In such regulations, the Secretary may authorize a participant that is a small business concern to use funds received under the Small Business Innovation Research Program or the Small Business Technology Transfer Program to help pay the costs of project activities. Any such funds so used may be considered in calculating the amount of the financial commitment undertaken by the non-Federal Government participants unless the Secretary determines that the small business concern has not made a significant equity percentage contribution in the project from non-Federal sources.

"(3) The Secretary shall consider a project 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 project costs. Upon the selection of a project 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 project 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 project costs,

the Secretary shall revoke the selection of the project proposal submitted by the small business concern.

"(d) SELECTION PROCESS.—Competitive procedures shall be used in the conduct of the program.

"(e) SELECTION CRITERIA.—The criteria for the selection of projects under the program shall include the following:

"(1) The extent to which the proposed project advances and enhances the national security objectives set forth in section 2501(a) of this title.

"(2) The technical excellence of the proposed project.

"(3) The qualifications of the personnel proposed to participate in the research activities of the proposed project.

"(4) An assessment of timely private sector investment in activities to achieve the goals and objectives of the proposed project other than through the project.

"(5) The potential effectiveness of the project in the further development and application of each technology proposed to be developed by the project for the national technology and industrial base.

"(6) The extent of the financial commitment of eligible firms to the proposed project.

"(7) The extent to which the project does not unnecessarily duplicate projects undertaken by other agencies.

"(f) REGULATIONS.—The Secretary of Defense shall prescribe regulations for the purposes of this section.".

(d) FEDERAL DEFENSE LABORATORY DIVERSIFICATION PROGRAM.—Section 2519 of such title is amended—

(1) in subsection (b), by striking out "referred to in section 2511(b) of this title"; and

(2) in subsection (f), by striking out "section 2511(f)" and inserting in lieu thereof "section 2511(e)".

(e) MANUFACTURING SCIENCE AND TECHNOLOGY PROGRAM.—Subsection (b) of section 2525 of such title is amended to read as follows:

"(b) PURPOSE OF PROGRAM.—The Secretary of Defense shall use the program—

"(1) to provide centralized guidance and direction (including goals, milestones, and priorities) to the military departments and the Defense Agencies on all matters relating to manufacturing technology;

"(2) to direct the development and implementation of Department of Defense plans, programs, projects, activities, and policies that promote the development and application of advanced technologies to manufacturing processes, tools, and equipment;

"(3) to improve the manufacturing quality, productivity, technology, and practices of businesses and workers providing goods and services to the Department of Defense;

"(4) to promote dual-use manufacturing processes;

"(5) to disseminate information concerning improved manufacturing improvement concepts, including information on such matters as best manufacturing practices, product data exchange specifications, computer-aided acquisition and logistics support, and rapid acquisition of manufactured parts;

"(6) to sustain and enhance the skills and capabilities of the manufacturing work force;

"(7) to promote high-performance work systems (with development and dissemination of production technologies that build upon the skills and capabilities of the work force), high levels of worker education and training; and

"(8) to ensure appropriate coordination between the manufacturing technology programs and industrial preparedness programs of the Department of Defense and similar programs undertaken by other departments and agencies of the Federal Government or by the private sector.".

(f) REPEAL OF VARIOUS ASSISTANCE PROGRAMS.—Sections 2512, 2513, 2520, 2521, 2522, 2523, and 2524 of such title are repealed.

(g) REPEAL OF MILITARY-CIVILIAN INTEGRATION AND TECHNOLOGY TRANSFER ADVISORY BOARD.—Section 2516 of such title is repealed.

(h) REPEAL OF OBSOLETE DEFINITIONS.—Section 2491 of such title is amended—

(1) by striking out paragraphs (11) and (12); and

(2) by redesignating paragraphs (13), (14), (15), and (16) as paragraphs (11) (12), (13), and (14), respectively.

(i) CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of subchapter II of chapter 148 of such title is amended by striking out the item relating to section 2501 and inserting in lieu thereof the following new item:

"2501. National security objectives concerning national technology and industrial base.".

(2) The table of sections at the beginning of subchapter III of such chapter is amended—

(A) by striking out the item relating to section 2511 and inserting in lieu thereof the following new item:

"2511. Defense dual-use critical technology program."; and

(B) by striking out the items relating to sections 2512, 2513, 2516, and 2520.

(3) The table of sections at the beginning of subchapter IV of such chapter is amended by striking out the items relating to sections 2521, 2522, 2523, and 2524.

SEC. 1082. AMMUNITION INDUSTRIAL BASE.

(a) REVIEW OF AMMUNITION PROCUREMENT PROGRAMS.—The Secretary of Defense shall carry out a review of the programs of the Department of Defense for the procurement of ammunition. The review shall include the Department of Defense management of ammunition procurement programs, including the procedures of the Department for the planning for, budgeting for, administration, and carrying out of such programs. The Secretary shall begin the review not later than 30 days after the date of the enactment of this Act.

(b) MATTERS TO BE REVIEWED.—The review under subsection (a) shall include an assessment of the following:

(1) The practicability and desirability of (A) continuing to use centralized procurement practices (through a single executive agent) for the procurement of ammunition required by the Armed Forces, and (B) using such centralized procurement practices for the procurement of all such ammunition.

(2) The capability of the ammunition production facilities of the Government to meet the requirements of the Armed Forces for procurement of ammunition.

(3) The practicability and desirability of converting those ammunition production facilities to ownership or operation by private sector entities.

(4) The practicability and desirability of integrating the budget planning for the procurement of ammunition among the Armed Forces.

(5) The practicability and desirability of establishing an advocate within the Department of Defense for matters relating to the ammunition industrial base, with such an advocate to be responsible for—

(A) establishing the quantity and price of ammunition procured by the Armed Forces; and

(B) establishing and implementing policy to ensure the continuing capability of the ammunition industrial base in the United States to meet the requirements of the Armed Forces.

(6) The practicability and desirability of providing information on the ammunition procurement practices of the Armed Forces to Congress through a single source.

(c) REPORT.—Not later than April 1, 1996, the Secretary shall submit to the congressional defense committees a report on the review carried out under subsection (a). The report shall include the following:

(1) The results of the review.

(2) A discussion of the methodologies used in carrying out the review.

(3) An assessment of various methods of ensuring the continuing capability of the ammunition industrial base of the United States to meet the requirements of the Armed Forces.

(4) Recommendations of means (including legislation) of implementing those methods in order to ensure such continuing capability.

SEC. 1083. POLICY CONCERNING EXCESS DEFENSE INDUSTRIAL CAPACITY.

No funds appropriated pursuant to an authorization of appropriations in this Act may be used for capital investment in, or the development and construction of, a Government-owned, Government-operated defense industrial facility unless the Secretary of Defense certifies to the Congress that no similar capability or minimally used capacity exists in any other Government-owned, Government-operated defense industrial facility.

SEC. 1084. SENSE OF CONGRESS CONCERNING ACCESS TO SECONDARY SCHOOL STUDENT INFORMATION FOR RECRUITING PURPOSES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the States (with respect to public schools) and entities operating private secondary schools should not have a policy of denying, or otherwise effectively preventing, the Secretary of Defense from obtaining for military recruiting purposes—

(A) entry to any secondary school or access to students at any secondary school equal to that of other employers; or

(B) access to directory information pertaining to students at secondary schools equal to that of other employers (other than in a case in which an objection has been raised as described in paragraph (2)); and

(2) any State, and any entity operating a private secondary school, that releases directory information secondary school students should—

(A) give public notice of the categories of such information to be released; and

(B) allow a reasonable period after such notice has been given for a student or (in the case of an individual younger than 18 years of age) a parent to inform the school that any or all of such information should not be released without obtaining prior consent from the student or the parent, as the case may be.

(b) REPORT ON DOD PROCEDURES.—Not later than March 1, 1996, the Secretary of Defense shall submit to Congress a report on Department of Defense procedures for determining if and when a State or an entity operating a private secondary school has denied or prevented access to students or information as described in subsection (a)(1).

(c) DEFINITIONS.—For purposes of this section:

(1) 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 (if available) the most recent previous educational program enrolled in by the student.

(2) The term "student" means an individual enrolled in any program of education who is 17 years of age or older.

SEC. 1085. 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 (b)(3)(A), by striking out "cannot be located after a reasonable effort." and inserting in lieu thereof "cannot be located by the Secretary of Defense—

"(i) in the case of a person missing from the Vietnam era, after a reasonable effort; and

"(ii) in the case of a person missing from the Korean Conflict or Cold War, after a period of 90 days from the date on which any record or other information referred to in paragraph (2) is received by the Department of Defense for disclosure review from the Archivist of the United States, the Library of Congress, or the Joint United States-Russian Commission on POW/MIAs."; and

(2) in subsection (c)(1), by striking out "not later than September 30, 1995" and inserting in lieu thereof "not later than January 2, 1996".

SEC. 1086. OPERATIONAL SUPPORT AIRLIFT AIRCRAFT FLEET.

(a) SUBMITTAL OF JCS REPORT ON AIRCRAFT.—Not later than February 1, 1996, the Secretary of Defense shall submit to Congress the report that, as of the date of the enactment of this Act, is in preparation by the Chairman of the Joint Chiefs of Staff on operational support airlift aircraft.

(b) CONTENT OF REPORT.—(1) The report referred to in subsection (a) shall contain findings and recommendations on the following:

(A) Requirements for the modernization and safety of the operational support airlift aircraft fleet.

(B) The disposition of aircraft that would be excess to that fleet upon fulfillment of the requirements referred to in subparagraph (A).

(C) Plans and requirements for the standardization of the fleet, including plans and requirements for the provision of a single manager for all logistical support and operational requirements.

(D) Central scheduling of all operational support airlift aircraft.

(E) Needs of the Department for helicopter support in the National Capital Region, including the acceptable uses of that support.

(2) In preparing the report, the Chairman of the Joint Chiefs of Staff shall take into account the recommendation of the Commission on Roles and Missions of the Armed Forces to reduce the size of the operational support airlift aircraft fleet.

(c) REGULATIONS.—(1) Upon completion of the report referred to in subsection (a), the Secretary shall prescribe regulations, consistent with the findings and recommendations set forth in the report, for the operation, maintenance, disposition, and use of operational support airlift aircraft.

(2) The regulations shall, to the maximum extent practicable, provide for, and encourage the use of, commercial airlines in lieu of the use of such aircraft.

(3) The regulations shall apply uniformly throughout the Department.

(4) The regulations shall not require exclusive use of such aircraft for any particular class of government personnel.

(d) REDUCTIONS IN FLYING HOURS.—(1) The Secretary shall ensure that the number of hours flown during fiscal year 1996 by operational support airlift aircraft does not exceed the number equal to 85 percent of the number of hours flown during fiscal year 1995 by operational support airlift aircraft.

(2) The Secretary should ensure that the number of hours flown in the National Capital Region during fiscal year 1996 by helicopters of the operational support airlift aircraft fleet does not exceed the number equal to 85 percent of the number of hours flown in the National Capital Region during fiscal year 1995 by helicopters of the operational support airlift aircraft fleet.

(e) RESTRICTION ON AVAILABILITY OF FUNDS.—Of the funds appropriated pursuant to section 301 for the operation and use of operational support airlift aircraft, not more than 50 percent is available for obligation until the Secretary submits to Congress the report referred to in subsection (a).

(f) DEFINITIONS.—In this section:

(1) The term "operational support airlift aircraft" means aircraft of the Department of Defense designated within the Department as operational support airlift aircraft.

(2) The term "National Capital Region" has the meaning given such term in section 2674(f)(2) of title 10, United States Code.

SEC. 1087. CIVIL RESERVE AIR FLEET.

Section 9512 of title 10, United States Code, is amended by striking out "full Civil Reserve Air Fleet" in subsections (b)(2) and (e) and inserting in lieu thereof "Civil Reserve Air Fleet".

SEC. 1088. DAMAGE OR LOSS TO PERSONAL PROPERTY DUE TO EMERGENCY EVACUATION OR EXTRAORDINARY CIRCUMSTANCES.

(a) SETTLEMENT OF CLAIMS OF PERSONNEL.—Section 3721(b)(1) of title 31, United States Code, is amended by inserting after the first sentence the following: "If, however, the claim arose from an emergency evacuation or from extraordinary circumstances, the amount settled and paid under the authority of the preceding sentence may exceed $40,000, but may not exceed $100,000.".

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to claims arising before, on, or after the date of the enactment of this Act.

(c) REPRESENTMENTS OF PREVIOUSLY PRESENTED CLAIMS.—(1) A claim under subsection (b) of section 3721 of title 31, United States Code, that was settled under such section before the date of the enactment of this Act may be represented under such section, as amended by subsection (a), to the head of the agency concerned to recover the amount equal to the difference between the actual amount of the damage or loss and the amount settled and paid under the authority of such section before the date of the enactment of this Act, except that—

(A) the claim shall be represented in writing within two years after the date of the enactment of this Act;

(B) a determination of the actual amount of the damage or loss shall have been made by the head of the agency concerned pursuant to settlement of the claim under the authority of such section before the date of the enactment of this Act;

(C) the claimant shall have proof of the determination referred to in subparagraph (B); and

(D) the total of all amounts paid in settlement of the claim under the authority of such section may not exceed $100,000.

(2) Subsection (k) of such section shall not apply to bar representment of a claim described in paragraph (1), but shall apply to such a claim that is represented and settled under that section after the date of the enactment of this Act.

SEC. 1089. AUTHORITY TO SUSPEND OR TERMINATE COLLECTION ACTIONS AGAINST DECEASED MEMBERS.

Section 3711 of title 31, United States Code, is amended by adding at the end the following:

"(g)(1) The Secretary of Defense may suspend or terminate an action by the Secretary or by the Secretary of a military department under subsection (a) to collect a claim against the estate of a person who died while serving on active duty as a member of the Army, Navy, Air Force, or Marine Corps if the Secretary determines that, under the circumstances applicable with respect to the deceased person, it is appropriate to do so.

"(2) In this subsection, the term 'active duty' has the meaning given that term in section 101 of title 10.".

SEC. 1090. CHECK CASHING AND EXCHANGE TRANSACTIONS FOR DEPENDENTS OF UNITED STATES GOVERNMENT PERSONNEL.

(a) AUTHORITY TO CARRY OUT TRANSACTIONS.—Subsection (b) of section 3342 of title 31, United States Code, is amended—

(1) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(2) by inserting after paragraph (2) the following new paragraph:

"(3) a dependent of personnel of the Government, but only—

"(A) at a United States installation at which adequate banking facilities are not available; and

"(B) in the case of negotiation of negotiable instruments, if the dependent's sponsor authorizes, in writing, the presentation of negotiable instruments to the disbursing official for negotiation.".

(b) PAY OFFSET.—Subsection (c) of such section is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph (3):

"(3) The amount of any deficiency resulting from cashing a check for a dependent under subsection (b)(3), including any charges assessed against the disbursing official by a financial institution for insufficient funds to pay the check, may be offset from the pay of the dependent's sponsor.".

(c) DEFINITIONS.—Such section is further amended by adding at the end the following:

"(e) Regulations prescribed under subsection (d) shall include regulations that define the terms 'dependent' and 'sponsor' for the purposes of this section. In the regulations, the term 'dependent', with respect to a member of a uniformed service, shall have the meaning given that term in section 401 of title 37.".

SEC. 1091. DESIGNATION OF NATIONAL MARITIME CENTER.

(a) DESIGNATION OF NATIONAL MARITIME CENTER.—The NAUTICUS building, located at one Waterside Drive, Norfolk, Virginia, shall be known and designated as the "National Maritime Center".

(b) REFERENCE TO NATIONAL MARITIME CENTER.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the "National Maritime Center".

SEC. 1092. SENSE OF CONGRESS REGARDING HISTORIC PRESERVATION OF MIDWAY ISLANDS.

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

(1) September 2, 1995, marks the 50th anniversary of the United States victory over Japan in World War II.

(2) The Battle of Midway proved to be the turning point in the war in the Pacific, as United States Navy forces inflicted such severe losses on the Imperial Japanese Navy during the battle that the Imperial Japanese Navy never again took the offensive against United States or allied forces.

(3) During the Battle of Midway, an outnumbered force of the United States Navy, consisting of 29 ships and other units of the Armed

Forces under the command of Admiral Nimitz and Admiral Spruance, out-maneuvered and out-fought 350 ships of the Imperial Japanese Navy.

(4) It is in the public interest to erect a memorial to the Battle of Midway that is suitable to express the enduring gratitude of the American people for victory in the battle and to inspire future generations of Americans with the heroism and sacrifice of the members of the Armed Forces who achieved that victory.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Midway Islands and the surrounding seas deserve to be memorialized;

(2) the historic structures related to the Battle of Midway should be maintained, in accordance with the National Historic Preservation Act (16 U.S.C. 470–470t), and subject to the availability of appropriations for that purpose.

(3) appropriate access to the Midway Islands by survivors of the Battle of Midway, their families, and other visitors should be provided in a manner that ensures the public health and safety on the Midway Islands and the conservation of the natural resources of those islands in accordance with existing Federal law.

SEC. 1093. SENSE OF SENATE REGARDING FEDERAL SPENDING.

It is the sense of the Senate that in pursuit of a balanced Federal budget, Congress should exercise fiscal restraint, particularly in authorizing spending not requested by the executive branch and in proposing new programs.

SEC. 1094. EXTENSION OF AUTHORITY FOR VESSEL WAR RISK INSURANCE.

Section 1214 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1294), is amended by striking "June 30, 1995" and inserting in lieu thereof "June 30, 2000".

TITLE XI—UNIFORM CODE OF MILITARY JUSTICE

SEC. 1101. SHORT TITLE.

This title may be cited as the "Military Justice Amendments of 1995".

SEC. 1102. REFERENCES TO UNIFORM CODE OF MILITARY JUSTICE.

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 chapter 47 of title 10, United States Code (the Uniform Code of Military Justice).

Subtitle A—Offenses

SEC. 1111. REFUSAL TO TESTIFY BEFORE COURT-MARTIAL.

Section 847(b) (article 47(b)) is amended—

(1) in the first sentence, by inserting "indictment or" after "shall be tried on"; and

(2) in the second sentence, by striking out "shall be" and all that follows and inserting in lieu thereof "shall be fined or imprisoned, or both, at the court's discretion.".

SEC. 1112. FLIGHT FROM APPREHENSION.

(a) IN GENERAL.—Section 895 (article 95) is amended to read as follows:

"§895. Art. 95. Resistance, flight, breach of arrest, and escape

"Any person subject to this chapter who—

"(1) resists apprehension;

"(2) flees from apprehension;

"(3) breaks arrest; or

"(4) escapes from custody or confinement;

shall be punished as a court-martial may direct.".

(b) CLERICAL AMENDMENT.—The item relating to section 895 (article 95) in the table of sections at the beginning of subchapter X is amended to read as follows:

"895. Art. 95. Resistance, flight, breach of arrest, and escape.".

SEC. 1113. CARNAL KNOWLEDGE.

(a) GENDER NEUTRALITY.—Subsection (b) of section 920 (article 120) is amended to read as follows:

"(b) Any person subject to this chapter who, under circumstances not amounting to rape, commits an act of sexual intercourse with a person—

"(1) who is not that person's spouse; and

"(2) who has not attained the age of sixteen years;

is guilty of carnal knowledge and shall be punished as a court-martial may direct.".

(b) MISTAKE OF FACT.—Such section (article) is further amended by adding at the end the following new subsection:

"(d)(1) In a prosecution under subsection (b), it is an affirmative defense that—

"(A) the person with whom the accused committed the act of sexual intercourse had at the time of the alleged offense attained the age of twelve years; and

"(B) the accused reasonably believed that that person had at the time of the alleged offense attained the age of sixteen years.

"(2) The accused has the burden of proving a defense under paragraph (1) by a preponderance of the evidence.".

Subtitle B—Sentences

SEC. 1121. EFFECTIVE DATE FOR FORFEITURES OF PAY AND ALLOWANCES AND REDUCTIONS IN GRADE BY SENTENCE OF COURT-MARTIAL.

(a) EFFECTIVE DATE OF SPECIFIED PUNISHMENTS.—Subsection (a) of section 857 (article 57) is amended to read as follows:

"(a)(1) Any forfeiture of pay or allowances or reduction in grade that is included in a sentence of a court-martial takes effect on the earlier of—

"(A) the date that is 14 days after the date on which the sentence is adjudged; or

"(B) the date on which the sentence is approved by the convening authority.

"(2) On application by an accused, the convening authority may defer a forfeiture of pay or allowances or reduction in grade that would otherwise become effective under paragraph (1)(A) until the date on which the sentence is approved by the convening authority. Such a deferment may be rescinded at any time by the convening authority.

"(3) A forfeiture of pay or allowances shall be applicable to pay and allowances accruing on and after the date on which the sentence takes effect.

"(4) In this subsection, the term 'convening authority', with respect to a sentence of a court-martial, means any person authorized to act on the sentence under section 860 of this title (article 60).".

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to a case in which a sentence is adjudged by a court-martial on or after the first day of the first month that begins at least 30 days after the date of the enactment of this Act.

SEC. 1122. REQUIRED FORFEITURE OF PAY AND ALLOWANCES DURING CONFINEMENT.

(a) EFFECT OF PUNITIVE SEPARATION OR CONFINEMENT FOR MORE THAN SIX MONTHS.—(1) Subchapter VIII is amended by inserting after section 858a (article 58a) the following:

"§858b. Art. 58b. Sentences: forfeiture of pay and allowances during confinement

"(a)(1) A court-martial sentence described in paragraph (2) shall result in the forfeiture of pay and allowances due that member during any period of confinement or parole. The forfeiture pursuant to this section shall take effect on the date determined under section 857(a) of this title (article 57(a)) and may be deferred as provided in that section. The pay and allowances forfeited, in the case of a general court-martial, shall be all pay and allowances due that member during such period and, in the case of a special court-martial, shall be two-thirds of all pay and allowances due that member during such period.

"(2) A sentence covered by this section is any sentence that includes—

"(A) confinement for more than six months or death; or

"(B) confinement for six months or less and a dishonorable or bad-conduct discharge or dismissal.

"(b) In a case involving an accused who has dependents, the convening authority or other person acting under section 860 of this title (article 60) may waive any or all of the forfeitures of pay and allowances required by subsection (a) for a period not to exceed six months. Any amount of pay or allowances that, except for a waiver under this subsection, would be forfeited shall be paid, as the convening authority or other person taking action directs, to the dependents of the accused.

"(c) If the sentence of a member who forfeits pay and allowances under subsection (a) is set aside or disapproved or, as finally approved, does not provide for a punishment referred to in subsection (a)(2), the member shall be paid the pay and allowances which the member would have been paid, except for the forfeiture, for the period during which the forfeiture was in effect.".

(2) The table of sections at the beginning of subchapter VIII is amended by adding at the end the following new item:

"858b. 58b. Sentences: forfeiture of pay and allowances during confinement.".

(b) APPLICABILITY.—The section (article) added by the amendment made by subsection (a)(1) shall apply to a case in which a sentence is adjudged by a court-martial on or after the first day of the first month that begins at least 30 days after the date of the enactment of this Act.

(c) CONFORMING AMENDMENT.—(1) Section 804 of title 37, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 15 of such title is amended by striking out the item relating to section 804.

SEC. 1123. DEFERMENT OF CONFINEMENT.

(a) DEFERMENT.—Subchapter VIII is amended—

(1) by inserting after subsection (c) of section 857 (article 57) the following:

"§857a. Art. 57a. Deferment of sentences";

(2) by redesignating the succeeding two subsections as subsection (a) and (b);

(3) in subsection (b), as redesignated by paragraph (2), by striking out "postpone" and inserting in lieu thereof "defer"; and

(4) by inserting after subsection (b), as redesignated by paragraph (2), the following:

"(c) In any case in which a court-martial sentences a person to confinement and the sentence to confinement has been ordered executed, but in which review of the case under section 867(a)(2) of this title (article 67(a)(2)) is pending, the Secretary concerned may defer further service of the sentence to confinement while that review is pending.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 857 (article 57) the following new item:

"857a. 57a. Deferment of sentences.".

Subtitle C—Pretrial and Post-Trial Actions

SEC. 1131. ARTICLE 32 INVESTIGATIONS.

Section 832 (article 32) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection (d):

"(d) If evidence adduced in an investigation under this article indicates that the accused committed an uncharged offense, the investigating officer may investigate the subject matter of that offense without the accused having first been charged with the offense if the accused—

"(1) is present at the investigation;

"(2) is informed of the nature of each uncharged offense investigated; and

"(3) is afforded the opportunities for representation, cross-examination, and presentation prescribed in subsection (b).".

SEC. 1132. SUBMISSION OF MATTERS TO THE CONVENING AUTHORITY FOR CONSIDERATION.

Section 860(b)(1) (article 60(b)(1)) is amended by inserting after the first sentence the following: "Any such submission shall be in writing.".

SEC. 1133. COMMITMENT OF ACCUSED TO TREATMENT FACILITY BY REASON OF LACK OF MENTAL CAPACITY OR MENTAL RESPONSIBILITY.

(a) APPLICABLE PROCEDURES.—(1) Subchapter IX is amended by inserting after section 876a (article 76a) the following:

"§876b. Art. 76b. Lack of mental capacity or mental responsibility: commitment of accused for examination and treatment

"(a) PERSONS INCOMPETENT TO STAND TRIAL.—(1) In the case of a person determined under this chapter to be presently suffering from a mental disease or defect rendering the person mentally incompetent to the extent that the person is unable to understand the nature of the proceedings against that person or to conduct or cooperate intelligently in the defense of the case, the general court-martial convening authority for that person shall commit the person to the custody of the Attorney General.

"(2) The Attorney General shall take action in accordance with section 4241(d) of title 18.

"(3) If at the end of the period for hospitalization provided for in section 4241(d) of title 18, it is determined that the committed person's mental condition has not so improved as to permit the trial to proceed, action shall be taken in accordance with section 4246 of such title.

"(4)(A) When the director of a facility in which a person is hospitalized pursuant to paragraph (2) determines that the person has recovered to such an extent that the person is able to understand the nature of the proceedings against the person and to conduct or cooperate intelligently in the defense of the case, the director shall promptly transmit a notification of that determination to the Attorney General and to the general court-martial convening authority for the person. The director shall send a copy of the notification to the person's counsel.

"(B) Upon receipt of a notification, the general court-martial convening authority shall promptly take custody of the person unless the person covered by the notification is no longer subject to this chapter. If the person is no longer subject to this chapter, the Attorney General shall take any action within the authority of the Attorney General that the Attorney General considers appropriate regarding the person.

"(C) The director of the facility may retain custody of the person for not more than 30 days after transmitting the notifications required by subparagraph (A).

"(5) In the application of section 4246 of title 18 to a case under this subsection, references to the court that ordered the commitment of a person, and to the clerk of such court, shall be deemed to refer to the general court-martial convening authority for that person. However, if the person is no longer subject to this chapter at a time relevant to the application of such section to the person, the United States district court for the district where the person is hospitalized or otherwise may be found shall be considered as the court that ordered the commitment of the person.

"(b) PERSONS FOUND NOT GUILTY BY REASON OF LACK OF MENTAL RESPONSIBILITY.—(1) If a person is found by a court-martial not guilty only by reason of lack of mental responsibility, the person shall be committed to a suitable facility until the person is eligible for release in accordance with this section.

"(2) The court-martial shall conduct a hearing on the mental condition in accordance with subsection (c) of section 4243 of title 18. Subsections (b) and (d) of that section shall apply with respect to the hearing.

"(3) A report of the results of the hearing shall be made to the general court-martial convening authority for the person.

"(4) If the court-martial fails to find by the standard specified in subsection (d) of section 4243 of title 18 that the person's release would not create a substantial risk of bodily injury to another person or serious damage of property of another due to a present mental disease or defect—

"(A) the general court-martial convening authority may commit the person to the custody of the Attorney General; and

"(B) the Attorney General shall take action in accordance with subsection (e) of section 4243 of title 18.

"(5) Subsections (f), (g), and (h) of section 4243 of title 18 shall apply in the case of a person hospitalized pursuant to paragraph (4)(B), except that the United States district court for the district where the person is hospitalized shall be considered as the court that ordered the person's commitment.

"(c) GENERAL PROVISIONS.—(1) Except as otherwise provided in this subsection and subsection (d)(1), the provisions of section 4247 of title 18 apply in the administration of this section.

"(2) In the application of section 4247(d) of title 18 to hearings conducted by a court-martial under this section or by (or by order of) a general court-martial convening authority under this section, the reference in that section to section 3006A of such title does not apply.

"(d) APPLICABILITY.—(1) The provisions of chapter 313 of title 18 referred to in this section apply according to the provisions of this section notwithstanding section 4247(j) of title 18.

"(2) If the status of a person as described in section 802 of this title (article 2) terminates while the person is, pursuant to this section, in the custody of the Attorney General, hospitalized, or on conditional release under a prescribed regimen of medical, psychiatric, or psychological care or treatment, the provisions of this section establishing requirements and procedures regarding a person no longer subject to this chapter shall continue to apply to that person notwithstanding the change of status.".

(2) The table of sections at the beginning of such sub hapter is amended by inserting after the item relating to section 876a (article 76a) the following:

"876b. 76b. Lack of mental capacity or mental responsibility: commitment of accused for examination and treatment.".

(b) CONFORMING AMENDMENT.—Section 802 (article 2) is amended by adding at the end the following new subsection:

"(e) The provisions of this section are subject to section 876b(d)(2) of this title (article 76b(d)(2)).".

(c) EFFECTIVE DATE.—Section 876b of title 10, United States Code (article 76b of the Uniform Code of Military Justice), as added by subsection (a), shall take effect at the end of the six-month period beginning on the date of the enactment of this Act and shall apply with respect to charges referred to courts-martial after the end of that period.

Subtitle D—Appellate Matters

SEC. 1141. APPEALS BY THE UNITED STATES.

(a) APPEALS RELATING TO DISCLOSURE OF CLASSIFIED INFORMATION.—Section 862(a)(1) (article 62(a)(1)) is amended to read as follows:

"(a)(1) In a trial by court-martial in which a military judge presides and in which a punitive discharge may be adjudged, the United States may appeal the following (other than an order or ruling that is, or that amounts to, a finding of not guilty with respect to the charge or specification):

"(A) An order or ruling of the military judge which terminates the proceedings with respect to a charge or specification.

"(B) An order or ruling which excludes evidence that is substantial proof of a fact material in the proceeding.

"(C) An order or ruling which directs the disclosure of classified information.

"(D) An order or ruling which imposes sanctions for nondisclosure of classified information.

"(E) A refusal of the military judge to issue a protective order sought by the United States to prevent the disclosure of classified information.

"(F) A refusal by the military judge to enforce an order described in subparagraph (E) that has previously been issued by appropriate authority.".

(b) DEFINITIONS.—Section 801 (article 1) is amended by inserting after paragraph (14) the following new paragraphs:

"(15) The term 'classified information' means (A) any information or material that has been determined by an official of the United States pursuant to law, an Executive order, or regulation to require protection against unauthorized disclosure for reasons of national security, and (B) any restricted data, as defined in section 11(y) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)).

"(16) The term 'national security' means the national defense and foreign relations of the United States.".

SEC. 1142. REPEAL OF TERMINATION OF AUTHORITY FOR CHIEF JUSTICE OF UNITED STATES TO DESIGNATE ARTICLE III JUDGES FOR TEMPORARY SERVICE ON COURT OF APPEALS FOR THE ARMED FORCES.

Subsection (i) of section 1301 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 10 U.S.C. 942 note) is repealed.

Subtitle E—Other Matters

SEC. 1151. ADVISORY COMMITTEE ON CRIMINAL LAW JURISDICTION OVER CIVILIANS ACCOMPANYING THE ARMED FORCES IN TIME OF ARMED CONFLICT.

(a) ESTABLISHMENT.—Not later than 45 days after the date of the enactment of this Act, the Secretary of Defense and the Attorney General shall jointly appoint an advisory committee to review and make recommendations concerning the appropriate forum for criminal jurisdiction over civilians accompanying the Armed Forces in the field outside the United States in time of armed conflict.

(b) MEMBERSHIP.—The committee shall be composed of at least five individuals, including experts in military law, international law, and federal civilian criminal law. In making appointments to the committee, the Secretary and the Attorney General shall ensure that the members of the committee reflect diverse experiences in the conduct of prosecution and defense functions.

(c) DUTIES.—The committee shall do the following:

(1) Review historical experiences and current practices concerning the use, training, discipline, and functions of civilians accompanying the Armed Forces in the field.

(2) Based upon such review and other information available to the commitee, develop specific recommendations concerning the advisability and feasibility of establishing United States criminal law jurisdiction over persons who as civilians accompany the Armed Forces in the field outside the United States during time of armed conflict not involving a war declared by Congress, including whether such jurisdiction should be established through any of the following means (or a combination of such means depending upon the degree of the armed conflict involved):

(A) Establishing court-martial jurisdiction over such persons.

(B) Extending the jurisdiction of the Article III courts to cover such persons.

(C) Establishing an Article I court to exercise criminal jurisdiction over such persons.

(3) Develop such additional recommendations as the committee considers appropriate as a result of the review.

(d) REPORT.—(1) Not later than December 15, 1996, the advisory committee shall transmit to the Secretary of Defense and the Attorney General a report setting forth its findings and recommendations, including the recommendations required under subsection (c)(2).

(2) Not later than January 15, 1997, the Secretary of Defense and the Attorney General shall jointly transmit the report of the advisory committee to Congress. The Secretary and the Attorney General may include in the transmittal any joint comments on the report that they consider appropriate, and either such official may include in the transmittal any separate comments on the report that such official considers appropriate.

(e) DEFINITIONS.—For purposes of this section:

(1) The term "Article I court" means a court established under Article I of the Constitution.

(2) The term "Article III court" means a court established under Article III of the Constitution.

(f) TERMINATION OF COMMITTEE.—The advisory committee shall terminate 30 days after the date on which the report of the committee is submitted to Congress under subsection (d)(2).

SEC. 1152. TIME AFTER ACCESSION FOR INITIAL INSTRUCTION IN THE UNIFORM CODE OF MILITARY JUSTICE.

Section 937(a)(1) (article 137(a)(1)) is amended by striking out "within six days" and inserting in lieu thereof "within fourteen days".

SEC. 1153. TECHNICAL AMENDMENT.

Section 866(f) (article 66(f)) is amended by striking out "Courts of Military Review" both places it appears and inserting in lieu thereof "Courts of Criminal Appeals".

TITLE XII—COOPERATIVE THREAT REDUCTION WITH STATES OF FORMER SOVIET UNION

SEC. 1201. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS.

(a) IN GENERAL.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in subsection (b).

(b) SPECIFIED PROGRAMS.—The programs referred to in subsection (a) are the following programs with respect to states of the former Soviet Union:

(1) Programs to facilitate the elimination, and the safe and secure transportation and storage, of nuclear, chemical, and other weapons and their delivery vehicles.

(2) Programs to facilitate the safe and secure storage of fissile materials derived from the elimination of nuclear weapons.

(3) Programs to prevent the proliferation of weapons, weapons components, and weapons-related technology and expertise.

(4) Programs to expand military-to-military and defense contacts.

SEC. 1202. FISCAL YEAR 1996 FUNDING ALLOCATIONS.

(a) IN GENERAL.—Of the amount appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs, not more than the following amounts may be obligated for the purposes specified:

(1) For elimination of strategic offensive weapons in Russia, Ukraine, Belarus, and Kazakhstan, $90,000,000.

(2) For weapons security in Russia, $42,500,000.

(3) For the Defense Enterprise Fund, $0.

(4) For nuclear infrastructure elimination in Ukraine, Belarus, and Kazakhstan, $35,000,000.

(5) For planning and design of a storage facility for Russian fissile material, $29,000,000.

(6) For planning and design of a chemical weapons destruction facility in Russia, $73,000,000.

(7) For activities designated as Defense and Military Contacts/General Support/Training in Russia, Ukraine, Belarus, and Kazakhstan, $10,000,000.

(8) For activities designated as Other Assessments/Support $20,500,000.

(b) LIMITED AUTHORITY TO VARY INDIVIDUAL 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, but not in excess of 115 percent of that amount. 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.

(c) REIMBURSEMENT OF PAY ACCOUNTS.—Funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs may be transferred to military personnel accounts for reimbursement of those accounts for the amount of pay and allowances paid to reserve component personnel for service while engaged in any activity under a Cooperative Threat Reduction program.

SEC. 1203. PROHIBITION ON USE OF FUNDS FOR PEACEKEEPING EXERCISES AND RELATED ACTIVITIES WITH RUSSIA.

None of the funds appropriated pursuant to the authorization in section 301 for Cooperative Threat Reduction programs may be obligated or expended for the purpose of conducting with Russia any peacekeeping exercise or other peacekeeping-related activity.

SEC. 1204. REVISION TO AUTHORITY FOR ASSISTANCE FOR WEAPONS DESTRUCTION.

Section 211 of Public Law 102–228 (22 U.S.C. 2551 note) is amended by adding at the end the following new subsection:

"(c) As part of a transmission to Congress under subsection (b) of a certification that a proposed recipient of United States assistance under this title is committed to carrying out the matters specified in each of paragraphs (1) through (6) of that subsection, the President shall include a statement setting forth, in unclassified form (together with a classified annex if necessary), the determination of the President, with respect to each such paragraph, as to whether that proposed recipient is at that time in fact carrying out the matter specified in that paragraph.".

SEC. 1205. PRIOR NOTICE TO CONGRESS OF OBLIGATION OF FUNDS.

(a) ANNUAL REQUIREMENT.—(1) Not less than 15 days before any obligation of any funds appropriated for any fiscal year for a program specified under section 1201 as a Cooperative Threat Reduction program, the Secretary of Defense shall submit to the congressional committees specified in paragraph (2) a report on that proposed obligation for that program for that fiscal year.

(2) The congressional committees referred to in paragraph (1) are the following:

(A) The Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.

(B) The Committee on National Security, the Committee on International Relations, and the Committee on Appropriations of the House of Representatives.

(b) MATTERS TO BE SPECIFIED IN REPORTS.—Each such report shall specify—

(1) the activities and forms of assistance for which the Secretary of Defense plans to obligate funds;

(2) the amount of the proposed obligation; and

(3) the projected involvement (if any) of any department or agency of the United States (in addition to the Department of Defense) and of the private sector of the United States in the activities and forms of assistance for which the Secretary of Defense plans to obligate such funds.

SEC. 1206. REPORT ON ACCOUNTING FOR UNITED STATES ASSISTANCE.

(a) REPORT.—(1) The Secretary of Defense shall submit to Congress an annual 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) A report shall be submitted under this section not later than January 31 of each year until the Cooperative Threat Reduction programs are completed.

(b) INFORMATION TO BE INCLUDED.—Each report under this section 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 the next fiscal year 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 a 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. 1207. LIMITATION ON ASSISTANCE TO NUCLEAR WEAPONS SCIENTISTS OF FORMER SOVIET UNION.

Amounts appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs may not be obligated for any program established

primarily to assist nuclear weapons scientists in states of the former Soviet Union until 30 days after the date on which the Secretary of Defense certifies in writing to Congress that the funds to be obligated will not be used (1) to contribute to the modernization of the strategic nuclear forces of such states, or (2) for research, development, or production of weapons of mass destruction.

SEC. 1208. LIMITATION RELATING TO OFFENSIVE BIOLOGICAL WARFARE PROGRAM OF RUSSIA.

(a) LIMITATION.—Of the amount appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs that is available for the purpose stated in section 1202(a)(6), $60,000,000 may not be obligated or expended until the President submits to Congress either a certification as provided in subsection (b) or a certification as provided in subsection (c).

(b) CERTIFICATION WITH RESPECT TO OFFENSIVE BIOLOGICAL WARFARE PROGRAM OF RUSSIA.—A certification under this subsection is a certification by the President of each of the following:

(1) That Russia is in compliance with its obligations under the Biological Weapons Convention.

(2) That Russia has agreed with the United States and the United Kingdom on a common set of procedures to govern visits by officials of the United States and United Kingdom to military biological facilities of Russia, as called for under the Joint Statement on Biological Weapons issued by officials of the United States, the United Kingdom, and Russia on September 14, 1992.

(3) That visits by officials of the United States and United Kingdom to the four declared military biological facilities of Russia have occurred.

(c) ALTERNATIVE CERTIFICATION.—A certification under this subsection is a certification by the President that the President is unable to make a certification under subsection (b).

(d) USE OF FUNDS UPON ALTERNATIVE CERTIFICATION.—If the President makes a certification under subsection (c), the $60,000,000 specified in subsection (a)—

(1) shall not be available for the purpose stated in section 1202(a)(6); and

(2) shall be available for activities in Ukraine, Kazakhstan, and Belarus—

(A) for the elimination of strategic offensive weapons (in addition to the amount specified in section 1202(a)(1)); and

(B) for nuclear infrastructure elimination (in addition to the amount specified in section 1202(a)(4)).

SEC. 1209. LIMITATION ON USE OF FUNDS FOR CHEMICAL WEAPONS DESTRUCTION FACILITY.

(a) LIMITATION.—Of the amount appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs that is available for planning and design of a chemical weapons destruction facility, not more than one-half of such amount may be obligated or expended until the President certifies to Congress the following:

(1) That the United States and Russia have completed a joint laboratory study to determine the feasibility of an appropriate technology for destruction of chemical weapons of Russia.

(2) That Russia is making reasonable progress, with the assistance of the United States (if necessary), toward the completion of a comprehensive implementation plan for managing and funding the dismantlement and destruction of Russia's chemical weapons stockpile.

(3) That the United States and Russia have made substantial progress toward resolution, to the satisfaction of the United States, of outstanding compliance issues under the 1989 Wyoming Memorandum of Understanding and the 1990 Bilateral Destruction Agreement.

(b) DEFINITIONS.—In this section:

(1) The term "1989 Wyoming Memorandum of Understanding" means the Memorandum of Understanding between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics Regarding a Bilateral Verification Experiment and Data Exchange Related to Prohibition on Chemical Weapons, signed at Jackson Hole, Wyoming, on September 23, 1989.

(2) The term "1990 Bilateral Destruction Agreement" means the Agreement between the United States of America and the Union of Soviet Socialist Republics on destruction and nonproduction of chemical weapons and on measures to facilitate the multilateral convention on banning chemical weapons signed on June 1, 1990.

TITLE XIII—MATTERS RELATING TO OTHER NATIONS

Subtitle A—Peacekeeping Provisions

SEC. 1301. PLACEMENT OF UNITED STATES FORCES UNDER UNITED NATIONS OPERATIONAL OR TACTICAL CONTROL.

(a) FINDINGS.—Congress finds the following:

(1) The President has made United Nations peace operations a major component of the foreign and security policies of the United States.

(2) The President has committed United States military personnel under United Nations operational control to missions in Haiti, Croatia, and Macedonia that could endanger those personnel.

(3) The President has committed the United States to deploy as many as 25,000 military personnel to Bosnia-Herzegovina as peacekeepers under NATO operational control in the event that the parties to that conflict reach a peace agreement.

(4) Although the President has insisted that he will retain command of United States forces at all times, in the past this has meant administrative control of United States forces only, while operational control has been ceded to United Nations commanders, some of whom were foreign nationals.

(5) The experience of United States forces participating in combined United States-United Nations operations in Somalia, and in combined United Nations-NATO operations in the former Yugoslavia, demonstrate that prerequisites for effective military operations such as unity of command and clarity of mission have not been met by United Nations command and control arrangements.

(6) Despite the many deficiencies in the conduct of United Nations peace operations, there may be unique occasions when it is in the national security interests of the United States to participate in such operations.

(b) POLICY.—It is the sense of Congress that—

(1) the President should consult closely with Congress regarding any United Nations peace operation that could involve United States combat forces and that such consultations should continue throughout the duration of such activities;

(2) the President should consult with Congress before a vote within the United Nations Security Council on any resolution which would authorize, extend, or revise the mandate for any such activity;

(3) in view of the complexity of United Nations peace operations and the difficulty of achieving unity of command and expeditious decisionmaking, the United States should participate in such operations only when it is clearly in the national security interest to do so;

(4) United States combat forces should be under the operational control of qualified commanders and should have clear and effective command and control arrangements and rules of engagement (which do not restrict their self-defense in any way) and clear and unambiguous mission statements; and

(5) none of the Armed Forces of the United States should be under the operational control of foreign nationals in United Nations peace enforcement operations except in the most extraordinary circumstances.

(c) DEFINITIONS.—For purposes of subsections (a) and (b):

(1) The term "United Nations peace enforcement operations" means any international peace enforcement or similar activity that is authorized by the United Nations Security Council under chapter VII of the Charter of the United Nations.

(2) The term "United Nations peace operations" means any international peacekeeping, peacemaking, peace enforcement, or similar activity that is authorized by the United Nations Security Council under chapter VI or VII of the Charter of the United Nations.

(d) IN GENERAL.—(1) Chapter 20 of title 10, United States Code, is amended by inserting after section 404 the following new section:

"§405. Placement of United States forces under United Nations opertional or tactical control: limitation

"(a) LIMITATION.—Except as provided in subsections (b) and (c), funds appropriated or otherwise made available for the Department of Defense may not be obligated or expended for activities of any element of the armed forces that after the date of the enactment of this section is placed under United Nations operational or tactical control, as defined in subsection (f).

"(b) EXCEPTION FOR PRESIDENTIAL CERTIFICATION.—(1) Subsection (a) shall not apply in the case of a proposed placement of an element of the armed forces under United Nations operational or tactical control if the President, not less than 15 days before the date on which such United Nations operational or tactical control is to become effective (or as provided in paragraph (2)), meets the requirements of subsection (d).

"(2) If the President certifies to Congress that an emergency exists that precludes the President from meeting the requirements of subsection (d) 15 days before placing an element of the armed forces under United Nations operational or tactical control, the President may place such forces under such operational or tactical control and meet the requirements of subsection (d) in a timely manner, but in no event later than 48 hours after such operational or tactical control becomes effective.

"(c) ADDITIONAL EXCEPTIONS.—(1) Subsection (a) shall not apply in the case of a proposed placement of any element of the Armed Forces under United Nations operational or tactical control if the Congress specifically authorizes by law that particular placement of United States forces under United Nations operational or tactical control.

"(2) Subsection (a) shall not apply in the case of a proposed placement of any element of the armed forces in an operation conducted by the North Atlantic Treaty Organization.

"(d) PRESIDENTIAL CERTIFICATIONS.—The requirements referred to in subsection (b)(1) are that the President submit to Congress the following:

"(1) Certification by the President that it is in the national security interests of the United States to place any element of the armed forces under United Nations operational or tactical control.

"(2) A report setting forth the following:

"(A) A description of the national security interests that would be advanced by the placement of United States forces under United Nations operation or tactical control.

"(B) The mission of the United States forces involved.

"(C) The expected size and composition of the United States forces involved.

"(D) The precise command and control relationship between the United States forces involved and the United Nations command structure.

"(E) The precise command and control relationship between the United States forces involved and the commander of the United States unified command for the region in which those United States forces are to operate.

"(F) The extent to which the United States forces involved will rely on forces of other countries for security and defense and an assessment of the capability of those other forces to provide adequate security to the United States forces involved.

"(G) The exit strategy for complete withdrawal of the United States forces involved.

"(H) The extent to which the commander of any unit of the Armed Forces proposed for placement under United Nations operational or tactical control will at all times retain the right—

"(i) to report independently to superior United States military authorities; and

"(ii) to decline to comply with orders judged by the commander to be illegal or beyond the mandate of the mission to which the United States agreed with the United Nations, until such time as that commander receives direction from superior United States military authorities with respect to the orders that the commander has declined to comply with.

"(I) The extent to which the United States will retain the authority to withdraw any element of the Armed Forces from the proposed operation at any time and to take any action it considers necessary to protect those forces if they are engaged.

"(J) The anticipated monthly incremental cost to the United States of participation in the United Nations operation by the United States forces which are proposed to be placed under United Nations operational or tactical control.

"(e) CLASSIFICATION OF REPORT.—A report under subsection (d) shall be submitted in unclassified form and, if necessary, in classified form.

"(f) UNITED NATIONS OPERATIONAL OR TACTICAL CONTROL.—For purposes of this section, an element of the Armed Forces shall be considered to be placed under United Nations operational or tactical control if—

"(1) that element is under the operational or tactical control of an individual acting on behalf of the United Nations for the purpose of international peacekeeping, peacemaking, peace-enforcing, or similar activity that is authorized by the Security Council under chapter VI or VII of the Charter of the United Nations; and

"(2) the senior military commander of the United Nations force or operation is a foreign national or is a citizen of the United States who is not a United States military officer serving on active duty.

"(g) INTERPRETATION.—Nothing in this section may be construed—

"(1) as authority for the President to use any element of the armed forces in any operation; and

"(2) as authority for the President to place any element of the armed forces under the command or operational control of a foreign national.".

(2) The table of sections at the beginning of subchapter I of such chapter is amended by adding at the end the following new item:

"405. Placement of United States forces under United Nations operational or tactical control: limitation.".

(e) EXCEPTION FOR ONGOING OPERATIONS IN MACEDONIA AND CROATIA.—Section 405 of title 10, United States Code, as added by subsection (d), does not apply in the case of activities of the Armed Forces as part of the United Nations force designated as the United Nations Protection Force (UNPROFOR) that are carried out—

(1) in Macedonia pursuant to United Nations Security Council Resolution 795, adopted December 11, 1992, and subsequent reauthorization Resolutions; or

(2) in Croatia pursuant to United Nations Security Council Resolution 743, adopted February 21, 1992, and subsequent reauthorization Resolutions.

SEC. 1302. LIMITATION ON USE OF DEPARTMENT OF DEFENSE FUNDS FOR UNITED STATES SHARE OF COSTS OF UNITED NATIONS PEACEKEEPING ACTIVITIES.

(a) IN GENERAL.—Chapter 20 of title 10, United States Code, is amended by inserting after section 405, as added by section 1301, the following new section:

"§406. Use of Department of Defense funds for United States share of costs of United Nations peacekeeping activities: limitation

"(a) PROHIBITION ON USE OF FUNDS.—Funds available to the Department of Defense may not be used to make a financial contribution (directly or through another department or agency of the United States) to the United Nations—

"(1) for the costs of a United Nations peacekeeping activity; or

"(2) for any United States arrearage to the United Nations.

"(b) APPLICATION OF PROHIBITION.—The prohibition in subsection (a) applies to voluntary contributions, as well as to contributions pursuant to assessment by the United Nations for the United States share of the costs of a peacekeeping activity.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 405, as added by section 1301, the following new item:

"406. Use of Department of Defense funds for United States share of costs of United Nations peacekeeping activities: limitation.".

Subtitle B—Humanitarian Assistance Programs

SEC. 1311. OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID PROGRAMS.

(a) COVERED 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 sections 401, 402, 404, 2547, and 2551 of title 10, United States Code.

(b) GAO REPORT.—Not later than March 1, 1996, the Comptroller General of the United States shall provide to the congressional defense committees a report on—

(1) existing funding mechanisms available to cover the costs associated with the Overseas Humanitarian, Disaster, and Civic Assistance activities through funds provided to the Department of State or the Agency for International Development, and

(2) if such mechanisms do not exist, actions necessary to institute such mechanisms, including any changes in existing law or regulations.

SEC. 1312. HUMANITARIAN ASSISTANCE.

Section 2551 of title 10, United States Code is amended—

(1) by striking out subsections (b) and (c);

(2) by redesignating subsection (d) as subsection (b);

(3) by striking out subsection (e) and inserting in lieu thereof the following:

"(c) STATUS REPORTS.—(1) The Secretary of Defense shall submit to the congressional committees specified in subsection (f) an annual report on the provision of humanitarian assistance pursuant to this section for the prior fiscal year. The report shall be submitted each year at the time of the budget submission by the President for the next fiscal year.

"(2) Each report required by paragraph (1) shall cover all provisions of law that authorize appropriations for humanitarian assistance to be available from the Department of Defense for the purposes of this section.

"(3) Each report under this subsection shall set forth the following information regarding activities during the previous fiscal year:

"(A) The total amount of funds obligated for humanitarian relief under this section.

"(B) The number of scheduled and completed transportation missions for purposes of providing humanitarian assistance under this section.

"(C) A description of any transfer of excess nonlethal supplies of the Department of Defense made available for humanitarian relief purposes under section 2547 of this title. The description shall include the date of the transfer, the entity to whom the transfer is made, and the quantity of items transferred.";

(4) by redesignating subsection (f) as subsection (d) and in that subsection striking out "the Committees on" and all that follows through "House of Representatives of the" and inserting in lieu thereof "the congressional committees specified in subsection (f) and the Committees on Appropriations of the Senate and House of Representatives of the";

(5) by redesignating subsection (g) as subsection (e); and

(6) by adding at the end the following new subsection:

"(f) CONGRESSIONAL COMMITTEES.—The congressional committees referred to in subsections (c)(1) and (d) are the following:

"(1) The Committee on Armed Services and the Committee on Foreign Relations of the Senate.

"(2) The Committee on National Security and the Committee on International Relations of the House of Representatives.".

SEC. 1313. LANDMINE CLEARANCE PROGRAM.

(a) INCLUSION IN GENERAL HUMANITARIAN ASSISTANCE PROGRAM.—Subsection (e) of section 401 of title 10, United States Code, is amended—

(1) by striking out "means—" and inserting in lieu thereof "means:";

(2) by revising the first word in each of paragraphs (1) through (4) so that the first letter of such word is upper case;

(3) by striking out the semicolon at the end of paragraphs (1) and (2) and inserting in lieu thereof a period;

(4) by striking out "; and" at the end of paragraph (3) and inserting in lieu thereof a period; and

(5) by adding at the end the following new paragraph:

"(5) Detection and clearance of landmines, including activities relating to the furnishing of education, training, and technical assistance with respect to the detection and clearance of landmines.".

(b) LIMITATION ON LANDMINE ASSISTANCE BY MEMBERS OF ARMED FORCES.—Subsection (a) of such section is amended by adding at the end the following new paragraph:

"(4) The Secretary of Defense shall ensure that no member of the armed forces, while providing assistance under this section that is described in subsection (e)(5)—

"(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

"(B) provides such assistance as part of a military operation that does not involve the armed forces.".

(c) REPEAL.—Section 1413 of the National Defense Authorization Act for Fiscal Year 1995

(Public Law 103-337; 108 Stat. 2913; 10 U.S.C. 401 note) is repealed.

Subtitle C—Arms Exports and Military Assistance

SEC. 1321. DEFENSE EXPORT LOAN GUARANTEES.

(a) ESTABLISHMENT OF PROGRAM.—(1) Chapter 148 of title 10, United States Code, is amended by adding at the end the following new subchapter:

"SUBCHAPTER VI—DEFENSE EXPORT LOAN GUARANTEES

"Sec.
"2540. Establishment of loan guarantee program.
"2540a. Transferability.
"2540b. Limitations.
"2540c. Fees charged and collected.
"2540d. Definitions.

"§2540. Establishment of loan guarantee program

"(a) ESTABLISHMENT.—In order to meet the national security objectives in section 2501(a) of this title, the Secretary of Defense shall establish a program under which the Secretary may issue guarantees assuring a lender against losses of principal or interest, or both principal and interest, arising out of the financing of the sale or long-term lease of defense articles, defense services, or design and construction services to a country referred to in subsection (b).

"(b) COVERED COUNTRIES.—The authority under subsection (a) applies with respect to the following countries:

"(1) A member nation of the North Atlantic Treaty Organization (NATO).

"(2) A country designated as of March 31, 1995, as a major non-NATO ally pursuant to section 2350a(i)(3) of this title.

"(3) A country in Central Europe that, as determined by the Secretary of State—

"(A) has changed its form of national government from a nondemocratic form of government to a democratic form of government since October 1, 1989; or

"(B) is in the process of changing its form of national government from a nondemocratic form of government to a democratic form of government.

"(4) A noncommunist country that was a member nation of the Asia Pacific Economic Cooperation (APEC) as of October 31, 1993.

"(c) AUTHORITY SUBJECT TO PROVISIONS OF APPROPRIATIONS.—The Secretary may guarantee a loan under this subchapter only to such extent or in such amounts as may be provided in advance in appropriations Acts.

"§2540a. Transferability

"A guarantee issued under this subchapter shall be fully and freely transferable.

"§2540b. Limitations

"(a) TERMS AND CONDITIONS OF LOAN GUARANTEES.—In issuing a guarantee under this subchapter for a medium-term or long-term loan, the Secretary may not offer terms and conditions more beneficial than those that would be provided to the recipient by the Export-Import Bank of the United States under similar circumstances in conjunction with the provision of guarantees for nondefense articles and services.

"(b) LOSSES ARISING FROM FRAUD OR MISREPRESENTATION.—No payment may be made under a guarantee issued under this subchapter for a loss arising out of fraud or misrepresentation for which the party seeking payment is responsible.

"(c) NO RIGHT OF ACCELERATION.—The Secretary of Defense may not accelerate any guaranteed loan or increment, and may not pay any amount, in respect of a guarantee issued under this subchapter, other than in accordance with the original payment terms of the loan.

"§2540c. Fees charged and collected

"(a) EXPOSURE FEES.—The Secretary of Defense shall charge a fee (known as 'exposure fee') for each guarantee issued under this subchapter.

"(b) AMOUNT OF EXPOSURE FEE.—To the extent that the cost of the loan guarantees under this subchapter is not otherwise provided for in appropriations Acts, the fee imposed under subsection (a) with respect to a loan guarantee shall be fixed in an amount that is sufficient to meet potential liabilities of the United States under the loan guarantee.

"(c) PAYMENT TERMS.—The fee under subsection (a) for each guarantee shall become due as the guarantee is issued. In the case of a guarantee for a loan which is disbursed incrementally, and for which the guarantee is correspondingly issued incrementally as portions of the loan are disbursed, the fee shall be paid incrementally in proportion to the amount of the guarantee that is issued.

"(d) ADMINISTRATIVE FEES.—The Secretary of Defense shall charge a fee for each guarantee issued under this subchapter to reflect the additional administrative costs of the Department of Defense that are directly attributable to the administration of the program under this subchapter. Such fees shall be credited to a special account in the Treasury. Amounts in the special account shall be available, to the extent and in amounts provided in appropriations Acts, for paying the costs of administrative expenses of the Department of Defense that are attributable to the loan guarantee program under this subchapter.

"§2540d. Definitions

"In this subchapter:

"(1) The terms 'defense article', 'defense services', and 'design and construction services' have the meanings given those terms in section 47 of the Arms Export Control Act (22 U.S.C. 2794).

"(2) The term 'cost', with respect to a loan guarantee, has the meaning given that term in section 502 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 661a).".

(2) The table of subchapters at the beginning of such chapter is amended by adding at the end the following new item:

"VI. Defense Export Loan Guarantees .. 2540".

(b) REPORT.—Not later than two years after the date of the enactment of this Act, the President shall submit to Congress a report on the loan guarantee program established pursuant to section 2540 of title 10, United States Code, as added by subsection (a). The report shall include—

(1) an analysis of the costs and benefits of the loan guarantee program; and

(2) any recommendations for modification of the program that the President considers appropriate, including—

(A) any recommended addition to the list of countries for which a guarantee may be issued under the program; and

(B) any proposed legislation necessary to authorize a recommended modification.

(c) FIRST YEAR COSTS.—The Secretary of Defense shall make available, from amounts appropriated to the Department of Defense for fiscal year 1996 for operations and maintenance, such amounts as may be necessary, not to exceed $500,000, for the expenses of the Department of Defense during fiscal year 1996 that are directly attributable to the administration of the defense export loan guarantee program under subchapter VI of chapter 148 of title 10, United States Code, as added by subsection (a).

(d) REPLENISHMENT OF OPERATIONS AND MAINTENANCE ACCOUNTS FOR FIRST YEAR COSTS.—The Secretary of Defense shall, using funds in the special account referred to in section 2540c(d) of title 10, United States Code (as added by subsection (b)), replenish operations and maintenance accounts for amounts expended from such accounts for expenses referred to in subsection (c).

SEC. 1322. NATIONAL SECURITY IMPLICATIONS OF UNITED STATES EXPORT CONTROL POLICY.

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

(1) Export controls remain an important element of the national security policy of the United States.

(2) It is in the national security interest that United States export control policy be effective in preventing the transfer, to potential adversaries or combatants of the United States, of technology that threatens the national security or defense of the United States.

(3) It is in the national security interest that the United States monitor aggressively the export of militarily critical technology in order to prevent its diversion to potential adversaries or combatants of the United States.

(4) The Department of Defense relies increasingly on commercial and dual-use technologies, products, and processes to support United States military capabilities and economic strength.

(5) The maintenance of the military advantage of the United States depends on effective export controls on dual-use items and technologies that are critical to the military capabilities of the Armed Forces.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Secretary of Defense should evaluate license applications for the export of militarily critical commodities the export of which is controlled for national security reasons if those commodities are to be exported to certain countries of concern;

(2) the Secretary of Defense should identify the dual-use items and technologies that are critical to the military capabilities of the Armed Forces, including the military use made of such items and technologies;

(3) upon identification by the Secretary of Defense of the dual-use items and technologies referred to in paragraph (2), the President should ensure effective export controls or use unilateral export controls on dual-use items and technologies that are critical to the military capabilities of the Armed Forces (regardless of the availability of such items or technologies overseas) with respect to the countries that—

(A) pose a threat to the national security interests of the United States; and

(B) are not members in good standing of bilateral or multilateral agreements to which the United States is a party on the use of such items and technologies; and

(4) the President, upon recommendation of the Secretary of Defense, should ensure effective controls on the re-export by other countries of dual-use items and technologies that are critical to the military capabilities of the Armed Forces.

(c) ANNUAL REPORT.—(1) Not later than December 1 of each year through 1999, the President shall submit to the committees specified in paragraph (4) a report on the effect of the export control policy of the United States on the national security interests of the United States.

(2) The report shall include the following:

(A) A list setting forth each country determined by the Secretary of Defense, the intelligence community, and other appropriate agencies to be a rogue nation or potential adversary or combatant of the United States.

(B) For each country so listed, a list of—

(i) the categories of items that the United States currently prohibits for export to the country;

(ii) the categories of items that may be exported from the United States with an individual license, and in such cases, any licensing conditions normally required and the policy grounds used for approvals and denials; and

(iii) the categories of items that may be exported under a general license designated "G-DEST".

(C) For each category of items listed under subparagraph (B)—

(i) a statement whether a prohibition, control, or licensing requirement on a category of items is imposed pursuant to an international multilateral agreement or is unilateral;

(ii) a statement whether a prohibition, control, or licensing requirement on a category of items is imposed by the other members of an international agreement or is unilateral;

(iii) when the answer under either clause (i) or clause (ii) is unilateral, a statement concerning the efforts being made to ensure that the prohibition, control, or licensing requirement is made multilateral; and

(iv) a statement on what impact, if any, a unilateral prohibition is having, or would have, on preventing the rogue nation or potential adversary from attaining the items in question for military purposes.

(D) A description of United States policy on sharing satellite imagery that has military significance and a discussion of the criteria for determining the imagery that has that significance.

(E) A description of the relationship between United States policy on the export of space launch vehicle technology and the Missile Technology Control Regime.

(F) An assessment of United States efforts to support the inclusion of additional countries in the Missile Technology Control Regime.

(G) An assessment of the on-going efforts made by potential participant countries in the Missile Technology Control Regime to meet the guidelines established by the Missile Technology Control Regime.

(H) A discussion of the history of the space launch vehicle programs of other countries, including a discussion of the military origins and purposes of such programs and the current level of military involvement in such programs.

(3) The President shall submit the report in unclassified form, but may include a classified annex.

(4) The committees referred to in paragraph (1) are the following:

(A) The Committee on Armed Services and the Committee on Foreign Relations of the Senate.

(B) The Committee on National Security and the Committee on International Relations of the House of Representatives.

(5) For purposes of this subsection, the term "Missile Technology Control Regime" means the policy statement announced on April 16, 1987, between the United States, the United Kingdom, the Federal Republic of Germany, France, Italy, Canada, and Japan to restrict sensitive missile-relevant transfers based on the Missile Technology Control Regime Annex, and any amendment thereto.

SEC. 1323. DEPARTMENT OF DEFENSE REVIEW OF EXPORT LICENSES FOR CERTAIN BIOLOGICAL PATHOGENS.

(a) DEPARTMENT OF DEFENSE REVIEW.—Any application to the Secretary of Commerce for a license for the export of a class 2, class 3, or class 4 biological pathogen to a country identified to the Secretary under subsection (c) as a country that is known or suspected to have a biological weapons program shall be referred to the Secretary of Defense for review. The Secretary of Defense shall notify the Secretary of Commerce within 15 days after receipt of an application under the preceding sentence whether the export of such biological pathogen pursuant to the license would be contrary to the national security interests of the United States.

(b) DENIAL OF LICENSE IF CONTRARY TO NATIONAL SECURITY INTEREST.—A license described in subsection (a) shall be denied by the Secretary of Commerce if it is determined that the export of such biological pathogen to that country would be contrary to the national security interests of the United States.

(c) IDENTIFICATION OF COUNTRIES KNOWN OR SUSPECTED TO HAVE A PROGRAM TO DEVELOP OFFENSIVE BIOLOGICAL WEAPONS.—(1) The Secretary of Defense shall determine, for the purposes of this section, those countries that are known or suspected to have a program to develop offensive biological weapons. Upon making such determination, the Secretary shall provide to the Secretary of Commerce a list of those countries.

(2) The Secretary of Defense shall update the list under paragraph (1) on a regular basis. Whenever a country is added to or deleted from such list, the Secretary shall notify the Secretary of Commerce.

(3) Determination under this subsection of countries that are known or suspected to have a program to develop offensive biological weapons shall be made in consultation with the Secretary of State and the intelligence community.

(d) DEFINITION.—For purposes of this section, the term "class 2, class 3, or class 4 biological pathogen" means any biological pathogen that is characterized by the Centers for Disease Control as a class 2, class 3, or class 4 biological pathogen.

SEC. 1324. ANNUAL REPORTS ON IMPROVING EXPORT CONTROL MECHANISMS AND ON MILITARY ASSISTANCE.

(a) JOINT REPORTS BY SECRETARIES OF STATE AND COMMERCE.—Not later than April 1 of each of 1996 and 1997, the Secretary of State and the Secretary of Commerce shall submit to Congress a joint report, prepared in consultation with the Secretary of Defense, relating to United States export-control mechanisms. Each such report shall set forth measures to be taken to strengthen United States export-control mechanisms, including—

(1) steps being taken by each Secretary (A) to share on a regular basis the export licensing watchlist of that Secretary's department with the other Secretary, and (B) to incorporate the export licensing watchlist data received from the other Secretary into the watchlist of that Secretary's department;

(2) steps being taken by each Secretary to incorporate into the watchlist of that Secretary's department similar data from systems maintained by the Department of Defense and the United States Customs Service; and

(3) a description of such further measures to be taken to strengthen United States export-control mechanisms as the Secretaries consider to be appropriate.

(b) REPORTS BY INSPECTORS GENERAL.—(1) Not later than April 1 of each of 1996 and 1997, the Inspector General of the Department of State and the Inspector General of the Department of Commerce shall each submit to Congress a report providing that official's evaluation of the effectiveness during the preceding year of the export licensing watchlist screening process of that official's department. The reports shall be submitted in both a classified and unclassified version.

(2) Each report of an Inspector General under paragraph (1) shall (with respect to that official's department)—

(A) set forth the number of export licenses granted to parties on the export licensing watchlist;

(B) set forth the number of end-use checks performed with respect to export licenses granted to parties on the export licensing watchlist the previous year;

(C) assess the screening process used in granting an export license when an applicant is on the export licensing watchlist; and

(D) assess the extent to which the export licensing watchlist contains all relevant information and parties required by statute or regulation.

(c) ANNUAL MILITARY ASSISTANCE REPORT.—The Foreign Assistance Act of 1961 is amended by inserting after section 654 (22 U.S.C. 2414) the following new section:

"SEC. 655. ANNUAL REPORT ON MILITARY ASSISTANCE, MILITARY EXPORTS, AND MILITARY IMPORTS.

"(a) REPORT REQUIRED.—Not later than February 1 of each of 1996 and 1997, the President shall transmit to Congress a report concerning military assistance authorized or furnished for the fiscal year ending the previous September 30.

"(b) INFORMATION RELATING TO MILITARY ASSISTANCE AND MILITARY EXPORTS.—Each such report shall show the aggregate dollar value and quantity of defense articles (including excess defense articles) and defense services, and of military education and training, authorized or furnished by the United States to each foreign country and international organization. The report shall specify, by category, whether those articles and services, and that education and training, were furnished by grant under chapter 2 or chapter 5 of part II of this Act or by sale under chapter 2 of the Arms Export Control Act or were authorized by commercial sale licensed under section 38 of the Arms Export Control Act.

"(c) INFORMATION RELATING TO MILITARY IMPORTS.—Each such report shall also include the total amount of military items of non-United States manufacture that were imported into the United States during the fiscal year covered by the report. The report shall show the country of origin, the type of item being imported, and the total amount of items.".

SEC. 1325. REPORT ON PERSONNEL REQUIREMENTS FOR CONTROL OF TRANSFER OF CERTAIN WEAPONS.

Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Energy shall submit to the committees of Congress referred to in subsection (c) of section 1154 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1761) the report required under subsection (a) of that section. The Secretary of Defense and the Secretary of Energy shall include with the report an explanation of the failure of such Secretaries to submit the report in accordance with such subsection (a) and with all other previous requirements for the submittal of the report.

Subtitle D—Burdensharing and Other Cooperative Activities Involving Allies and NATO

SEC. 1331. ACCOUNTING FOR BURDENSHARING CONTRIBUTIONS.

(a) AUTHORITY TO MANAGE CONTRIBUTIONS IN LOCAL CURRENCY, ETC.—Subsection (b) of section 2350j of title 10, United States Code, is amended to read as follows:

"(b) ACCOUNTING.—Contributions accepted under subsection (a) which are not related to security assistance may be accepted, managed, and expended in dollars or in the currency of the host nation (or, in the case of a contribution from a regional organization, in the currency in which the contribution was provided). Any such contribution shall be placed in an account established for such purpose and shall remain available until expended for the purposes specified in subsection (c). The Secretary of Defense shall establish a separate account for such purpose for each country or regional organization from which such contributions are accepted under subsection (a).".

(b) CONFORMING AMENDMENT.—Subsection (d) of such section is amended by striking out "credited under subsection (b) to an appropriation account of the Department of Defense" and inserting in lieu thereof "placed in an account established under subsection (b)".

(c) TECHNICAL AMENDMENT.—Such section is further amended—

(1) in subsection (e)(1), by striking out "a report to the congressional defense committees" and inserting in lieu thereof "to the congressional committees specified in subsection (g) a report"; and

(2) by adding at the end the following new subsection:

"(g) CONGRESSIONAL COMMITTEES.—The congressional committees referred to in subsection (e)(1) are—

"(1) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

"(2) the Committee on National Security and the Committee on Appropriations of the House of Representatives.".

SEC. 1332. AUTHORITY TO ACCEPT CONTRIBUTIONS FOR EXPENSES OF RELOCATION WITHIN HOST NATION OF UNITED STATES ARMED FORCES OVERSEAS.

(a) IN GENERAL.—(1) Subchapter II of chapter 138 of title 10, United States Code, is amended by adding at the end the following new section:

"§2350k. Relocation within host nation of elements of armed forces overseas

"(a) AUTHORITY TO ACCEPT CONTRIBUTIONS.—The Secretary of Defense may accept contributions from any nation because of or in support of the relocation of elements of the armed forces from or to any location within that nation. Such contributions may be accepted in dollars or in the currency of the host nation. Any such contribution shall be placed in an account established for such purpose and shall remain available until expended for the purposes specified in subsection (b). The Secretary shall establish a separate account for such purpose for each country from which such contributions are accepted.

"(b) USE OF CONTRIBUTIONS.—The Secretary may use a contribution accepted under subsection (a) only for payment of costs incurred in connection with the relocation concerning which the contribution was made. Those costs include the following:

"(1) Design and construction services, including development and review of statements of work, master plans and designs, acquisition of construction, and supervision and administration of contracts relating thereto.

"(2) Transportation and movement services, including packing, unpacking, storage, and transportation.

"(3) Communications services, including installation and deinstallation of communications equipment, transmission of messages and data, and rental of transmission capability.

"(4) Supply and administration, including acquisition of expendable office supplies, rental of office space, budgeting and accounting services, auditing services, secretarial services, and translation services.

"(5) Personnel costs, including salary, allowances and overhead of employees whether full-time or part-time, temporary or permanent (except for military personnel), and travel and temporary duty costs.

"(6) All other clearly identifiable expenses directly related to relocation.

"(c) METHOD OF CONTRIBUTION.—Contributions may be accepted in any of the following forms:

"(1) Irrevocable letter of credit issued by a financial institution acceptable to the Treasurer of the United States.

"(2) Drawing rights on a commercial bank account established and funded by the host nation, which account is blocked such that funds deposited cannot be withdrawn except by or with the approval of the United States.

"(3) Cash, which shall be deposited in a separate trust fund in the United States Treasury pending expenditure and which shall accrue interest in accordance with section 9702 of title 31.

"(d) ANNUAL REPORT TO CONGRESS.—Not later than 30 days after the end of each fiscal year, the Secretary shall submit to Congress a report specifying—

"(1) the amount of the contributions accepted by the Secretary during the preceding fiscal year under subsection (a) and the purposes for which the contributions were made; and

"(2) the amount of the contributions expended by the Secretary during the preceding fiscal year and the purposes for which the contributions were expended.".

(2) The table of sections at the beginning of subchapter II of chapter 138 of such title is amended by adding at the end the following new item:

"2350k. Relocation within host nation of elements of armed forces overseas.".

(b) EFFECTIVE DATE.—Section 2350k of title 10, United States Code, as added by subsection (a), shall take effect on the date of the enactment of this Act and shall apply to contributions for relocation of elements of the Armed Forces in or to any nation received on or after such date.

SEC. 1333. REVISED GOAL FOR ALLIED SHARE OF COSTS FOR UNITED STATES INSTALLATIONS IN EUROPE.

Section 1304(a) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 2890) is amended—

(1) by inserting "(1)" after "so that"; and

(2) by inserting before the period at the end the following: ", and (2) by September 30, 1997, those nations have assumed 42.5 percent of such costs".

SEC. 1334. EXCLUSION OF CERTAIN FORCES FROM EUROPEAN END STRENGTH LIMITATION.

(a) EXCLUSION OF MEMBERS PERFORMING DUTIES UNDER MILITARY-TO-MILITARY CONTACT PROGRAM.—Paragraph (3) of section 1002(c) of the Department of Defense Authorization Act, 1985 (22 U.S.C. 1928 note) is amended to read as follows:

"(3) For purposes of this subsection, the following members of the Armed Forces are excluded in calculating the end strength level of members of the Armed Forces of the United States assigned to permanent duty ashore in European member nations of NATO:

"(A) Members assigned to permanent duty ashore in Iceland, Greenland, and the Azores.

"(B) Members performing duties in Europe for more than 179 days under a military-to-military contact program under section 168 of title 10, United States Code.".

SEC. 1335. COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS WITH NATO ORGANIZATIONS.

Section 2350b(e) of title 10, United States Code, is amended—

(1) in paragraph (1), by inserting "or a NATO organization" after "a participant (other than the United States)"; and

(2) in paragraph (2), by striking out "a cooperative project" and inserting in lieu thereof "such a cooperative project or a NATO organization".

SEC. 1336. SUPPORT SERVICES FOR THE NAVY AT THE PORT OF HAIFA, ISRAEL.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should promptly seek to undertake such actions as are necessary—

(1) to ensure that suitable port services are available to the Navy at the Port of Haifa, Israel; and

(2) to ensure the availability to the Navy of suitable services at that port in light of the continuing increase in commercial activities at the port.

(b) REPORT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to Congress a report on the availability of port services for the Navy in the eastern Mediterranean Sea region. The report shall specify—

(1) the services required by the Navy when calling at the port of Haifa, Israel; and

(2) the availability of those services at ports elsewhere in the region.

Subtitle E—Other Matters

SEC. 1341. PROHIBITION ON FINANCIAL ASSISTANCE TO TERRORIST COUNTRIES.

(a) PROHIBITION.—Subchapter I of chapter 134 of title 10, United States Code, is amended by adding at the end the following:

"§2249a. Prohibition on providing financial assistance to terrorist countries

"(a) PROHIBITION.—Funds available to the Department of Defense may not be obligated or expended to provide financial assistance to—

"(1) any country with respect to which the Secretary of State has made a determination under section 6(j)(1)(A) of the Export Administration Act of 1979 (50 App. 2405(j));

"(2) any country identified in the latest report submitted to Congress under section 140 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f), as providing significant support for international terrorism; or

"(3) any other country that, as determined by the President—

"(A) grants sanctuary from prosecution to any individual or group that has committed an act of international terrorism; or

"(B) otherwise supports international terrorism.

"(b) WAIVER.—(1) The President may waive the application of subsection (a) to a country if the President determines—

"(A) that it is in the national security interests of the United States to do so; or

"(B) that the waiver should be granted for humanitarian reasons.

"(2) The President shall—

"(A) notify the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on National Security and the Committee on International Relations of the House of Representatives at least 15 days before the waiver takes effect; and

"(B) publish a notice of the waiver in the Federal Register.

"(c) DEFINITION.—In this section, the term 'international terrorism' has the meaning given that term in section 140(d) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f(d)).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of such chapter is amended by adding at the end the following:

"2249a. Prohibition on providing financial assistance to terrorist countries.".

SEC. 1342. JUDICIAL ASSISTANCE TO THE INTERNATIONAL TRIBUNAL FOR YUGOSLAVIA AND TO THE INTERNATIONAL TRIBUNAL FOR RWANDA.

(a) SURRENDER OF PERSONS.—

(1) APPLICATION OF UNITED STATES EXTRADITION LAWS.—Except as provided in paragraphs (2) and (3), the provisions of chapter 209 of title 18, United States Code, relating to the extradition of persons to a foreign country pursuant to a treaty or convention for extradition between the United States and a foreign government, shall apply in the same manner and extent to the surrender of persons, including United States citizens, to—

(A) the International Tribunal for Yugoslavia, pursuant to the Agreement Between the United States and the International Tribunal for Yugoslavia; and

(B) the International Tribunal for Rwanda, pursuant to the Agreement Between the United

States and the International Tribunal for Rwanda.

(2) EVIDENCE ON HEARINGS.—For purposes of applying section 3190 of title 18, United States Code, in accordance with paragraph (1), the certification referred to in that section may be made by the principal diplomatic or consular officer of the United States resident in such foreign countries where the International Tribunal for Yugoslavia or the International Tribunal for Rwanda may be permanently or temporarily situated.

(3) PAYMENT OF FEES AND COSTS.—(A) The provisions of the Agreement Between the United States and the International Tribunal for Yugoslavia and of the Agreement Between the United States and the International Tribunal for Rwanda shall apply in lieu of the provisions of section 3195 of title 18, United States Code, with respect to the payment of expenses arising from the surrender by the United States of a person to the International Tribunal for Yugoslavia or the International Tribunal for Rwanda, respectively, or from any proceedings in the United States relating to such surrender.

(B) The authority of subparagraph (A) may be exercised only to the extent and in the amounts provided in advance in appropriations Acts.

(4) NONAPPLICABILITY OF THE FEDERAL RULES.—The Federal Rules of Evidence and the Federal Rules of Criminal Procedure do not apply to proceedings for the surrender of persons to the International Tribunal for Yugoslavia or the International Tribunal for Rwanda.

(b) ASSISTANCE TO FOREIGN AND INTERNATIONAL TRIBUNALS AND TO LITIGANTS BEFORE SUCH TRIBUNALS.—Section 1782(a) of title 28, United States Code, is amended by inserting in the first sentence after "foreign or international tribunal" the following: ", including criminal investigations conducted before formal accusation".

(c) DEFINITIONS.—For purposes of this section:

(1) INTERNATIONAL TRIBUNAL FOR YUGOSLAVIA.—The term "International Tribunal for Yugoslavia" means the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law in the Territory of the Former Yugoslavia, as established by United Nations Security Council Resolution 827 of May 25, 1993.

(2) INTERNATIONAL TRIBUNAL FOR RWANDA.—The term "International Tribunal for Rwanda" means the International Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighboring States, as established by United Nations Security Council Resolution 955 of November 8, 1994.

(3) AGREEMENT BETWEEN THE UNITED STATES AND THE INTERNATIONAL TRIBUNAL FOR YUGOSLAVIA.—The term "Agreement Between the United States and the International Tribunal for Yugoslavia" means the Agreement on Surrender of Persons Between the Government of the United States and the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Law in the Territory of the Former Yugoslavia, signed at The Hague, October 5, 1994.

(4) AGREEMENT BETWEEN THE UNITED STATES AND THE INTERNATIONAL TRIBUNAL FOR RWANDA.—The term "Agreement between the United States and the International Tribunal for Rwanda" means the Agreement on Surrender of Persons Between the Government of the United States and the International Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighboring States, signed at The Hague, January 24, 1995.

SEC. 1343. SEMIANNUAL REPORTS CONCERNING UNITED STATES-PEOPLE'S REPUBLIC OF CHINA JOINT DEFENSE CONVERSION COMMISSION.

(a) REPORTS REQUIRED.—The Secretary of Defense shall submit to Congress a semiannual report on the United States-People's Republic of China Joint Defense Conversion Commission. Each such report shall include the following:

(1) A description of the extent to which the activities conducted in, through, or as a result of the Commission could have directly or indirectly assisted, or may directly or indirectly assist, the military modernization efforts of the People's Republic of China.

(2) A discussion of the activities and operations of the Commission, including—

(A) United States funding;

(B) a listing of participating United States officials;

(C) specification of meeting dates and locations (prospective and retrospective);

(D) summary of discussions; and

(E) copies of any agreements reached.

(3) A discussion of the relationship between the "defense conversion" activities of the People's Republic of China and its defense modernization efforts.

(4) A discussion of the extent to which United States business activities pursued, or proposed to be pursued, under the imprimatur of the Commission, or the importation of western technology in general, contributes to the modernization of China's military industrial base, including any steps taken by the United States or by United States commercial entities to safeguard the technology or intellectual property rights associated with any materials or information transferred.

(5) An assessment of the benefits derived by the United States from its participation in the Commission, including whether or to what extent United States participation in the Commission has resulted or will result in the following:

(A) Increased transparency in the current and projected military budget and doctrine of the People's Republic of China.

(B) Improved behavior and cooperation by the People's Republic of China in the areas of missile and nuclear proliferation.

(C) Increased transparency in the plans of the People's Republic of China's for nuclear and missile force modernization and testing.

(6) Efforts undertaken by the Secretary of Defense to—

(A) establish a list of enterprises controlled by the People's Liberation Army, including those which have been successfully converted to produce products solely for civilian use; and

(B) provide estimates of the total revenues of those enterprises.

(7) A description of current or proposed mechanisms for improving the ability of the United States to track the flow of revenues from the enterprises specified on the list established under paragraph (6)(A).

(b) SUBMITTAL OF REPORTS.—A report shall be submitted under subsection (a) not later than August 1 of each year with respect to the first six months of that year and shall be submitted not later than February 1 of each year with respect to the last six months of the preceding year. The first report under such subsection shall be submitted not less than 60 days after the date of the enactment of this Act and shall apply with respect to the six-month period preceding the date of the enactment of this Act.

(c) FINAL REPORT UPON TERMINATION OF COMMISSION.—Upon the termination of the United States-People's Republic of China Joint Defense Conversion Commission, the Secretary of Defense shall submit a final report under this section covering the period from the end of the period covered by the last such report through the termination of the Commission, and subsection (a) shall cease to apply after the submission of such report.

TITLE XIV—ARMS CONTROL MATTERS

SEC. 1401. REVISION OF DEFINITION OF LANDMINE FOR PURPOSES OF LANDMINE EXPORT MORATORIUM.

Section 1423(d) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1832) is amended—

(1) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(2) in subparagraph (C), as so redesignated, by striking out "by remote control or";

(3) by inserting "(1)" before "For purposes of"; and

(4) by adding at the end the following new paragraph:

"(2) The term does not include command detonated anti-personnel land mines (such as the M18A1 "Claymore" mine).

SEC. 1402. REPORTS ON AND CERTIFICATION REQUIREMENT CONCERNING MORATORIUM ON USE BY ARMED FORCES OF ANTIPERSONNEL LANDMINES.

(a) REPORT ON EFFECTS OF MORATORIUM.—Not later than April 30 of each of 1996, 1997, and 1998, the Chairman of the Joint Chiefs of Staff shall submit to the congressional defense committees a report on the projected effects of a moratorium on the defensive use of antipersonnel mines and antitank mines by the Armed Forces. The report shall include a discussion of the following matters:

(1) The extent to which current doctrine and practices of the Armed Forces on the defensive use of antipersonnel mines and antitank mines adhere to applicable international law.

(2) The effects that a moratorium would have on the defensive use of the current United States inventory of remotely delivered, self-destructing antitank systems, antipersonnel mines, and antitank mines.

(3) The reliability of the self-destructing antipersonnel mines and self-destructing antitank mines of the United States.

(4) The cost of clearing the antipersonnel minefields currently protecting Naval Station Guantanamo Bay, Cuba, and other United States installations.

(5) The cost of replacing antipersonnel mines in such minefields with substitute systems such as the Claymore mine, and the level of protection that would be afforded by use of such a substitute.

(6) The extent to which the defensive use of antipersonnel mines and antitank mines by the Armed Forces is a source of civilian casualties around the world, and the extent to which the United States, and the Department of Defense particularly, contributes to alleviating the illegal and indiscriminate use of such munitions.

(7) The extent to which the threat to the security of United States forces during operations other than war and combat operations would increase as a result of such a moratorium.

(b) CERTIFICATION REQUIRED BEFORE OBSERVANCE OF MORATORIUM.—Any moratorium imposed by law (whether enacted before, on, or after the date of the enactment of this Act) on the use of antipersonnel landmines by the Armed Forces may be implemented only if (and after) the Secretary of Defense, after consultation with the Chairman of the Joint Chiefs of Staff, certifies to Congress that—

(1) the moratorium will not adversely affect the ability of United States forces to defend against attack on land by hostile forces; and

(2) the Armed Forces have systems that are effective substitutes for antipersonnel landmines.

SEC. 1403. EXTENSION AND AMENDMENT OF COUNTERPROLIFERATION AUTHORITIES.

(a) ONE-YEAR EXTENSION OF PROGRAM.—Section 1505 of the Weapons of Mass Destruction Control Act of 1992 (title XV of Public Law 102-484; 22 U.S.C. 5859a) is amended—

(1) in subsection (a), by striking out "during fiscal years 1994 and 1995";

(2) in subsection (e)(1), by striking out "fiscal years 1994 and 1995" and inserting in lieu thereof "a fiscal year during which the authority of the Secretary of Defense to provide assistance under this section is in effect"; and

(3) by adding at the end the following new subsection:

"(f) TERMINATION OF AUTHORITY.—The authority of the Secretary of Defense to provide assistance under this section terminates at the close of fiscal year 1996.".

(b) PROGRAM AUTHORITIES.—(1) Subsections (b)(2) and (d)(3) of such section are amended by striking out "the On-Site Inspection Agency" and inserting in lieu thereof "the Department of Defense".

(2) Subsection (c)(3) of such section is amended by striking out "will be counted" and all that follows and inserting in lieu thereof "will be counted as discretionary spending in the national defense budget function (function 050).".

(c) AMOUNT OF ASSISTANCE.—Subsection (d) of such section is amended—

(1) in paragraph (1)—

(A) by striking out "for fiscal year 1994" the first place it appears and all that follows through the period at the end of the second sentence and inserting in lieu thereof "for any fiscal year shall be derived from amounts made available to the Department of Defense for that fiscal year."; and

(B) by striking out "referred to in this paragraph"; and

(2) in paragraph (3)—

(A) by striking out "may not exceed" and all that follows through "1995"; and

(B) by inserting before the period at the end the following: ", may not exceed $25,000,000 for fiscal year 1994, $20,000,000 for fiscal year 1995, or $15,000,000 for fiscal year 1996".

SEC. 1404. LIMITATION ON RETIREMENT OR DISMANTLEMENT OF STRATEGIC NUCLEAR DELIVERY SYSTEMS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that, unless and until the START II Treaty enters into force, the Secretary of Defense should not take any action to retire or dismantle, or to prepare to retire or dismantle, any of the following strategic nuclear delivery systems:

(1) B-52H bomber aircraft.

(2) Trident ballistic missile submarines.

(3) Minuteman III intercontinental ballistic missiles.

(4) Peacekeeper intercontinental ballistic missiles.

(b) LIMITATION ON USE OF FUNDS.—Funds available to the Department of Defense may not be obligated or expended during fiscal year 1996 for retiring or dismantling, or for preparing to retire or dismantle, any of the strategic nuclear delivery systems specified in subsection (a).

SEC. 1405. CONGRESSIONAL FINDINGS AND SENSE OF CONGRESS CONCERNING TREATY VIOLATIONS.

(a) REAFFIRMATION OF PRIOR FINDINGS CONCERNING THE KRASNOYARSK RADAR.—Congress, noting its previous findings with respect to the large phased-array radar of the Soviet Union known as the "Krasnoyarsk radar" stated in paragraphs (1) through (4) of section 902(a) of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 101 Stat. 1135) (and reaffirmed in section 1006(a) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1543)), hereby reaffirms those findings as follows:

(1) The 1972 Anti-Ballistic Missile Treaty prohibits each party from deploying ballistic missile early warning radars except at locations along the periphery of its national territory and oriented outward.

(2) The 1972 Anti-Ballistic Missile Treaty prohibits each party from deploying an ABM system to defend its national territory and from providing a base for any such nationwide defense.

(3) Large phased-array radars were recognized during negotiation of the Anti-Ballistic Missile Treaty as the critical long lead-time element of a nationwide defense against ballistic missiles.

(4) In 1983 the United States discovered the construction, in the interior of the Soviet Union near the town of Krasnoyarsk, of a large phased-array radar that has subsequently been judged to be for ballistic missile early warning and tracking.

(b) FURTHER REFERENCE TO 1987 CONGRESSIONAL STATEMENTS.—Congress further notes that in section 902 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 101 Stat. 1135) Congress also—

(1) noted that the President had certified that the Krasnoyarsk radar was an unequivocal violation of the 1972 Anti-Ballistic Missile Treaty; and

(2) stated it to be the sense of the Congress that the Soviet Union was in violation of its legal obligation under that treaty.

(c) FURTHER REFERENCE TO 1989 CONGRESSIONAL STATEMENTS.—Congress further notes that in section 1006(b) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1543) Congress also—

(1) again noted that in 1987 the President declared that radar to be a clear violation of the 1972 Anti-Ballistic Missile Treaty and noted that on October 23, 1989, the Foreign Minister of the Soviet Union conceded that the Krasnoyarsk radar is a violation of the 1972 Anti-Ballistic Missile Treaty; and

(2) stated it to be the sense of the Congress that the Soviet Union should dismantle the Krasnoyarsk radar expeditiously and without conditions and that until such radar was completely dismantled it would remain a clear violation of the 1972 Anti-Ballistic Missile Treaty.

(d) ADDITIONAL FINDINGS.—Congress also finds, with respect to the Krasnoyarsk radar, that retired Soviet General Y.V. Votintsev, Director of the Soviet National Air Defense Forces from 1967 to 1985, has publicly stated—

(1) that he was directed by the Chief of the Soviet General staff to locate the large phased-array radar at Krasnoyarsk despite the recognition by Soviet authorities that the location of such a radar at that location would be a clear violation of the 1972 Anti-Ballistic Missile Treaty; and

(2) that Marshal D.F. Ustinov, Soviet Minister of Defense, threatened to relieve from duty any Soviet officer who continued to object to the construction of a large-phased array radar at Krasnoyarsk.

(e) SENSE OF CONGRESS CONCERNING SOVIET TREATY VIOLATIONS.—It is the sense of Congress that the government of the Soviet Union intentionally violated its legal obligations under the 1972 Anti-Ballistic Missile Treaty in order to advance its national security interests.

(f) SENSE OF CONGRESS CONCERNING COMPLIANCE BY RUSSIA WITH ARMS CONTROL OBLIGATIONS.—In light of subsections (a) through (e), it is the sense of Congress that the United States should remain vigilant in ensuring compliance by Russia with its arms control obligations and should, when pursuing future arms control agreements with Russia, bear in mind violations of arms control obligations by the Soviet Union.

SEC. 1406. SENSE OF CONGRESS ON RATIFICATION OF CHEMICAL WEAPONS CONVENTION AND START II TREATY.

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

(1) Proliferation of chemical or nuclear weapons materials poses a danger to United States national security, and the threat or use of such materials by terrorists would directly threaten United States citizens at home and abroad.

(2) Events such as the March 1995 terrorist release of a chemical nerve agent in the Tokyo subway, the threatened use of chemical weapons during the 1991 Persian Gulf War, and the widespread use of chemical weapons during the Iran-Iraq War of the 1980's are all potent reminders of the menace posed by chemical weapons, of the fact that the threat of chemical weapons is not sufficiently addressed, and of the need to outlaw the development, production, and possession of chemical weapons.

(3) The Chemical Weapons Convention negotiated and signed by President Bush would make it more difficult for would-be proliferators, including terrorists, to acquire or use chemical weapons, if ratified and fully implemented, as signed, by all signatories.

(4) United States military authorities, including Chairman of the Joint Chiefs of Staff General John Shalikashvili, have stated that United States military forces will deter and respond to chemical weapons threats with a robust chemical defense and an overwhelming superior conventional response, as demonstrated in the Persian Gulf War, and have testified in support of the ratification of the Chemical Weapons Convention.

(5) The United States intelligence community has testified that the Convention will provide new and important sources of information, through regular data exchanges and routine and challenge inspections, to improve the ability of the United States to assess the chemical weapons status in countries of concern.

(6) The Convention has not entered into force for lack of the requisite number of ratifications.

(7) Russia has signed the Convention, but has not yet ratified it.

(8) There have been reports by Russian sources of continued Russian production and testing of chemical weapons, including a statement by a spokesman of the Russian Ministry of Defense on December 5, 1994, that "We cannot say that all chemical weapons production and testing has stopped altogether.".

(9) The Convention will impose a legally binding obligation on Russia and other nations that possess chemical weapons and that ratify the Convention to cease offensive chemical weapons activities and to destroy their chemical weapons stockpiles and production facilities.

(10) The United States must be prepared to exercise fully its rights under the Convention, including the request of challenge inspections when warranted, and to exercise leadership in pursuing punitive measures against violators of the Convention, when warranted.

(11) The United States should strongly encourage full implementation at the earliest possible date of the terms and conditions of the United States-Russia bilateral chemical weapons destruction agreement signed in 1990.

(12) The START II Treaty negotiated and signed by President Bush would help reduce the danger of potential proliferators, including terrorists, acquiring nuclear warheads and materials, and would contribute to United States-Russian bilateral efforts to secure and dismantle nuclear warheads, if ratified and fully implemented as signed by both parties.

(13) It is in the national security interest of the United States to take effective steps to make

it more difficult for proliferators or would-be terrorists to obtain chemical or nuclear materials for use in weapons.

(14) The President has urged prompt Senate action on, and advice and consent to ratification of, the START II Treaty and the Chemical Weapons Convention.

(15) The Chairman of the Joint Chiefs of Staff has testified to Congress that ratification and full implementation of both treaties by all parties is in the United States national interest and has strongly urged prompt Senate advice and consent to their ratification.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States, Russia, and all other parties to the START II Treaty and the Chemical Weapons Convention should promptly ratify and fully implement, as negotiated, both treaties.

SEC. 1407. IMPLEMENTATION OF ARMS CONTROL AGREEMENTS.

(a) FUNDING.—Of the amounts appropriated pursuant to authorizations in sections 102, 103, 104, 201, and 301, the Secretary of Defense may use an amount not to exceed $239,941,000 for implementing arms control agreements to which the United States is a party.

(b) LIMITATION.—(1) Funds made available pursuant to subsection (a) for the costs of implementing an arms control agreement may not (except as provided in paragraph (2)) be used to reimburse expenses incurred by any other party to the agreement for which (without regard to any executive agreement or any policy not part of an arms control agreement)—

(A) the other party is responsible under the terms of the arms control agreement; and

(B) the United States has no responsibility under the agreement.

(2) The limitation in paragraph (1) does not apply to a use of funds to carry out an arms control expenses reimbursement policy of the United States described in subsection (c).

(c) COVERED ARMS CONTROL EXPENSES REIMBUSEMENT POLICIES.—Subsection (b)(2) applies to a policy of the United States to reimburse expenses incurred by another party to an arms control agreement if—

(1) the policy does not modify any obligation imposed by the arms control agreement;

(2) the President—

(A) issued or approved the policy before the date of the enactment of this Act; or

(B) entered into an agreement on the policy with the government of another country or approved an agreement on the policy entered into by an official of the United States and the government of another country; and

(3) the President has notified the designated congressional committees of the policy or the policy agreement (as the case may be), in writing, at least 30 days before the date on which the President issued or approved the policy or has entered into or approved the policy agreement.

(d) DEFINITIONS.—For the purposes of this section:

(1) The term "arms control agreement" means an arms control treaty or other form of international arms control agreement.

(2) The term "executive agreement" means an international agreement entered into by the President that is not authorized by law or entered into as a Treaty to which the Senate has given its advice and consent to ratification.

(3) The term "designated congressional commitees" means the following:

(A) The Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate.

(B) The Committee on International Relations, the Committee on National Security, and the Committee on Appropriations of the House of Representatives.

SEC. 1408. IRAN AND IRAQ ARMS NONPROLIFERATION.

(a) SANCTIONS AGAINST TRANSFERS OF PERSONS.—Section 1604(a) of the Iran-Iraq Arms Non-Proliferation Act of 1992 (title XVI of Public Law 102-484; 50 U.S.C. 1701 note) is amended by inserting "to acquire chemical, biological, or nuclear weapons or" before "to acquire".

(b) SANCTIONS AGAINST TRANSFERS OF FOREIGN COUNTRIES.—Section 1605(a) of such Act is amended by inserting "to acquire chemical, biological, or nuclear weapons or" before "to acquire".

(c) CLARIFICATION OF UNITED STATES ASSISTANCE.—Subparagraph (A) of section 1608(7) of such Act is amended to read as follows:

"(A) any assistance under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), other than urgent humanitarian assistance or medicine;".

(d) NOTIFICATION OF CERTAIN WAIVERS UNDER MTCR PROCEDURES.—Section 73(e)(2) of the Arms Export Control Act (22 U.S.C. 2797b(e)(2) is amended—

(1) by striking out "the Congress" and inserting in lieu thereof "the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on National Security and the Committee on International Relations of the House of Representatives"; and

(2) by striking out "20 working days" and inserting in lieu thereof "45 working days".

TITLE XV—TECHNICAL AND CLERICAL AMENDMENTS

SEC. 1501. AMENDMENTS RELATED TO RESERVE OFFICER PERSONNEL MANAGEMENT ACT.

(a) PUBLIC LAW 103-337.—The Reserve Officer Personnel Management Act (title XVI of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337)) is amended as follows:

(1) Section 1624 (108 Stat. 2961) is amended—

(A) by striking out "641" and all that follows through "(2)" and inserting in lieu thereof "620 is amended"; and

(B) by redesignating as subsection (d) the subsection added by the amendment made by that section.

(2) Section 1625 (108 Stat. 2962) is amended by striking out "Section 689" and inserting in lieu thereof "Section 12320".

(3) Section 1626(1) (108 Stat. 2962) is amended by striking out "(W-5)" in the second quoted matter therein and inserting in lieu thereof ", W-5,".

(4) Section 1627 (108 Stat. 2962) is amended by striking out "Section 1005(b)" and inserting in lieu thereof "Section 12645(b)".

(5) Section 1631 (108 Stat. 2964) is amended—

(A) in subsection (a), by striking out "Section 510" and inserting in lieu thereof "Section 12102"; and

(B) in subsection (b), by striking out "Section 591" and inserting in lieu thereof "Section 12201".

(6) Section 1632 (108 Stat. 2965) is amended by striking out "Section 593(a)" and inserting in lieu thereof "Section 12203(a)".

(7) Section 1635(a) (108 Stat. 2968) is amended by striking out "section 1291" and inserting in lieu thereof "section 1691(b)".

(8) Section 1671 (108 Stat. 3013) is amended—

(A) in subsection (b)(3), by striking out "512, and 517" and inserting in lieu thereof "and 512"; and

(B) in subsection (c)(2), by striking out the comma after "861" in the first quoted matter therein.

(9) Section 1684(b) (108 Stat. 3024) is amended by striking out "section 14110(d)" and inserting in lieu thereof "section 14111(c)".

(b) SUBTITLE E OF TITLE 10.—Subtitle E of title 10, United States Code, is amended as follows:

(1) The tables of chapters preceding part I and at the beginning of part IV are amended by striking out "Repayments" in the item relating to chapter 1609 and inserting in lieu thereof "Repayment Programs".

(2)(A) The heading for section 10103 is amended to read as follows:

"§10103. Basic policy for order into Federal service".

(B) The item relating to section 10103 in the table of sections at the beginning of chapter 1003 is amended to read as follows:

"10103. Basic policy for order into Federal service.".

(3) The table of sections at the beginning of chapter 1005 is amended by striking out the third word in the item relating to section 10142.

(4) The table of sections at the beginning of chapter 1007 is amended—

(A) by striking out the third word in the item relating to section 10205; and

(B) by capitalizing the initial letter of the sixth word in the item relating to section 10211.

(5) The table of sections at the beginning of chapter 1011 is amended by inserting "Sec." at the top of the column of section numbers.

(6) Section 10507 is amended—

(A) by striking out "section 124402(b)" and inserting in lieu thereof "section 12402(b)"; and

(B) by striking out "Air Forces" and inserting in lieu thereof "Air Force".

(7)(A) Section 10508 is repealed.

(B) The table of sections at the beginning of chapter 1011 is amended by striking out the item relating to section 10508.

(8) Section 10542 is amended by striking out subsection (d).

(9) Section 12004(a) is amended by striking out "active-status" and inserting in lieu thereof "active status".

(10) Section 12012 is amended by inserting "**the**" in the section heading before the penultimate word.

(11)(A) The heading for section 12201 is amended to read as follows:

"§12201. Reserve officers: qualifications for appointment".

(B) The item relating to that section in the table of sections at the beginning of chapter 1205 is amended to read as follows:

"12201. Reserve officers: qualifications for appointment.".

(12)(A) The heading for section 12209 is amended to read as follows:

"§12209. Officer candidates: enlisted Reserves".

(B) The heading for section 12210 is amended to read as follows:

"§12210. Attending Physician to the Congress: reserve grade while so serving".

(13)(A) The headings for sections 12211, 12212, 12213, and 12214 are amended by inserting "**the**" after "**National Guard of**"

(B) The table of sections at the beginning of chapter 1205 is amended by inserting "the" in the items relating to sections 12211, 12212, 12213, and 12214 after "National Guard of".

(14) Section 12213(a) is amended by striking out "section 593" and inserting in lieu thereof "section 12203".

(15) The table of sections at the beginning of chapter 1207 is amended by striking out "promotions" in the item relating to section 12243 and inserting in lieu thereof "promotion".

(16) The table of sections at the beginning of chapter 1209 is amended—

(A) in the item relating to section 12304, by striking out the colon and inserting in lieu thereof a semicolon; and

(B) in the item relating to section 12308, by striking out the second, third, and fourth words.

(17) Section 12307 is amended by striking out "Ready Reserve" in the second sentence and inserting in lieu thereof "Retired Reserve".

(18)(A) The table of sections at the beginning of chapter 1211 is amended by inserting "the" in the items relating to sections 12401, 12402, 12403, and 12404 after "Army and Air National Guard of".

(B) The headings for sections 12402, 12403, and 12404 are amended by inserting "**the**" after "***Army and Air National Guard of***"

(19) Section 12407(b) is amended—

(A) by striking out "of those jurisdictions" and inserting in lieu thereof "State"; and

(B) by striking out "jurisdictions" and inserting in lieu thereof "States"

(20) Section 12731(f) is amended by striking out "the date of the enactment of this subsection" and inserting in lieu thereof "October 5, 1994,".

(21) Section 12731a(c)(3) is amended by inserting a comma after "Defense Conversion".

(22) Section 14003 is amended by inserting "***lists***" in the section heading immediately before the colon.

(23) The table of sections at the beginning of chapter 1403 is amended by striking out "selection board" in the item relating to section 14105 and inserting in lieu thereof "promotion board".

(24) The table of sections at the beginning of chapter 1405 is amended—

(A) in the item relating to section 14307, by striking out "Numbers" and inserting in lieu thereof "Number";

(B) in the item relating to section 14309, by striking out the colon and inserting in lieu thereof a semicolon; and

(C) in the item relating to section 14314, by capitalizing the initial letter of the antepenultimate word.

(25) Section 14315(a) is amended by striking out "a Reserve officer" and inserting in lieu thereof "a reserve officer".

(26) Section 14317(e) is amended—

(A) by inserting "OFFICERS ORDERED TO ACTIVE DUTY IN TIME OF WAR OR NATIONAL EMERGENCY.—" after "(e)"; and

(B) by striking out "section 10213 or 644" and inserting in lieu thereof "section 123 or 10213".

(27) The table of sections at the beginning of chapter 1407 is amended—

(A) in the item relating to section 14506, by inserting "reserve" after "Marine Corps and"; and

(B) in the item relating to section 14507, by inserting "reserve" after "Removal from the"; and

(C) in the item relating to section 14509, by inserting "in grades" after "reserve officers".

(28) Section 14501(a) is amended by inserting "OFFICERS BELOW THE GRADE OF COLONEL OR NAVY CAPTAIN.—" after "(a)".

(29) The heading for section 14506 is amended by inserting a comma after "***Air Force***".

(30) Section 14508 is amended by striking out "this" after "from an active status under" in subsections (c) and (d).

(31) Section 14515 is amended by striking out "inactive status" and inserting in lieu thereof "inactive-status".

(32) Section 14903(b) is amended by striking out "chapter" and inserting in lieu thereof "title".

(33) The table of sections at the beginning of chapter 1606 is amended in the item relating to section 16133 by striking out "limitations" and inserting in lieu thereof "limitation".

(34) Section 16132(c) is amended by striking out "section" and inserting in lieu thereof "sections".

(35) Section 16135(b)(1)(A) is amended by striking out "section 2131(a)" and inserting in lieu thereof "sections 16131(a)".

(36) Section 18236(b)(1) is amended by striking out "section 2233(e)" and inserting in lieu thereof "section 18233(e)".

(37) Section 18237 is amended—

(A) in subsection (a), by striking out "section 2233(a)(1)" and inserting in lieu thereof "section 18233(a)(1)"; and

(B) in subsection (b), by striking out "section 2233(a)" and inserting in lieu thereof "section 18233(a)".

(c) OTHER PROVISIONS OF TITLE 10.—Effective as of December 1, 1994 (except as otherwise expressly provided), and as if included as amendments made by the Reserve Officer Personnel Management Act (title XVI of Public Law 103–360) as originally enacted, title 10, United States Code, is amended as follows:

(1) Section 101(d)(6)(B)(i) is amended by striking out "section 175" and inserting in lieu thereof "section 10301".

(2) Section 114(b) is amended by striking out "chapter 133" and inserting in lieu thereof "chapter 1803".

(3) Section 115(d) is amended—

(A) in paragraph (1), by striking out "section 673" and inserting in lieu thereof "section 12302";

(B) in paragraph (2), by striking out "section 673b" and inserting in lieu thereof "section 12304"; and

(C) in paragraph (3), by striking out "section 3500 or 8500" and inserting in lieu thereof "section 12406".

(4) Section 123(a) is amended—

(A) by striking out "281, 592, 1002, 1005, 1006, 1007, 1374, 3217, 3218, 3219, 3220, 3352(a) (last sentence),", "5414, 5457, 5458, 5506,", and "8217, 8218, 8219,"; and

(B) by striking out "and 8855" and inserting in lieu thereof "8855, 10214, 12003, 12004, 12005, 12007, 12202, 12213(a) (second sentence), 12642, 12645, 12646, 12647, 12771, 12772, and 12773".

(5) Section 582(1) is amended by striking out "section 672(d)" in subparagraph (B) and "section 673b" in subparagraph (D) and inserting in lieu thereof "section 12301(d)" and "section 12304", respectively.

(6) Section 641(1)(B) is amended by striking out "10501" and inserting in lieu thereof "10502, 10505, 10506(a), 10506(b), 10507".

(7) The table of sections at the beginning of chapter 39 is amended by striking out the items relating to sections 687 and 690.

(8) Sections 1053(a)(1) and 1064 are amended by striking out "chapter 67" and inserting in lieu thereof "chapter 1223".

(9) Section 1063(a)(1) is amended by striking out "section 1332(a)(2)" and inserting in lieu thereof "section 12732(a)(2)".

(10) Section 1074b(b)(2) is amended by striking out "section 673c" and inserting in lieu thereof "section 12305".

(11) Section 1076(b)(2)(A) is amended by striking out "before the effective date of the Reserve Officer Personnel Management Act" and inserting in lieu thereof "before December 1, 1994".

(12) Section 1176(b) is amended by striking out "section 1332" in the matter preceding paragraph (1) and in paragraphs (1) and (2) and inserting in lieu thereof "section 12732".

(13) Section 1208(b) is amended by striking out "section 1333" and inserting in lieu thereof "section 12733".

(14) Section 1209 is amended by striking out "section 1332", "section 1335", and "chapter 71" and inserting in lieu thereof "section 12732", "section 12735", and "section 12739", respectively.

(15) Section 1407 is amended—

(A) in subsection (c)(1) and (d)(1), by striking out "section 1331" and inserting in lieu thereof "section 12731"; and

(B) in the heading for paragraph (1) of subsection (d), by striking out "CHAPTER 67" and inserting in lieu thereof "CHAPTER 1223".

(16) Section 1408(a)(5) is amended by striking out "section 1331" and inserting in lieu thereof "section 12731".

(17) Section 1431(a)(1) is amended by striking out "section 1376(a)" and inserting in lieu thereof "section 12774(a)".

(18) Section 1463(a)(2) is amended by striking out "chapter 67" and inserting in lieu thereof "chapter 1223".

(19) Section 1482(f)(2) is amended by inserting "section" before "12731 of this title".

(20) The table of sections at the beginning of chapter 533 is amended by striking out the item relating to section 5454.

(21) Section 2006(b)(1) is amended by striking out "chapter 106 of this title" and inserting in lieu thereof "chapter 1606 of this title".

(22) Section 2121(c) is amended by striking out "section 3353, 5600, or 8353" and inserting in lieu thereof "section 12207", effective on the effective date specified in section 1691(b)(1) of Public Law 103–337.

(23) Section 2130a(b)(3) is amended by striking out "section 591" and inserting in lieu thereof "section 12201".

(24) The table of sections at the beginning of chapter 337 is amended by striking out the items relating to section 3351 and 3352.

(25) Sections 3850, 6389(c), 6391(c), and 8850 are amended by striking out "section 1332" and inserting in lieu thereof "section 12732".

(26) Section 5600 is repealed, effective on the effective date specified in section 1691(b)(1) of Public Law 103–337.

(27) Section 5892 is amended by striking out "section 5457 or section 5458" and inserting in lieu thereof "section 12004 or section 12005".

(28) Section 6410(a) is amended by striking out "section 1005" and inserting in lieu thereof "section 12645".

(29) The table of sections at the beginning of chapter 837 is amended by striking out the items relating to section 8351 and 8352.

(30) Section 8360(b) is amended by striking out "section 1002" and inserting in lieu thereof "section 12642".

(31) Section 8380 is amended by striking out "section 524" in subsections (a) and (b) and inserting in lieu thereof "section 12011".

(32) Sections 8819(a), 8846(a), and 8846(b) are amended by striking out "sections 1005 and 1006" and inserting in lieu thereof "sections 12645 and 12646".

(33) Section 8819 is amended by striking out "section 1005" and "section 1006" and inserting in lieu thereof "section 12645" and "section 12646", respectively.

(d) CROSS REFERENCES IN OTHER DEFENSE LAWS.—

(1) Section 337(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2717) is amended by inserting before the period at the end the following: "or who after November 30, 1994, transferred to the Retired Reserve under section 10154(2) of title 10, United States Code, without having completed the years of service required under section 12731(a)(2) of such title for eligibility for retired pay under chapter 1223 of such title".

(2) Section 525 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (P.L. 102–190, 105 Stat. 1363) is amended by striking out "section 690" and inserting in lieu thereof "section 12321".

(3) Subtitle B of title XLIV of the National Defense Authorization Act for Fiscal Year 1993 (P.L. 102–484; 10 U.S.C. 12681 note) is amended—

(A) in section 4415, by striking out "section 1331a" and inserting in lieu thereof "section 12731a";

(B) in subsection 4416—

(i) in subsection (a), by striking out "section 1331" and inserting in lieu thereof "section 12731";

(ii) in subsection (b)—

(I) by inserting "or section 12732" in paragraph (1) after "under that section"; and

(II) by inserting "or 12731(a)" in paragraph (2) after "section 1331(a)";

(iii) in subsection (e)(2), by striking out "section 1332" and inserting in lieu thereof "section 12732"; and

(iv) in subsection (g), by striking out "section 1331a" and inserting in lieu thereof "section 12731a"; and

(C) in section 4418—

(i) in subsection (a), by striking out "section 1332" and inserting in lieu thereof "section 12732"; and

(ii) in subsection (b)(1)(A), by striking out "section 1333" and inserting in lieu thereof "section 12733".

(4) Title 37, United States Code, is amended—

(A) in section 302f(b), by striking out "section 673c of title 10" in paragraphs (2) and (3)(A) and inserting in lieu thereof "section 12305 of title 10"; and

(B) in section 433(a), by striking out "section 687 of title 10" and inserting in lieu thereof "section 12319 of title 10".

(e) CROSS REFERENCES IN OTHER LAWS.—

(1) Title 14, United States Code, is amended—

(A) in section 705(f), by striking out "600 of title 10" and inserting in lieu thereof "12209 of title 10"; and

(B) in section 741(c), by striking out "section 1006 of title 10" and inserting in lieu thereof "section 12646 of title 10".

(2) Title 38, United States Code, is amended—

(A) in section 3011(d)(3), by striking out "section 672, 673, 673b, 674, or 675 of title 10" and inserting in lieu thereof "section 12301, 12302, 12304, 12306, or 12307 of title 10";

(B) in sections 3012(b)(1)(B)(iii) and 3701(b)(5)(B), by striking out "section 268(b) of title 10" and inserting in lieu thereof "section 10143(a) of title 10";

(C) in section 3501(a)(3)(C), by striking out "section 511(d) of title 10" and inserting in lieu thereof "section 12103(d) of title 10"; and

(D) in section 4211(4)(C), by striking out "section 672(a), (d), or (g), 673, or 673b of title 10" and inserting in lieu thereof "section 12301(a), (d), or (g), 12302, or 12304 of title 10".

(3) Section 702(a)(1) of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 592(a)(1)) is amended—

(A) by striking out "section 672 (a) or (g), 673, 673b, 674, 675, or 688 of title 10" and inserting in lieu thereof "section 688, 12301(a), 12301(g), 12302, 12304, 12306, or 12307 of title 10"; and

(B) by striking out "section 672(d) of such title" and inserting in lieu thereof "section 12301(d) of such title".

(4) Section 463A of the Higher Education Act of 1965 (20 U.S.C. 1087cc–1) is amended in subsection (a)(10) by striking out "(10 U.S.C. 2172)" and inserting in lieu thereof "(10 U.S.C. 16302)".

(5) Section 179 of the National and Community Service Act of 1990 (42 U.S.C. 12639) is amended in subsection (a)(2)(C) by striking out "section 216(a) of title 5" and inserting in lieu thereof "section 10101 of title 10".

(f) EFFECTIVE DATES.—

(1) Section 1636 of the Reserve Officer Personnel Management Act shall take effect on the date of the enactment of this Act.

(2) The amendments made by sections 1672(a), 1673(a) (with respect to chapters 541 and 549), 1673(b)(2), 1673(b)(4), 1674(a), and 1674(b)(7) shall take effect on the effective date specified in section 1691(b)(1) of the Reserve Officer Personnel Management Act (notwithstanding section 1691(a) of such Act).

(3) The amendments made by this section shall take effect as if included in the Reserve Officer Personnel Management Act as enacted on October 5, 1994.

SEC. 1502. AMENDMENTS TO REFLECT NAME CHANGE OF COMMITTEE ON ARMED SERVICES OF THE HOUSE OF REPRESENTATIVES.

(a) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) Sections 503(b)(5), 520a(d), 526(d)(1), 619a(h)(2), 806a(b), 838(b)(7), 946(c)(1)(A), 1098(b)(2), 2313(b)(4), 2361(c)(1), 2371(h), 2391(c), 2430(b), 2432(b)(3)(B), 2432(c)(2), 2432(h)(1), 2667(d)(3), 2672a(b), 2687(b)(1), 4342(g), 7307(b)(1)(A), and 9342(g) are amended by striking out "Committees on Armed Services of the Senate and House of Representatives" and inserting in lieu thereof "Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives".

(2) Sections 178(c)(1)(A), 942(e)(5), 2350f(c), 7426(e), 7431(a), 7431(b)(1), 7431(c), 7438(b), 12302(b), 18235(a), and 18236(a) are amended by striking out "Committees on Armed Services of the Senate and the House of Representatives" and inserting in lieu thereof "Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives".

(3) Section 113(j)(1) is amended by striking out "Committees on Armed Services and Committees on Appropriations of the Senate and" and inserting in lieu thereof "Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropriations of the".

(4) Section 119(g) is amended by striking out paragraphs (1) and (2) and inserting in lieu thereof the following:

"(1) the Committee on Armed Services and the Committee on Appropriations, and the Defense Subcommittee of the Committee on Appropriations, of the Senate; and

"(2) the Committee on National Security and the Committee on Appropriations, and the National Security Subcommittee of the Committee on Appropriations, of the House of Representatives.".

(5) Section 127(c) is amended by striking out "Committees on Armed Services and Appropriations of the Senate and" and inserting in lieu thereof "Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropriations of".

(6) Section 135(e) is amended—

(A) by inserting "(1)" after "(e)";

(B) by striking out "the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives are each" and inserting in lieu thereof "each congressional committee specified in paragraph (2) is"; and

(C) by adding at the end the following:

"(2) The committees referred to in paragraph (1) are—

"(A) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

"(B) the Committee on National Security and the Committee on Appropriations of the House of Representatives.".

(7) Section 179(e) is amended by striking out "to the Committees on Armed Services and Appropriations of the Senate and" and inserting in lieu thereof "to the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropriations of the".

(8) Sections 401(d) and 402(d) are amended by striking out "submit to the" and all that follows through "Foreign Affairs" and inserting in lieu thereof "submit to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on National Security and the Committee on International Relations".

(9) Section 2367(d)(2) is amended by striking out "the Committees on Armed Services and the Committees on Appropriations of the Senate and" and inserting in lieu thereof "the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropriations of the".

(10) Sections 2306b(g), 2801(c)(4), and 18233a(a)(1) are amended by striking out "the Committees on Armed Services and on Appropriations of the Senate and" and inserting in lieu thereof "the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropriations of the".

(11) Section 1599(e)(2) is amended—

(A) in subparagraph (A), by striking out "The Committees on Armed Services and Appropriations" and inserting in lieu thereof "The Committee on National Security, the Committee on Appropriations,"; and

(B) in subparagraph (B), by striking out "The Committees on Armed Services and Appropriations" and inserting in lieu thereof "The Committee on Armed Services, the Committee on Appropriations,".

(12) Sections 4355(a)(3), 6968(a)(3), and 9355(a)(3) are amended by striking out "Armed Services" and inserting in lieu thereof "National Security".

(13) Section 1060(d) is amended by striking out "Committee on Armed Services and the Committee on Foreign Affairs" and inserting in lieu thereof "Committee on National Security and the Committee on International Relations".

(14) Section 2215 is amended—

(A) by inserting "(a) CERTIFICATION REQUIRED.—" at the beginning of the text of the section;

(B) by striking out "to the Committees" and all that follows through "House of Representatives" and inserting in lieu thereof "to the congressional committees specified in subsection (b)"; and

(C) by adding at the end the following:

"(b) CONGRESSIONAL COMMITTEES.—The committees referred to in subsection (a) are—

"(1) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

"(2) the Committee on National Security and the Committee on Appropriations of the House of Representatives.".

(15) Section 2218 is amended—

(A) in subsection (j), by striking out "the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives" and inserting in lieu thereof "the congressional defense committees"; and

(B) by adding at the end of subsection (k) the following new paragraph:

"(4) The term 'congressional defense committees' means—

"(A) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

"(B) the Committee on National Security and the Committee on Appropriations of the House of Representatives.".

(16) Section 2342(b) is amended—

(A) in the matter preceding paragraph (1), by striking out "section—" and inserting in lieu thereof "section unless—";

(B) in paragraph (1), by striking out "unless"; and

(C) in paragraph (2), by striking out "notifies the" and all that follows through "House of Representatives" and inserting in lieu thereof "the Secretary submits to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on National Security and the Committee on International Relations of the House of Representatives notice of the intended designation".

(17) Section 2350a(f)(2) is amended by striking out "submit to the Committees" and all that follows through "House of Representatives" and inserting in lieu thereof "submit to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on National Security and the Committee on International Relations of the House of Representatives".

(18) Section 2366 is amended—

(A) in subsection (d), by striking out "the Committees on Armed Services and on Appropriations of the Senate and House of Representatives" and inserting in lieu thereof "the congressional defense committees"; and

(B) by adding at the end of subsection (e) the following new paragraph:

"(7) The term 'congressional defense committees' means—

"(A) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

"(B) the Committee on National Security and the Committee on Appropriations of the House of Representatives.".

(19) Section 2399(h)(2) is amended by striking out "means" and all the follows and inserting in lieu thereof the following: "means—

"(A) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

"(B) the Committee on National Security and the Committee on Appropriations of the House of Representatives.".

(20) Section 2401(b)(1) is amended—

(A) in subparagraph (B), by striking out "the Committees on Armed Services and on Appropriations of the Senate and" and inserting in lieu thereof "the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committees on Appropriations of the"; and

(B) in subparagraph (C), by striking out "the Committees on Armed Services and on Appropriations of the Senate and House of Representatives" and inserting in lieu thereof "those committees".

(21) Section 2403(e) is amended—

(A) by inserting "(1)" before "Before making";

(B) by striking out "shall notify the Committees on Armed Services and on Appropriations of the Senate and House of Representatives" and inserting in lieu thereof "shall submit to the congressional committees specified in paragraph (2) notice"; and

(C) by adding at the end the following new paragraph:

"(2) The committees referred to in paragraph (1) are—

"(A) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

"(B) the Committee on National Security and the Committee on Appropriations of the House of Representatives.".

(22) Section 2515(d) is amended—

(A) by striking out "REPORTING" and all that follows through "same time" and inserting in lieu thereof "ANNUAL REPORT.—(1) The Secretary of Defense shall submit to the congressional committees specified in paragraph (2) an annual report on the activities of the Office. The report shall be submitted each year at the same time"; and

(B) by adding at the end the following new paragraph:

"(2) The committees referred to in paragraph (1) are—

"(A) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

"(B) the Committee on National Security and the Committee on Appropriations of the House of Representatives.".

(23) Section 2662 is amended—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1), by striking out "the Committees on Armed Services of the Senate and House of Representatives" and inserting in lieu thereof "the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives"; and

(ii) in the matter following paragraph (6), by striking out "to be submitted to the Committees on Armed Services of the Senate and House of Representatives";

(B) in subsection (b), by striking out "shall report annually to the Committees on Armed Services of the Senate and the House of Representatives" and inserting in lieu thereof "shall submit annually to the congressional committees named in subsection (a) a report";

(C) in subsection (e), by striking out "the Committees on Armed Services of the Senate and the House of Representatives" and inserting in lieu thereof "the congressional committees named in subsection (a)"; and

(D) in subsection (f), by striking out "the Committees on Armed Services of the Senate and the House of Representatives shall" and inserting in lieu thereof "the congressional committees named in subsection (a) shall".

(24) Section 2674(a) is amended—

(A) in paragraph (2), by striking out "Committees on Armed Services of the Senate and the House of Representatives, the Committee on Environment and Public Works of the Senate, and the Committee on Public Works and Transportation of the House of Representatives" and inserting in lieu thereof "congressional committees specified in paragraph (3)"; and

(B) by adding at the end the following new paragraph:

"(3) The committees referred to in paragraph (2) are—

"(A) the Committee on Armed Services and the Committee on Environment and Public Works of the Senate; and

"(B) the Committee on National Security and the Committee on Transportation and Infrastructure of the House of Representatives.".

(25) Section 2813(c) is amended by striking out "Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives" and inserting in lieu thereof "appropriate committees of Congress".

(26) Sections 2825(b)(1) and 2832(b)(2) are amended by striking out "Committees on Armed Services and the Committees on Appropriations of the Senate and of the House of Representatives" and inserting in lieu thereof "appropriate committees of Congress".

(27) Section 2865(e)(2) and 2866(c)(2) are amended by striking out "Committees on Armed Services and Appropriations of the Senate and House of Representatives" and inserting in lieu thereof "appropriate committees of Congress".

(28)(A) Section 7434 of such title is amended to read as follows:

"§7434. Annual report to congressional committees

"Not later than October 31 of each year, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the production from the naval petroleum reserves during the preceding calendar year.".

(B) The item relating to such section in the table of contents at the beginning of chapter 641 is amended to read as follows:

"7434. Annual report to congressional committees.".

(b) TITLE 37, UNITED STATES CODE.—Sections 301b(i)(2) and 406(i) of title 37, United States Code, are amended by striking out "Committees on Armed Services of the Senate and House of Representatives" and inserting in lieu thereof "Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives".

(c) ANNUAL DEFENSE AUTHORIZATION ACTS.—(1) The National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160) is amended in sections 2922(b) and 2925(b) (10 U.S.C. 2687 note) by striking out "Committees on Armed Services of the Senate and House of Representatives" and inserting in lieu thereof "Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives".

(2) The National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484) is amended—

(A) in section 326(a)(5) (10 U.S.C. 2301 note) and section 1304(a) (10 U.S.C. 113 note), by striking out "Committees on Armed Services of the Senate and House of Representatives" and inserting in lieu thereof "Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives"; and

(B) in section 1505(e)(2)(B) (22 U.S.C. 5859a), by striking out "the Committee on Armed Services, the Committee on Appropriations, the Committee on Foreign Affairs, and the Committee on Energy and Commerce" and inserting in lieu thereof "the Committee on National Security, the Committee on Appropriations, the Committee on International Relations, and the Committee on Commerce".

(3) Section 1097(a)(1) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 22 U.S.C. 2751 note) is amended by striking out "the Committees on Armed Services and Foreign Affairs" and inserting in lieu thereof "the Committee on National Security and the Committee on International Relations".

(4) The National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510) is amended as follows:

(A) Section 402(a) and section 1208(b)(3) (10 U.S.C. 1701 note) are amended by striking out "Committees on Armed Services of the Senate and the House of Representatives" and inserting in lieu thereof "Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives".

(B) Section 1403 (50 U.S.C. 404b) is amended—

(i) in subsection (a), by striking out "the Committees on" and all that follows through "each year" and inserting in lieu thereof "the congressional committees specified in subsection (d) each year"; and

(ii) by adding at the following new subsection:

"(d) SPECIFIED CONGRESSIONAL COMMITTEES.—The congressional committees referred to in subsection (a) are the following:

"(1) The Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate.

"(2) The Committee on National Security, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.".

(C) Section 1457 (50 U.S.C. 404c) is amended—

(i) in subsection (a), by striking out "shall submit to the" and all that follows through "each year" and inserting in lieu thereof "shall submit to the congressional committees specified in subsection (d) each year";

(ii) in subsection (c)—

(I) by striking out "(1) Except as provided in paragraph (2), the President" and inserting in lieu thereof "The President"; and

(II) by striking out paragraph (2); and

(iii) by adding at the end the following new subsection:

"(d) SPECIFIED CONGRESSIONAL COMMITTEES.—The congressional committees referred to in subsection (a) are the following:

"(1) The Committee on Armed Services and the Committee on Foreign Relations of the Senate.

"(2) The Committee on National Security and the Committee on International Relations of the House of Representatives.".

(D) Section 2921 (10 U.S.C. 2687 note) is amended—

(i) in subsection (e)(3)(A), by striking out "the Committee on Armed Services, the Committee on

Appropriations, and the Defense Subcommittees" and inserting in lieu thereof "the Committee on National Security, the Committee on Appropriations, and the National Security Subcommittee"; and

(ii) in subsection (g)(2), by striking out "the Committees on Armed Services of the Senate and House of Representatives" and inserting in lieu thereof "the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives".

(5) Section 613(h)(1) of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 37 U.S.C. 302 note), is amended by striking out "the Committees on Armed Services of the Senate and the House of Representatives" and inserting in lieu thereof "the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives".

(6) Section 1412 of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 50 U.S.C. 1521), is amended in subsections (b)(4) and (k)(2), by striking out "Committees on Armed Services of the Senate and House of Representatives" and inserting in lieu thereof "Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives".

(7) Section 1002(d) of the Department of Defense Authorization Act, 1985 (Public Law 98–525; 22 U.S.C. 1928 note), is amended by striking out "the Committees on Armed Services of the Senate and the House of Representatives" and inserting in lieu thereof "the Committee on Armed Services of the Senate, the Committee on National Security of the House of Representatives".

(8) Section 1252 of the Department of Defense Authorization Act, 1984 (42 U.S.C. 248d), is amended—

(A) in subsection (d), by striking out "Committees on Appropriations and on Armed Services of the Senate and the House of Representatives" and inserting in lieu thereof "Committee on Appropriations and the Committee on Armed Services of the Senate and the Committee on Appropriations and the Committee on National Security of the House of Representatives"; and

(B) in subsection (e), by striking out "Committees on Appropriations and on Armed Services of the Senate and the House of Representatives" and inserting in lieu thereof "congressional committees specified in subsection (d)".

(d) BASE CLOSURE LAW.—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 as follows:

(1) Sections 2902(e)(2)(B)(ii) and 2908(b) are amended by striking out "Armed Services" the first place it appears and inserting in lieu thereof "National Security".

(2) Section 2910(2) is amended by striking out "the Committees on Armed Services and the Committees on Appropriations of the Senate and of the House of Representatives" and inserting in lieu thereof "the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropriations of the House of Representatives".

(e) NATIONAL DEFENSE STOCKPILE.—The Strategic and Critical Materials Stock Piling Act is amended—

(1) in section 6(d) (50 U.S.C. 98e(d))—

(A) in paragraph (1), by striking out "Committees on Armed Services of the Senate and House of Representatives" and inserting in lieu thereof "Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives"; and

(B) in paragraph (2), by striking out "the Committees on Armed Services of the Senate and House of Representatives" and inserting in lieu thereof "such congressional committees"; and

(2) in section 7(b) (50 U.S.C. 98f(b)), by striking out "Committees on Armed Services of the Senate and House of Representatives" and inserting in lieu thereof "Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives".

(f) OTHER DEFENSE-RELATED PROVISIONS.—

(1) Section 8125(g)(2) of the Department of Defense Appropriations Act, 1989 (Public Law 100–463; 10 U.S.C. 113 note), is amended by striking out "Committees on Appropriations and Armed Services of the Senate and House of Representatives" and inserting in lieu thereof "Committee on Appropriations and the Committees on Armed Services of the Senate and the Committee on Appropriations and the Committees on National Security of the House of Representatives".

(2) Section 9047A of the Department of Defense Appropriations Act, 1993 (Public Law 102–396; 10 U.S.C. 2687 note), is amended by striking out "the Committees on Appropriations and Armed Services of the House of Representatives and the Senate" and inserting in lieu thereof "the Committee on Appropriations and the Committee on Armed Services of the Senate and the Committee on Appropriations and the Committee on National Security of the House of Representatives".

(3) Section 3059(c)(1) of the Defense Drug Interdiction Assistance Act (subtitle A of title III of Public Law 99–570; 10 U.S.C. 9441 note) is amended by striking out "Committees on Appropriations and on Armed Services of the Senate and the House of Representatives" and inserting in lieu thereof "Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropriations of the House of Representatives".

(4) Section 7606(b) of the Anti-Drug Abuse Act of 1988 (Public Law 100–690; 10 U.S.C. 9441 note) is amended by striking out "Committees on Appropriations and the Committee on Armed Services of the Senate and the House of Representatives" and inserting in lieu thereof "Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropriations of the House of Representatives".

(5) Section 104(d)(5) of the National Security Act of 1947 (50 U.S.C. 403–4(d)(5)) is amended by striking out "Committees on Armed Services of the Senate and House of Representatives" and inserting in lieu thereof "Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives".

(6) Section 8 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(A) in subsection (b)(3), by striking out "Committees on Armed Services and Government Operations" and inserting in lieu thereof "Committee on National Security and the Committee on Government Reform and Oversight";

(B) in subsection (b)(4), by striking out "Committees on Armed Services and Governmental Affairs of the Senate and the Committees on Armed Services and Government Operations of the House of Representatives" and inserting in lieu thereof "congressional committees specified in paragraph (3)";

(C) in subsection (f)(1), by striking out "Committees on Armed Services and Government Operations" and inserting in lieu thereof "Committee on National Security and the Committee on Government Reform and Oversight"; and

(D) in subsection (f)(2), by striking out "Committees on Armed Services and Governmental Affairs of the Senate and the Committees on Armed Services and Government Operations of the House of Representatives" and inserting in lieu thereof "congressional committees specified in paragraph (1)".

(7) Section 204(h)(3) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)(3)) is amended by striking out "Committees on Armed Services of the Senate and of the House of Representatives" and inserting in lieu thereof "Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives".

SEC. 1503. MISCELLANEOUS AMENDMENTS TO TITLE 10, UNITED STATES CODE.

(a) SUBTITLE A.—Subtitle A of title 10, United States Code, is amended as follows:

(1) Section 113(i)(2)(B) is amended by striking out "the five years covered" and all that follows through "section 114(g)" and inserting in lieu thereof "the period covered by the future-years defense program submitted to Congress during that year pursuant to section 221".

(2) Section 136(c) is amended by striking out "Comptroller" and inserting in lieu thereof "Under Secretary of Defense (Comptroller)".

(3) Section 526 is amended—

(A) in subsection (a), by striking out paragraphs (1), (2), and (3) and inserting in lieu thereof the following:

"(1) For the Army, 302.

"(2) For the Navy, 216.

"(3) For the Air Force, 279.";

(B) by striking out subsection (b);

(C) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d);

(D) in subsection (b), as so redesignated, by striking out "that are applicable on and after October 1, 1995"; and

(E) in paragraph (2)(B) of subsection (c), as redesignated by subparagraph (C), is amended—

(i) by striking out "the" after "in the";

(ii) by inserting "to" after "reserve component, or"; and

(iii) by inserting "than" after "in a grade other".

(4) Section 528(a) is amended by striking out "after September 30, 1995,"

(5) Section 573(a)(2) is amended by striking out "active duty list" and inserting in lieu thereof "active-duty list".

(6) Section 661(d)(2) is amended—

(A) in subparagraph (B), by striking out "Until January 1, 1994" and all that follows through "each position so designated" and inserting in lieu thereof "Each position designated by the Secretary under subparagraph (A)";

(B) in subparagraph (C), by striking out "the second sentence of"; and

(C) by striking out subparagraph (D).

(7) Section 706(c)(1) is amended by striking out "section 4301 of title 38" and inserting in lieu thereof "chapter 43 of title 38".

(8) Section 1059 is amended by striking out "subsection (j)" in subsections (c)(2) and (g)(3) and inserting in lieu thereof "subsection (k)".

(9) Section 1060a(f)(2)(B) is amended by striking out "(as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)))" and inserting in lieu thereof ", as determined in accordance with the Immigration and Nationality Act (8 U.S.C. 1101 et seq.)".

(10) Section 1151 is amended—

(A) in subsection (b), by striking out "(20 U.S.C. 2701 et seq.)" in paragraphs (2)(A) and (3)(A) and inserting in lieu thereof "(20 U.S.C. 6301 et seq.)"; and

(B) in subsection (e)(1)(B), by striking out "not later than one year after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1995" and inserting in lieu thereof "not later than October 5, 1995".

(11) Section 1152(g)(2) is amended by striking out "not later than 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1995" and inserting in lieu thereof "not later than April 3, 1994,".

(12) Section 1177(b)(2) is amended by striking out "provison of law" and inserting in lieu thereof "provision of law".

(13) The heading for chapter 67 is amended by striking out "**NONREGULAR**" and inserting in lieu thereof "**NON-REGULAR**".

(14) Section 1598(a)(2)(A) is amended by striking out "2701" and inserting in lieu thereof "6301".

(15) Section 1745(a) is amended by striking out "section 4107(d)" both places it appears and inserting in lieu thereof "section 4107(b)".

(16) Section 1746(a) is amended—

(A) by striking out "(1)" before "The Secretary of Defense"; and

(B) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

(17) Section 2006(b)(2)(B)(ii) is amended by striking out "section 1412 of such title" and inserting in lieu thereof "section 3012 of such title".

(18) Section 2011(a) is amended by striking out "TO" and inserting in lieu thereof "To".

(19) Section 2194(e) is amended by striking out "(20 U.S.C. 2891(12))" and inserting in lieu thereof "(20 U.S.C. 8801)".

(20) Sections 2217(b) and 2220(a)(2) are amended by striking out "Comptroller of the Department of Defense" and inserting in lieu thereof "Under Secretary of Defense (Comptroller)".

(21) Section 2401(c)(2) is amended by striking out "pursuant to" and all that follows through "September 24, 1983,".

(22) Section 2410f(b) is amended by striking out "For purposes of" and inserting in lieu thereof "In".

(23) Section 2410j(a)(2)(A) is amended by striking out "2701" and inserting in lieu thereof "6301".

(24) Section 2457(e) is amended by striking out "title III of the Act of March 3, 1933 (41 U.S.C. 10a)," and inserting in lieu thereof "the Buy American Act (41 U.S.C. 10a)".

(25) Section 2465(b)(3) is amended by striking out "under contract" and all that follows through the period and inserting in lieu thereof "under contract on September 24, 1983.".

(26) Section 2471(b) is amended—

(A) in paragraph (2), by inserting "by" after "as determined"; and

(B) in paragraph (3), by inserting "of" after "arising out".

(27) Section 2524(e)(4)(B) is amended by inserting a comma before "with respect to".

(28) The heading of section 2525 is amended by capitalizing the initial letter of the second, fourth, and fifth words.

(29) Chapter 152 is amended by striking out the table of subchapters at the beginning and the headings for subchapters I and II.

(30) Section 2534(c) is amended by capitalizing the initial letter of the third and fourth words of the subsection heading.

(31) The table of sections at the beginning of subchapter I of chapter 169 is amended by adding a period at the end of the item relating to section 2811.

(b) OTHER SUBTITLES.—Subtitles B, C, and D of title 10, United States Code, are amended as follows:

(1) Sections 3022(a)(1), 5025(a)(1), and 8022(a)(1) are amended by striking out "Comptroller of the Department of Defense" and inserting in lieu thereof "Under Secretary of Defense (Comptroller)".

(2) Section 6241 is amended by inserting "or" at the end of paragraph (2).

(3) Section 6333(a) is amended by striking out the first period after "section 1405" in formula C in the table under the column designated "Column 2".

(4) The item relating to section 7428 in the table of sections at the beginning of chapter 641 is amended by striking out "Agreement" and inserting in lieu thereof "Agreements".

(5) The item relating to section 7577 in the table of sections at the beginning of chapter 649 is amended by striking out "Officers" and inserting in lieu thereof "officers".

(6) The center heading for part IV in the table of chapters at the beginning of subtitle D is amended by inserting a comma after "SUPPLY".

SEC. 1504. MISCELLANEOUS AMENDMENTS TO ANNUAL DEFENSE AUTHORIZATION ACTS.

(a) PUBLIC LAW 103–337.—Effective as of October 5, 1994, and as if included therein as enacted, the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337) is amended as follows:

(1) Section 322(1) (108 Stat. 2711) is amended by striking out "SERVICE" in both sets of quoted matter and inserting in lieu thereof "SERVICES".

(2) Section 531(g)(2) (108 Stat. 2758) is amended by inserting "item relating to section 1034 in the" after "The".

(3) Section 541(c)(1) is amended—

(A) in subparagraph (B), by inserting a comma after "chief warrant officer"; and

(B) in the matter after subparagraph (C), by striking out "this".

(4) Section 721(f)(2) (108 Stat. 2806) is amended by striking out "revaluated" and inserting in lieu thereof "reevaluated".

(5) Section 722(d)(2) (108 Stat. 2808) is amended by striking out "National Academy of Science" and inserting in lieu thereof "National Academy of Sciences".

(6) Section 904(d) (108 Stat. 2827) is amended by striking out "subsection (c)" the first place it appears and inserting in lieu thereof "subsection (b)".

(7) Section 1202 (108 Stat. 2882) is amended—

(A) by striking out "(title XII of Public Law 103–60" and inserting in lieu thereof "(title XII of Public Law 103–160"; and

(B) in paragraph (2), by inserting "in the first sentence" before "and inserting in lieu thereof".

(8) Section 1312(a)(2) (108 Stat. 2894) is amended by striking out "adding at the end" and inserting in lieu thereof "inserting after the item relating to section 123a".

(9) Section 2813(c) (108 Stat. 3055) is amended by striking out "above paragraph (1)" both places it appears and inserting in lieu thereof "preceding subparagraph (A)".

(b) PUBLIC LAW 103–160.—The National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160) is amended in section 1603(d) (22 U.S.C. 2751 note)—

(1) in the matter preceding paragraph (1), by striking out the second comma after "Not later than April 30 of each year";

(2) in paragraph (4), by striking out "contributes" and inserting in lieu thereof "contribute"; and

(3) in paragraph (5), by striking out "is" and inserting in lieu thereof "are".

(c) PUBLIC LAW 102–484.—The National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484) is amended as follows:

(1) Section 326(a)(5) (106 Stat. 2370; 10 U.S.C. 2301 note) is amended by inserting "report" after "each".

(2) Section 3163(1)(E) is amended by striking out "paragraphs (1) through (4)" and inserting in lieu thereof "subparagraphs (A) through (D)".

(3) Section 4403(a) (10 U.S.C. 1293 note) is amended by striking out "through 1995" and inserting in lieu thereof "through fiscal year 1999".

(d) PUBLIC LAW 102–190.—Section 1097(d) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1490) is amended by striking out "the Federal Republic of Germany, France" and inserting in lieu thereof "France, Germany".

SEC. 1505. MISCELLANEOUS AMENDMENTS TO OTHER LAWS.

(a) OFFICER PERSONNEL ACT OF 1947.—Section 437 of the Officer Personnel Act of 1947 is repealed.

(b) TITLE 5, UNITED STATES CODE.—Title 5, United States Code, is amended—

(1) in section 8171—

(A) in subsection (a), by striking out "903(3)" and inserting in lieu thereof "903(a)";

(B) in subsection (c)(1), by inserting "section" before "39(b)"; and

(C) in subsection (d), by striking out "(33 U.S.C. 18 and 21, respectively)" and inserting in lieu thereof "(33 U.S.C. 918 and 921)";

(2) in sections 8172 and 8173, by striking out "(33 U.S.C. 2(2))" and inserting in lieu thereof "(33 U.S.C. 902(2))"; and

(3) in section 8339(d)(7), by striking out "Court of Military Appeals" and inserting in lieu thereof "Court of Appeals for the Armed Forces".

(c) PUBLIC LAW 90–485.—Effective as of August 13, 1968, and as if included therein as originally enacted, section 1(6) of Public Law 90–485 (82 Stat. 753) is amended—

(1) by striking out the close quotation marks after the end of clause (4) of the matter inserted by the amendment made by that section; and

(2) by adding close quotation marks at the end.

(d) TITLE 37, UNITED STATES CODE.—Section 406(b)(1)(E) of title 37, United States Code, is amended by striking out "of this paragraph".

(e) BASE CLOSURE LAWS.—(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) is amended—

(A) in section 2905(b)(1)(C), by striking out "of the Administrator to grant approvals and make determinations under section 13(g) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(g))" and inserting in lieu thereof "to dispose of surplus property for public airports under sections 47151 through 47153 of title 49, United States Code";

(B) in section 2906(d)(1), by striking out "section 204(b)(4)(C)" and inserting in lieu thereof "section 204(b)(7)(C)"; and

(C) in section 2910—

(i) by designating the second paragraph (10), as added by section 2(b) of the Base Closure Community Redevelopment and Homeless Assistance Act of 1994 (Public Law 103–421; 108 Stat. 4352), as paragraph (11); and

(ii) in such paragraph, as so designated, by striking out "section 501(h)(4) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411(h)(4))" and inserting in lieu thereof "section 501(i)(4) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411(i)(4))".

(2) Section 2921(d)(1) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2687 note) is amended by striking out "section 204(b)(4)(C)" and inserting in lieu thereof "section 204(b)(7)(C)".

(3) Section 204 of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note) is amended

(A) in subsection (b)(1)(C), by striking out "of the Administrator to grant approvals and make determinations under section 13(g) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(g))" and inserting in lieu thereof "to dispose of surplus property for public airports under sections 47151 through 47153 of title 49, United States Code"; and

(B) in subsection (b)(7)(A)(i), by striking out "paragraph (3)" and inserting in lieu thereof "paragraphs (3) through (6)".

(f) PUBLIC LAW 103–421.—Section 2(e)(5) of Public Law 103–421 (108 Stat. 4354) is amended—

(1) by striking out "(A)" after "(5)"; and

(2) by striking out "clause" in subparagraph (B)(iv) and inserting in lieu thereof "clauses".

(g) ATOMIC ENERGY ACT.—Section 123a. of the Atomic Energy Act (42 U.S.C. 2153a.) is amended by striking out "144b., or 144d." and inserting ", 144b., or 144d.".

SEC. 1506. COORDINATION WITH OTHER AMENDMENTS.

For purposes of applying amendments made by provisions of this Act other than provisions of this title, this title shall be treated as having been enacted immediately before the other provisions of this Act.

TITLE XVI—CORPORATION FOR THE PROMOTION OF RIFLE PRACTICE AND FIREARMS SAFETY

SEC. 1601. SHORT TITLE.

This title may be cited as the "Corporation for the Promotion of Rifle Practice and Firearms Safety Act".

Subtitle A—Establishment and Operation of Corporation

SEC. 1611. ESTABLISHMENT OF THE CORPORATION.

(a) ESTABLISHMENT.—There is established a private, nonprofit corporation to be known as the "Corporation for the Promotion of Rifle Practice and Firearms Safety" (in this title referred to as the "Corporation").

(b) PRIVATE, NONPROFIT STATUS.—(1) The Corporation shall not be considered to be a department, agency, or instrumentality of the Federal Government. An officer or employee of the Corporation shall not be considered to be an officer or employee of the Federal Government.

(2) The Corporation shall be operated in a manner and for purposes that qualify the Corporation for exemption from taxation under section 501(a) of the Internal Revenue Code of 1986 as an organization described in section 501(c)(3) of such Code.

(c) BOARD OF DIRECTORS.—(1) The Corporation shall have a Board of Directors consisting of not less than nine members.

(2) The Board of Directors may adopt by-laws, policies, and procedures for the Corporation and may take any other action that the Board of Directors considers necessary for the management and operation of the Corporation.

(3) Each member of the Board of Directors shall serve for a term of two years. Members of the Board of Directors are eligible for reappointment.

(4) A vacancy on the Board of Directors shall be filled by a majority vote of the remaining members of the Board.

(5) The Secretary of the Army shall appoint the initial Board of Directors. Four of the members of the initial Board of Directors, to be designated by the Secretary at the time of appointment, shall (notwithstanding paragraph (3)) serve for a term of one year.

(d) DIRECTOR OF CIVILIAN MARKSMANSHIP.—(1) The Board of Directors shall appoint an individual to serve as the Director of Civilian Marksmanship.

(2) The Director shall be responsible for the performance of the daily operations of the Corporation and the functions described in section 1612.

SEC. 1612. CONDUCT OF CIVILIAN MARKSMANSHIP PROGRAM.

(a) FUNCTIONS.—The Corporation shall have responsibility for the overall supervision, oversight, and control of the Civilian Marksmanship Program, pursuant to the transfer of the program under subsection (d), including the performance of the following:

(1) The instruction of citizens of the United States in marksmanship.

(2) The promotion of practice and safety in the use of firearms, including the conduct of matches and competitions in the use of those firearms.

(3) The award to competitors of trophies, prizes, badges, and other insignia.

(4) The provision of security and accountability for all firearms, ammunition, and other equipment under the custody and control of the Corporation.

(5) The issue, loan, or sale of firearms, ammunition, supplies, and appliances under section 1614.

(6) The procurement of necessary supplies, appliances, clerical services, other related services, and labor to carry out the Civilian Marksmanship Program.

(b) PRIORITY FOR YOUTH ACTIVITIES.—In carrying out the Civilian Marksmanship Program, the Corporation shall give priority to activities that benefit firearms safety, training, and competition for youth and that reach as many youth participants as possible.

(c) ACCESS TO SURPLUS PROPERTY.—(1) The Corporation may obtain surplus property and supplies from the Defense Reutilization Marketing Service to carry out the Civilian Marksmanship Program.

(2) Any transfer of property and supplies to the Corporation under paragraph (1) shall be made without cost to the Corporation.

(d) TRANSFER OF CIVILIAN MARKSMANSHIP PROGRAM TO CORPORATION.—(1) The Secretary of the Army shall provide for the transition of the Civilian Marksmanship Program, as defined in section 4308(e) of title 10, United States Code (as such section was in effect on the day before the date of the enactment of this Act), from conduct by the Department of the Army to conduct by the Corporation. The transition shall be completed not later than September 30, 1996.

(2) To carry out paragraph (1), the Secretary shall provide such assistance and take such action as is necessary to maintain the viability of the program and to maintain the security of firearms, ammunition, and other property that are transferred or reserved for transfer to the Corporation under section 1615, 1616, or 1621.

SEC. 1613. ELIGIBILITY FOR PARTICIPATION IN CIVILIAN MARKSMANSHIP PROGRAM.

(a) CERTIFICATION REQUIREMENT.—(1) Before a person may participate in any activity sponsored or supported by the Corporation, the person shall be required to certify by affidavit the following:

(A) The person has not been convicted of any Federal or State felony or violation of section 922 of title 18, United States Code.

(B) The person is not a member of any organization that advocates the violent overthrow of the United States Government.

(2) The Director of Civilian Marksmanship may require any person to attach to the person's affidavit a certification from the appropriate State or Federal law enforcement agency for purposes of paragraph (1)(A).

(b) INELIGIBILITY RESULTING FROM CERTAIN CONVICTIONS.—A person who has been convicted of a Federal or State felony or a violation of section 922 of title 18, United States Code, shall not be eligible to participate in any activity sponsored or supported by the Corporation through the Civilian Marksmanship Program.

(c) AUTHORITY TO LIMIT PARTICIPATION.—The Director of Civilian Marksmanship may limit participation as necessary to ensure—

(1) quality instruction in the use of firearms;

(2) the safety of participants; and

(3) the security of firearms, ammunition, and equipment.

SEC. 1614. ISSUANCE, LOAN, AND SALE OF FIREARMS AND AMMUNITION BY THE CORPORATION.

(a) ISSUANCE AND LOAN.—For purposes of training and competition, the Corporation may issue or loan, with or without charges to recover administrative costs, caliber .22 rimfire and caliber .30 surplus rifles, caliber .22 and .30 ammunition, air rifles, targets, and other supplies and appliances necessary for activities related to the Civilian Marksmanship Program to the following:

(1) Organizations affiliated with the Corporation that provide training in the use of firearms to youth.

(2) The Boy Scouts of America.

(3) 4–H Clubs.

(4) Future Farmers of America.

(5) Other youth-oriented organizations.

(b) SALES.—(1) The Corporation may sell at fair market value caliber .22 rimfire and caliber .30 surplus rifles, caliber .22 and .30 ammunition, air rifles, repair parts, and accouterments to organizations affiliated with the Corporation that provide training in the use of firearms.

(2) Subject to subsection (e), the Corporation may sell at fair market value caliber .22 rimfire and caliber .30 surplus rifles, ammunition, targets, repair parts and accouterments, and other supplies and appliances necessary for target practice to citizens of the United States over 18 years of age who are members of a gun club affiliated with the Corporation. In addition to any other requirement, the Corporation shall establish procedures to obtain a criminal records check of the person with appropriate Federal and State law enforcement agencies.

(c) LIMITATIONS ON SALES.—(1) The Corporation may not offer for sale any repair part designed to convert any firearm to fire in a fully automatic mode.

(2) The Corporation may not sell rifles, ammunition, or any other item available for sale to individuals under the Civilian Marksmanship Program to a person who has been convicted of a felony or a violation of section 922 of title 18, United States Code.

(d) OVERSIGHT AND ACCOUNTABILITY.—The Corporation shall be responsible for ensuring adequate oversight and accountability of all firearms issued or loaned under this section. The Corporation shall prescribe procedures for the security of issued or loaned firearms in accordance with Federal, State, and local laws.

(e) APPLICABILITY OF OTHER LAW.—(1) Subject to paragraph (2), sales under subsection (b)(2) are subject to applicable Federal, State, and local laws.

(2) Paragraphs (1), (2), (3), and (5) of section 922(a) of title 18, United States Code, do not apply to the shipment, transportation, receipt, transfer, sale, issuance, loan, or delivery by the Corporation of any item that the Corporation is authorized to issue, loan, sell, or receive under this title.

SEC. 1615. TRANSFER OF FIREARMS AND AMMUNITION FROM THE ARMY TO THE CORPORATION.

(a) TRANSFERS REQUIRED.—The Secretary of the Army shall, in accordance with subsection (b), transfer to the Corporation all firearms and ammunition that on the day before the date of the enactment of this Act are under the control of the Director of the Civilian Marksmanship Program, including—

(1) all firearms on loan to affiliated clubs and State associations;

(2) all firearms in the possession of the Civilian Marksmanship Support Detachment; and

(3) all M–1 Garand and caliber .22 rimfire rifles stored at Anniston Army Depot, Anniston, Alabama.

(b) TIME FOR TRANSFER.—The Secretary shall transfer firearms and ammunition under subsection (a) as and when necessary to enable the Corporation—

(1) to issue or loan such items in accordance with section 1614(a); or

(2) to sell such items to purchasers in accordance with section 1614(b).

(c) PARTS.—The Secretary may make available to the Corporation any part from a rifle designated to be demilitarized in the inventory of the Department of the Army.

(d) VESTING OF TITLE IN TRANSFERRED ITEMS.—Title to an item transferred to the Corporation under this section shall vest in the Corporation—

(1) upon the issuance of the item to a recipient eligible under section 1614(a) to receive the item; or

(2) immediately before the Corporation delivers the item to a purchaser of the item in accordance with a contract for a sale of the item that is authorized under section 1614(b).

(e) COSTS OF TRANSFERS.—Any transfer of firearms, ammunition, or parts to the Corporation under this section shall be made without cost to the Corporation, except that the Corporation shall assume the cost of preparation and transportation of firearms and ammunition transferred under this section.

SEC. 1616. RESERVATION BY THE ARMY OF FIREARMS AND AMMUNITION FOR THE CORPORATION.

(a) RESERVATION OF FIREARMS AND AMMUNITION.—The Secretary of the Army shall reserve for the Corporation the following:

(1) All firearms referred to in section 1615(a).

(2) Ammunition for such firearms.

(3) All M–16 rifles used to support the small arms firing school that are held by the Department of the Army on the date of the enactment of this Act.

(4) Any parts from, and accessories and accouterments for, surplus caliber .30 and caliber .22 rimfire rifles.

(b) STORAGE OF FIREARMS AND AMMUNITION.—Firearms stored at Anniston Army Depot, Anniston, Alabama, before the date of the enactment of this Act and used for the Civilian Marksmanship Program shall remain at that facility, or another storage facility designated by the Secretary of the Army, without cost to the Corporation, until the firearms are issued, loaned, or sold by, or otherwise transferred to, the Corporation.

(c) LIMITATION ON DEMILITARIZATION OF M–1 RIFLES.—After the date of the enactment of this Act, the Secretary may not demilitarize any M–1 Garand rifle in the inventory of the Army unless that rifle is determined by the Defense Logistics Agency to be unserviceable.

(d) EXCEPTION FOR TRANSFERS TO FEDERAL AND STATE AGENCIES FOR COUNTERDRUG PURPOSES.—The requirement specified in subsection (a) does not supersede the authority provided in section 1208 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 10 U.S.C. 372 note).

SEC. 1617. ARMY LOGISTICAL SUPPORT FOR THE PROGRAM.

(a) LOGISTICAL SUPPORT.—The Secretary of the Army shall provide logistical support to the Civilian Marksmanship Program and for competitions and other activities conducted by the Corporation. The Corporation shall reimburse the Secretary for incremental direct costs incurred in providing such support. Such reimbursements shall be credited to the appropriations account of the Department of the Army that is charged to provide such support.

(b) RESERVE COMPONENT PERSONNEL.—The Secretary shall provide, without cost to the Corporation, for the use of members of the National Guard and Army Reserve to support the National Matches as part of the performance of annual training pursuant to titles 10 and 32, United States Code.

(c) USE OF DEPARTMENT OF DEFENSE FACILITIES FOR NATIONAL MATCHES.—The National Matches may continue to be held at those Department of Defense facilities at which the National Matches were held before the date of the enactment of this Act.

(d) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section.

SEC. 1618. GENERAL AUTHORITIES OF THE CORPORATION.

(a) DONATIONS AND FEES.—(1) The Corporation may solicit, accept, hold, use, and dispose of donations of money, property, and services received by gift, devise, bequest, or otherwise.

(2) The Corporation may impose, collect, and retain such fees as are reasonably necessary to cover the direct and indirect costs of the Corporation to carry out the Civilian Marksmanship Program.

(3) Amounts collected by the Corporation under the authority of this subsection, including the proceeds from the sale of firearms, ammunition, targets, and other supplies and appliances, may be used only to support the Civilian Marksmanship Program.

(b) CORPORATE SEAL.—The Corporation may adopt, alter, and use a corporate seal, which shall be judicially noticed.

(c) CONTRACTS.—The Corporation may enter into contracts, leases, agreements, or other transactions.

(d) OBLIGATIONS AND EXPENDITURES.—The Corporation may determine the character of, and necessity for, its obligations and expenditures and the manner in which they shall be incurred, allowed, and paid and may incur, allow, and pay such obligations and expenditures.

(e) RELATED AUTHORITY.—The Corporation may take such other actions as are necessary or appropriate to carry out the authority provided in this section.

SEC. 1619. DISTRIBUTION OF CORPORATE ASSETS IN EVENT OF DISSOLUTION.

(a) DISTRIBUTION.—If the Corporation dissolves, then—

(1) upon the dissolution of the corporation, title to all firearms stored at Anniston Army Depot, Anniston, Alabama, on the date of the dissolution, all M–16 rifles that are transferred to the Corporation under section 1615(a)(2), that are referred to in section 1616(a)(3), or that are otherwise under the control of the Corporation, and all trophies received by the Corporation from the National Board for the Promotion of Rifle Practice as of such date, shall vest in the Secretary of the Army, and the Secretary shall have the immediate right to the possession of such items;

(2) assets of the Corporation, other than assets described in paragraph (1), may be distributed by the Corporation to an organization that—

(A) is exempt from taxation under section 501(a) of the Internal Revenue Code of 1986 as an organization described in section 501(c)(3) of such Code; and

(B) performs functions similar to the functions described in section 1612(a); and

(3) all assets of the Corporation that are not distributed pursuant to paragraphs (1) and (2) shall be sold, and the proceeds from the sale of such assets shall be deposited in the Treasury.

(b) PROHIBITION.—Assets of the Corporation that are distributed pursuant to the authority of subsection (a) may not be distributed to an individual.

Subtitle B—Transitional Provisions

SEC. 1621. TRANSFER OF FUNDS AND PROPERTY TO THE CORPORATION.

(a) FUNDS.—(1) On the date of the submission of a certification in accordance with section 1623 or, if earlier, October 1, 1996, the Secretary of the Army shall transfer to the Corporation—

(A) the amounts that are available to the National Board for the Promotion of Rifle Practice from sales programs and fees collected in connection with competitions sponsored by the Board; and

(B) all funds that are in the nonappropriated fund account known as the National Match Fund.

(2) The funds transferred under paragraph (1)(A) shall be used to carry out the Civilian Marksmanship Program.

(3) Transfers under paragraph (1)(B) shall be made without cost to the Corporation.

(b) PROPERTY.—The Secretary of the Army shall, as soon as practicable, transfer to the Corporation the following:

(1) All automated data equipment, all other office equipment, targets, target frames, vehicles, and all other property under the control of the Director of Civilian Marksmanship and the Civilian Marksmanship Support Detachment on the day before the date of the enactment of this Act (other than property to which section 1615(a) applies).

(2) Title to property under the control of the National Match Fund on such day.

(3) All supplies and appliances under the control of the Director of the Civilian Marksmanship Program on such day.

(c) OFFICES.—The Corporation may use the office space of the Office of the Director of Civilian Marksmanship until the date on which the Secretary of the Army completes the transfer of the Civilian Marksmanship Program to the Corporation. The Corporation shall assume control of the leased property occupied as of the date of the enactment of this Act by the Civilian Marksmanship Support Detachment, located at the Erie Industrial Park, Port Clinton, Ohio.

(d) COSTS OF TRANSFERS.—Any transfer of items to the Corporation under this section shall be made without cost to the Corporation.

SEC. 1622. CONTINUATION OF ELIGIBILITY FOR CERTAIN CIVIL SERVICE BENEFITS FOR FORMER FEDERAL EMPLOYEES OF CIVILIAN MARKSMANSHIP PROGRAM.

(a) CONTINUATION OF ELIGIBILITY.—Notwithstanding any other provision of law, a Federal employee who is employed by the Department of Defense to support the Civilian Marksmanship Program as of the day before the date of the transfer of the Program to the Corporation and is offered employment by the Corporation as part of the transition described in section 1612(d) may, if the employee becomes employed by the Corporation, continue to be eligible during continuous employment with the Corporation for the Federal health, retirement, and similar benefits (including life insurance) for which the employee would have been eligible had the employee continued to be employed by the Department of Defense. The employer's contribution for such benefits shall be paid by the Corporation.

(b) REGULATIONS.—The Director of the Office of Personnel Management shall prescribe regulations to carry out subsection (a).

SEC. 1623. CERTIFICATION OF COMPLETION OF TRANSITION.

(a) CERTIFICATION REQUIREMENT.—Upon completion of the appointment of the Board of Directors for the Corporation under section 1611(c)(5) and of the transition required under section 1612(d), the Secretary of the Army shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a certification of the completion of such actions.

(b) PUBLICATION OF CERTIFICATION.—The Secretary shall take such actions as are necessary to ensure that the certification is published in the Federal Register promptly after the submission of the certification under subsection (a).

SEC. 1624. REPEAL OF AUTHORITY FOR CONDUCT OF CIVILIAN MARKSMANSHIP PROGRAM BY THE ARMY.

(a) REPEALS.—(1) Sections 4307, 4308, 4310, and 4311 of title 10, United States Code, are repealed.

(2) The table of sections at the beginning of chapter 401 of such title is amended by striking out the items relating to sections 4307, 4308, 4310, and 4311.

(b) CONFORMING AMENDMENTS.—(1) Section 4313 of title 10, United States Code, is amended—

(A) by striking out subsection (b); and

(B) in subsection (a)—

(i) by striking out "(a) JUNIOR COMPETITORS.—" and inserting in lieu thereof "(a) ALLOWANCES FOR PARTICIPATION OF JUNIOR COMPETITORS.—"; and

(ii) in paragraph (3), by striking out "(3) For the purposes of this subsection" and inserting in lieu thereof "(b) JUNIOR COMPETITOR DEFINED.—For the purposes of subsection (a)".

(2) Section 4316 of such title is amended by striking out ", including fees charged and amounts collected pursuant to subsections (b) and (c) of section 4308,".

(3) Section 925(a)(2)(A) of title 18, United States Code, is amended by inserting after "section 4308 of title 10" the following: "before the repeal of such section by section 1624(a) of the Corporation for the Promotion of Rifle Practice and Firearms Safety Act".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the earlier of—

(1) the date on which the Secretary of the Army submits a certification in accordance with section 1623; or

(2) October 1, 1996.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the "Military Construction Authorization Act for Fiscal Year 1996".

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or location	Amount
Alabama	Fort Rucker	$5,900,000
	Redstone Arsenal	$5,000,000
Arizona	Fort Huachuca	$16,000,000
California	Fort Irwin	$25,500,000
	Presidio of San Francisco	$3,000,000
Colorado	Fort Carson	$30,850,000
District of Columbia	Fort McNair	$13,500,000
Georgia	Fort Benning	$37,900,000
	Fort Gordon	$5,750,000
	Fort Stewart	$8,400,000
Hawaii	Schofield Barracks	$30,000,000
Kansas	Fort Riley	$7,000,000
Kentucky	Fort Campbell	$10,000,000
	Fort Knox	$5,600,000
New Jersey	Picatinny Arsenal	$5,500,000
New Mexico	White Sands Missile Range	$2,050,000
New York	Fort Drum	$8,800,000
	United States Military Academy	$8,300,000
	Watervliet Arsenal	$680,000
North Carolina	Fort Bragg	$29,700,000
Oklahoma	Fort Sill	$14,300,000
South Carolina	Naval Weapons Station, Charleston	$25,700,000
	Fort Jackson	$32,000,000
Texas	Fort Hood	$32,500,000
	Fort Bliss	$56,900,000
	Fort Sam Houston	$7,000,000
Virginia	Fort Eustis	$16,400,000
Washington	Fort Lewis	$32,100,000
CONUS Classified	Classified Location	$1,900,000
	Total:	$478,230,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or location	Amount
Korea	Camp Casey	$4,150,000
	Camp Hovey	$13,500,000
	Camp Pelham	$5,600,000
	Camp Stanley	$6,800,000
	Yongsan	$4,500,000
Overseas Classified	Classified Location	$48,000,000
Worldwide	Host Nation Support	$20,000,000
	Total:	$102,550,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Army: Family Housing

State	Installation	Purpose	Amount
Kentucky	Fort Knox	150 units	$19,000,000
New York	United States Military Academy, West Point	119 units	$16,500,000
Virginia	Fort Lee	135 units	$19,500,000
Washington	Fort Lewis	84 units	$10,800,000
		Total:	$65,800,000

(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 $2,000,000.

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 $48,856,000.

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, 1995, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $2,147,427,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $478,230,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $102,550,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $9,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $34,194,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvements of military family housing and facilities, $116,656,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $1,337,596,000.

(6) For the Homeowners Assistance Program, as authorized by section 2832 of title 10, United States Code, $75,586,000, to remain available until expended.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(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 $6,385,000, which represents the combination of project savings resulting from favorable bids, reduced overhead costs, and cancellations due to force structure changes.

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	*Marine Corps Air-Ground Combat Center, Twentynine Palms*	*$2,490,000*
	Marine Corps Base, Camp Pendleton	*$27,584,000*
	Naval Command, Control, and Ocean Surveillance Center, San Diego	*$3,170,000*
	Naval Air Station, Lemoore	*$7,600,000*
	Naval Air Station, North Island	*$99,150,000*
	Naval Air Warfare Center Weapons Division, China Lake	*$3,700,000*
	Naval Air Warfare Center Weapons Division, Point Mugu	*$1,300,000*
	Naval Construction Batallion Center, Port Hueneme	*$9,000,000*
	Naval Station, San Diego	*$19,960,000*
Florida	*Naval School Explosive Ordinance Disposal, Eglin Air Force Base*	*$16,150,000*
	Naval Technical Training Center, Corry Station, Pensacola	*$2,565,000*
Georgia	*Strategic Weapons Facility, Atlantic, Kings Bay*	*$2,450,000*
Hawaii	*Honolulu Naval Computer and Telecommunications Area, Master Station Eastern Pacific*	*$1,980,000*
	Intelligence Center Pacific, Pearl Harbor	*$2,200,000*
	Naval Submarine Base, Pearl Harbor	*$22,500,000*
Illinois	*Naval Training Center, Great Lakes*	*$12,440,000*
Indiana	*Crane Naval Surface Warfare Center*	*$3,300,000*
Maryland	*Naval Academy, Annapolis*	*$3,600,000*
New Jersey	*Naval Air Warfare Center Aircraft Division, Lakehurst*	*$1,700,000*
North Carolina	*Marine Corps Air Station, Cherry Point*	*$11,430,000*
	Marine Corps Air Station, New River	*$14,650,000*
	Marine Corps Base, Camp LeJeune	*$59,300,000*
Pennsylvania	*Philadelphia Naval Shipyard*	*$6,000,000*
South Carolina	*Marine Corps Air Station, Beaufort*	*$15,000,000*
Texas	*Naval Air Station, Corpus Christi*	*$4,400,000*
	Naval Air Station, Kingsville	*$2,710,000*
	Naval Station, Ingleside	*$2,640,000*
Virginia	*Fleet and Industrial Supply Center, Williamsburg*	*$8,390,000*
	Henderson Hall, Arlington	*$1,900,000*
	Marine Corps Combat Development Command, Quantico	*$3,500,000*
	Naval Hospital, Portsmouth	*$9,500,000*
	Naval Station, Norfolk	*$10,580,000*
	Naval Weapons Station, Yorktown	*$1,300,000*
Washington	*Naval Undersea Warfare Center Division, Keyport*	*$5,300,000*

Navy: Inside the United States—Continued

State	Installation or location	Amount
	Puget Sound Naval Shipyard, Bremerton	$19,870,000
West Virginia	Naval Security Group Detachment	$7,200,000
CONUS Classified	Classified Locations	$1,200,000
	Total:	$427,709,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or location	Amount
Guam	Naval Computer and Telecommunications Area, Master Station Western Pacific	$2,250,000
	Navy Public Works Center, Guam	$16,180,000
Italy	Naval Air Station, Sigonella	$12,170,000
	Naval Support Activity, Naples	$24,950,000
Puerto Rico	Naval Security Group Activity, Sabana Seca	$2,200,000
	Naval Station, Roosevelt Roads	$11,500,000
	Total	$69,250,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Navy: Family Housing

State	Installation	Purpose	Amount
California	Marine Corps Base, Camp Pendleton	138 units	$20,000,000
	Marine Corps Base, Camp Pendleton	Community Center	$1,438,000
	Marine Corps Base, Camp Pendleton	Housing Office	$707,000
	Naval Air Station, Lemoore	240 units	$34,900,000
	Pacific Missile Test Center, Point Mugu	Housing Office	$1,020,000
	Public Works Center, San Diego	346 units	$49,310,000
Hawaii	Naval Complex, Oahu	252 units	$48,400,000
Maryland	Naval Air Test Center, Patuxent River	Warehouse	$890,000
	US Naval Academy, Annapolis	Housing Office	$800,000
North Carolina	Marine Corps Air Station, Cherry Point	Community Center	$1,003,000
Pennsylvania	Navy Ships Parts Control Center, Mechanicsburg	Housing Office	$300,000
Puerto Rico	Naval Station, Roosevelt Roads	Housing Office	$710,000
Virginia	Naval Surface Warfare Center, Dahlgren	Housing Office	$520,000
	Public Works Center, Norfolk	320 units	$42,500,000
	Public Works Center, Norfolk	Housing Office	$1,390,000
West Virginia	Security Group Naval Detachment, Sugar Grove	23 units	$3,590,000
		Total:	$207,478,000

(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 $24,390,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $290,831,000.

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, 1995, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $2,119,317,000 as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $427,709,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $69,250,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $7,200,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $50,515,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $522,699,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $1,048,329,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a); and

(2) $7,700,000 (the balance of the amount authorized under section 2201(a) for the construction of a bachelor enlisted quarters at the Naval Construction Batallion Center, Port Hueneme, California).

(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 $6,385,000, which represents the combination of project savings resulting from favorable bids, reduced overhead costs, and cancellations due to force structure changes.

SEC. 2205. REVISION OF FISCAL YEAR 1995 AUTHORIZATION OF APPROPRIATIONS TO CLARIFY AVAILABILITY OF FUNDS FOR LARGE ANECHOIC CHAMBER FACILITY, PATUXENT RIVER NAVAL WARFARE CENTER, MARYLAND.

Section 2204(a) of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3033) is amended—

(1) in the matter preceding paragraph (1), by striking out "$1,591,824,000" and inserting in lieu thereof "$1,601,824,000" and

(2) by adding at the end the following:

"(6) For the construction of the large anechoic chamber facility at the Patuxent River Naval Warfare Center, Aircraft Division, Maryland, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2590), $10,000,000.".

SEC. 2206. AUTHORITY TO CARRY OUT LAND ACQUISITION PROJECT, HAMPTON ROADS, VIRGINIA.

The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2589) is amended—

(1) in the item relating to Damneck, Fleet Combat Training Center, Virginia, by striking out "$19,427,000" in the amount column and inserting in lieu thereof "$14,927,000"; and

(2) by inserting after the item relating to Damneck, Fleet Combat Training Center, Virginia, the following new item:

	Hampton Roads	$4,500,000

SEC. 2207. ACQUISITION OF LAND, HENDERSON HALL, ARLINGTON, VIRGINIA.

(a) AUTHORITY TO ACQUIRE.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire all right, title, and interest of any party in and to a parcel of real property, including an abandoned mausoleum, consisting of approximately 0.75 acres and located in Arlington, Virginia, the site of Henderson Hall.

(b) DEMOLITION OF MAUSOLEUM.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary may—

(1) demolish the mausoleum located on the parcel acquired under subsection (a); and

(2) provide for the removal and disposition in an appropriate manner of the remains contained in the mausoleum.

(c) AUTHORITY TO DESIGN PUBLIC WORKS FACILITY.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary may obtain architectural and engineering services and construction design for a warehouse and office facility for the Marine Corps to be constructed on the property acquired under subsection (a).

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property authorized to be acquired under subsection (a) shall be determined by a survey that is satisfactory to the Secretary. The cost of the survey shall be borne by the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the acquisition under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2208. ACQUISITION OR CONSTRUCTION OF MILITARY FAMILY HOUSING IN VICINITY OF SAN DIEGO, CALIFORNIA.

(a) AUTHORITY TO USE LITIGATION PROCEEDS.—Upon final settlement in the case of Rossmoor Liquidating Trust against United States, in the United States District Court for the Central District of California (Case No. CV 82–0956 LEW (Px)), the Secretary of the Treasury shall deposit in a separate account any funds paid to the United States in settlement of such case. At the request of the Secretary of the Navy, the Secretary of the Treasury shall make available amounts in the account to the Secretary of the Navy solely for the acquisition or construction of military family housing, including the acquisition of land necessary for such acquisition or construction, for members of the Armed Forces and their dependents stationed in, or in the vicinity of, San Diego, California. In using amounts in the account, the Secretary of the Navy may use the authorities provided in subchapter IV of chapter 169 of title 10, United States Code, as added by section 2801 of this Act.

(b) UNITS AUTHORIZED.—Not more than 150 military family housing units may be acquired or constructed with funds referred to in subsection (a). The units authorized by this subsection are in addition to any other units of military family housing authorized to be acquired or constructed in, or in the vicinity of, San Diego, California.

(c) PAYMENT OF EXCESS INTO TREASURY.—The Secretary of the Treasury shall deposit into the Treasury as miscellaneous receipts funds referred to in subsection (a) that have not been obligated for construction under this section within four years after receipt thereof.

(d) LIMITATION.—The Secretary may not enter into any contract for the acquisition or construction of military family housing under this section until after the expiration of the 21-day period beginning on the day after the day on which the Secretary transmits to the congressional defense committees a report containing the details of such contract.

(e) REPEAL OF EXISTING AUTHORITY.—Section 2848 of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101–189; 103 Stat. 1666) is repealed.

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), and, in the case of the project described in section 2304(b)(2), other amounts appropriated pursuant to authorizations enacted after this Act for that project, the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or location	Amount
Alabama	Maxwell Air Force Base	$5,200,000
Alaska	Eielson Air Force Base	$7,850,000
	Elmendorf Air Force Base	$9,100,000
	Tin City Long Range RADAR Site	$2,500,000
Arizona	Davis-Monthan Air Force Base	$4,800,000
	Luke Air Force Base	$5,200,000
Arkansas	Little Rock Air Force Base	$2,500,000
California	Beale Air Force Base	$7,500,000
	Edwards Air Force Base	$33,800,000
	Travis Air Force Base	$26,700,000
	Vandenberg Air Force Base	$6,000,000
Colorado	Buckley Air National Guard Base	$5,500,000
	Peterson Air Force Base	$4,390,000
	US Air Force Academy	$12,874,000
Delaware	Dover Air Force Base	$5,500,000
District of Columbia	Bolling Air Force Base	$12,100,000
Florida	Cape Canaveral Air Force Station	$1,600,000
	Eglin Air Force Base	$13,500,000
	Tyndall Air Force Base	$1,200,000
Georgia	Moody Air Force Base	$25,190,000
	Robins Air Force Base	$12,400,000
Hawaii	Hickam Air Force Base	$10,700,000

Air Force: Inside the United States—Continued

State	Installation or location	Amount
Idaho	Mountain Home Air Force Base	$18,650,000
Illinois	Scott Air Force Base	$12,700,000
Kansas	McConnell Air Force Base	$9,450,000
Louisiana	Barksdale Air Force Base	$2,500,000
Maryland	Andrews Air Force Base	$12,886,000
Mississippi	Columbus Air Force Base	$1,150,000
	Keesler Air Force Base	$6,500,000
Missouri	Whiteman Air Force Base	$24,600,000
Nevada	Nellis Air Force Base	$17,500,000
New Jersey	McGuire Air Force Base	$16,500,000
New Mexico	Cannon Air Force Base	$13,420,000
	Holloman Air Force Base	$6,000,000
	Kirtland Air Force Base	$9,156,000
North Carolina	Pope Air Force Base	$8,250,000
	Seymour Johnson Air Force Base	$5,530,000
North Dakota	Grand Forks Air Force Base	$14,800,000
	Minot Air Force Base	$1,550,000
Ohio	Wright Patterson Air Force Base	$4,100,000
Oklahoma	Altus Air Force Base	$4,800,000
	Tinker Air Force Base	$11,100,000
South Carolina	Charleston Air Force Base	$12,500,000
	Shaw Air Force Base	$1,300,000
South Dakota	Ellsworth Air Force Base	$7,800,000
Tennessee	Arnold Air Force Base	$5,000,000
Texas	Dyess Air Force Base	$5,400,000
	Goodfellow Air Force Base	$1,000,000
	Kelly Air Force Base	$3,244,000
	Laughlin Air Force Base	$1,400,000
	Randolph Air Force Base	$3,100,000
	Sheppard Air Force Base	$1,500,000
Utah	Hill Air Force Base	$8,900,000
Virginia	Langley Air Force Base	$1,000,000
Washington	Fairchild Air Force Base	$15,700,000
	McChord Air Force Base	$9,900,000
Wyoming	F.E. Warren Air Force Base	$9,000,000
CONUS Classified	Classified Location	$700,000
	Total:	$504,690,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and may carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or location	Amount
Germany	Spangdahlem Air Base	$8,380,000
	Vogelweh Annex	$2,600,000
Greece	Araxos Radio Relay Site	$1,950,000
Italy	Aviano Air Base	$2,350,000
	Ghedi Radio Relay Site	$1,450,000
Turkey	Ankara Air Station	$7,000,000
	Incirlik Air Base	$4,500,000
United Kingdom	Lakenheath Royal Air Force Base	$1,820,000
	Mildenhall Royal Air Force Base	$2,250,000
Overseas Classified	Classified Location	$17,100,000
	Total:	$49,400,000

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Air Force: Family Housing

State/Country	Installation	Purpose	Amount
Alaska	Elmendorf Air Force Base	Housing Office/Maintenance Facility	$3,000,000
Arizona	Davis-Monthan Air Force Base	80 units	$9,498,000
Arkansas	Little Rock Air Force Base	Replace 1 General Officer Quarters	$210,000
California	Beale Air Force Base	Family Housing Office	$842,000
	Edwards Air Force Base	127 units	$20,750,000
	Vandenberg Air Force Base	Family Housing Office	$900,000
	Vandenberg Air Force Base	143 units	$20,200,000
Colorado	Peterson Air Force Base	Family Housing Office	$570,000
District of Columbia	Bolling Air Force Base	32 units	$4,100,000
Florida	Eglin Air Force Base	Family Housing Office	$500,000
	Eglin Auxiliary Field 9	Family Housing Office	$880,000
	MacDill Air Force Base	Family Housing Office	$646,000
	Patrick Air Force Base	70 units	$7,947,000
	Tyndall Air Force Base	82 units	$9,800,000
Georgia	Moody Air Force Base	1 Officer & 1 General Officer Quarter	$513,000
	Robins Air Force Base	83 units	$9,800,000
Guam	Andersen Air Force Base	Housing Maintenance Facility	$1,700,000
Idaho	Mountain Home Air Force Base	Housing Management Facility	$844,000
Kansas	McConnell Air Force Base	39 units	$5,193,000
Louisiana	Barksdale Air Force Base	62 units	$10,299,000
Massachusetts	Hanscom Air Force Base	32 units	$4,900,000
Mississippi	Keesler Air Force Base	98 units	$9,300,000
Missouri	Whiteman Air Force Base	72 units	$9,948,000
Nevada	Nellis Air Force Base	102 Units	$16,357,000
New Mexico	Holloman Air Force Base	1 General Officer Quarters	$225,000
	Kirtland Air Force Base	105 units	$11,000,000
North Carolina	Pope Air Force Base	104 units	$9,984,000
	Seymour Johnson Air Force Base	1 General Officer Quarters	$204,000
South Carolina	Shaw Air Force Base	Housing Maintenance Facility	$715,000
Texas	Dyess Air Force Base	Housing Maintenance Facility	$580,000
	Lackland Air Force Base	67 units	$6,200,000
	Sheppard Air Force Base	Management Office	$500,000
	Sheppard Air Force Base	Housing Maintenance Facility	$600,000
Turkey	Incirlik Air Base	150 units	$10,146,000
Washington	McChord Air Force Base	50 units	$9,504,000
		Total:	$198,355,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $8,989,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $90,959,000.

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, 1995, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $1,735,086,000 as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $504,690,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $49,400,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $9,030,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $30,835,000.

(5) For military housing functions:

(A) For construction and acquisition, planning and design and improvement of military family housing and facilities, $298,303,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $849,213,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a); and

(2) $5,400,000 (the balance of the amount authorized under section 2301(a) for the construction of a corrosion control facility at Tinker Air Force Base, Oklahoma).

(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 $6,385,000, which represents the combination of project savings resulting from favorable bids, reduced overhead costs, and cancellations due to force structure changes.

SEC. 2305. RETENTION OF ACCRUED INTEREST ON FUNDS DEPOSITED FOR CONSTRUCTION OF FAMILY HOUSING, SCOTT AIR FORCE BASE, ILLINOIS.

(a) RETENTION OF INTEREST.—Section 2310 of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103–160; 107 Stat. 1874) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection:

"(b) RETENTION OF INTEREST.—Interest accrued on the funds transferred to the County pursuant to subsection (a) shall be retained in the same account as the transferred funds and shall be available to the County for the same purpose as the transferred funds.".

(b) LIMITATION ON UNITS CONSTRUCTED.—Subsection (c) of such section, as redesignated by subsection (a)(1), is amended by adding at the end the following new sentence: "The number of units constructed using the transferred funds (and interest accrued on such funds) may not exceed the number of units of military family housing authorized for Scott Air Force Base in section 2302(a) of the Military Construction Authorization Act for Fiscal Year 1993.".

(c) EFFECT OF COMPLETION OF CONSTRUCTION.—Such section is further amended by adding at the end the following new subsection:

"(d) COMPLETION OF CONSTRUCTION.—Upon the completion of the construction authorized by this section, all funds remaining from the funds transferred pursuant to subsection (a), and the remaining interest accrued on such funds, shall be deposited in the general fund of the Treasury of the United States.".

(d) REPORTS ON ACCRUED INTEREST.—Such section is further amended by adding at the end the following new subsection:

"(e) REPORTS ON ACCRUED INTEREST.—Not later than March 1 of each year following a year in which funds available to the County under this section are used by the County for the purpose referred to in subsection (c), the Secretary shall submit to the congressional defense committees a report setting forth the amount of interest that accrued on such funds during the preceding year.".

TITLE XXIV—DEFENSE AGENCIES

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(1), and, in the case of the project described in section 2405(b)(2), other amounts appropriated pursuant to authorizations enacted after this Act for that project, the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

Agency/State	Installation or location	Amount
Ballistic Missile Defense Organization		
Texas	Fort Bliss	$13,600,000
Defense Finance & Accounting Service		
Ohio	Columbus Center	$72,403,000
Defense Intelligence Agency		
District of Columbia	Bolling Air Force Base	$498,000
Defense Logistics Agency		
Alabama	Defense Distribution Anniston	$3,550,000
California	Defense Distribution Stockton	$15,000,000
	DFSC, Point Mugu	$750,000
Delaware	DFSC, Dover Air Force Base	$15,554,000
Florida	DFSC, Eglin Air Force Base	$2,400,000
Louisiana	DFSC, Barksdale Air Force Base	$13,100,000
New Jersey	DFSC, McGuire Air Force Base	$12,000,000
Pennsylvania	Def Distribution New Cumberland—DDSP	$4,600,000
Virginia	Defense Distribution Depot—DDNV	$10,400,000
Defense Mapping Agency		
Missouri	Defense Mapping Agency Aerospace Center	$40,300,000
Defense Medical Facility Office		
Alabama	Maxwell Air Force Base	$10,000,000
Arizona	Luke Air Force Base	$8,100,000
California	Fort Irwin	$6,900,000
	Marine Corps Base, Camp Pendleton	$1,700,000
	Vandenberg Air Force Base	$5,700,000
Delaware	Dover Air Force Base	$4,400,000
Georgia	Fort Benning	$5,600,000
Louisiana	Barksdale Air Force Base	$4,100,000
Maryland	Bethesda Naval Hospital	$1,300,000
	Walter Reed Army Institute of Research	$1,550,000
Texas	Fort Hood	$5,500,000
	Lackland Air Force Base	$6,100,000
Virginia	Northwest Naval Security Group Activity	$4,300,000
National Security Agency		
Maryland	Fort Meade	$18,733,000
Office of the Secretary of Defense		
Inside the United States	Classified location	$11,500,000
Department of Defense Dependents Schools		
Alabama	Maxwell Air Force Base	$5,479,000
Georgia	Fort Benning	$1,116,000
South Carolina	Fort Jackson	$576,000
Special Operations Command		
California	Camp Pendleton	$5,200,000
Florida	Eglin Air Force Base (Duke Field)	$2,400,000
	Eglin Auxiliary Field 9	$14,150,000
North Carolina	Fort Bragg	$23,800,000
Pennsylvania	Olmstead Field, Harrisburg IAP	$1,643,000
Virginia	Dam Neck	$4,500,000
	Naval Amphibious Base, Little Creek	$6,100,000

Defense Agencies: Inside the United States—Continued

Agency/State	Installation or location	Amount
	Total:	$364,602,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

Agency/Country	Installation Name	Amount
Defense Logistics Agency		
Puerto Rico	Defense Fuel Support Point, Roosevelt Roads	$6,200,000
Spain	DFSC Rota	$7,400,000
Defense Medical Facility Office		
Italy	Naval Support Activity, Naples	$5,000,000
Department of Defense Dependents Schools		
Germany	Ramstein Air Force Base	$19,205,000
Italy	Naval Air Station, Sigonella	$7,595,000
National Security Agency		
United Kingdom	Menwith Hill Station	$677,000
Special Operations Command		
Guam	Naval Station, Guam	$8,800,000
	Total:	$54,877,000

SEC. 2402. MILITARY FAMILY HOUSING PRIVATE INVESTMENT.

(a) AVAILABILITY OF FUNDS FOR INVESTMENT.—Of the amount authorized to be appropriated pursuant to section 2405(a)(11)(A), $22,000,000 shall be available for crediting to the Department of Defense Family Housing Improvement Fund established by section 2883(a)(1) of title 10, United States Code (as added by section 2801 of this Act).

(b) USE OF FUNDS.—The Secretary of Defense may use funds credited to the Department of Defense Family Housing Improvement Fund under subsection (a) to carry out any activities authorized by subchapter IV of chapter 169 of such title (as added by such section) with respect to military family housing.

SEC. 2403. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(11)(A), the Secretary of Defense may improve existing military family housing units in an amount not to exceed $3,772,000.

SEC. 2404. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(9), 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, 1995, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of $4,629,491,000 as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $329,599,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $54,877,000.

(3) 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), $47,900,000.

(4) 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), $28,100,000.

(5) For military construction projects at Walter Reed Army Institute of Research, Maryland, hospital replacement, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2599), $27,000,000.

(6) For unspecified minor construction projects under section 2805 of title 10, United States Code, $23,007,000.

(7) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $11,037,000.

(8) For architectural and engineering services and construction design under section 2807 of title 10, United State Code, $68,837,000.

(9) For energy conservation projects authorized by section 2404, $40,000,000.

(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), $3,897,892,000.

(11) For military family housing functions:

(A) For construction and acquisition and improvement of military family housing and facilities, $25,772,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $40,467,000, of which not more than $24,874,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variation authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a); and

(2) $35,003,000 (the balance of the amount authorized under section 2401(a) for the construction of a center of the Defense Finance and Accounting Service at Columbus, Ohio).

SEC. 2406. LIMITATIONS ON USE OF DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990.

(a) SET ASIDE FOR 1995 ROUND.—Of the amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(10), $784,569,000 shall be available only for the purposes described in section 2905 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) with respect to military installations approved for closure or realignment in 1995.

(b) CONSTRUCTION.—Amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(10) may not be obligated to carry out a construction project with respect to military installations approved for closure or realignment in 1995 until after the date on which the Secretary of Defense submits to Congress a five-year program for executing the 1995 base realignment and closure plan. The limitation contained in this subsection shall not prohibit site surveys, environmental baseline surveys, environmental analysis under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and planning and design work conducted in anticipation of such construction.

SEC. 2407. MODIFICATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 1995 PROJECTS.

The table in section 2401 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3040), under the agency heading relating to Chemical Weapons and Munitions Destruction, is amended—

(1) in the item relating to Pine Bluff Arsenal, Arkansas, by striking out "$3,000,000" in the amount column and inserting in lieu thereof "$115,000,000"; and

(2) in the item relating to Umatilla Army Depot, Oregon, by striking out "$12,000,000" in the amount column and inserting in lieu thereof "$186,000,000".

SEC. 2408. REDUCTION IN AMOUNTS AUTHORIZED TO BE APPROPRIATED FOR FISCAL YEAR 1994 CONTINGENCY CONSTRUCTION PROJECTS.

Section 2403(a) of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103–160; 107 Stat. 1876) is amended—

(1) in the matter preceding paragraph (1), by striking out "$3,268,394,000" and inserting in lieu thereof "$3,260,263,000"; and

(2) in paragraph (10), by striking out "$12,200,000" and inserting in lieu thereof "$4,069,000".

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, 1995, 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 $161,000,000.

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, 1995, 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, $134,802,000; and

(B) for the Army Reserve, $73,516,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $19,055,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $170,917,000; and

(B) for the Air Force Reserve, $36,232,000.

SEC. 2602. REDUCTION IN AMOUNT AUTHORIZED TO BE APPROPRIATED FOR FISCAL YEAR 1994 AIR NATIONAL GUARD PROJECTS.

Section 2601(3)(A) of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103–160; 107 Stat. 1878) is amended by striking out "$236,341,000" and inserting in lieu thereof "$229,641,000".

SEC. 2603. CORRECTION IN AUTHORIZED USES OF FUNDS FOR ARMY NATIONAL GUARD PROJECTS IN MISSISSIPPI.

(a) IN GENERAL.—Subject to subsection (b), amounts appropriated pursuant to the authorization of appropriations in section 2601(1)(A) of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103–160; 107 Stat. 1878) for the addition or alteration of Army National Guard Armories at various locations in the State of Mississippi shall be available for the addition, alteration, or new construction of armory facilities and an operation and maintenance shop facility (including the acquisition of land for such facilities) at various locations in the State of Mississippi.

(b) NOTICE AND WAIT.—The amounts referred to in subsection (a) shall not be available for construction with respect to a facility referred to in that subsection until 21 days after the date on which the Secretary of the Army submits to Congress a report describing the construction (including any land acquisition) to be carried out with respect to the facility.

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, 1998; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 1999.

(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, 1998; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 1999 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 1993 PROJECTS.

(a) EXTENSIONS.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2602), authorizations for the projects set forth in the tables in subsection (b), as provided in section 2101, 2301, or 2601 of that Act or in section 2201 of that Act (as amended by section 2206 of this Act), shall remain in effect until October 1, 1996, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1997, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Army: Extension of 1993 Project Authorizations

State	Installation or Location	Project	Amount
Arkansas	Pine Bluff Arsenal	Ammunition Demilitarization Support Facility	$15,000,000
Hawaii	Schofield Barracks	Add/Alter Sewage Treatment Plant	$17,500,000

Navy: Extension of 1993 Project Authorizations

State	Installation or Location	Project	Amount
California	Camp Pendleton Marine Corps Base	Sewage Treatment Plant Modifications	$19,740,000
Maryland	Patuxent River Naval Warfare Center	Large Anechoic Chamber, Phase I	$60,990,000
Mississippi	Meridian Naval Air Station	Child Development Center	$1,100,000
Virginia	Hampton Roads	Land Acquisition	$4,500,000

Air Force: Extension of 1993 Project Authorizations

State	Installation or Location	Project	Amount
Arkansas	Little Rock Air Force Base	Fire Training Facility	$710,000
District of Columbia	Bolling Air Force Base	Civil Engineer Complex	$9,400,000
Mississippi	Keesler Air Force Base	Alter Student Dormitory	$3,100,000
North Carolina	Pope Air Force Base	Construct Bridge Road and Utilities	$4,000,000
	Pope Air Force Base	Munitions Storage Complex	$4,300,000
Virginia	Langley Air Force Base	Base Engineer Complex	$5,300,000
Guam	Andersen Air Base	Landfill	$10,000,000
Portugal	Lajes Field	Water Wells	$865,000
	Lajes Field	Fire Training Facility	$950,000

Army National Guard: Extension of 1993 Project Authorizations

State	Installation or Location	Project	Amount
Alabama	Tuscaloosa	Armory	$2,273,000
	Union Springs	Armory	$813,000
Oregon	La Grande	Organizational Maintenance Shop	$1,220,000
	La Grande	Armory Addition	$3,049,000
Pennsylvania	Indiana	Armory	$1,700,000
Rhode Island	North Kingston	Add/Alter Armory	$3,330,000

Army Reserve: Extension of 1993 Project Authorizations

State	Installation or Location	Project	Amount
West Virginia	Bluefield	United States Army Reserve Center	$1,921,000
	Clarksburg	United States Army Reserve Center	$1,566,000
	Grantville	United States Army Reserve Center	$2,785,000
	Lewisburg	United States Army Reserve Center	$1,631,000
	Weirton	United States Army Reserve Center	$3,481,000

SEC. 2703. 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 or 2601 of that Act, and extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3047), shall remain in effect until October 1, 1996, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1997, 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
Oregon	Umatilla Army Depot	Ammunition Demilitarization Support Facility	$3,600,000
	Umatilla Army Depot	Ammunition Demilitarization Utilities	$7,500,000

Army National Guard: Extension of 1992 Project Authorization

State	Installation or Location	Project	Amount
Ohio	Toledo	Armory	$3,183,000

Army Reserve: Extension of 1992 Project Authorization

State	Installation or Location	Project	Amount
Tennessee	Jackson	Joint Training Facility	$1,537,000

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Housing Privatization Initiative

SEC. 2801. ALTERNATIVE AUTHORITY FOR CONSTRUCTION AND IMPROVEMENT OF MILITARY HOUSING.

(a) ALTERNATIVE AUTHORITY TO CONSTRUCT AND IMPROVE MILITARY HOUSING.—(1) Chapter 169 of title 10, United States Code, is amended by adding at the end the following new subchapter:

"SUBCHAPTER IV—ALTERNATIVE AUTHORITY FOR ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING

"Sec.
"2871. Definitions.
"2872. General authority.
"2873. Direct loans and loan guarantees.
"2874. Leasing of housing to be constructed.
"2875. Investments in nongovernmental entities.
"2876. Rental guarantees.
"2877. Differential lease payments.
"2878. Conveyance or lease of existing property and facilities.
"2879. Interim leases.
"2880. Unit size and type.
"2881. Ancillary supporting facilities.
"2882. Assignment of members of the armed forces to housing units.
"2883. Department of Defense Housing Funds.
"2884. Reports.
"2885. Expiration of authority.

"§2871. Definitions

"In this subchapter:

"(1) The term 'ancillary supporting facilities' means facilities related to military housing units, including child care centers, day care centers, tot lots, community centers, housing offices, dining facilities, unit offices, and other similar facilities for the support of military housing.

"(2) The term 'base closure law' means the following:

"(A) Section 2687 of this title.

"(B) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).

"(C) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

"(3) The term 'construction' means the construction of military housing units and ancillary supporting facilities or the improvement or rehabilitation of existing units or ancillary supporting facilities.

"(4) The term 'contract' includes any contract, lease, or other agreement entered into under the authority of this subchapter.

"(5) The term 'Fund' means the Department of Defense Family Housing Improvement Fund or the Department of Defense Military Unaccompanied Housing Improvement Fund established under section 2883(a) of this title.

"(6) The term 'military unaccompanied housing' means military housing intended to be occupied by members of the armed forces serving a tour of duty unaccompanied by dependents.

"(7) The term 'United States' includes the Commonwealth of Puerto Rico.

"§2872. General authority

"In addition to any other authority provided under this chapter for the acquisition or construction of military family housing or military unaccompanied housing, the Secretary concerned may exercise any authority or any combination of authorities provided under this subchapter in order to provide for the acquisition or construction by private persons of the following:

"(1) Family housing units on or near military installations within the United States and its territories and possessions.

"(2) Military unaccompanied housing units on or near such military installations.

"§2873. Direct loans and loan guarantees

"(a) DIRECT LOANS.—(1) Subject to subsection (c), the Secretary concerned may make direct loans to persons in the private sector in order to provide funds to such persons for the acquisition or construction of housing units that the Secretary determines are suitable for use as military family housing or as military unaccompanied housing.

"(2) The Secretary concerned shall establish such terms and conditions with respect to loans made under this subsection as the Secretary considers appropriate to protect the interests of the United States, including the period and frequency for repayment of such loans and the obligations of the obligors on such loans upon default.

"(b) LOAN GUARANTEES.—(1) Subject to subsection (c), the Secretary concerned may guarantee a loan made to any person in the private sector if the proceeds of the loan are to be used by the person to acquire, or construct housing units that the Secretary determines are suitable for use as military family housing or as military unaccompanied housing.

"(2) The amount of a guarantee on a loan that may be provided under paragraph (1) may not exceed the amount equal to the lesser of—

"(A) the amount equal to 80 percent of the value of the project; or

"(B) the amount of the outstanding principal of the loan.

"(3) The Secretary concerned shall establish such terms and conditions with respect to guarantees of loans under this subsection as the Secretary considers appropriate to protect the interests of the United States, including the rights and obligations of obligors of such loans and the rights and obligations of the United States with respect to such guarantees.

"(c) LIMITATION ON DIRECT LOAN AND GUARANTEE AUTHORITY.—Direct loans and loan guarantees may be made under this section only to the extent that appropriations of budget authority to cover their cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)) are made in advance, or authority is otherwise provided in appropriation Acts. If such appropriation or other authority is provided, there may be established a financing account (as defined in section 502(7) of such Act (2 U.S.C. 661a(7)), which shall be available for the disbursement of direct loans or payment of claims for payment on loan guarantees under this section and for all other cash flows to and from the Government as a result of direct loans and guarantees made under this section.

"§2874. Leasing of housing to be constructed

"(a) BUILD AND LEASE AUTHORIZED.—The Secretary concerned may enter into contracts for the lease of military family housing units or military unaccompanied housing units to be constructed under this subchapter.

"(b) LEASE TERMS.—A contract under this section may be for any period that the Secretary concerned determines appropriate and may provide for the owner of the leased property to operate and maintain the property.

"§2875. Investments in nongovernmental entities

"(a) INVESTMENTS AUTHORIZED.—The Secretary concerned may make investments in nongovernmental entities carrying out projects for the acquisition or construction of housing units suitable for use as military family housing or as military unaccompanied housing.

"(b) FORMS OF INVESTMENT.—An investment under this section may take the form of an acquisition of a limited partnership interest by the United States, a purchase of stock or other equity instruments by the United States, a purchase of bonds or other debt instruments by the United States, or any combination of such forms of investment.

"(c) LIMITATION ON VALUE OF INVESTMENT.—(1) The cash amount of an investment under this section in a nongovernmental entity may not exceed an amount equal to 33⅓ percent of the capital cost (as determined by the Secretary concerned) of the project or projects that the entity proposes to carry out under this section with the investment.

"(2) If the Secretary concerned conveys land or facilities to a nongovernmental entity as all or part of an investment in the entity under this section, the total value of the investment by the Secretary under this section may not exceed an amount equal to 45 percent of the capital cost (as determined by the Secretary) of the project or projects that the entity proposes to carry out under this section with the investment.

"(3) In this subsection, the term 'capital cost', with respect to a project for the acquisition or construction of housing, means the total amount of the costs included in the basis of the housing for Federal income tax purposes.

"(d) COLLATERAL INCENTIVE AGREEMENTS.—The Secretary concerned shall enter into collateral incentive agreements with nongovernmental entities in which the Secretary makes an investment under this section to ensure that a suitable preference will be afforded members of the armed forces and their dependents in the lease or purchase, as the case may be, of a reasonable number of the housing units covered by the investment.

"§2876. Rental guarantees

"The Secretary concerned may enter into agreements with private persons that acquire or construct military family housing units or military unaccompanied housing units under this subchapter in order to assure—

"(1) the occupancy of such units at levels specified in the agreements; or

"(2) rental income derived from rental of such units at levels specified in the agreements.

"§2877. Differential lease payments

"Pursuant to an agreement entered into by the Secretary concerned and a private lessor of military family housing or military unaccompanied housing to members of the armed forces, the Secretary may pay the lessor an amount in addition to the rental payments for the housing made by the members as the Secretary determines appropriate to encourage the lessor to make the housing available to members of the armed forces as military family housing or as military unaccompanied housing.

"§2878. Conveyance or lease of existing property and facilities

"(a) CONVEYANCE OR LEASE AUTHORIZED.—The Secretary concerned may convey or lease property or facilities (including ancillary supporting facilities) to private persons for purposes of using the proceeds of such conveyance or lease to carry out activities under this subchapter.

"(b) INAPPLICABILITY TO PROPERTY AT INSTALLATION APPROVED FOR CLOSURE.—The authority of this section does not apply to property or facilities located on or near a military installation approved for closure under a base closure law.

"(c) TERMS AND CONDITIONS.—(1) The conveyance or lease of property or facilities under this section shall be for such consideration and upon such terms and conditions as the Secretary concerned considers appropriate for the purposes of this subchapter and to protect the interests of the United States.

"(2) As part or all of the consideration for a conveyance or lease under this section, the purchaser or lessor (as the case may be) shall enter into an agreement with the Secretary to ensure that a suitable preference will be afforded members of the armed forces and their dependents in the lease or sublease of a reasonable number of the housing units covered by the conveyance or lease, as the case may be, or in the lease of other suitable housing units made available by the purchaser or lessee.

"(d) INAPPLICABILITY OF CERTAIN PROPERTY MANAGEMENT LAWS.—The conveyance or lease of property or facilities under this section shall not be subject to the following provisions of law:

"(1) Section 2667 of this title.

"(2) The Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

"(3) Section 321 of the Act of June 30, 1932 (commonly known as the Economy Act) (40 U.S.C. 303b).

"(4) Section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11401).

"§2879. Interim leases

"Pending completion of a project to acquire or construct military family housing units or military unaccompanied housing units under this subchapter, the Secretary concerned may provide for the interim lease of such units of the project as are complete. The term of a lease under this section may not extend beyond the date of the completion of the project concerned.

"§2880. Unit size and type

"(a) CONFORMITY WITH SIMILAR HOUSING UNITS IN LOCALE.—The Secretary concerned shall ensure that the room patterns and floor areas of military family housing units and military unaccompanied housing units acquired or constructed under this subchapter are generally comparable to the room patterns and floor areas of similar housing units in the locality concerned.

"(b) INAPPLICABILITY OF LIMITATIONS ON SPACE BY PAY GRADE.—(1) Section 2826 of this title shall not apply to military family housing units acquired or constructed under this subchapter.

"(2) The regulations prescribed under section 2856 of this title shall not apply to any military unaccompanied housing unit acquired or constructed under this subchapter unless the unit is located on a military installation.

"§2881. Ancillary supporting facilities

"Any project for the acquisition or construction of military family housing units or military unaccompanied housing units under this subchapter may include the acquisition or construction of ancillary supporting facilities for the housing units concerned.

"§2882. Assignment of members of the armed forces to housing units

"(a) IN GENERAL.—The Secretary concerned may assign members of the armed forces to housing units acquired or constructed under this subchapter.

"(b) EFFECT OF CERTAIN ASSIGNMENTS ON ENTITLEMENT TO HOUSING ALLOWANCES.—(1) Except as provided in paragraph (2), housing referred to in subsection (a) shall be considered as quarters of the United States or a housing facility under the jurisdiction of a uniformed service for purposes of section 403(b) of title 37.

"(2) A member of the armed forces who is assigned in accordance with subsection (a) to a housing unit not owned or leased by the United States shall be entitled to a basic allowance for quarters under section 403 of title 37 and, if in a high housing cost area, a variable housing allowance under section 403a of that title.

"(c) LEASE PAYMENTS THROUGH PAY ALLOTMENTS.—The Secretary concerned may require members of the armed forces who lease housing in housing units acquired or constructed under this subchapter to make lease payments for such housing pursuant to allotments of the pay of such members under section 701 of title 37.

"§2883. Department of Defense Housing Funds

"(a) ESTABLISHMENT.—There are hereby established on the books of the Treasury the following accounts:

"(1) The Department of Defense Family Housing Improvement Fund.

"(2) The Department of Defense Military Unaccompanied Housing Improvement Fund.

"(b) COMMINGLING OF FUNDS PROHIBITED.—(1) The Secretary of Defense shall administer each Fund separately.

"(2) Amounts in the Department of Defense Family Housing Improvement Fund may be used only to carry out activities under this subchapter with respect to military family housing.

"(3) Amounts in the Department of Defense Military Unaccompanied Housing Improvement Fund may be used only to carry out activities under this subchapter with respect to military unaccompanied housing.

"(c) CREDITS TO FUNDS.—(1) There shall be credited to the Department of Defense Family Housing Improvement Fund the following:

"(A) Amounts authorized for and appropriated to that Fund.

"(B) Subject to subsection (f), any amounts that the Secretary of Defense transfers, in such amounts as provided in appropriation Acts, to that Fund from amounts authorized and appropriated to the Department of Defense for the acquisition or construction of military family housing.

"(C) Proceeds from the conveyance or lease of property or facilities under section 2878 of this title for the purpose of carrying out activities

under this subchapter with respect to military family housing.

"(D) Income derived from any activities under this subchapter with respect to military family housing, including interest on loans made under section 2873 of this title, income and gains realized from investments under section 2875 of this title, and any return of capital invested as part of such investments.

"(2) There shall be credited to the Department of Defense Military Unaccompanied Housing Improvement Fund the following:

"(A) Amounts authorized for and appropriated to that Fund.

"(B) Subject to subsection (f), any amounts that the Secretary of Defense transfers, in such amounts as provided in appropriation Acts, to that Fund from amounts authorized and appropriated to the Department of Defense for the acquisition or construction of military unaccompanied housing.

"(C) Proceeds from the conveyance or lease of property or facilities under section 2878 of this title for the purpose of carrying out activities under this subchapter with respect to military unaccompanied housing.

"(D) Income derived from any activities under this subchapter with respect to military unaccompanied housing, including interest on loans made under section 2873 of this title, income and gains realized from investments under section 2875 of this title, and any return of capital invested as part of such investments.

"(d) USE OF AMOUNTS IN FUNDS.—(1) In such amounts as provided in appropriation Acts and except as provided in subsection (e), the Secretary of Defense may use amounts in the Department of Defense Family Housing Improvement Fund to carry out activities under this subchapter with respect to military family housing, including activities required in connection with the planning, execution, and administration of contracts entered into under the authority of this subchapter.

"(2) In such amounts as provided in appropriation Acts and except as provided in subsection (e), the Secretary of Defense may use amounts in the Department of Defense Military Unaccompanied Housing Improvement Fund to carry out activities under this subchapter with respect to military unaccompanied housing, including activities required in connection with the planning, execution, and administration of contracts entered into under the authority of this subchapter.

"(3) Amounts made available under this subsection shall remain available until expended. The Secretary of Defense may transfer amounts made available under this subsection to the Secretaries of the military departments to permit such Secretaries to carry out the activities for which such amounts may be used.

"(e) LIMITATION ON OBLIGATIONS.—The Secretary may not incur an obligation under a contract or other agreement entered into under this subchapter in excess of the unobligated balance, at the time the contract is entered into, of the Fund required to be used to satisfy the obligation.

"(f) NOTIFICATION REQUIRED FOR TRANSFERS.—A transfer of appropriated amounts to a Fund under paragraph (1)(B) or (2)(B) of subsection (c) may be made only after the end of the 30-day period beginning on the date the Secretary of Defense submits written notice of, and justification for, the transfer to the appropriate committees of Congress.

"(g) LIMITATION ON AMOUNT OF BUDGET AUTHORITY.—The total value in budget authority of all contracts and investments undertaken using the authorities provided in this subchapter shall not exceed—

"(1) $850,000,000 for the acquisition or construction of military family housing; and

"(2) $150,000,000 for the acquisition or construction of military unaccompanied housing.

"§2884. Reports

"(a) PROJECT REPORTS.—(1) The Secretary of Defense shall transmit to the appropriate committees of Congress a report describing—

(A) each contract for the acquisition or construction of family housing units or unaccompanied housing units that the Secretary proposes to solicit under this subchapter; and

(B) each conveyance or lease proposed under section 2878 of this title.

(2) The report shall describe the proposed contract, conveyance, or lease and the intended method of participation of the United States in the contract, conveyance, or lease and provide a justification of such method of participation. The report shall be submitted not later than 30 days before the date on which the Secretary issues the contract solicitation or offers the conveyance or lease.

"(b) ANNUAL REPORTS.—The Secretary of Defense shall include each year in the materials that the Secretary submits to Congress in support of the budget submitted by the President pursuant to section 1105 of title 31 the following:

"(1) A report on the expenditures and receipts during the preceding fiscal year covering the Funds established under section 2883 of this title.

"(2) A methodology for evaluating the extent and effectiveness of the use of the authorities under this subchapter during such preceding fiscal year.

"(3) A description of the objectives of the Department of Defense for providing military family housing and military unaccompanied housing for members of the armed forces.

"§2885. Expiration of authority

"The authority to enter into a contract under this subchapter shall expire five years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996.".

(2) The table of subchapters at the beginning of such chapter is amended by inserting after the item relating to subchapter III the following new item:

"IV. Alternative Authority for Acquisition and Improvement of Military Housing ..... 2871".

(b) FINAL REPORT.—Not later than March 1, 2000, the Secretary of Defense shall submit to the congressional defense committees a report on the use by the Secretary of Defense and the Secretaries of the military departments of the authorities provided by subchapter IV of chapter 169 of title 10, United States Code, as added by subsection (a). The report shall assess the effectiveness of such authority in providing for the construction and improvement of military family housing and military unaccompanied housing.

SEC. 2802. EXPANSION OF AUTHORITY FOR LIMITED PARTNERSHIPS FOR DEVELOPMENT OF MILITARY FAMILY HOUSING.

(a) PARTICIPATION OF OTHER MILITARY DEPARTMENTS.—(1) Subsection (a)(1) of section 2837 of title 10, United States Code, is amended by striking out "of the naval service" and inserting in lieu thereof "of the armed forces".

(2) Subsection (b)(1) of such section is amended by striking out "of the naval service" and inserting in lieu thereof "of the armed forces".

(b) ADMINISTRATION.—(1) Subsection (a)(1) of such section is further amended by striking out "the Secretary of the Navy" in the first sentence and inserting in lieu thereof "the Secretary of a military department".

(2) Subsections (a)(2), (b), (c), (g), and (h) of such section are amended by striking out "Secretary" each place it appears and inserting in lieu thereof "Secretary concerned".

(c) ACCOUNT.—Subsection (d) of such section is amended to read as follows:

"(d) ACCOUNT.—(1) There is hereby established on the books of the Treasury an account to be known as the 'Defense Housing Investment Account'.

"(2) There shall be deposited into the Account—

"(A) such funds as may be authorized for and appropriated to the Account;

"(B) any proceeds received by the Secretary concerned from the repayment of investments or profits on investments of the Secretary under subsection (a); and

"(C) any unobligated balances which remain in the Navy Housing Investment Account as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996.

"(3) From such amounts as are provided in advance in appropriation Acts, funds in the Account shall be available to the Secretaries concerned in amounts determined by the Secretary of Defense for contracts, investments, and expenses necessary for the implementation of this section.

"(4) The Secretary concerned may not enter into a contract in connection with a limited partnership under subsection (a) or a collateral incentive agreement under subsection (b) unless a sufficient amount of the unobligated balance of the funds in the Account is available to the Secretary, as of the time the contract is entered into, to satisfy the total obligations to be incurred by the United States under the contract.".

(d) TERMINATION OF NAVY HOUSING INVESTMENT BOARD.—Such section is further amended—

(1) by striking out subsection (e); and

(2) in subsection (h)—

(A) by striking out "AUTHORITIES" in the subsection heading and inserting in lieu thereof "AUTHORITY";

(B) by striking out "(1)"; and

(C) by striking out paragraph (2).

(e) REPORT.—Subsection (f) of such section is amended—

(1) by striking out "the Secretary carries out activities" and inserting in lieu thereof "activities are carried out"; and

(2) by striking out "the Secretary shall" and inserting in lieu thereof "the Secretaries concerned shall jointly".

(f) EXTENSION OF AUTHORITY.—Subsection (h) of such section is further amended by striking out "September 30, 1999" and inserting in lieu thereof "September 30, 2000".

(g) CONFORMING AMENDMENT.—Subsection (g) of such section is further amended by striking out "NAVY" in the subsection heading.

Subtitle B—Other Military Construction Program and Military Family Housing Changes

SEC. 2811. SPECIAL THRESHOLD FOR UNSPECIFIED MINOR CONSTRUCTION PROJECTS TO CORRECT LIFE, HEALTH, OR SAFETY DEFICIENCIES.

(a) SPECIAL THRESHOLD.—Section 2805 of title 10, United States Code, is amended—

(1) in subsection (a)(1), by adding at the end the following new sentence: "However, if the military construction project is intended solely to correct a deficiency that is life-threatening, health-threatening, or safety-threatening, a minor military construction project may have an approved cost equal to or less than $3,000,000."; and

(2) in subsection (c)(1), by striking out "not more than $300,000." and inserting in lieu thereof "not more than—

"(A) $1,000,000, in the case of an unspecified military construction project intended solely to correct a deficiency that is life-threatening, health-threatening, or safety-threatening; or

"(B) $300,000, in the case of any other unspecified military construction project.".

(b) TECHNICAL AMENDMENT.—Section 2861(b)(6) of such title is amended by striking

out "section 2805(a)(2)" and inserting in lieu thereof "section 2805(a)(1)".

SEC. 2812. CLARIFICATION OF SCOPE OF UNSPECIFIED MINOR CONSTRUCTION AUTHORITY.

Section 2805(a)(1) of title 10, United States Code, as amended by section 2811 of this Act, is further amended by striking out "(1) that is for a single undertaking at a military installation, and (2)" in the second sentence.

SEC. 2813. TEMPORARY AUTHORITY TO WAIVE NET FLOOR AREA LIMITATION FOR FAMILY HOUSING ACQUIRED IN LIEU OF CONSTRUCTION.

Section 2824(c) of title 10, United States Code, is amended by adding at the end the following new sentence: "The Secretary concerned may waive the limitation set forth in the preceding sentence to family housing units acquired under this section during the five-year period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996.".

SEC. 2814. REESTABLISHMENT OF AUTHORITY TO WAIVE NET FLOOR AREA LIMITATION ON ACQUISITION BY PURCHASE OF CERTAIN MILITARY FAMILY HOUSING.

Section 2826(e) of title 10, United States Code, is amended by striking out the second sentence.

SEC. 2815. TEMPORARY AUTHORITY TO WAIVE LIMITATIONS ON SPACE BY PAY GRADE FOR MILITARY FAMILY HOUSING UNITS.

Section 2826 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(i)(1) The Secretary concerned may waive the provisions of subsection (a) with respect to military family housing units constructed, acquired, or improved during the five-year period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996.

"(2) The total number of military family housing units constructed, acquired, or improved during any fiscal year in the period referred to in paragraph (1) shall be the total number of such units authorized by law for that fiscal year.".

SEC. 2816. RENTAL OF FAMILY HOUSING IN FOREIGN COUNTRIES.

Section 2828(e) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking out "300 units" in the first sentence and inserting in lieu thereof "450 units"; and

(B) by striking out "220 such units" in the second sentence and inserting in lieu thereof "350 such units"; and

(2) in paragraph (2), by striking out "300 units" and inserting in lieu thereof "450 units".

SEC. 2817. CLARIFICATION OF SCOPE OF REPORT REQUIREMENT ON COST INCREASES UNDER CONTRACTS FOR MILITARY FAMILY HOUSING CONSTRUCTION.

Subsection (d) of section 2853 of title 10, United States Code, is amended to read as follows:

"(d) The limitation on cost increases in subsection (a) does not apply to the settlement of a contractor claim under a contract.".

SEC. 2818. AUTHORITY TO CONVEY DAMAGED OR DETERIORATED MILITARY FAMILY HOUSING.

(a) AUTHORITY.—(1) Subchapter III of chapter 169 of title 10, United States Code, is amended by inserting after section 2854 the following new section:

"§2854a. Conveyance of damaged or deteriorated military family housing; use of proceeds

"(a) AUTHORITY TO CONVEY.—(1) The Secretary concerned may convey any family housing facility that, due to damage or deterioration, is in a condition that is uneconomical to repair. Any conveyance of a family housing facility under this section may include a conveyance of the real property associated with the facility conveyed.

"(2) The authority of this section does not apply to family housing facilities located at military installations approved for closure under a base closure law or family housing facilities located at installation outside the United States at which the Secretary of Defense terminates operations.

"(3) The aggregate total value of the family housing facilities conveyed by the Department of Defense under the authority in this subsection in any fiscal year may not exceed $5,000,000.

"(4) For purposes of this subsection, a family housing facility is in a condition that is uneconomical to repair if the cost of the necessary repairs for the facility would exceed the amount equal to 70 percent of the cost of constructing a family housing facility to replace such facility.

"(b) CONSIDERATION.—(1) As consideration for the conveyance of a family housing facility under subsection (a), the person to whom the facility is conveyed shall pay the United States an amount equal to the fair market value of the facility conveyed, including any real property conveyed along with the facility.

"(2) The Secretary concerned shall determine the fair market value of any family housing facility and associated real property that is conveyed under subsection (a). Such determination shall be final.

"(c) NOTICE AND WAIT REQUIREMENTS.—The Secretary concerned may not enter into an agreement to convey a family housing facility under this section until—

"(1) the Secretary submits to the appropriate committees of Congress, in writing, a justification for the conveyance under the agreement, including—

"(A) an estimate of the consideration to be provided the United States under the agreement;

"(B) an estimate of the cost of repairing the family housing facility to be conveyed; and

"(C) an estimate of the cost of replacing the family housing facility to be conveyed; and

"(2) a period of 21 calendar days has elapsed after the date on which the justification is received by the committees.

"(d) INAPPLICABILITY OF CERTAIN PROPERTY DISPOSAL LAWS.—The following provisions of law do not apply to the conveyance of a family housing facility under this section:

"(1) The Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

"(2) Title V of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411 et seq.).

"(e) USE OF PROCEEDS.—(1) The proceeds of any conveyance of a family housing facility under this section shall be credited to the appropriate fund established under section 2883 of this title and shall be available—

"(A) to construct family housing units to replace the family housing facility conveyed under this section, but only to the extent that the number of units constructed with such proceeds does not exceed the number of units of military family housing of the facility conveyed;

"(B) to repair or restore existing military family housing; and

"(C) to reimburse the Secretary concerned for the costs incurred by the Secretary in conveying the family housing facility.

"(2) Notwithstanding section 2883(d) of this title, proceeds derived from a conveyance of a family housing facility under this section shall be available under paragraph (1) without any further appropriation.

"(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of any family housing facility conveyed under this section, including any real property associated with such facility, shall be determined by such means as the Secretary concerned considers satisfactory, including by survey in the case of real property.

"(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary concerned may require such additional terms and conditions in connection with the conveyance of family housing facilities under this section as the Secretary considers appropriate to protect the interests of the United States.".

(2) The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2854 the following new item:

"2854a. Conveyance of damaged or deteriorated military family housing; use of proceeds.".

(b) CONFORMING AMENDMENT.—Section 204(h) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)) is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph (4):

"(4) This subsection does not apply to damaged or deteriorated military family housing facilities conveyed under section 2854a of title 10, United States Code.".

SEC. 2819. ENERGY AND WATER CONSERVATION SAVINGS FOR THE DEPARTMENT OF DEFENSE.

(a) INCLUSION OF WATER EFFICIENT MAINTENANCE IN ENERGY PERFORMANCE PLAN.—Paragraph (3) of section 2865(a) of title 10, United States Code, is amended by striking out "energy efficient maintenance" and inserting in lieu thereof "energy efficient maintenance or water efficient maintenance".

(b) SCOPE OF TERM.—Paragraph (4) of such section is amended—

(1) in the matter preceding subparagraph (A), by striking out "'energy efficient maintenance'" and inserting in lieu thereof "'energy efficient maintenance or water efficient maintenance'";

(2) in subparagraph (A), by striking out "systems or industrial processes," in the matter preceding clause (i) and inserting in lieu thereof "systems, industrial processes, or water efficiency applications,"; and

(3) in subparagraph (B), by inserting "or water cost savings" before the period at the end.

SEC. 2820. EXTENSION OF AUTHORITY TO ENTER INTO LEASES OF LAND FOR SPECIAL OPERATIONS ACTIVITIES.

(a) EXTENSION OF AUTHORITY.—Subsection (d) of section 2680 of title 10, United States Code, is amended in the first sentence by striking out "September 30, 1995" and inserting in lieu thereof "September 30, 2000".

(b) REPORTING REQUIREMENT.—Such section is further amended by adding at the end the following new subsection:

"(e) REPORTS.—Not later than March 1 of each year, the Secretary of Defense shall submit to the Committee on the Armed Services of the Senate and the Committee on National Security of the House of Representatives a report that—

"(1) identifies each leasehold interest acquired during the previous fiscal year under subsection (a); and

"(2) contains a discussion of each project for the construction or modification of facilities carried out pursuant to subsection (c) during such fiscal year.".

(c) CONFORMING REPEAL.—Section 2863 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 10 U.S.C. 2680 note) is amended by striking out subsection (b).

SEC. 2821. DISPOSITION OF AMOUNTS RECOVERED AS A RESULT OF DAMAGE TO REAL PROPERTY.

(a) IN GENERAL.—Chapter 165 of title 10, United States Code, is amended by inserting after section 2781 the following new section:

"§2782. Damage to real property: disposition of amounts recovered

"Except as provided in section 2775 of this title, amounts recovered for damage caused to real property under the jurisdiction of the Secretary of a military department or, with respect to the Defense Agencies, under the jurisdiction of the Secretary of Defense shall be credited to the account available for the repair or replacement of the real property at the time of recovery. In such amounts as are provided in advance in appropriation Acts, amounts so credited shall be available for use for the same purposes and under the same circumstances as other funds in the account.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2781 the following new item:

"2782. Damage to real property: disposition of amounts recovered.".

SEC. 2822. PILOT PROGRAM TO PROVIDE INTEREST RATE BUY DOWN AUTHORITY ON LOANS FOR HOUSING WITHIN HOUSING SHORTAGE AREAS AT MILITARY INSTALLATIONS.

(a) SHORT TITLE.—This section may be cited as the "Military Housing Assistance Act of 1995".

(b) MORTGAGE ASSISTANCE PAYMENT AUTHORITY OF THE SECRETARY OF VETERANS AFFAIRS.—(1) Chapter 37 of title 38, United States Code, is amended by inserting after section 3707 the following:

"§3708. Authority to buy down interest rates: pilot program

"(a) In order to enable the purchase of housing in areas where the supply of suitable military housing is inadequate, the Secretary may conduct a pilot program under which the Secretary may make periodic or lump sum assistance payments on behalf of an eligible veteran for the purpose of buying down the interest rate on a loan to that veteran that is guaranteed under this chapter for a purpose described in paragraph (1), (6), or (10) of section 3710(a) of this title.

"(b) An individual is an eligible veteran for the purposes of this section if—

"(1) the individual is a veteran, as defined in section 3701(b)(4) of this title;

"(2) the individual submits an application for a loan guaranteed under this chapter within one year of an assignment of the individual to duty at a military installation in the United States designated by the Secretary of Defense as a housing shortage area;

"(3) at the time the loan referred to in subsection (a) is made, the individual is an enlisted member, warrant officer, or an officer (other than a warrant officer) at a pay grade of O–3 or below;

"(4) the individual has not previously used any of the individual's entitlement to housing loan benefits under this chapter; and

"(5) the individual receives comprehensive prepurchase counseling from the Secretary (or the designee of the Secretary) before making application for a loan guaranteed under this chapter.

"(c) Loans with respect to which the Secretary may exercise the buy down authority under subsection (a) shall—

"(1) provide for a buy down period of not more than three years in duration;

"(2) specify the maximum and likely amounts of increases in mortgage payments that the loans would require; and

"(3) be subject to such other terms and conditions as the Secretary may prescribe by regulation.

"(d) The Secretary shall promulgate underwriting standards for loans for which the interest rate assistance payments may be made under subsection (a). Such standards shall be based on the interest rate for the second year of the loan.

"(e) The Secretary or lender shall provide comprehensive prepurchase counseling to eligible veterans explaining the features of interest rate buy downs under subsection (a), including a hypothetical payment schedule that displays the increases in monthly payments to the mortgagor over the first five years of the mortgage term. For the purposes of this subsection, the Secretary may assign personnel to military installations referred to in subsection (b)(2).

"(f) There is authorized to be appropriated $3,000,000 annually to carry out this section.

"(g) The Secretary may not guarantee a loan under this chapter after September 30, 1998, on which the Secretary is obligated to make payments under this section.".

(2) The table of sections at the beginning of chapter 37 of title 38, United States Code, is amended by inserting after the item relating to section 3707 to following new item:

"3708. Authority to buy down interest rates: pilot program.".

(c) AUTHORITY OF SECRETARY OF DEFENSE.—(1) REIMBURSEMENT FOR BUY DOWN COSTS.—The Secretary of Defense shall reimburse the Secretary of Veterans Affairs for amounts paid by the Secretary of Veterans Affairs to mortgagees under section 3708 of title 38, United States Code, as added by subsection (b).

(2) DESIGNATION OF HOUSING SHORTAGE AREAS.—For purposes of section 3708 of title 38, United States Code, the Secretary of Defense may designate as a housing shortage area a military installation in the United States at which the Secretary determines there is a shortage of suitable housing to meet the military family needs of members of the Armed Forces and the dependents of such members.

(3) REPORT.—Not later than March 30, 1998, the Secretary shall submit to Congress a report regarding the effectiveness of the authority provided in section 3708 of title 38, United States Code, in ensuring that members of the Armed Forces and their dependents have access to suitable housing. The report shall include the recommendations of the Secretary regarding whether the authority provided in this subsection should be extended beyond the date specified in paragraph (5).

(4) EARMARK.—Of the amount provided in section 2405(a)(11)(B), $10,000,000 for fiscal year 1996 shall be available to carry out this subsection.

(5) SUNSET.—This subsection shall not apply with respect to housing loans guaranteed after September 30, 1998, for which assistance payments are paid under section 3708 of title 38, United States Code.

Subtitle C—Defense Base Closure and Realignment

SEC. 2831. DEPOSIT OF PROCEEDS FROM LEASES OF PROPERTY LOCATED AT INSTALLATIONS BEING CLOSED OR REALIGNED.

(a) EXCEPTION TO EXISTING REQUIREMENTS.—Section 2667(d) of title 10, United States Code, is amended—

(1) in paragraph (1)(A)(ii), by inserting "or (5)" after "paragraph (4)"; and

(2) by adding at the end the following new paragraph:

"(5) Money rentals received by the United States from a lease under subsection (f) shall be deposited into the account 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) CORRESPONDING AMENDMENTS TO BASE CLOSURE LAWS.—(1) Section 207(a)(7) 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 "transfer or disposal" and inserting in lieu thereof "lease, transfer, or disposal".

(2) Section 2906(a)(2) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2867 note) is amended—

(A) in subparagraph (C), by striking out "transfer or disposal" and inserting in lieu thereof "lease, transfer, or disposal"; and

(B) in subparagraph (D), by striking out "transfer or disposal" and inserting in lieu thereof "lease, transfer, or disposal".

SEC. 2832. IN-KIND CONSIDERATION FOR LEASES AT INSTALLATIONS TO BE CLOSED OR REALIGNED.

Section 2667(f) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4) The Secretary concerned may accept under subsection (b)(5) services of a lessee for an entire installation to be closed or realigned under a base closure law, or for any part of such installation, without regard to the requirement in subsection (b)(5) that a substantial part of the installation be leased.".

SEC. 2833. INTERIM LEASES OF PROPERTY APPROVED FOR CLOSURE OR REALIGNMENT.

Section 2667(f) of title 10, United States Code, is amended by adding after paragraph (4), as added by section 2832 of this Act, the following new paragraph:

"(5)(A) Notwithstanding the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the scope of any environmental impact analysis necessary to support an interim lease of property under this subsection shall be limited to the environmental consequences of activities authorized under the proposed lease and the cumulative impacts of other past, present, and reasonably foreseeable future actions during the period of the proposed lease.

"(B) Interim leases entered into under this subsection shall be deemed not to prejudice the final disposal decision with respect to the property, even if final disposal of the property is delayed until completion of the term of the interim lease. An interim lease under this subsection shall not be entered into without prior consultation with the redevelopment authority concerned.

"(C) Subparagraphs (A) and (B) shall not apply to an interim lease under this subsection if authorized activities under the lease would—

"(i) significantly affect the quality of the human environment; or

"(ii) irreversibly alter the environment in a way that would preclude any reasonable disposal alternative of the property concerned.".

SEC. 2834. AUTHORITY TO LEASE PROPERTY REQUIRING ENVIRONMENTAL REMEDIATION AT INSTALLATIONS APPROVED FOR CLOSURE OR REALIGNMENT.

Section 120(h)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)(3)) is amended in the matter following subparagraph (C)—

(1) by striking out the first sentence; and

(2) by adding at the end, flush to the paragraph margin, the following:

"The requirements of subparagraph (B) shall not apply in any case in which the person or entity to whom the real property is transferred is a potentially responsible party with respect to such property. The requirements of subparagraph (B) shall not apply in any case in which the transfer of the property occurs or has occurred by means of a lease, without regard to

whether the lessee has agreed to purchase the property or whether the duration of the lease is longer than 55 years. In the case of a lease entered into after September 30, 1995, with respect to real property located at an installation approved for closure or realignment under a base closure law, the agency leasing the property, in consultation with the Administrator, shall determine before leasing the property that the property is suitable for lease, that the uses contemplated for the lease are consistent with protection of human health and the environment, and that there are adequate assurances that the United States will take all remedial action referred to in subparagraph (B) that has not been taken on the date of the lease.".

SEC. 2835. FINAL FUNDING FOR DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION.

Section 2902(k) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by adding at the end the following new paragraph:

"(3)(A) The Secretary may transfer not more than $300,000 from unobligated funds in the account referred to in subparagraph (B) for the purpose of assisting the Commission in carrying out its duties under this part during October, November, and December 1995. Funds transferred under the preceding sentence shall remain available until December 31, 1995.

"(B) The account referred to in subparagraph (A) is the Department of Defense Base Closure Account established under section 207(a) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).".

SEC. 2836. EXERCISE OF AUTHORITY DELEGATED BY THE ADMINISTRATOR OF GENERAL SERVICES.

Section 2905(b)(2) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(1) in subparagraph (A)—

(A) by striking out "Subject to subparagraph (C)" in the matter preceding clause (i) and inserting in lieu thereof "Subject to subparagraph (B)"; and

(B) by striking out "in effect on the date of the enactment of this Act" each place it appears in clauses (i) and (ii);

(2) by striking out subparagraphs (B) and (C) and inserting in lieu thereof the following new subparagraph (B):

"(B) The Secretary may, with the concurrence of the Administrator of General Services—

"(i) prescribe general policies and methods for utilizing excess property and disposing of surplus property pursuant to the authority delegated under paragraph (1); and

"(ii) issue regulations relating to such policies and methods, which shall supersede the regulations referred to in subparagraph (A) with respect to that authority."; and

(3) by redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively.

SEC. 2837. LEASE BACK OF PROPERTY DISPOSED FROM INSTALLATIONS APPROVED FOR CLOSURE OR REALIGNMENT.

(a) AUTHORITY.—Section 2905(b)(4) 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 redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively; and

(2) by inserting after subparagraph (B) the following new subparagraph (C):

"(C)(i) The Secretary may transfer real property at an installation approved for closure or realignment under this part (including property at an installation approved for realignment which will be retained by the Department of Defense or another Federal agency after realignment) to the redevelopment authority for the installation if the redevelopment authority agrees to lease, directly upon transfer, one or more portions of the property transferred under this subparagraph to the Secretary or to the head of another department or agency of the Federal Government. Subparagraph (B) shall apply to a transfer under this subparagraph.

"(ii) A lease under clause (i) shall be for a term of not to exceed 50 years, but may provide for options for renewal or extension of the term by the department or agency concerned.

"(iii) A lease under clause (i) may not require rental payments by the United States.

"(iv) A lease under clause (i) shall include a provision specifying that if the department or agency concerned ceases requiring the use of the leased property before the expiration of the term of the lease, the remainder of the lease term may be satisfied by the same or another department or agency of the Federal Government using the property for a use similar to the use under the lease. Exercise of the authority provided by this clause shall be made in consultation with the redevelopment authority concerned.".

(b) USE OF FUNDS TO IMPROVE LEASED PROPERTY.—Notwithstanding any other provision of law, a department or agency of the Federal Government that enters into a lease of property under section 2905(b)(4)(C) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), as amended by subsection (a), may improve the leased property using funds appropriated or otherwise available to the department or agency for such purpose.

SEC. 2838. IMPROVEMENT OF BASE CLOSURE AND REALIGNMENT PROCESS REGARDING DISPOSAL OF PROPERTY

(a) APPLICABILITY.—Subparagraph (A) of section 2905(b)(7) 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 to read as follows:

"(A) The disposal of buildings and property located at installations approved for closure or realignment under this part after October 25, 1994, shall be carried out in accordance with this paragraph rather than paragraph (6).".

(b) AGREEMENTS UNDER REDEVELOPMENT PLANS.—Subparagraph (F)(ii)(I) of such section is amended in the second sentence by striking out "the approval of the redevelopment plan by the Secretary of Housing and Urban Development under subparagraph (H) or (J)" and inserting in lieu thereof "the decision regarding the disposal of the buildings and property covered by the agreements by the Secretary of Defense under subparagraph (K) or (L)".

(c) REVISION OF REDEVELOPMENT PLANS.—Subparagraph (I) of such section is amended—

(1) in clause (i)(II), by inserting "the Secretary of Defense and" before "the Secretary of Housing and Urban Development"; and

(2) in clause (ii), by striking out "the Secretary of Housing and Urban Development" and inserting in lieu thereof "such Secretaries".

(d) DISPOSAL OF BUILDINGS AND PROPERTY.—(1) Subparagraph (K) of such section is amended to read as follows:

"(K)(i) Upon receipt of a notice under subparagraph (H)(iv) or (J)(ii) of the determination of the Secretary of Housing and Urban Development that a redevelopment plan for an installation meets the requirements set forth in subparagraph (H)(i), the Secretary of Defense shall dispose of the buildings and property at the installation.

"(ii) For purposes of carrying out an environmental assessment of the closure or realignment of an installation, the Secretary of Defense shall treat the redevelopment plan for the installation (including the aspects of the plan providing for disposal to State or local governments, representatives of the homeless, and other interested parties) as part of the proposed Federal action for the installation.

"(iii) The Secretary of Defense shall dispose of buildings and property under clause (i) in accordance with the record of decision or other decision document prepared by the Secretary in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.). In preparing the record of decision or other decision document, the Secretary shall give substantial deference to the redevelopment plan concerned.

"(iv) The disposal under clause (i) of buildings and property to assist the homeless shall be without consideration.

"(v) In the case of a request for a conveyance under clause (i) of buildings and property for public benefit under section 203(k) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(k)) or sections 47151 through 47153 of title 49, United States Code, the sponsoring Federal agency shall use the eligibility criteria set forth in such section or such subchapter (as the case may be) to determine the eligibility of the applicant and use proposed in the request for the public benefit conveyance. The determination of such eligibility should be made before submission of the redevelopment plan concerned under subparagraph (G).".

(2) Subparagraph (L) of such section is amended by striking out clauses (iii) and (iv) and inserting in lieu thereof the following new clauses (iii) and (iv):

"(iii) Not later than 90 days after the date of the receipt of a revised plan for an installation under subparagraph (J), the Secretary of Housing and Urban Development shall—

"(I) notify the Secretary of Defense and the redevelopment authority concerned of the buildings and property at an installation under clause (i)(IV) that the Secretary of Housing and Urban Development determines are suitable for use to assist the homeless; and

"(II) notify the Secretary of Defense of the extent to which the revised plan meets the criteria set forth in subparagraph (H)(i).

"(iv)(I) Upon notice from the Secretary of Housing and Urban Development with respect to an installation under clause (iii), the Secretary of Defense shall dispose of buildings and property at the installation in consultation with the Secretary of Housing and Urban Development and the redevelopment authority concerned.

"(II) For purposes of carrying out an environmental assessment of the closure or realignment of an installation, the Secretary of Defense shall treat the redevelopment plan submitted by the redevelopment authority for the installation (including the aspects of the plan providing for disposal to State or local governments, representatives of the homeless, and other interested parties) as part of the proposed Federal action for the installation. The Secretary of Defense shall incorporate the notification of the Secretary of Housing and Urban Development under clause (iii)(I) as part of the proposed Federal action for the installation only to the extent, if any, that the Secretary of Defense considers such incorporation to be appropriate and consistent with the best and highest use of the installation as a whole, taking into consideration the redevelopment plan submitted by the redevelopment authority.

"(III) The Secretary of Defense shall dispose of buildings and property under subclause (I) in accordance with the record of decision or other decision document prepared by the Secretary in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.). In

preparing the record of decision or other decision document, the Secretary shall give deference to the redevelopment plan submitted by the redevelopment authority for the installation.

"(IV) The disposal under subclause (I) of buildings and property to assist the homeless shall be without consideration.

"(V) In the case of a request for a conveyance under subclause (I) of buildings and property for public benefit under section 203(k) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(k)) or sections 47151 through 47153 of title 49, United States Code, the sponsoring Federal agency shall use the eligibility criteria set forth in such section or such subchapter (as the case may be) to determine the eligibility of the applicant and use proposed in the request for the public benefit conveyance. The determination of such eligibility should be made before submission of the redevelopment plan concerned under subparagraph (G).".

(e) CONFORMING AMENDMENT.—Subparagraph (M)(i) of such section is amended by inserting "or (L)" after "subparagraph (K)".

(f) CLARIFICATION OF PARTICIPANTS IN PROCESS.—Such section is further amended by adding at the end the following new subparagraph:

"(P) For purposes of this paragraph, the term 'other interested parties', in the case of an installation, includes any parties eligible for the conveyance of property of the installation under section 203(k) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(k)) or sections 47151 through 47153 of title 49, United States Code, whether or not the parties assist the homeless.".

SEC. 2839. AGREEMENTS FOR CERTAIN SERVICES AT INSTALLATIONS BEING CLOSED.

(a) 1988 LAW.—Section 204(b)(8) 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 subparagraph (A) and inserting in lieu thereof the following new subparagraph:

"(A) Subject to subparagraph (C), the Secretary may enter into agreements (including contracts, cooperative agreements, or other arrangements for reimbursement) with local governments for the provision of police or security services, fire protection services, airfield operation services, or other community services by such governments at military installations to be closed under this title if the Secretary determines that the provision of such services under such agreements is in the best interests of the Department of Defense.".

(b) 1990 LAW.—Section 2905(b)(8) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2867 note) is amended by striking out subparagraph (A) and inserting in lieu thereof the following new subparagraph:

"(A) Subject to subparagraph (C), the Secretary may enter into agreements (including contracts, cooperative agreements, or other arrangements for reimbursement) with local governments for the provision of police or security services, fire protection services, airfield operation services, or other community services by such governments at military installations to be closed under this part if the Secretary determines that the provision of such services under such agreements is in the best interests of the Department of Defense.".

SEC. 2840. AUTHORITY TO TRANSFER PROPERTY AT MILITARY INSTALLATIONS TO BE CLOSED TO PERSONS WHO CONSTRUCT OR PROVIDE MILITARY FAMILY HOUSING.

(a) 1988 LAW.—Section 204 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 subsection:

"(e) TRANSFER AUTHORITY IN CONNECTION WITH CONSTRUCTION OR PROVISION OF MILITARY FAMILY HOUSING.—(1) Subject to paragraph (2), the Secretary may enter into an agreement to transfer by deed real property or facilities located at or near an installation closed or to be closed under this title with any person who agrees, in exchange for the real property or facilities, to transfer to the Secretary housing units that are constructed or provided by the person and located at or near a military installation at which there is a shortage of suitable housing to meet the requirements of members of the Armed Forces and their dependents. The Secretary may not select real property for transfer under this paragraph if the property is identified in the redevelopment plan for the installation as items essential to the reuse or redevelopment of the installation.

"(2) A transfer of real property or facilities may be made under paragraph (1) only if—

"(A) the fair market value of the housing units to be received by the Secretary in exchange for the property or facilities to be transferred is equal to or greater than the fair market value of such property or facilities, as determined by the Secretary; or

"(B) in the event the fair market value of the housing units is less than the fair market value of property or facilities to be transferred, the recipient of the property or facilities agrees to pay to the Secretary the amount equal to the excess of the fair market value of the property or facilities over the fair market value of the housing units.

"(3) Notwithstanding section 207(a)(7), the Secretary may deposit funds received under paragraph (2)(B) in the Department of Defense Family Housing Improvement Fund established under section 2873(a) of title 10, United States Code.

"(4) The Secretary shall submit to the appropriate committees of Congress a report describing each agreement proposed to be entered into under paragraph (1), including the consideration to be received by the United States under the agreement. The Secretary may not enter into the agreement until the end of the 21-day period beginning on the date the appropriate committees of Congress receive the report regarding the agreement.

"(5) The Secretary may require any additional terms and conditions in connection with an agreement authorized by this subsection as the Secretary considers appropriate to protect the interests of the United States.".

(b) 1990 LAW.—Section 2905 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by adding at the end the following new subsection:

"(f) TRANSFER AUTHORITY IN CONNECTION WITH CONSTRUCTION OR PROVISION OF MILITARY FAMILY HOUSING.—(1) Subject to paragraph (2), the Secretary may enter into an agreement to transfer by deed real property or facilities located at or near an installation closed or to be closed under this part with any person who agrees, in exchange for the real property or facilities, to transfer to the Secretary housing units that are constructed or provided by the person and located at or near a military installation at which there is a shortage of suitable housing to meet the requirements of members of the Armed Forces and their dependents. The Secretary may not select real property for transfer under this paragraph if the property is identified in the redevelopment plan for the installation as property essential to the reuse or redevelopment of the installation.

"(2) A transfer of real property or facilities may be made under paragraph (1) only if—

"(A) the fair market value of the housing units to be received by the Secretary in exchange for the property or facilities to be transferred is equal to or greater than the fair market value of such property or facilities, as determined by the Secretary; or

"(B) in the event the fair market value of the housing units is less than the fair market value of property or facilities to be transferred, the recipient of the property or facilities agrees to pay to the Secretary the amount equal to the excess of the fair market value of the property or facilities over the fair market value of the housing units.

"(3) Notwithstanding paragraph (2) of section 2906(a), the Secretary may deposit funds received under paragraph (2)(B) in the Department of Defense Family Housing Improvement Fund established under section 2873(a) of title 10, United States Code.

"(4) The Secretary shall submit to the congressional defense committees a report describing each agreement proposed to be entered into under paragraph (1), including the consideration to be received by the United States under the agreement. The Secretary may not enter into the agreement until the end of the 30-day period beginning on the date the congressional defense committees receive the report regarding the agreement.

"(5) The Secretary may require any additional terms and conditions in connection with an agreement authorized by this subsection as the Secretary considers appropriate to protect the interests of the United States.".

(c) REGULATIONS.—Not later than nine months after the date of the enactment of this Act, the Secretary of Defense shall prescribe any regulations necessary to carry out subsection (e) of section 204 of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note), as added by subsection (a), and subsection (f) of section 2905 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), as added by subsection (b).

SEC. 2841. USE OF SINGLE BASE CLOSURE AUTHORITIES FOR DISPOSAL OF PROPERTY AND FACILITIES AT FORT HOLABIRD, MARYLAND.

(a) CONSOLIDATION OF BASE CLOSURE AUTHORITIES.—In the case of the property and facilities at Fort Holabird, Maryland, described in subsection (b), the Secretary of Defense shall dispose of such property and facilities in accordance with section 2905(b)(7) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), as amended by section 2838 of this Act.

(b) COVERED PROPERTY AND FACILITIES.—Subsection (a) applies to the following property and facilities at Fort Holabird, Maryland:

(1) Property and facilities that were approved for closure or realignment under title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note), but have not been disposed of as of the date of the enactment of this Act, including buildings 305 and 306 and the parking lots and other property associated with such buildings.

(2) Property and facilities that were approved in 1995 for closure or realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

(c) USE OF SURVEYS AND OTHER EVALUATIONS OF PROPERTY.—In carrying out the disposal of the property and facilities referred to in subsection (b)(1), the Secretary shall utilize any surveys and other evaluations of such property and facilities that were prepared by the Corps of Engineers before the date of the enactment of this Act as part of the process for the disposal of such property and facilities.

Subtitle D—Land Conveyances Generally

PART I—ARMY CONVEYANCES

SEC. 2851. TRANSFER OF JURISDICTION, FORT SAM HOUSTON, TEXAS.

(a) TRANSFER OF LAND FOR NATIONAL CEMETERY.—The Secretary of the Army may transfer, without reimbursement, to the administrative jurisdiction of the Secretary of Veterans Affairs a parcel of real property (including any improvements thereon) consisting of approximately 53 acres and comprising a portion of Fort Sam Houston, Texas.

(b) USE OF LAND.—The Secretary of Veterans Affairs shall use the real property transferred under subsection (a) as a national cemetery under chapter 24 of title 38, United States Code.

(c) LEGAL DESCRIPTION.—The exact acreage and legal description of the real property to be transferred under this section shall be determined by a survey satisfactory to the Secretary of the Army. The cost of the survey shall be borne by the Secretary of Veterans Affairs.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions in connection with the transfer under this section as the Secretary of the Army considers appropriate to protect the interests of the United States.

SEC. 2852. TRANSFER OF JURISDICTION, FORT BLISS, TEXAS.

(a) TRANSFER OF LAND FOR NATIONAL CEMETERY.—The Secretary of the Army may transfer, without reimbursement, to the administrative jurisdiction of the Secretary of Veterans Affairs a parcel of real property (including any improvements thereon) consisting of approximately 22 acres and comprising a portion of Fort Bliss, Texas.

(b) USE OF LAND.—The Secretary of Veterans Affairs shall use the real property transferred under subsection (a) as an addition to the Fort Bliss National Cemetery and administer such real property pursuant to chapter 24 of title 38, United States Code.

(c) LEGAL DESCRIPTION.—The exact acreage and legal description of the real property to be transferred under this section shall be determined by a survey satisfactory to the Secretary of the Army. The cost of the survey shall be borne by the Secretary of Veterans Affairs.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions in connection with the transfer under this section as the Secretary of the Army considers appropriate to protect the interests of the United States.

SEC. 2853. TRANSFER OF JURISDICTION AND LAND CONVEYANCE, FORT DEVENS MILITARY RESERVATION, MASSACHUSETTS.

(a) TRANSFER OF LAND FOR WILDLIFE REFUGE.—Subject to subsections (b) and (c), the Secretary of the Army shall transfer, without reimbursement, to the administrative jurisdiction of the Secretary of the Interior that portion of Fort Devens Military Reservation, Massachusetts, that is situated south of Massachusetts State Route 2, for inclusion in the Oxbow National Wildlife Refuge.

(b) LAND CONVEYANCE.—Subject to subsection (c), the Secretary of the Army shall convey to the Town of Lancaster, Massachusetts (in this section referred to as the "Town"), all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 100 acres of the parcel available for transfer under subsection (a) and located adjacent to Massachusetts State Highway 70.

(c) REQUIREMENTS RELATING TO TRANSFER AND CONVEYANCE.—(1) The transfer under subsection (a) and the conveyance under subsection (b) may not be made unless the property to be transferred and conveyed is determined to be excess to the needs of the Department of Defense.

(2) The transfer and conveyance shall be made as soon as practicable after the date on which the property is determined to be excess to the needs of the Department of Defense.

(d) LEGAL DESCRIPTION.—(1) The exact acreage and legal description of the real property to be transferred under subsection (a) shall be determined by a survey mutually satisfactory to the Secretary of the Army and the Secretary of the Interior. The cost of the survey shall be borne by the Secretary of the Interior.

(2) The exact acreage and legal description of the real property to be conveyed under subsection (b) shall be determined by a survey mutually satisfactory to the Secretary of the Army, the Secretary of the Interior, and the Board of Selectman of the Town. The cost of the survey shall be borne by the Town.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions in connection with the transfer under subsection (a) and the conveyance under subsection (b) as the Secretary of the Army considers appropriate to protect the interests of the United States.

SEC. 2854. MODIFICATION OF LAND CONVEYANCE, FORT BELVOIR, VIRGINIA.

(a) DESIGNATION OF RECIPIENT.—Subsection (a) of section 2821 of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101–189; 103 Stat. 1658) is amended by striking out "any grantee selected in accordance with subsection (e)" and inserting in lieu thereof "the County of Fairfax, Virginia (in this section referred to as the 'grantee'),".

(b) CONSIDERATION.—Subsection (b)(1) of such section is amended by striking out subparagraph (B) and inserting in lieu thereof the following new subparagraph:

"(B) grant title, free of liens and other encumbrances, to the Department to such facilities and, if not already owned by the Department, to the underlying land; and".

(c) CONTENT OF AGREEMENT.—Subsection (c) of such section is amended to read as follows:

"(c) CONTENT OF AGREEMENT.—An agreement entered into under this section shall include the following:

"(1) A requirement that the grantee construct facilities and make infrastructure improvements for the Department of the Army that the Secretary determines are necessary for the Department at Fort Belvoir and at other sites at which activities will be relocated as a result of the conveyance made under this section.

"(2) A requirement that the construction of facilities and infrastructure improvements referred to in paragraph (1) be carried out in accordance with plans and specifications approved by the Secretary.

"(3) A requirement that the Secretary retain a lien or other security interest against the property conveyed to the grantee in the amount of the fair market value of the property, as determined under subsection (b)(2). The agreement will specify the terms for releasing the lien or other security interest, in whole or in part. In the event of default by the County on its obligations under the terms of the agreement, the Secretary shall enforce the lien or security interest. The proceeds obtained through enforcing the lien or security interest may be used by the Secretary to construct facilities and make infrastructure improvements in lieu of those provided for in the agreement.".

(d) SURVEYS.—Subsection (g) of such section is amended by striking out the last sentence and inserting in lieu thereof the following: "The grantee shall be responsible for completing any such survey without cost to the United States.".

(e) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by striking out "Subject to subsections (b) through (h), the" and inserting in lieu thereof "The";

(2) in subsection (b)(1), by striking out "subsection (c)(1)(D)" both places it appears and inserting in lieu thereof "subsection (c)(1)(A)";

(3) by striking out subsections (e) and (f); and

(4) by redesignating subsections (g) and (h) as subsections (e) and (f), respectively.

SEC. 2855. LAND EXCHANGE, FORT LEWIS, WASHINGTON.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to Weyerhaeuser Real Estate Company, Tacoma, Washington (in this section referred to as "WRECO"), all right, title, and interest of the United States in and to a parcel of real property at Fort Lewis, Washington, known as an unimproved portion of Tract 1000 (formerly being in the DuPont Steilacoom Road, consisting of approximately 1.23 acres), and Tract 26E (consisting of 0.03 acre).

(b) CONSIDERATION.—As consideration for the conveyance authorized by subsection (a), WRECO shall convey or cause to be conveyed to the United States, by warranty deed acceptable to the Secretary, a 0.39 acre parcel of real property located adjacent to Fort Lewis, Washington, together with other consideration acceptable to the Secretary. The total consideration conveyed to the United States shall not be less than the fair market value of the land conveyed under subsection (a).

(c) DETERMINATION OF FAIR MARKET VALUE.—The determinations of the Secretary regarding the fair market values of the parcels of real property and improvements to be conveyed pursuant to subsections (a) and (b) shall be final.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcels of real property to be conveyed pursuant to subsections (a) and (b) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by WRECO.

(e) EFFECT ON EXISTING REVERSIONARY INTEREST.—The Secretary may enter into an agreement with the appropriate officials of Pierce County, Washington, under which—

(1) the existing reversionary interest of Pierce County in the lands to be conveyed by the United States under subsection (a) is extinguished; and

(2) the conveyance to the United States under subsection (b) is made subject to a similar reversionary interest in favor of Pierce County in the lands conveyed under such subsection.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2856. LAND EXCHANGE, ARMY RESERVE CENTER, GAINESVILLE, GEORGIA.

(a) LAND EXCHANGE AUTHORIZED.—The Secretary of the Army may convey to the City of Gainesville, Georgia (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, together with any improvements thereon, consisting of approximately 4.2 acres and located on Shallowford Road in Gainesville, Georgia, the site of the Army Reserve Center, Gainesville, Georgia.

(b) CONSIDERATION.—As consideration for the conveyance authorized by subsection (a), the City shall—

(1) convey to the United States all right, title, and interest in and to a parcel of real property consisting of approximately 8 acres located in the Atlas Industrial Park, Gainesville, Georgia, that is acceptable to the Secretary;

(2) design and construct on such real property suitable facilities (as determined by the Secretary) for training activities of the Army Reserve to replace facilities conveyed under subsection (a);

(3) carry out, at cost to the City, any environmental assessments and any other studies, analyses, and assessments that may be required under Federal law in connection with the land conveyances under subsection (a) and paragraph (1) and the construction under paragraph (2);

(4) pay the Secretary the amount (as determined by the Secretary) equal to the cost of relocating Army Reserve units from the real property to be conveyed under subsection (a) to the replacement facilities to be constructed under paragraph (2); and

(5) if the fair market value of the real property conveyed by the Secretary under subsection (a) exceeds the fair market value of the consideration provided by the City under paragraphs (1) through (4), pay the United States the amount equal to the amount of such excess.

(c) DETERMINATION OF FAIR MARKET VALUE.—The Secretary shall determine the fair market value of the real property to be conveyed under subsection (a) and of the consideration to be furnished by the City under subsection (b). Such determination shall be final.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcels of real property to be conveyed under subsections (a) and (b) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the City.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances authorized by this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2857. LAND CONVEYANCE, HOLSTON ARMY AMMUNITION PLANT, MOUNT CARMEL, TENNESSEE.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without reimbursement, to the City of Mount Carmel, Tennessee (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 6.5 acres located at Holston Army Ammunition Plant, Tennessee. The property is located adjacent to the Mount Carmel Cemetery and is intended for expansion of the cemetery.

(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 the City.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2858. LAND CONVEYANCE, INDIANA ARMY AMMUNITION PLANT, CHARLESTOWN, INDIANA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the State of Indiana (in this section referred to as the "State"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, that consists of approximately 1125 acres at the inactivated Indiana Army Ammunition Plant in Charlestown, Indiana, and is the subject of a 25-year lease between the Secretary and the State.

(b) CONDITION OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the condition that the State use the conveyed property for recreational purposes.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the State.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2859. LAND CONVEYANCE, FORT ORD, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the City of Seaside, 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) consisting of approximately 477 acres located in Monterey County, California, and comprising a portion of the former Fort Ord Military Complex. The real property to be conveyed to the City includes the two Fort Ord Golf Courses, Black Horse and Bayonet, and a portion of the Hayes Housing Facilities.

(b) CONSIDERATION.—As consideration for the conveyance of the real property and improvements under subsection (a), the City shall pay to the United States an amount equal to the fair market value of the property to be conveyed, as determined by the Secretary.

(c) USE AND DEPOSIT OF PROCEEDS.—(1) From the funds paid by the City under subsection (b), the Secretary shall deposit in the Morale, Welfare, and Recreation Fund Account of the Department of the Army such amounts as may be necessary to cover morale, welfare, and recreation activities at Army installations in the general vicinity of Fort Ord during fiscal years 1996 through 2000. The amount deposited by the Secretary into the Account shall not exceed the fair market value, as established under subsection (b), of the two Fort Ord Golf Courses conveyed under subsection (a). The Secretary shall notify Congress of the amount to be deposited not later than 90 days after the date of the conveyance.

(2) The Secretary shall deposit the balance of any funds paid by the City under subsection (b), after deducting the amount deposited under paragraph (1), in the Department of Defense Base Closure Account 1990.

(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 mutually satisfactory to the Secretary and the City. The cost of the survey shall be borne by the City.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2860. LAND CONVEYANCE, PARKS RESERVE FORCES TRAINING AREA, DUBLIN, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—(1) Except as provided in paragraph (2), the Secretary of the Army may convey to the County of Alameda, California (in this section referred to as the "County"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 31 acres located at Parks Reserve Forces Training Area, Dublin, California.

(2) The conveyance authorized by this section shall not include any oil, gas, or mineral interest of the United States in the real property to be conveyed.

(b) CONSIDERATION.—(1) As consideration for the conveyance under subsection (a)(1), the County shall provide the Army with the following services at the portion of Parks Reserve Forces Training Area retained by the Army:

(A) Relocation of the main gate of the retained Training Area from Dougherty Road to Dublin Boulevard across from the Bay Area Rapid Transit District East Dublin station, including the closure of the existing main gate on Dougherty Road, construction of a security facility, and construction of a roadway from the new entrance to Fifth Street.

(B) Enclosing and landscaping of the southern boundary of the retained Training Area installation located northerly of Dublin Boulevard.

(C) Enclosing and landscaping of the eastern boundary of the retained Training Area from Dublin Boulevard to Gleason Drive.

(D) Resurfacing of roadways within the retained Training Area.

(E) Provision of such other services in connection with the retained Training Area, including relocation or reconstruction of water lines, relocation or reconstruction of sewer lines, construction of drainage improvements, and construction of buildings, as the Secretary and the County may determine to be appropriate.

(F) Provision for and funding of any environmental mitigation that is necessary as a result of a change in use of the conveyed property by the County.

(2) The detailed specifications for the services to be provided under paragraph (1) may be determined and approved on behalf of the Secretary by the Commander of Parks Reserve Forces Training Area. The preparation costs of such specifications shall be borne by the County.

(3) The fair market value of improvements and services received by the United States from the County under paragraph (1) must be equal to or exceed the appraised fair market value of the real property to be conveyed under subsection (a)(1). The appraisal of the fair market value of the property shall be subject to Secretary review and approval.

(c) 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 the survey shall be borne by the County.

(d) TIME FOR TRANSFER OF TITLE.—The transfer of title to the County under subsection (a)(1) may be executed by the Secretary only upon the satisfactory guarantee by the County of completion of the services to be provided under subsection (b).

(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. 2861. LAND CONVEYANCE, ARMY RESERVE CENTER, YOUNGSTOWN, OHIO.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the City of Youngstown, Ohio (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of excess real property, including improvements thereon, that is located at 399 Miller Street in Youngstown, Ohio, and contains the Kefurt Army Reserve Center.

(b) CONDITION OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the condition that the City retain the conveyed property for the use and benefit of the Youngstown Fire Department.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the City.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms

and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2862. LAND CONVEYANCE, ARMY RESERVE PROPERTY, FORT SHERIDAN, ILLINOIS.

(a) CONVEYANCE AUTHORIZED.—Subject to subsection (b), the Secretary of the Army may convey to any transferee selected under subsection (g) all right, title, and interest of the United States in and to a parcel of real property (including improvements thereon) at Fort Sheridan, Illinois, consisting of approximately 114 acres and comprising an Army Reserve area.

(b) REQUIREMENT FOR FEDERAL SCREENING OF PROPERTY.—The Secretary may not carry out the conveyance of property authorized by subsection (a) unless the Secretary determines that no department or agency of the Federal Government will accept the transfer of the property.

(c) CONSIDERATION.—(1) As consideration for the conveyance under subsection (a), the transferee selected under subsection (g) shall—

(A) convey to the United States a parcel of real property that meets the requirements of subsection (d);

(B) design for and construct on the property conveyed under subparagraph (A) such facilities (including support facilities and infrastructure) to replace the facilities conveyed pursuant to the authority in subsection (a) as the Secretary considers appropriate; and

(C) pay the cost of relocating Army personnel in the facilities located on the real property conveyed pursuant to the authority in subsection (a) to the facilities constructed under subparagraph (B).

(2) The Secretary shall ensure that the fair market value of the consideration provided by the transferee under paragraph (1) is not less than the fair market value of the real property conveyed by the Secretary under subsection (a).

(d) REQUIREMENTS RELATING TO PROPERTY TO BE CONVEYED TO UNITED STATES.—The real property conveyed to the United States under subsection (c)(1)(A) by the transferee selected under subsection (g) shall—

(1) be located not more than 25 miles from Fort Sheridan;

(2) be located in a neighborhood or area having social and economic conditions similar to the social and economic conditions of the area in which Fort Sheridan is located; and

(3) be acceptable to the Secretary.

(e) INTERIM RELOCATION OF ARMY PERSONNEL.—Pending completion of the construction of all the facilities proposed to be constructed under subsection (c)(1)(B) by the transferee selected under subsection (g), the Secretary may relocate Army personnel in the facilities located on the property to be conveyed pursuant to the authority in subsection (a) to the facilities that have been constructed by the transferee under such subsection (c)(1)(B).

(f) DETERMINATION OF FAIR MARKET VALUE.—The Secretary shall determine the fair market value of the real property to be conveyed under subsection (a) and of the consideration to be provided under subsection (c)(1). Such determination shall be final.

(g) SELECTION OF TRANSFEREE.—(1) The Secretary shall use competitive procedures for the selection of a transferee under subsection (a).

(2) In evaluating the offers of prospective transferees, the Secretary shall—

(A) consider such criteria as the Secretary considers to be appropriate to determine whether prospective transferees will be able to satisfy the consideration requirements specified in subsection (c)(1); and

(B) consult with the communities and jurisdictions in the vicinity of Fort Sheridan (including the City of Lake Forest, the City of Highwood, and the City of Highland Park and the County of Lake, Illinois) in order to determine the most appropriate use of the property to be conveyed.

(h) DESCRIPTIONS OF PROPERTY.—The exact acreage and legal descriptions of the real property to be conveyed by the Secretary under subsection (a) and the real property to be conveyed under subsection (c)(1)(A) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the transferee selected under subsection (g).

(i) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2863. LAND CONVEYANCE, PROPERTY UNDERLYING CUMMINS APARTMENT COMPLEX, FORT HOLABIRD, MARYLAND.

(a) CONVEYANCE AUTHORIZED.—Notwithstanding any other provision of law, the Secretary of the Army may convey to the existing owner of the improvements thereon all right, title, and interest of the United States in and to a parcel of real property underlying the Cummins Apartment Complex at Fort Holabird, Maryland, that consists of approximately 6 acres, and any interest the United States may have in the improvements thereon.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the owner of the improvements referred to in that subsection shall provide compensation to the United States in an amount equal to the fair market value (as determined by the Secretary) of the property interest to be conveyed.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey that is satisfactory to the Secretary.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2864. MODIFICATION OF EXISTING LAND CONVEYANCE, ARMY PROPERTY, HAMILTON AIR FORCE BASE, CALIFORNIA.

(a) APPLICATION OF SECTION.—The authority provided in subsection (b) shall apply only in the event that the purchaser purchases only a portion of the Sale Parcel referred to in section 9099 of the Department of Defense Appropriations Act, 1993 (Public Law 102–396; 106 Stat. 1924) and exercises the purchaser's option to withdraw from the sale as to the rest of the Sale Parcel.

(b) CONVEYANCE AUTHORITY IN EVENT OF PARTIAL SALE.—The Secretary of the Army may convey to the City of Novato, California (in this section referred to as the "City")—

(1) that portion of the Sale Parcel (other than Landfill 26 and an appropriate buffer area around it and the groundwater treatment facility site) that is not purchased as provided in subsection (a); and

(2) any of the land referred to in subsection (e) of such section 9099 that is not purchased by the purchaser.

(c) CONSIDERATION AND CONDITIONS ON CONVEYANCE.—The conveyance under subsection (b) shall be made as a public benefit transfer to the City for the sum of One Dollar, subject to the condition that the conveyed property be used for school, classroom, or other educational purposes or as a public park or recreation area.

(d) SUBSEQUENT CONVEYANCE BY THE CITY.—(1) If, within 10 years after the conveyance under subsection (b), the City conveys all or any part of the conveyed property to a third party without the use restrictions specified in subsection (c), the City shall pay to the Secretary of the Army an amount equal to the proceeds received by the City from the conveyance, minus the demonstrated reasonable costs of making the conveyance and of any improvements made by the City to the property following its acquisition of the land (but only to the extent such improvements increase the value of the property conveyed). The Secretary of the Army shall deliver into the applicable closing escrow an acknowledgement of receipt of the proceeds and a release of the reverter right under subsection (e) as to the affected land, effective upon such receipt.

(2) Until one year after the completion of the cleanup of contaminated soil in the Landfill located on the Sale Parcel and completion of the groundwater treatment facilities, any conveyance by the City must be at a per-acre price for the portion sold that is at least equal to the per-acre contract price paid by the purchaser for the portion of the Sale Parcel purchased under the Agreement and Modification for the purchase of the Sale Parcel by the purchaser. Thereafter, any conveyance by the City must be at a price at least equal to the fair market value of the portion sold.

(3) This subsection shall not apply to a conveyance by the City to another public or quasi-public agency for public uses of the kind described in subsection (c).

(e) REVERSION.—If the Secretary of the Army determines that the City has failed to make a payment as required by subsection (d)(1) or that any portion of the conveyed property retained by the City or conveyed under subsection (d)(3) is not being utilized in accordance with subsection (c), title to the applicable portion of such property shall revert to the United States at the election of the Administrator of the General Services Administration.

(f) SPECIAL CONVEYANCE REGARDING BUILDING 138 PARCEL.—The Secretary of the Army may convey to the purchaser of the Sale Parcel the Building 138 parcel, which has been designated by the parties as Parcel A4. The per-acre price for the portion conveyed under this subsection shall be at least equal to the per-acre contract price paid by the purchaser for the portion of the Sale Parcel purchased under the Agreement and Modification, dated September 25, 1990, as amended.

PART II—NAVY CONVEYANCES

SEC. 2865. TRANSFER OF JURISDICTION, NAVAL WEAPONS INDUSTRIAL RESERVE PLANT, CALVERTON, NEW YORK.

(a) TRANSFER AUTHORIZED.—Notwithstanding section 2854 of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2626), as amended by section 2823 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3058), the Secretary of the Navy may transfer, without reimbursement, to the administrative jurisdiction of the Secretary of Veterans Affairs a parcel of real property consisting of approximately 150 acres located adjacent to the Calverton National Cemetery, Calverton, New York, and comprising a portion of the buffer zone of the Naval Weapons Industrial Reserve Plant, Calverton, New York.

(b) USE OF PROPERTY.—The Secretary of Veterans Affairs shall use the real property transferred under subsection (a) as an addition to the Calverton National Cemetery and administer such real property pursuant to chapter 24 of title 38, United States Code.

(c) SURVEY.—The cost of any survey necessary for the transfer of jurisdiction of the real property described in subsection (a) from the Secretary of the Navy to the Secretary of Veterans Affairs shall be borne by the Secretary of Veterans Affairs.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Navy may require such additional terms and conditions in connection with the transfer under this section as the Secretary of the Navy considers appropriate to protect the interests of the United States.

SEC. 2866. MODIFICATION OF LAND CONVEYANCE, NAVAL WEAPONS INDUSTRIAL RESERVE PLANT, CALVERTON, NEW YORK.

(a) REMOVAL OF REVERSIONARY INTEREST; ADDITION OF LEASE AUTHORITY.—Subsection (c) of section 2833 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3061) is amended to read as follows:

"(c) 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 Community Development Agency in exchange for security services, fire protection services, and maintenance services provided by the Community Development Agency for the property.".

(b) CONFORMING AMENDMENT.—Subsection (e) of such section is amended by striking out "subsection (a)" and inserting in lieu thereof "subsection (a) or a lease under subsection (c)".

SEC. 2867. LAND CONVEYANCE ALTERNATIVE TO EXISTING LEASE AUTHORITY, 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), as amended by section 2833 of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103–160; 107 Stat. 1896) and section 2821 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3057), is further amended by adding at the end the following new paragraphs:

"(4) In lieu of entering into a lease under paragraph (1), or in place of an existing lease under that paragraph, the Secretary may convey, without consideration, the property described in that paragraph to the City of Oakland, California, the Port of Oakland, California, the City of Alameda, California, or the City of Richmond, California, under such terms and conditions as the Secretary considers appropriate.

"(5) The exact acreage and legal description of any property conveyed under paragraph (4) shall be determined by a survey satisfactory to the Secretary. The cost of each survey shall be borne by the recipient of the property.".

SEC. 2868. LAND CONVEYANCE, NAVAL WEAPONS INDUSTRIAL RESERVE PLANT, MCGREGOR, TEXAS.

(a) CONVEYANCE AUTHORIZED.—(1) The Secretary of the Navy may convey, without consideration, to the City of McGregor, Texas (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, containing the Naval Weapons Industrial Reserve Plant, McGregor, Texas.

(2) After screening the facilities, equipment, and fixtures (including special tooling and special test equipment) located on the parcel for other uses by the Department of the Navy, the Secretary may include in the conveyance under paragraph (1) any facilities, equipment, and fixtures on the parcel not to be so used 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 under paragraph (1).

(b) LEASE AUTHORITY.—Until such time as the real property described in subsection (a)(1) is conveyed by deed, the Secretary may lease the property, along with improvements thereon, to the City in exchange for security services, fire protection services, and maintenance services 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) 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 the survey shall be borne by the City.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) or a lease under subsection (b) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2869. LAND CONVEYANCE, NAVAL SURFACE WARFARE CENTER, MEMPHIS, TENNESSEE.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the Memphis and Shelby County Port Commission, Memphis, Tennessee (in this section referred to as the "Port"), all right, title, and interest of the United States in and to a parcel of real property (including any improvements thereon) consisting of approximately 26 acres that is located at the Carderock Division, Naval Surface Warfare Center, Memphis Detachment, Presidents Island, Memphis, Tennessee.

(b) CONSIDERATION.—As consideration for the conveyance of real property under subsection (a), the Port shall—

(1) grant to the United States a restrictive easement in and to a parcel of real property consisting of approximately 100 acres that is adjacent to the Memphis Detachment, Presidents Island, Memphis, Tennessee; and

(2) if the fair market value of the easement granted under paragraph (1) is less than the fair market value of the real property conveyed under subsection (a), provide the United States such additional consideration as the Secretary and the Port jointly determine appropriate so that the value of the consideration received by the United States under this subsection is equal to or greater than the fair market value of the real property conveyed under subsection (a).

(c) CONDITION OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be carried out in accordance with the provisions of the Land Exchange Agreement between the United States and the Memphis and Shelby County Port Commission, Memphis, Tennessee.

(d) DETERMINATION OF FAIR MARKET VALUE.—The Secretary shall determine the fair market value of the real property to be conveyed under subsection (a) and of the easement to be granted under subsection (b)(1). Such determinations shall be final.

(e) USE OF PROCEEDS.—The Secretary shall deposit any proceeds received under subsection (b)(2) as consideration for the conveyance of real property authorized under subsection (a) in the special account established pursuant to section 204(h)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)(2)).

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) and the easement to be granted under subsection (b)(1) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Port.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance authorized by subsection (a) and the easement granted under subsection (b)(1) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2870. LAND CONVEYANCE, NAVY PROPERTY, FORT SHERIDAN, ILLINOIS.

(a) CONVEYANCE AUTHORIZED.—Subject to subsection (b), the Secretary of the Navy may convey to any transferee selected under subsection (i) all right, title, and interest of the United States in and to a parcel of real property (including any improvements thereon) at Fort Sheridan, Illinois, consisting of approximately 182 acres and comprising the Navy housing areas at Fort Sheridan.

(b) REQUIREMENT FOR FEDERAL SCREENING OF PROPERTY.—The Secretary may not carry out the conveyance of property authorized by subsection (a) unless the Secretary determines that no department or agency of the Federal Government will accept the transfer of the property.

(c) CONSIDERATION.—(1) As consideration for the conveyance under subsection (a), the transferee selected under subsection (i) shall—

(A) convey to the United States a parcel of real property that meets the requirements of subsection (d);

(B) design for and construct on the property conveyed under subparagraph (A) such housing facilities (including support facilities and infrastructure) to replace the housing facilities conveyed pursuant to the authority in subsection (a) as the Secretary considers appropriate;

(C) pay the cost of relocating members of the Armed Forces residing in the housing facilities located on the real property conveyed pursuant to the authority in subsection (a) to the housing facilities constructed under subparagraph (B);

(D) provide for the education of dependents of such members under subsection (e); and

(E) carry out such activities for the operation, maintenance, and improvement of the facilities constructed under subparagraph (B) as the Secretary and the transferee jointly determine appropriate.

(2) The Secretary shall ensure that the fair market value of the consideration provided by the transferee under paragraph (1) is not less than the fair market value of the property interest conveyed by the Secretary under subsection (a).

(d) REQUIREMENTS RELATING TO PROPERTY TO BE CONVEYED TO UNITED STATES.—The property interest conveyed to the United States under subsection (c)(1)(A) by the transferee selected under subsection (i) shall—

(1) be located not more than 25 miles from the Great Lakes Naval Training Center, Illinois;

(2) be located in a neighborhood or area having social and economic conditions similar to the social and economic conditions of the area in which Fort Sheridan is located; and

(3) be acceptable to the Secretary.

(e) EDUCATION OF DEPENDENTS OF MEMBERS OF THE ARMED FORCES.—In providing for the education of dependents of members of the Armed Forces under subsection (c)(1)(D), the transferee selected under subsection (i) shall ensure that such dependents may enroll at the schools of one or more school districts in the vicinity of the real property conveyed to the United States under subsection (c)(1)(A) which schools and districts—

(1) meet such standards for schools and schools districts as the Secretary shall establish; and

(2) will continue to meet such standards after the enrollment of such dependents regardless of the receipt by such school districts of Federal impact aid.

(f) INTERIM RELOCATION OF MEMBERS OF THE ARMED FORCES.—Pending completion of the

construction of all the housing facilities proposed to be constructed under subsection (c)(1)(B) by the transferee selected under subsection (i), the Secretary may relocate—

(1) members of the Armed Forces residing in housing facilities located on the property to be conveyed pursuant to the authority in subsection (a) to the housing facilities that have been constructed by the transferee under such subsection (c)(1)(B); and

(2) other Government tenants located on such property to other facilities.

(g) APPLICABILITY OF CERTAIN AGREEMENTS.—The property conveyed by the Secretary pursuant to the authority in subsection (a) shall be subject to the Memorandum of Understanding concerning the Transfer of Certain Properties at Fort Sheridan, Illinois, dated August 8, 1991, between the Department of the Army and the Department of the Navy.

(h) DETERMINATION OF FAIR MARKET VALUE.—The Secretary shall determine the fair market value of the real property interest to be conveyed under subsection (a) and of the consideration to be provided under subsection (c)(1). Such determination shall be final.

(i) SELECTION OF TRANSFEREE.—(1) The Secretary shall use competitive procedures for the selection of a transferee under subsection (a).

(2) In evaluating the offers of prospective transferees, the Secretary shall—

(A) consider such criteria as the Secretary considers to be appropriate to determine whether prospective transferees will be able to satisfy the consideration requirements specified in subsection (c)(1); and

(B) consult with the communities and jurisdictions in the vicinity of Fort Sheridan (including the City of Lake Forest, the City of Highwood, and the City of Highland Park and the County of Lake, Illinois) in order to determine the most appropriate use of the property to be conveyed.

(j) DESCRIPTIONS OF PROPERTY.—The exact acreage and legal descriptions of the real property to be conveyed by the Secretary under subsection (a) and the real property to be conveyed under subsection (c)(1)(A) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the transferee selected under subsection (i).

(k) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2871. LAND CONVEYANCE, NAVAL COMMUNICATIONS STATION, STOCKTON, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—Subject to subsection (b), the Secretary of the Navy may convey to the Port of Stockton, California (in this section referred to as the "Port"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 1,450 acres at the Naval Communication Station, Stockton, California.

(b) REQUIREMENT FOR FEDERAL SCREENING OF PROPERTY.—The Secretary may not carry out the conveyance of property authorized by subsection (a) unless the Secretary determines that no department or agency of the Federal Government will accept the transfer of the property.

(c) INTERIM LEASE.—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 Port under terms and conditions satisfactory to the Secretary.

(d) CONSIDERATION.—The conveyance may be made as a public benefit conveyance for port development as defined in section 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484) if the Port satisfies the criteria in such section and the regulations prescribed to implement such section. If the Port fails to qualify for a public benefit conveyance and still desires to acquire the property, the Port shall pay to the United States an amount equal to the fair market value of the property to be conveyed, as determined by the Secretary.

(e) FEDERAL LEASE OF CONVEYED PROPERTY.—As a condition for transfer of this property under subparagraph (a), the Secretary may require that the Port lease to the Department of Defense or any other Federal agency all or any part of the property being used by the Federal Government at the time of conveyance. Any such lease shall be made under the same terms and conditions as in force at the time of the conveyance. Such terms and conditions will continue to include payment to the Port for maintenance of facilities leased to the Federal Government. Such maintenance of the Federal premises shall be to the reasonable satisfaction of the United States, or as required by all applicable Federal, State, and local laws and ordinances.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Port.

(g) ADDITIONAL TERMS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) or the lease under subsection (c) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2872. LEASE OF PROPERTY, NAVAL AIR STATION AND MARINE CORPS AIR STATION, MIRAMAR, CALIFORNIA.

(a) LEASE AUTHORIZED.—Notwithstanding section 2692(a)(1) of title 10, United States Code, the Secretary of the Navy may lease to the City of San Diego, California (in this subsection referred to as the "City"), the parcel of real property, including improvements thereon, described in subsection (b) in order to permit the City to carry out activities on the parcel relating to solid waste management, including the operation and maintenance of one or more solid waste landfills. Pursuant to the lease, the Secretary may authorize the City to construct and operate on the parcel facilities related to solid waste management, including a sludge processing facility.

(b) COVERED PROPERTY.—The parcel of property to be leased under subsection (a) is a parcel of real property consisting of approximately 1,400 acres that is located at Naval Air Station, Miramar, California, or Marine Corps Air Station, Miramar, California.

(c) LEASE TERM.—The lease authorized under subsection (a) shall be for an initial term of not more than 50 years. Under the lease, the Secretary may provide the City with an option to extend the lease for such number of additional periods of such length as the Secretary considers appropriate.

(d) FORM OF CONSIDERATION.—The Secretary may provide in the lease under subsection (a) for the provision by the City of in-kind consideration under the lease.

(e) USE OF MONEY RENTALS.—In such amounts as are provided in advance in appropriation Acts, the Secretary may use money rentals received by the Secretary under the lease authorized under subsection (a) to carry out the following programs at Department of the Navy installations that utilize the solid waste landfill or landfills located on the leased property:

(1) Environmental programs, including natural resource management programs, recycling programs, and pollution prevention programs.

(2) Programs to improve the quality of military life, including programs to improve military unaccompanied housing and military family housing.

(f) 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.

(g) DEFINITIONS.—In this section, the terms "sludge", "solid waste", and "solid waste management" have the meanings given such terms in paragraphs (26A), (27), and (28), respectively, of section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903).

PART III—AIR FORCE CONVEYANCES

SEC. 2874. LAND ACQUISITION OR EXCHANGE, SHAW AIR FORCE BASE, SOUTH CAROLINA.

(a) LAND ACQUISITION.—By means of an exchange of property, acceptance as a gift, or other means that do not require the use of appropriated funds, the Secretary of the Air Force may acquire all right, title, and interest in and to a parcel of real property (together with any improvements thereon) consisting of approximately 1,100 acres and located adjacent to the eastern end of Shaw Air Force Base, South Carolina, and extending to Stamey Livestock Road in Sumter County, South Carolina.

(b) LAND EXCHANGE AUTHORIZED.—For purposes of acquiring the real property described in subsection (a), the Secretary may participate in a land exchange and convey all right, title, and interest of the United States in and to a parcel of real property in the possession of the Air Force if—

(1) the Secretary determines that the land exchange is in the best interests of the Air Force; and

(2) the fair market value of the parcel to be conveyed by the Secretary does not exceed the fair market value of the parcel to be acquired by the Secretary.

(c) DETERMINATIONS OF FAIR MARKET VALUE.—The Secretary shall determine the fair market value of the parcels of real property to be exchanged, accepted, or otherwise acquired pursuant to subsection (a) and exchanged pursuant to subsection (b). Such determinations shall be final.

(d) REVERSION OF GIFT CONVEYANCE.—If the Secretary acquires the real property described in subsection (a) by way of gift, the Secretary may accept in the deed of conveyance terms or conditions that require that the land be reconveyed to the donor, or the heirs of the donor, if Shaw Air Force Base ceases operations and is closed.

(e) DESCRIPTIONS OF PROPERTY.—The exact acreage and legal descriptions of the parcels of real property to be to be exchanged, accepted, or otherwise acquired pursuant to subsection (a) and exchanged pursuant to subsection (b) shall be determined by a survey satisfactory to the Secretary.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the acquisition under subsection (a) or conveyance under subsection (b) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2875. LAND CONVEYANCE, ELMENDORF AIR FORCE BASE, ALASKA.

(a) CONVEYANCE TO PRIVATE PERSON AUTHORIZED.—The Secretary of the Air Force may convey to such private person as the Secretary considers appropriate, all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 31.69 acres that is located at Elmendorf Air Force Base, Alaska, and identified in land lease W–95–507–ENG–58.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the purchaser

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. In determining the fair market value of the real property, the Secretary shall consider the property as encumbered by land lease W–95–507–ENG–58, with an expiration date of June 13, 2024.

(c) CONDITION OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be subject to the condition that the purchaser of the property—

(1) permit the lease of the apartment complex located on the property by members of the Armed Forces stationed at Elmendorf Air Force Base and their dependents; and

(2) maintain the apartment complex in a condition suitable for such leases.

(d) DEPOSIT OF PROCEEDS.—The Secretary shall deposit the amount received from the purchaser under subsection (b) 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)).

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the purchaser of the real property.

(f) 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. 2876. LAND CONVEYANCE, RADAR BOMB SCORING SITE, FORSYTH, MONTANA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the City of Forsyth, Montana (in this section referred to as the "City"), all right, title, and interest of the United States in and to the parcel of property (including any improvements thereon) consisting of approximately 58 acres located in Forsyth, Montana, which has served as a support complex and recreational facilities for the Radar Bomb Scoring Site, Forsyth, Montana.

(b) CONDITION OF CONVEYANCE.—The conveyance under subsection (a) shall be subject to the condition that the City—

(1) utilize the property and recreational facilities conveyed under that subsection for housing and recreation purposes; or

(2) enter into an agreement with an appropriate public or private entity to lease such property and facilities to that entity for such purposes.

(c) REVERSION.—If the Secretary determines at any time that the property conveyed under subsection (a) is not being utilized in accordance with paragraph (1) or paragraph (2) of 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.

(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 the survey shall be borne by the City.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary determines appropriate to protect the interests of the United States.

SEC. 2877. LAND CONVEYANCE, RADAR BOMB SCORING SITE, POWELL, WYOMING.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the Northwest College Board of Trustees (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 24 acres located in Powell, Wyoming, which has served as the location of a support complex, recreational facilities, and housing facilities for the Radar Bomb Scoring Site, Powell, Wyoming.

(b) CONDITION OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the condition that the Board use the property conveyed under that subsection for housing and recreation purposes and for such other purposes as the Secretary and the Board jointly determine appropriate.

(c) REVERSIONARY INTEREST.—During the five-year period beginning on the date that 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.

(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 the 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. 2878. LAND CONVEYANCE, AVON PARK AIR FORCE RANGE, FLORIDA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to Highlands County, Florida (in this section referred to as the "County"), all right, title, and interest of the United States in and to a parcel of real property, together with any improvements thereon, located within the boundaries of the Avon Park Air Force Range near Sebring, Florida, which has previously served as the location of a support complex and recreational facilities for the Avon Park Air Force Range.

(b) CONDITION OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the condition that the County, directly or through an agreement with an appropriate public or private entity, use the conveyed property, including the support complex and recreational facilities, for operation of a juvenile or other correctional facility.

(c) REVERSIONARY INTEREST.—If the Secretary determines at any time that the property conveyed under subsection (a) is not being used in accordance with subsection (b), all right, title, and interest in the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry onto the property.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the County.

(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.

Subtitle E—Land Conveyances Involving Utilities

SEC. 2881. CONVEYANCE OF RESOURCE RECOVERY FACILITY, FORT DIX, NEW JERSEY.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to Burlington County, New Jersey (in this section referred to as the "County"), all right, title, and interest of the United States in and to a parcel of real property at Fort Dix, New Jersey, consisting of approximately six acres and containing a resource recovery facility, known as the Fort Dix resource recovery facility.

(b) RELATED EASEMENTS.—The Secretary may grant to the County any easement that is necessary for access to and operation of the resource recovery facility conveyed under subsection (a).

(c) REQUIREMENT RELATING TO CONVEYANCE.—The Secretary may not carry out the conveyance of the resource recovery facility authorized by subsection (a) unless the County agrees to accept the facility in its existing condition at the time of the conveyance.

(d) CONDITIONS ON CONVEYANCE.—The conveyance of the resource recovery facility authorized by subsection (a) is subject to the following conditions:

(1) That the County provide refuse and steam service to Fort Dix, New Jersey, at the rate established by the appropriate Federal or State regulatory authority.

(2) That the County comply with all applicable environmental laws and regulations (including any permit or license requirements) relating to the resource recovery facility.

(3) That the County assume full responsibility for ownership, operation, maintenance, repair, and all regulatory compliance requirements for the resource recovery facility.

(4) That the County not commence any expansion of the resource recovery facility without approval of such expansion by the Secretary.

(e) DESCRIPTION OF THE PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a), and of any easements to be granted under subsection (b), shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the County.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) and the grant of any easement under subsection (b) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2882. CONVEYANCE OF WATER AND WASTEWATER TREATMENT PLANTS, FORT GORDON, GEORGIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the city of Augusta, Georgia (in this section referred to as the "City"), all right, title, and interest of the United States to several parcels of real property located at Fort Gordon, Georgia, and consisting of approximately seven acres each. The parcels are improved with a water filtration plant, water distribution system with storage tanks, sewage treatment plant, and sewage collection system.

(b) RELATED EASEMENTS.—The Secretary may grant to the City any easement that is necessary for access to the real property conveyed under subsection (a) and operation of the water and wastewater treatment plants and distribution and collection systems conveyed under subsection (a).

(c) REQUIREMENT RELATING TO CONVEYANCE.—The Secretary may not carry out the conveyance of the water and wastewater treatment plants and distribution and collection systems authorized by subsection (a) unless the City agrees to accept the water and wastewater

treatment plants and distribution and collection systems in their existing condition at the time of the conveyance.

(d) CONDITIONS ON CONVEYANCE.—The conveyance authorized by subsection (a) is subject to the following conditions:

(1) That the City provide water and sewer service to Fort Gordon, Georgia, at a rate established by the appropriate Federal or State regulatory authority.

(2) That the City comply with all applicable environmental laws and regulations (including any permit or license requirements) regarding the real property conveyed under subsection (a).

(3) That the City assume full responsibility for ownership, operation, maintenance, repair, and all regulatory compliance requirements for the water and wastewater treatment plants and distribution and collection systems.

(4) That the City not commence any expansion of the water and wastewater treatment plants and distribution and collection systems without approval of such expansion by the Secretary.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a), and of any easements granted under subsection (b), 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) and the grant of any easement under subsection (b) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2883. CONVEYANCE OF ELECTRICITY DISTRIBUTION SYSTEM, FORT IRWIN, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the Southern California Edison Company, California (in this section referred to as the "Company"), all right, title, and interest of the United States in and to the electricity distribution system located at Fort Irwin, California.

(b) DESCRIPTION OF SYSTEM AND CONVEYANCE.—The electricity distribution system authorized to be conveyed under subsection (a) consists of approximately 115 miles of electricity distribution lines (including poles, switches, reclosers, transformers, regulators, switchgears, and service lines) and includes the equipment, fixtures, structures, and other improvements the Federal Government utilizes to provide electricity services at Fort Irwin. The system does not include any real property.

(c) RELATED EASEMENTS.—The Secretary may grant to the Company any easement that is necessary for access to and operation of the electricity distribution system conveyed under subsection (a).

(d) REQUIREMENT RELATING TO CONVEYANCE.—The Secretary may not carry out the electricity distribution system authorized by subsection (a) unless the Company agrees to accept the electricity distribution system in its existing condition at the time of the conveyance.

(e) CONDITIONS ON CONVEYANCE.—The conveyance authorized by subsection (a) is subject to the following conditions:

(1) That the Company provide electricity service to Fort Irwin, California, at a rate established by the appropriate Federal or State regulatory authority.

(2) That the Company comply with all applicable environmental laws and regulations (including any permit or license requirements) regarding the electricity distribution system.

(3) That the Company assume full responsibility for ownership, operation, maintenance, repair, and all regulatory compliance requirements for the electricity distribution system.

(4) That the Company not commence any expansion of the electricity distribution system without approval of such expansion by the Secretary.

(f) DESCRIPTION OF EASEMENT.—The exact acreage and legal description of any easement granted under subsection (c) shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the Company.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) and the grant of any easement under subsection (c) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2884. CONVEYANCE OF WATER TREATMENT PLANT, FORT PICKETT, VIRGINIA.

(a) AUTHORITY TO CONVEY.—(1) The Secretary of the Army may convey to the Town of Blackstone, Virginia (in this section referred to as the "Town"), all right, title, and interest of the United States in and to the property described in paragraph (2).

(2) The property referred to in paragraph (1) is the following property located at Fort Pickett, Virginia:

(A) A parcel of real property consisting of approximately 10 acres, including a reservoir and improvements thereon, the site of the Fort Pickett water treatment plant.

(B) Any equipment, fixtures, structures, or other improvements (including any water transmission lines, water distribution and service lines, fire hydrants, water pumping stations, and other improvements) not located on the parcel described in subparagraph (A) that are jointly identified by the Secretary and the Town as owned and utilized by the Federal Government in order to provide water to and distribute water at Fort Pickett.

(b) RELATED EASEMENTS.—The Secretary may grant to the Town the following easements relating to the conveyance of the property authorized by subsection (a):

(1) Such easements, if any, as the Secretary and the Town jointly determine are necessary in order to provide access to the water distribution system referred to in paragraph (2) of such subsection for maintenance, safety, and other purposes.

(2) Such easements, if any, as the Secretary and the Town jointly determine are necessary in order to provide access to the finished water lines from the system to the Town.

(3) Such rights of way appurtenant, if any, as the Secretary and the Town jointly determine are necessary in order to satisfy requirements imposed by any Federal, State, or municipal agency relating to the maintenance of a buffer zone around the water distribution system.

(c) WATER RIGHTS.—The Secretary shall grant to the Town as part of the conveyance under subsection (a) all right, title, and interest of the United States in and to any water of the Nottoway River, Virginia, that is connected with the reservoir referred to in paragraph (2)(A) of such subsection. The grant of such water rights shall not impair the right that any other local jurisidiction may have to withdraw water from the Nottoway River, on or after the date of the enactment of this Act, pursuant to the law of the Commonwealth of Virginia.

(d) REQUIREMENTS RELATING TO CONVEYANCE.—(1) The Secretary may not carry out the conveyance of the water distribution system authorized under subsection (a) unless the Town agrees to accept the system in its existing condition at the time of the conveyance.

(2) The Secretary shall complete any environmental removal or remediation required under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) with respect to the system to be conveyed under this section before carrying out the conveyance.

(e) CONDITIONS ON CONVEYANCE.—The conveyance authorized in subsection (a) shall be subject to the following conditions:

(1) That the Town reserve for provision to Fort Pickett, and provide to Fort Pickett on demand, not less than 1,500,000 million gallons per day of treated water from the water distribution system.

(2) That the Town provide water to and distribute water at Fort Pickett at a rate established by the appropriate Federal or State regulatory authority.

(3) That the Town maintain and operate the water distribution system in compliance with all applicable Federal and State environmental laws and regulations (including any permit and license requirements).

(f) DESCRIPTION OF PROPERTY.—The exact legal description of the property to be conveyed under subsection (a), of any easements granted under subsection (b), and of any water rights granted under subsection (c) shall be determined by a survey and other means satisfactory to the Secretary. The cost of any survey or other services performed at the direction of the Secretary under the authority in the preceding sentence shall be borne by the Town.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance authorized under subsection (a), the easements granted under subsection (b), and the water rights granted under subsection (c) that the Secretary considers appropriate to protect the interests of the United States.

Subtitle F—Other Matters

SEC. 2891. AUTHORITY TO USE FUNDS FOR CERTAIN EDUCATIONAL PURPOSES.

Section 2008 of title 10, United States Code, is amended by striking out "section 10" and all that follows through the period at the end and inserting in lieu thereof "construction, as defined in section 8013(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(3)), or to carry out section 8008 of such Act (20 U.S.C. 7708), relating to the provision of assistance to certain school facilities under the impact aid program.".

SEC. 2892. DEPARTMENT OF DEFENSE LABORATORY REVITALIZATION DEMONSTRATION PROGRAM.

(a) PROGRAM AUTHORIZED.—The Secretary of Defense may carry out a program (to be known as the "Department of Defense Laboratory Revitalization Demonstration Program") for the revitalization of Department of Defense laboratories. Under the program, the Secretary may carry out minor military construction projects in accordance with subsection (b) and other applicable law to improve Department of Defense laboratories covered by the program.

(b) INCREASED MAXIMUM AMOUNTS APPLICABLE TO MINOR CONSTRUCTION PROJECTS.—For purpose of any military construction project carried out under the program—

(1) the amount provided in the second sentence of subsection (a)(1) of section 2805 of title 10, United States Code, shall be deemed to be $3,000,000;

(2) the amount provided in subsection (b)(1) of such section shall be deemed to be $1,500,000; and

(3) the amount provided in subsection (c)(1)(B) of such section shall be deemed to be $1,000,000.

(c) PROGRAM REQUIREMENTS.—(1) Not later than 30 days before commencing the program, the Secretary shall—

(A) designate the Department of Defense laboratories at which construction may be carried out under the program; and

(B) establish procedures for the review and approval of requests from such laboratories to carry out such construction.

(2) The laboratories designated under paragraph (1)(A) may not include Department of Defense laboratories that are contractor owned.

(3) The Secretary shall notify Congress of the laboratories designated under paragraph (1)(A).

(d) REPORT.—Not later than February 1, 1998, the Secretary shall submit to Congress a report on the program. The report shall include the Secretary's conclusions and recommendations regarding the desirability of extending the authority set forth in subsection (b) to cover all Department of Defense laboratories.

(e) EXCLUSIVITY OF PROGRAM.—Nothing in this section may be construed to limit any other authority provided by law for any military construction project at a Department of Defense laboratory covered by the program.

(f) DEFINITIONS.—In this section:

(1) The term "laboratory" includes—

(A) a research, engineering, and development center;

(B) a test and evaluation activity owned, funded, and operated by the Federal Government through the Department of Defense; and

(C) a supporting facility of a laboratory.

(2) The term "supporting facility", with respect to a laboratory, means any building or structure that is used in support of research, development, test, and evaluation at the laboratory.

(g) EXPIRATION OF AUTHORITY.—The Secretary may not commence a construction project under the program after September 30, 1998.

SEC. 2893. AUTHORITY FOR PORT AUTHORITY OF STATE OF MISSISSIPPI TO USE NAVY PROPERTY AT NAVAL CONSTRUCTION BATTALION CENTER, GULFPORT, MISSISSIPPI.

(a) JOINT USE AGREEMENT AUTHORIZED.—The Secretary of the Navy may enter into an agreement with the Port Authority of the State of Mississippi (in this section referred to as the "Port Authority"), under which the Port Authority may use real property comprising up to 50 acres located at the Naval Construction Battalion Center, Gulfport, Mississippi (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 Port Authority with an option to extend the agreement for at least three additional periods of five years each.

(c) CONDITIONS ON USE.—The agreement authorized under subsection (a) shall require the Port Authority—

(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 Port Authority 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 Port Authority's use of the property.

(2) The Secretary may include a provision in the agreement requiring the Port Authority—

(A) to pay the Navy an amount (as determined by the Secretary) to cover the costs of replacing 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 are 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 of the roads, railways, and facilities serving the Center.

(2) In such amounts as are 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 PORT AUTHORITY.—The Secretary may authorize the Port Authority 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 Port Authority 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. 2894. PROHIBITION ON JOINT USE OF NAVAL AIR STATION AND MARINE CORPS AIR STATION, MIRAMAR, CALIFORNIA.

The Secretary of the Navy may not enter into any agreement that provides for or permits civil aircraft to regularly use Naval Air Station or Marine Corps Air Station, Miramar, California.

SEC. 2895. REPORT REGARDING ARMY WATER CRAFT SUPPORT FACILITIES AND ACTIVITIES.

Not later than February 15, 1996, the Secretary of the Army shall submit to Congress a report setting forth—

(1) the location, assets, and mission of each Army facility, active or reserve component, that supports water transportation operations;

(2) an infrastructure inventory and utilization rate of each Army facility supporting water transportation operations;

(3) options for consolidating these operations to reduce overhead; and

(4) actions that can be taken to respond affirmatively to requests from the residents of Marcus Hook, Pennsylvania, to close the Army Reserve facility located in Marcus Hook and make the facility available for use by the community.

SEC. 2896. RESIDUAL VALUE REPORTS.

(a) REPORTS REQUIRED.—The Secretary of Defense, in coordination with the Director of the Office of Management and Budget, shall submit to the congressional defense committees status reports on the results of residual value negotiations between the United States and Germany. Such status reports shall be submitted within 30 days after the receipt of such reports by the Office of Management and Budget.

(b) CONTENT OF STATUS REPORTS.—The status reports required by subsection (a) shall include the following information:

(1) The estimated residual value of United States capital value and improvements to facilities in Germany that the United States has turned over to Germany.

(2) The actual value obtained by the United States for each facility or installation turned over to Germany.

(3) The reasons for any difference between the estimated and actual value obtained.

SEC. 2897. SENSE OF CONGRESS AND REPORT REGARDING FITZSIMONS ARMY MEDICAL CENTER, COLORADO.

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

(1) Fitzsimons Army Medical Center in Aurora, Colorado, was approved for closure in 1995 under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

(2) The University of Colorado Health Sciences Center and the University of Colorado Hospital Authority are in urgent need of space to maintain their ability to deliver health care to meet the growing demand for their services.

(3) Reuse of the Fitzsimons Army Medical Center at the earliest opportunity would provide significant benefit to the cities of Aurora, Colorado, and Denver, Colorado.

(4) Reuse of the Fitzsimons Army Medical Center by the communities in the vicinity of the center will ensure that the center is fully utilized, thereby providing a benefit to such communities.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) determinations as to the use by other departments and agencies of the Federal Government of buildings and property at military installations approved for closure under the Defense Base Closure and Realignment Act of 1990, including Fitzsimons Army Medical Center, Colorado, should be completed as soon as practicable;

(2) the Secretary of Defense should consider the expedited transfer of appropriate facilities (including facilities that remain operational) at such installations to the redevelopment authorities for such installations in order to ensure continuity of use of such facilities after the closure of such installations, in particular, the Secretary should consider the expedited transfer of the Fitzsimons Army Medical Center because of the significant preparation underway by the redevelopment authority concerned;

(3) the Secretary should not enter into leases with redevelopment authorities for facilities at such installations until the Secretary determines that such leases fall within the categorical exclusions established by the Secretary pursuant to the National Environmental Policy Act (42 U.S.C. 4321 et seq.).

(c) REPORT.—(1) Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the closure and redevelopment of Fitzsimons Army Medical Center.

(2) The report shall include the following:

(1) The results of the determinations as to the use of buildings and property at Fitzsimons Army Medical Center by other departments and agencies of the Federal Government under section 2905(b)(1) of the Defense Base Closure and Realignment Act of 1990.

(2) A description of any actions taken to expedite such determinations.

(3) A discussion of any impediments raised as a result of such determinations to the transfer or lease of Fitzsimons Army Medical Center.

(4) A description of any actions taken by the Secretary to lease Fitzsimons Army Medical Center to the redevelopment authority.

(5) The results of any environmental reviews under the National Environmental Policy Act in which such a lease would fall into the categorical exclusions established by the Secretary of the Army.

(6) The results of the environmental baseline survey regarding Fitzsimons Army Medical Center and a finding of suitability or nonsuitability.

TITLE XXIX—LAND CONVEYANCES INVOLVING JOLIET ARMY AMMUNITION PLANT, ILLINOIS

SEC. 2901. SHORT TITLE.

This title may be cited as the "Illinois Land Conservation Act of 1995".

SEC. 2902. DEFINITIONS.

For purposes of this title, the following definitions apply:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the United States Environmental Protection Agency.

(2) AGRICULTURAL PURPOSES.—The term "agricultural purposes" means the use of land for row crops, pasture, hay, and grazing.

(3) ARSENAL.—The term "Arsenal" means the Joliet Army Ammunition Plant located in the State of Illinois.

(4) ARSENAL LAND USE CONCEPT.—The term "Arsenal land use concept" means the land use proposals that were developed and unanimously approved on May 30, 1995, by the Joliet Arsenal Citizen Planning Commission.

(5) CERCLA.—The term "CERCLA" means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(6) ENVIRONMENTAL LAW.—The term "environmental law" means all applicable Federal, State, and local laws, regulations, and requirements related to protection of human health, natural and cultural resources, or the environment. Such term includes CERCLA, the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.), the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), the Toxic Substances Control Act (15 U.S.C. 2601 et seq.), and the Safe Drinking Water Act (42 U.S.C. 300f et seq.).

(7) HAZARDOUS SUBSTANCE.—The term "hazardous substance" has the meaning given such term by section 101(14) of CERCLA (42 U.S.C. 9601(14)).

(8) MNP.—The term "MNP" means the Midewin National Tallgrass Prairie established pursuant to section 2914 and managed as a part of the National Forest System.

(9) PERSON.—The term "person" has the meaning given such term by section 101(21) of CERCLA (42 U.S.C. 9601(21)).

(10) POLLUTANT OR CONTAMINANT.—The term "pollutant or contaminant" has the meaning given such term by section 101(33) of CERCLA (42 U.S.C. 9601(33)).

(11) RELEASE.—The term "release" has the meaning given such term by section 101(22) of CERCLA (42 U.S.C. 9601(22)).

(12) RESPONSE ACTION.—The term "response action" has the meaning given the term "response" by section 101(25) of CERCLA (42 U.S.C. 9601(25)).

Subtitle A—Conversion of Joliet Army Ammunition Plant to Midewin National Tallgrass Prairie

SEC. 2911. PRINCIPLES OF TRANSFER.

(a) LAND USE PLAN.—The Congress ratifies in principle the proposals generally identified by the land use plan which was developed by the Joliet Arsenal Citizen Planning Commission and unanimously approved on May 30, 1995.

(b) TRANSFER WITHOUT REIMBURSEMENT.—The area constituting the Midewin National Tallgrass Prairie shall be transferred, without reimbursement, to the Secretary of Agriculture.

(c) MANAGEMENT OF MNP.—Management by the Secretary of Agriculture of those portions of the Arsenal transferred to the Secretary under this title shall be in accordance with sections 2914 and 2915 regarding the Midewin National Tallgrass Prairie.

(d) SECURITY MEASURES.—The Secretary of the Army and the Secretary of Agriculture shall each provide and maintain physical and other security measures on such portion of the Arsenal as is under the administrative jurisdiction of such Secretary, unless the Secretary of the Army and the Secretary of Agriculture agree otherwise. Such security measures (which may include fences and natural barriers) shall include measures to prevent members of the public from gaining unauthorized access to such portions of the Arsenal as are under the administrative jurisdiction of such Secretary and that may endanger health or safety.

(e) COOPERATIVE AGREEMENTS.—The Secretary of the Army, the Secretary of Agriculture, and the Administrator are individually and collectively authorized to enter into cooperative agreements and memoranda of understanding among each other and with other affected Federal agencies, State and local governments, private organizations, and corporations to carry out the purposes for which the Midewin National Tallgrass Prairie is established.

(f) INTERIM ACTIVITIES OF THE SECRETARY OF AGRICULTURE.—Prior to transfer and subject to such reasonable terms and conditions as the Secretary of the Army may prescribe, the Secretary of Agriculture may enter upon the Arsenal property for purposes related to planning, resource inventory, fish and wildlife habitat manipulation (which may include prescribed burning), and other such activities consistent with the purposes for which the Midewin National Tallgrass Prairie is established.

SEC. 2912. TRANSFER OF MANAGEMENT RESPONSIBILITIES AND JURISDICTION OVER ARSENAL.

(a) GENERAL RULE FOR TRANSFER OF JURISDICTION.—

(1) TRANSFER REQUIRED SUBJECT TO RESPONSE ACTIONS.—Subject to subsection (d), not later than 270 days after the date of the enactment of this title, the Secretary of the Army shall transfer, without reimbursement, to the Secretary of Agriculture those portions of the Arsenal that—

(A) are identified on the map described in subsection (e)(1) as appropriate for transfer under this subsection to the Secretary of Agriculture; and

(B) the Secretary of the Army and the Administrator concur in finding that all response actions have been taken under CERCLA necessary to protect human health and the environment with respect to any hazardous substance remaining on the property.

(2) EFFECT OF LESS THAN COMPLETE TRANSFER.—If the concurrence requirement in paragraph (1)(B) results in the transfer, within such 270-day period, of less than all of the Arsenal property covered by paragraph (1)(A), the Secretary of the Army and the Secretary of Agriculture shall enter into a memorandum of understanding providing for the performance by the Secretary of the Army of the additional response actions necessary to allow fulfillment of the concurrence requirement with respect to such Arsenal property. The memorandum of understanding shall be entered into within 60 days of the end of such 270-day period and shall include a schedule for the completion of the additional response actions as soon as practicable. Subject to subsection (d), the Secretary of the Army shall transfer Arsenal property covered by this paragraph to the Secretary of Agriculture as soon as possible after the Secretary of the Army and the Administrator concur that all additional response actions have been taken under CERCLA necessary to protect human health and the environment with respect to any hazardous substance remaining on the property. The Secretary of the Army may make transfers under this paragraph on a parcel-by-parcel basis.

(3) RULE OF CONSTRUCTION REGARDING CONCURRENCES.—For the purpose of reaching the concurrences required by this subsection and subsection (b), if a response action requires construction and installation of an approved remedial design, the response action shall be considered to have been taken when the construction and installation of the approved remedial design is completed and the remedy is demonstrated to the satisfaction of the Administrator to be operating properly and successfully.

(b) SPECIAL TRANSFER REQUIREMENTS FOR CERTAIN PARCELS.—Subject to subsection (d), the Secretary of the Army shall transfer, without reimbursement, to the Secretary of Agriculture the Arsenal property known as LAP Area Sites L2, L3, and L5 and Manufacturing Area Site 1. The transfer shall occur as soon as possible after the Secretary of the Army and the Administrator concur that all response actions have been taken under CERCLA necessary to protect human health and the environment with respect to any hazardous substance remaining on the property. The Secretary of the Army may make transfers under this subsection on a parcel-by-parcel basis.

(c) DOCUMENTATION OF ENVIRONMENTAL CONDITION OF PARCELS; ASSESSMENT OF REQUIRED ACTIONS UNDER OTHER ENVIRONMENTAL LAWS.—

(1) DOCUMENTATION.—The Secretary of the Army and the Administrator shall provide to the Secretary of Agriculture all documentation and information that exists on the date the documentation and information is provided relating to the environmental condition of the Arsenal property proposed for transfer under subsection (a) or (b), including documentation that supports the finding that all response actions have been taken under CERCLA necessary to protect human health and the environment with respect to any hazardous substance remaining on the property.

(2) ASSESSMENT.—The Secretary of the Army shall provide to the Secretary of Agriculture an assessment, based on information in existence at the time the assessment is provided, indicating what further action, if any, is required under any environmental law (other than CERCLA) on the Arsenal property proposed for transfer under subsection (a) or (b).

(3) TIME FOR SUBMISSION OF DOCUMENTATION AND ASSESSMENT.—The documentation and assessments required to be submitted to the Secretary of Agriculture under this subsection shall be submitted—

(A) in the case of the transfers required by subsection (a), not later than 210 days after the date of the enactment of this title; and

(B) in the case of the transfers required by subsection (b), not later than 60 days before the earliest date on which the property could be transferred.

(4) SUBMISSION OF ADDITIONAL INFORMATION.—The Secretary of the Army and the Administrator shall have a continuing obligation to provide to the Secretary of Agriculture any additional information regarding the environmental condition of property to be transferred under subsection (a) or (b) as such information becomes available.

(d) EFFECT OF ENVIRONMENTAL ASSESSMENT.—

(1) AUTHORITY OF SECRETARY OF AGRICULTURE TO DECLINE IMMEDIATE TRANSFER.—If a parcel of Arsenal property to be transferred under subsection (a) or (b) includes property for which the assessment under subsection (c)(2) concludes further action is required under any environmental law (other than CERCLA), the Secretary of Agriculture may decline immediate transfer of the parcel. With respect to such a parcel, the Secretary of the Army and the Secretary of Agriculture shall enter into a memorandum of understanding providing for the performance by the Secretary of the Army of the required actions identified in the Army assessment. The

memorandum of understanding shall be entered into within 90 days after the date on which the Secretary of Agriculture declines immediate transfer of the parcel and shall include a schedule for the completion of the required actions as soon as practicable.

(2) EVENTUAL TRANSFER.—In the case of a parcel of Arsenal property that the Secretary of Agriculture declines immediate transfer under paragraph (1), the Secretary may accept transfer of the parcel at any time after the original finding with respect to the parcel that all response actions have been taken under CERCLA necessary to protect human health and the environment with respect to any hazardous substance remaining on the property. The Secretary of Agriculture shall accept transfer of the parcel as soon as possible after the date on which all required further actions identified in the assessment have been taken and the terms of any memorandum of understanding have been satisfied.

(e) IDENTIFICATION OF ARSENAL PROPERTY FOR TRANSFER.—

(1) MAP OF PROPOSED TRANSFERS.—The lands subject to transfer to the Secretary of Agriculture under subsections (a) and (b) and section 2916 are depicted on the map dated September 22, 1995, which is on file and available for public inspection at the Office of the Chief of the Forest Service and the Office of the Assistant Secretary of the Army for Installations, Logistics and the Environment.

(2) METHOD OF EFFECTING TRANSFER.—The Secretary of the Army shall effect the transfer of jurisdiction of Arsenal property under subsections (a) and (b) and section 2916 by publication of notices in the Federal Register. The Secretary of Agriculture shall give prior concurrence to the publication of such notices. Each notice published in the Federal Register shall refer to the parcel being transferred by legal description, references to maps or surveys, or other forms of description mutually acceptable to the Secretary of the Army and the Secretary of Agriculture. The Secretary of the Army shall provide, without reimbursement, to the Secretary of Agriculture copies of all surveys and land title information on lands transferred under this section or section 2916.

(f) SURVEYS.—All costs of necessary surveys for the transfer of jurisdiction of Arsenal property from the Secretary of the Army to the Secretary of Agriculture shall be borne by the Secretary of Agriculture.

SEC. 2913. RESPONSIBILITY AND LIABILITY.

(a) CONTINUED LIABILITY OF SECRETARY OF THE ARMY.—The transfers of Arsenal property under sections 2912 and 2916, and the requirements of such sections, shall not in any way affect the responsibilities and liabilities of the Secretary of the Army specified in this section. The Secretary of the Army shall retain any obligation or other liability at the Arsenal that the Secretary of the Army has under CERCLA or other environmental laws. Following transfer of a portion of the Arsenal under this subtitle, the Secretary of the Army shall be accorded any easement or access to the property that may be reasonably required by the Secretary to carry out the obligation or satisfy the liability.

(b) SPECIAL PROTECTIONS FOR SECRETARY OF AGRICULTURE.—The Secretary of Agriculture shall not be liable under any environmental law for matters which are related directly or indirectly to activities of the Secretary of the Army at the Arsenal or any party acting under the authority of the Secretary of the Army at the Arsenal, including any of the following:

(1) Costs or performance of response actions required under CERCLA at or related to the Arsenal.

(2) Costs, penalties, fines, or performance of actions related to noncompliance with any environmental law at or related to the Arsenal or related to the presence, release, or threat of release of any hazardous substance, pollutant or contaminant, hazardous waste, or hazardous material of any kind at or related to the Arsenal, including contamination resulting from migration of a hazardous substance, pollutant or contaminant, hazardous waste, hazardous material, or petroleum products or their derivatives.

(3) Costs or performance of actions necessary to remedy noncompliance or another problem specified in paragraph (2).

(c) LIABILITY OF OTHER PERSONS.—Nothing in this title shall be construed to effect, modify, amend, repeal, alter, limit or otherwise change, directly or indirectly, the responsibilities or liabilities under any environmental law of any person (including the Secretary of Agriculture), except as provided in subsection (b) with respect to the Secretary of Agriculture.

(d) PAYMENT OF RESPONSE ACTION COSTS.—A Federal agency that had or has operations at the Arsenal resulting in the release or threatened release of a hazardous substance or pollutant or contaminant for which that agency would be liable under any environmental law, subject to the provisions of this subtitle, shall pay the costs of related response actions and shall pay the costs of related actions to remediate petroleum products or the derivatives of the products, including motor oil and aviation fuel.

(e) CONSULTATION.—

(1) RESPONSIBILITY OF SECRETARY OF AGRICULTURE.—The Secretary of Agriculture shall consult with the Secretary of the Army with respect to the management by the Secretary of Agriculture of real property included in the Midewin National Tallgrass Prairie subject to any response action or other action at the Arsenal being carried out by or under the authority of the Secretary of the Army under any environmental law. The Secretary of Agriculture shall consult with the Secretary of the Army prior to undertaking any activities on the Midewin National Tallgrass Prairie that may disturb the property to ensure that such activities will not exacerbate contamination problems or interfere with performance by the Secretary of the Army of response actions at the property.

(2) RESPONSIBILITY OF SECRETARY OF THE ARMY.—In carrying out response actions at the Arsenal, the Secretary of the Army shall consult with the Secretary of Agriculture to ensure that such actions are carried out in a manner consistent with the purposes for which the Midewin National Tallgrass Prairie is established, as specified in section 2914(c), and the other provisions of sections 2914 and 2915.

SEC. 2914. ESTABLISHMENT AND ADMINISTRATION OF MIDEWIN NATIONAL TALLGRASS PRAIRIE.

(a) ESTABLISHMENT.—On the effective date of the initial transfer of jurisdiction of portions of the Arsenal to the Secretary of Agriculture under section 2912(a), the Secretary of Agriculture shall establish the Midewin National Tallgrass Prairie. The MNP shall—

(1) be administered by the Secretary of Agriculture; and

(2) consist of the real property so transferred and such other portions of the Arsenal subsequently transferred under section 2912(b) or 2916 or acquired under section 2914(d).

(b) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary of Agriculture shall manage the Midewin National Tallgrass Prairie as a part of the National Forest System in accordance with this title and the laws, rules, and regulations pertaining to the National Forest System, except that the Bankhead-Jones Farm Tenant Act of 1937 (7 U.S.C. 1010–1012) shall not apply to the MNP.

(2) INITIAL MANAGEMENT ACTIVITIES.—In order to expedite the administration and public use of the Midewin National Tallgrass Prairie, the Secretary of Agriculture may conduct management activities at the MNP to effectuate the purposes for which the MNP is established, as set forth in subsection (c), in advance of the development of a land and resource management plan for the MNP.

(3) LAND AND RESOURCE MANAGEMENT PLAN.—In developing a land and resource management plan for the Midewin National Tallgrass Prairie, the Secretary of Agriculture shall consult with the Illinois Department of Natural Resources and local governments adjacent to the MNP and provide an opportunity for public comment. Any parcel transferred to the Secretary of Agriculture under this title after the development of a land and resource management plan for the MNP may be managed in accordance with such plan without need for an amendment to the plan.

(c) PURPOSES OF THE MIDEWIN NATIONAL TALLGRASS PRAIRIE.—The Midewin National Tallgrass Prairie is established to be managed for National Forest System purposes, including the following:

(1) To manage the land and water resources of the MNP in a manner that will conserve and enhance the native populations and habitats of fish, wildlife, and plants.

(2) To provide opportunities for scientific, environmental, and land use education and research.

(3) To allow the continuation of agricultural uses of lands within the MNP consistent with section 2915(b).

(4) To provide a variety of recreation opportunities that are not inconsistent with the preceding purposes.

(d) OTHER LAND ACQUISITION FOR MNP.—

(1) AVAILABILITY OF LAND ACQUISITION FUNDS.—Notwithstanding section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9), the Secretary of Agriculture may use monies appropriated from the Land and Water Conservation Fund established under section 2 of such Act (16 U.S.C. 460l–5) for the acquisition of lands and interests in land for inclusion in the Midewin National Tallgrass Prairie.

(2) ACQUISITION OF LANDS.—The Secretary of Agriculture may acquire lands or interests therein for inclusion in the Midewin National Tallgrass Prairie by donation, purchase, or exchange, except that the acquisition of private lands for inclusion in the MNP shall be on a willing seller basis only.

(e) COOPERATION WITH STATES, LOCAL GOVERNMENTS AND OTHER ENTITIES.—In the management of the Midewin National Tallgrass Prairie, the Secretary of Agriculture is authorized and encouraged to cooperate with appropriate Federal, State and local governmental agencies, private organizations and corporations. Such cooperation may include cooperative agreements as well as the exercise of the existing authorities of the Secretary under the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101 et seq.) and the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1641 et seq.). The objects of such cooperation may include public education, land and resource protection, and cooperative management among government, corporate, and private landowners in a manner which furthers the purposes for which the Midewin National Tallgrass Prairie is established.

SEC. 2915. SPECIAL MANAGEMENT REQUIREMENTS FOR MIDEWIN NATIONAL TALLGRASS PRAIRIE.

(a) PROHIBITION AGAINST THE CONSTRUCTION OF NEW THROUGH ROADS.—No new construction of any highway, public road, or any part of the interstate system, whether Federal, State, or local, shall be permitted through or across any

portion of the Midewin National Tallgrass Prairie. Nothing in this title shall preclude construction and maintenance of roads for use within the MNP, the granting of authorizations for utility rights-of-way under applicable Federal law, or such access as is necessary. Nothing in this title shall preclude necessary access by the Secretary of the Army for purposes of restoration and cleanup as provided in this title.

(b) AGRICULTURAL LEASES AND SPECIAL USE AUTHORIZATIONS.—Within the Midewin National Tallgrass Prairie, use of the lands for agricultural purposes shall be permitted subject to the following terms and conditions:

(1) If at the time of transfer of jurisdiction under section 2912 or 2916 there exists any lease issued by the Secretary of the Army or the Secretary of Defense for agricultural purposes upon the parcel transferred, the Secretary of Agriculture shall issue a special use authorization to supersede the lease. The terms of the special use authorization shall be identical in substance to the lease that the special use authorization is superseding, including the expiration date and any payments owed the United States. On issuance of the special use authorization, the lease shall become void.

(2) In addition to the authority provided in paragraph (1), the Secretary of Agriculture may issue special use authorizations to persons for use of the Midewin National Tallgrass Prairie for agricultural purposes. Special use authorizations issued pursuant to this paragraph shall include terms and conditions as the Secretary of Agriculture may deem appropriate.

(3) No agricultural special use authorization shall be issued for agricultural purposes which has a term extending beyond the date 20 years from the date of the enactment of this title, except that nothing in this title shall preclude the Secretary of Agriculture from issuing agricultural special use authorizations or grazing permits which are effective after twenty years from the date of enactment of this title for purposes primarily related to erosion control, provision for food and habitat for fish and wildlife, or other resource management activities consistent with the purposes of the Midewin National Tallgrass Prairie.

(c) TREATMENT OF RENTAL FEES.—Monies received under a special use authorization issued under subsection (b) shall be subject to distribution to the State of Illinois and affected counties pursuant to the Act of May 23, 1908, and section 13 of the Act of March 1, 1911 (16 U.S.C. 500). All monies not distributed pursuant to such Acts shall be covered into the Treasury and shall constitute a special fund (to be known as the "MNP Rental Fee Account"). The Secretary of Agriculture may use amounts in the fund, until expended and without fiscal year limitation, to cover the cost to the United States of prairie improvement work at the Midewin National Tallgrass Prairie. Any amounts in the fund that the Secretary of Agriculture determines to be in excess of the cost of doing such work shall be transferred, upon such determination, to miscellaneous receipts, Forest Service Fund, as a National Forest receipt of the fiscal year in which the transfer is made.

(d) USER FEES.—The Secretary of Agriculture is authorized to charge reasonable fees for the admission, occupancy, and use of the Midewin National Tallgrass Prairie and may prescribe a fee schedule providing for reduced or a waiver of fees for persons or groups engaged in authorized activities including those providing volunteer services, research, or education. The Secretary shall permit admission, occupancy, and use at no additional charge for persons possessing a valid Golden Eagle Passport or Golden Age Passport.

(e) SALVAGE OF IMPROVEMENTS.—The Secretary of Agriculture may sell for salvage value any facilities and improvements which have been transferred to the Secretary pursuant to this title.

(f) TREATMENT OF USER FEES AND SALVAGE RECEIPTS.—Monies collected pursuant to subsections (d) and (e) shall be covered into the Treasury and constitute a special fund (to be known as the "Midewin National Tallgrass Prairie Restoration Fund"). The Secretary of Agriculture may use amounts in the fund, in such amounts as are provided in advance in appropriation Acts, for restoration and administration of the Midewin National Tallgrass Prairie, including construction of a visitor and education center, restoration of ecosystems, construction of recreational facilities (such as trails), construction of administrative offices, and operation and maintenance of the MNP. The Secretary of Agriculture shall include the MNP among the areas under the jurisdiction of the Secretary selected for inclusion in any cost recovery or any pilot program of the Secretary for the collection, use, and distribution of user fees.

SEC. 2916. SPECIAL TRANSFER RULES FOR CERTAIN ARSENAL PARCELS INTENDED FOR MNP.

(a) DESCRIPTION OF PARCELS.—The following areas of the Arsenal may be transferred under this section:

(1) Study Area 2, explosive burning ground.
(2) Study Area 3, flashing ground.
(3) Study Area 4, lead azide area.
(4) Study Area 10, toluene tank farms.
(5) Study Area 11, landfill.
(6) Study Area 12, sellite manufacturing area.
(7) Study Area 14, former pond area.
(8) Study Area 15, sewage treatment plan.
(9) Study Area L1, load assemble packing area, group 61.
(10) Study Area L4, landfill area.
(11) Study Area L7, group 1.
(12) Study Area L8, group 2.
(13) Study Area L9, group 3.
(14) Study Area L10, group 3A.
(15) Study Area L14, group 4.
(16) Study Area L15, group 5.
(17) Study Area L18, group 8.
(18) Study Area L19, group 9.
(19) Study Area L33, PVC area.
(20) Any other lands proposed for transfer as depicted on the map described in section 2912(e)(1) and not otherwise specifically identified for transfer under this subtitle.

(b) INFORMATION REGARDING ENVIRONMENTAL CONDITION OF PARCELS; ASSESSMENT OF REQUIRED ACTIONS UNDER OTHER ENVIRONMENTAL LAWS.—

(1) INFORMATION.—Not later than 180 days after the date on which the Secretary of the Army and the Administrator concur in finding that, with respect to a parcel of Arsenal property described in subsection (a), all response actions have been taken under CERCLA necessary to protect human health and the environment with respect to any hazardous substance remaining on the parcel, the Secretary of the Army and the Administrator shall provide to the Secretary of Agriculture all information that exists on such date regarding the environmental condition of the parcel and the implementation of any response action, including information regarding the effectiveness of the response action.

(2) ASSESSMENT.—At the same time as information is provided under paragraph (1) with regard to a parcel of Arsenal property described in subsection (a), the Secretary of the Army shall provide to the Secretary of Agriculture an assessment, based on information in existence at the time the assessment is provided, indicating what further action, if any, is required under any environmental law (other than CERCLA) with respect to the parcel.

(3) SUBMISSION OF ADDITIONAL INFORMATION.—The Secretary of the Army and the Administrator shall have a continuing obligation to provide to the Secretary of Agriculture any additional information regarding the environmental condition of a parcel of the Arsenal property described in subsection (a) as such information becomes available.

(c) OFFER OF TRANSFER.—Not later than 180 days after the date on which information is provided under subsection (b)(1) with regard to a parcel of the Arsenal property described in subsection (a), the Secretary of the Army shall offer the Secretary of Agriculture the option of accepting a transfer of the parcel, without reimbursement, to be added to the Midewin National Tallgrass Prairie. The transfer shall be subject to the terms and conditions of this subtitle, including the liability provisions contained in section 2913. The Secretary of Agriculture has the option to accept or decline the offered transfer. The transfer of property under this section may be made on a parcel-by-parcel basis.

(d) EFFECT OF ENVIRONMENTAL ASSESSMENT.—

(1) AUTHORITY OF SECRETARY OF AGRICULTURE TO DECLINE TRANSFER.—If a parcel of Arsenal property described in subsection (a) includes property for which the assessment under subsection (b)(2) concludes further action is required under any other environmental law, the Secretary of Agriculture may decline any transfer of the parcel. Alternatively, the Secretary of Agriculture may decline immediate transfer of the parcel and enter into a memorandum of understanding with the Secretary of the Army providing for the performance by the Secretary of the Army of the required actions identified in the Army assessment with respect to the parcel. The memorandum of understanding shall be entered into within 90 days, or such later date as the Secretaries may establish, after the date on which the Secretary of Agriculture declines immediate transfer of the parcel and shall include a schedule for the completion of the required actions as soon as practicable.

(2) EVENTUAL TRANSFER.—The Secretary of Agriculture may accept or decline at any time for any reason the transfer of a parcel covered by this section. However, if the Secretary of Agriculture and the Secretary of the Army enter into a memorandum of understanding under paragraph (1) providing for transfer of the parcel, the Secretary of Agriculture shall accept transfer of the parcel as soon as possible after the date on which all required further actions identified in the assessment have been taken and the requirements of the memorandum of understanding have been satisfied.

(e) RULE OF CONSTRUCTION REGARDING CONCURRENCES.—For the purpose of the reaching the concurrence required by subsection (b)(1), if a response action requires construction and installation of an approved remedial design, the response action shall be considered to have been taken when the construction and installation of the approved remedial design is completed and the remedy is demonstrated to the satisfaction of the Administrator to be operating properly and successfully.

(f) INCLUSIONS AND EXCEPTIONS.—

(1) INCLUSIONS.—The parcels of Arsenal property described in subsection (a) shall include all associated inventoried buildings and structures as identified in the Joliet Army Ammunition Plant Plantwide Building and Structures Report and the contaminate study sites for both the manufacturing and load assembly and packing sites of the Arsenal as shown in the Dames and Moore Final Report, Phase 2 Remedial Investigation Manufacturing (MFG) Area Joliet Army Ammunition Plant, Joliet, Illinois (May 30, 1993, Contract No. DAAA15–90–D–0015 task order No. 6 prepared for the United States Army Environmental Center).

(2) EXCEPTION.—The parcels described in subsection (a) shall not include the property at the Arsenal designated for transfer or conveyance under subtitle B.

Subtitle B—Other Land Conveyances Involving Joliet Army Ammunition Plant

SEC. 2921. CONVEYANCE OF CERTAIN REAL PROPERTY AT ARSENAL FOR A NATIONAL CEMETERY.

(a) CONVEYANCE AUTHORIZED.—Subject to section 2931, the Secretary of the Army may transfer, without reimbursement, to the Secretary of Veterans Affairs the parcel of real property at the Arsenal described in subsection (b) for use as a national cemetery operated as part of the National Cemetery System of the Department of Veterans Affairs under chapter 24 of title 38, United States Code.

(b) DESCRIPTION OF PROPERTY.—The real property authorized to be transferred under subsection (a) is a parcel of real property at the Arsenal consisting of approximately 982 acres, the approximate legal description of which includes part of sections 30 and 31, Jackson Township, Township 34 North, Range 10 East, and part of sections 25 and 36, Channahon Township, Township 34 North, Range 10 East, Will County, Illinois, as depicted in the Arsenal land use concept.

(c) SECURITY MEASURES.—The Secretary of Veterans Affairs shall provide and maintain physical and other security measures on the real property transferred under subsection (a). Such security measures (which may include fences and natural barriers) shall include measures to prevent members of the public from gaining unauthorized access to the portion of the Arsenal that is under the administrative jurisdiction of the Secretary of Veterans Affairs and that may endanger health or safety.

(d) SURVEYS.—All costs of necessary surveys for the transfer of jurisdiction of Arsenal properties from the Secretary of the Army to the Secretary of Veterans Affairs shall be borne solely by the Secretary of Veterans Affairs.

SEC. 2922. CONVEYANCE OF CERTAIN REAL PROPERTY AT ARSENAL FOR A COUNTY LANDFILL.

(a) CONVEYANCE AUTHORIZED.—Subject to section 2931, the Secretary of the Army may convey, without compensation, to Will County, Illinois, all right, title, and interest of the United States in and to the parcel of real property at the Arsenal described in subsection (b), which shall be operated as a landfill by the County.

(b) DESCRIPTION OF PROPERTY.—The real property authorized to be conveyed under subsection (a) is a parcel of real property at the Arsenal consisting of approximately 455 acres, the approximate legal description of which includes part of sections 8, 9, 16, and 17, Florence Township, Township 33 North, Range 10 East, Will County, Illinois, as depicted in the Arsenal land use concept.

(c) CONDITION ON CONVEYANCE.—The conveyance shall be subject to the condition that the Department of the Army, the Department of Veterans Affairs, and the Department of Agriculture (or their agents or assigns) may use the landfill established on the real property conveyed under subsection (a) for the disposal of construction debris, refuse, and other materials related to any restoration and cleanup of Arsenal property. Such use shall be subject to applicable environmental laws and at no cost to the Federal Government.

(d) REVERSIONARY INTEREST.—If, at the end of the five-year period beginning on the date of the conveyance under subsection (a), the Secretary of Agriculture determines that the conveyed property is not opened for operation as a landfill, then, at the option of the Secretary of Agriculture, all right, title, and interest in and to the property, including improvements thereon, shall revert to the United States. Upon any such reversion, the property shall be included in the Midewin National Tallgrass Prairie. In the event the United States exercises its option to cause the property to revert, the United States shall have the right of immediate entry onto the property.

(e) INFORMATION REGARDING ENVIRONMENTAL CONDITIONS.—At the request of the Secretary of Agriculture, Will County, the Secretary of the Army, and the Administrator shall provide to the Secretary of Agriculture all information in their possession at the time of the request regarding the environmental condition of the real property to be conveyed under this section. The liability and responsibility of any person under any environmental law shall remain unchanged with respect to the landfill, except as provided in this title, including section 2913.

(f) SURVEYS.—All costs of necessary surveys for the conveyance of real property under this section shall be borne by Will County, Illinois.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions in connection with the conveyance under this section as the Secretary of the Army considers appropriate to protect the interests of the United States.

SEC. 2923. CONVEYANCE OF CERTAIN REAL PROPERTY AT ARSENAL FOR INDUSTRIAL PARKS.

(a) CONVEYANCE AUTHORIZED.—Subject to section 2931, the Secretary of the Army may convey to the State of Illinois, all right, title, and interest of the United States in and to the parcels of real property at the Arsenal described in subsection (b), which shall be used as industrial parks to replace all or a part of the economic activity lost at the Arsenal.

(b) DESCRIPTION OF PROPERTY.—The real property at the Arsenal authorized to be transferred under subsection (a) consists of the following parcels:

(1) A parcel of approximately 1,900 acres, the approximate legal description of which includes part of section 30, Jackson Township, Township 34 North, Range 10 East, and sections or parts of sections 24, 25, 26, 35, and 36, Township 34 North, Range 9 East, in Channahon Township, an area of 9.77 acres around the Des Plaines River Pump Station located in the southeast quarter of section 15, Township 34 North, Range 9 East of the Third Principal Meridian, in Channahon Township, and an area of 511 feet by 596 feet around the Kankakee River Pump Station in the Northwest Quarter of section 5, Township 33 North, Range 9 East, east of the Third Principal Meridian in Wilmington Township, containing 6.99 acres, located along the easterly side of the Kankakee Cut-Off in Will County, Illinois, as depicted in the Arsenal land use concept, and the connecting piping to the northern industrial site, as described by the United States Army Report of Availability, dated 13 December 1993.

(2) A parcel of approximately 1,100 acres, the approximate legal description of which includes part of sections 16, 17, and 18 in Florence Township, Township 33 North, Range 10 East, Will County, Illinois, as depicted in the Arsenal land use concept.

(c) CONSIDERATION.—

(1) DELAY IN PAYMENT OF CONSIDERATION.—After the end of the 20-year period beginning on the date on which the conveyance under subsection (a) is completed, the State of Illinois shall pay to the United States an amount equal to fair market value of the conveyed property as of the time of the conveyance.

(2) EFFECT OF RECONVEYANCE BY STATE.—If the State of Illinois reconveys all or any part of the conveyed property during such 20-year period, the State shall pay to the United States an amount equal to the fair market value of the reconveyed property as of the time of the reconveyance, excluding the value of any improvements made to the property by the State.

(3) DETERMINATION OF FAIR MARKET VALUE.—The Secretary of the Army shall determine fair market value in accordance with Federal appraisal standards and procedures.

(4) TREATMENT OF LEASES.—The Secretary of the Army may treat a lease of the property within such 20-year period as a reconveyance if the Secretary determines that the lease is being used to avoid application of paragraph (2).

(5) DEPOSIT OF PROCEEDS.—The Secretary of the Army shall deposit any proceeds received under this subsection in the special account established pursuant to section 204(h)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)(2)).

(d) CONDITIONS OF CONVEYANCE.—

(1) REDEVELOPMENT AUTHORITY.—The conveyance under subsection (a) shall be subject to the condition that the Governor of the State of Illinois, in consultation with the Mayor of the Village of Elwood, Illinois, and the Mayor of the City of Wilmington, Illinois, establish a redevelopment authority to be responsible for overseeing the development of the industrial parks on the conveyed property.

(2) TIME FOR ESTABLISHMENT.—To satisfy the condition specified in paragraph (1), the redevelopment authority shall be established within one year after the date of the enactment of this title.

(e) SURVEYS.—All costs of necessary surveys for the conveyance of real property under this section shall be borne by the State of Illinois.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army 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.

Subtitle C—Miscellaneous Provisions

SEC. 2931. DEGREE OF ENVIRONMENTAL CLEANUP.

(a) IN GENERAL.—Nothing in this title shall be construed to restrict or lessen the degree of cleanup at the Arsenal required to be carried out under provisions of any environmental law.

(b) RESPONSE ACTION.—The establishment of the Midewin National Tallgrass Prairie under subtitle A and the additional real property transfers or conveyances authorized under subtitle B shall not restrict or lessen in any way any response action or degree of cleanup under CERCLA or other environmental law, or any action required under any environmental law to remediate petroleum products or their derivatives (including motor oil and aviation fuel), required to be carried out under the authority of the Secretary of the Army at the Arsenal and surrounding areas.

(c) ENVIRONMENTAL QUALITY OF PROPERTY.—Any contract for sale, deed, or other transfer of real property under subtitle B shall be carried out in compliance with all applicable provisions of section 120(h) of CERCLA and other environmental laws.

SEC. 2932. RETENTION OF PROPERTY USED FOR ENVIRONMENTAL CLEANUP.

(a) RETENTION OF CERTAIN PROPERTY.—Unless and until the Arsenal property described in this subsection is actually transferred or conveyed under this title or other applicable law, the Secretary of the Army may retain jurisdiction, authority, and control over real property at the Arsenal to be used for—

(1) water treatment;

(2) the treatment, storage, or disposal of any hazardous substance, pollutant or contaminant, hazardous material, or petroleum products or their derivatives;

(3) other purposes related to any response action at the Arsenal; and

(4) other actions required at the Arsenal under any environmental law to remediate contamination or conditions of noncompliance with any environmental law.

(b) CONDITIONS.—The Secretary of the Army shall consult with the Secretary of Agriculture regarding the identification and management of the real property retained under this section and ensure that activities carried out on that property are consistent, to the extent practicable, with the purposes for which the Midewin National Tallgrass Prairie is established, as specified in section 2914(c), and with the other provisions of sections 2914 and 2915.

(c) PRIORITY OF RESPONSE ACTIONS.—In the case of any conflict between management of the property by the Secretary of Agriculture and any response action required under CERCLA, or any other action required under any other environmental law, including actions to remediate petroleum products or their derivatives, the response action or other action shall take priority.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

SEC. 3101. WEAPONS ACTIVITIES.

(a) STOCKPILE STEWARDSHIP.—Subject to subsection (d), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for stockpile stewardship in carrying out weapons activities necessary for national security programs in the amount of $1,567,175,000, to be allocated as follows:

(1) For core stockpile stewardship, $1,159,708,000, to be allocated as follows:

(A) For operation and maintenance, $1,078,403,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $81,305,000, to be allocated as follows:

Project 96–D–102, stockpile stewardship facilities revitalization, Phase VI, various locations, $2,520,000.

Project 96–D–103, ATLAS, Los Alamos National Laboratory, Los Alamos, New Mexico, $8,400,000.

Project 96–D–104, processing and environmental technology laboratory (PETL), Sandia National Laboratories, Albuquerque, New Mexico, $1,800,000.

Project 96–D–105, contained firing facility addition, Lawrence Livermore National Laboratory, Livermore, California, $6,600,000.

Project 95–D–102, Chemical and Metallurgy Research Building upgrades project, Los Alamos National Laboratory, Los Alamos, New Mexico, $9,940,000.

Project 94–D–102, nuclear weapons research, development, and testing facilities revitalization, Phase V, various locations, $12,200,000.

Project 93–D–102, Nevada support facility, North Las Vegas, Nevada, $15,650,000.

Project 90–D–102, nuclear weapons research, development, and testing facilities revitalization, Phase III, various locations, $6,200,000.

Project 88–D–106, nuclear weapons research, development, and testing facilities revitalization, Phase II, various locations, $17,995,000.

(2) For inertial fusion, $240,667,000, to be allocated as follows:

(A) For operation and maintenance, $203,267,000.

(B) For the following plant project (including maintenance, restoration, planning, construction, acquisition, and modification of facilities, and land acquisition related thereto), $37,400,000:

Project 96–D–111, national ignition facility, location to be determined, $37,400,000.

(3) For technology transfer and education, $160,000,000.

(4) For Marshall Islands, $6,800,000.

(b) STOCKPILE MANAGEMENT.—Subject to subsection (d), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for stockpile management in carrying out weapons activities necessary for national security programs in the amount of $2,025,083,000, to be allocated as follows:

(1) For operation and maintenance, $1,911,458,000.

(2) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $113,625,000, to be allocated as follows:

Project 96–D–122, sewage treatment quality upgrade (STQU), Pantex Plant, Amarillo, Texas, $600,000.

Project 96–D–123, retrofit heating, ventilation, and air conditioning and chillers for ozone protection, Y–12 Plant, Oak Ridge, Tennessee, $3,100,000.

Project 96–D–125, Washington measurements operations facility, Andrews Air Force Base, Camp Springs, Maryland, $900,000.

Project 96–D–126, tritium loading line modifications, Savannah River Site, South Carolina, $12,200,000.

Project 95–D–122, sanitary sewer upgrade, Y–12 Plant, Oak Ridge, Tennessee, $6,300,000.

Project 94–D–124, hydrogen fluoride supply system, Y–12 Plant, Oak Ridge, Tennessee, $8,700,000.

Project 94–D–125, upgrade life safety, Kansas City Plant, Kansas City, Missouri, $5,500,000.

Project 94–D–127, emergency notification system, Pantex Plant, Amarillo, Texas, $2,000,000.

Project 94–D–128, environmental safety and health analytical laboratory, Pantex Plant, Amarillo, Texas, $4,000,000.

Project 93–D–122, life safety upgrades, Y–12 Plant, Oak Ridge, Tennessee, $7,200,000.

Project 93–D–123, complex–21, various locations, $41,065,000.

Project 88–D–122, facilities capability assurance program, various locations, $8,660,000.

Project 88–D–123, security enhancement, Pantex Plant, Amarillo, Texas, $13,400,000.

(c) PROGRAM DIRECTION.—Subject to subsection (d), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for program direction in carrying out weapons activities necessary for national security programs in the amount of $115,000,000.

(d) ADJUSTMENTS.—The total amount authorized to be appropriated pursuant to this section is the sum of the amounts authorized to be appropriated in subsections (a) through (c) reduced by the sum of—

(1) $37,200,000, for savings resulting from procurement reform; and

(2) $209,744,000, for use of prior year balances.

SEC. 3102. ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.

(a) ENVIRONMENTAL RESTORATION.—Subject to subsection (h), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for environmental restoration in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $1,635,973,000.

(b) WASTE MANAGEMENT.—Subject to subsection (h), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for waste management in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $2,470,598,000, to be allocated as follows:

(1) For operation and maintenance, $2,295,994,000.

(2) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $174,604,000, to be allocated as follows:

Project 96–D–406, spent nuclear fuels canister storage and stabilization facility, Richland, Washington, $42,000,000.

Project 96–D–407, mixed waste/low-level waste treatment projects, Rocky Flats Plant, Golden, Colorado, $2,900,000.

Project 96–D–408, waste management upgrades, various locations, $5,615,000.

Project 95–D–402, install permanent electrical service, Waste Isolation Pilot Plant, Carlsbad, New Mexico, $4,314,000.

Project 95–D–405, industrial landfill V and construction/demolition landfill VII, Phase III, Y–12 Plant, Oak Ridge, Tennessee, $4,600,000.

Project 95–D–406, road 5–01 reconstruction, area 5, Nevada Test Site, Nevada, $1,023,000.

Project 95–D–407, 219–S secondary containment upgrade, Richland Washington, $1,000,000.

Project 94–D–400, high explosive wastewater treatment system, Los Alamos National Laboratory, Los Alamos, New Mexico, $4,445,000.

Project 94–D–402, liquid waste treatment system, Nevada Test Site, Nevada, $282,000.

Project 94–D–404, Melton Valley storage tank capacity increase, Oak Ridge National Laboratory, Oak Ridge, Tennessee, $11,000,000.

Project 94–D–407, initial tank retrieval systems, Richland, Washington, $12,000,000.

Project 94–D–411, solid waste operation complex, Richland, Washington, $6,606,000.

Project 93–D–178, building 374 liquid waste treatment facility, Rocky Flats Plant, Golden, Colorado, $3,900,000.

Project 93–D–181, radioactive liquid waste line replacement, Richland, Washington, $5,000,000.

Project 93–D–182, replacement of cross-site transfer system, Richland, Washington, $19,795,000.

Project 93–D–187, high-level waste removal from filled waste tanks, Savannah River Site, South Carolina, $19,700,000.

Project 92–D–171, mixed waste receiving and storage facility, Los Alamos National Laboratory, Los Alamos, New Mexico, $1,105,000.

Project 92–D–188, waste management environmental, safety and health (ES&H) and compliance activities, various locations, $1,100,000.

Project 90–D–172, aging waste transfer lines, Richland, Washington, $2,000,000.

Project 90–D–177, RWMC transuranic (TRU) waste characterization and storage facility, Idaho National Engineering Laboratory, Idaho, $1,428,000.

Project 90–D–178, TSA retrieval enclosure, Idaho National Engineering Laboratory, Idaho, $2,606,000.

Project 89–D–173, tank farm ventilation upgrade, Richland, Washington, $800,000.

Project 89–D–174, replacement high-level waste evaporator, Savannah River Site, Aiken, South Carolina, $11,500,000.

Project 86–D–103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, Livermore, California, $8,885,000.

Project 83–D–148, nonradioactive hazardous waste management, Savannah River Site, Aiken, South Carolina, $1,000,000.

(c) TECHNOLOGY DEVELOPMENT.—Subject to subsection (h), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for technology development in carrying out environmental restoration and

waste management activities necessary for national security programs in the amount of $440,510,000.

(d) TRANSPORTATION MANAGEMENT.—Subject to subsection (h), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for transportation management in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $13,158,000.

(e) NUCLEAR MATERIALS AND FACILITIES STABILIZATION.—Subject to subsection (h), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for nuclear materials and facilities stabilization in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $1,561,854,000 to be allocated as follows:

(1) For operation and maintenance, $1,447,108,000.

(2) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $114,746,000, to be allocated as follows:

Project 96–D–457, thermal treatment system, Richland Washington, $1,000,000.

Project 96–D–458, site drainage control, Mound Plant, Miamisburg, Ohio, $885,000.

Project 96–D–461, electrical distribution upgrade, Idaho National Engineering Laboratory, Idaho, $1,539,000.

Project 96–D–464, electrical and utility systems upgrade, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, $4,952,000.

Project 96–D–468, residue elimination project, Rocky Flats Plant, Golden, Colorado, $33,100,000.

Project 96–D–471, chlorofluorocarbon heating, ventilation, and air conditioning and chiller retrofit, Savannah River Site, Aiken, South Carolina, $1,500,000.

Project 95–D–155, upgrade site road infrastructure, Savannah River Site, South Carolina, $2,900,000.

Project 95–D–156, radio trunking system, Savannah River Site, South Carolina, $6,000,000.

Project 95–D–454, 324 facility compliance/renovation, Richland, Washington, $3,500,000.

Project 95–D–456, security facilities upgrade, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, $8,382,000.

Project 94–D–122, underground storage tanks, Rocky Flats Plant, Golden, Colorado, $5,000,000.

Project 94–D–401, emergency response facility, Idaho National Engineering Laboratory, Idaho, $5,074,000.

Project 94–D–412, 300 area process sewer piping upgrade, Richland, Washington, $1,000,000.

Project 94–D–415, medical facilities, Idaho National Engineering Laboratory, Idaho, $3,601,000.

Project 94–D–451, infrastructure replacement, Rocky Flats Plant, Golden, Colorado, $2,940,000.

Project 93–D–147, domestic water system upgrade, Phase I and II, Savannah River Site, Aiken, South Carolina, $7,130,000.

Project 92–D–123, plant fire/security alarm systems replacement, Rocky Flats Plant, Golden, Colorado, $9,560,000.

Project 92–D–125, master safeguards and security agreement/materials surveillance task force security upgrades, Rocky Flats Plant, Golden, Colorado, $7,000,000.

Project 92–D–181, fire and life safety improvements, Idaho National Engineering Laboratory, Idaho, $6,883,000.

Project 91–D–127, criticality alarm and plant annunciation utility replacement, Rocky Flats Plant, Golden, Colorado, $2,800,000.

(f) COMPLIANCE AND PROGRAM COORDINATION.—Subject to subsection (h), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for compliance and program coordination in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $46,251,000, to be allocated as follows:

(1) For operation and maintenance, $31,251,000.

(2) For the following plant project (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of a project authorized in prior years, and land acquisition related thereto):

Project 95–E–600, hazardous materials training center, Richland, Washington, $15,000,000.

(g) ANALYSIS, EDUCATION, AND RISK MANAGEMENT.—Subject to subsection (h), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for analysis, education, and risk management in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $78,522,000.

(h) ADJUSTMENTS.—The total amount authorized to be appropriated pursuant to this section is the sum of the amounts specified in subsections (a) through (g) reduced by the sum of—

(1) $652,334,000, for use of prior year balances; and

(2) $37,000,000, for Savannah River Pension Refund.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

(a) OTHER DEFENSE ACTIVITIES.—Subject to subsection (b), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for other defense activities in carrying out programs necessary for national security in the amount of $1,351,975,600, to be allocated as follows:

(1) For verification and control technology, $428,205,600, to be allocated as follows:

(A) For nonproliferation and verification research and development, $224,905,000.

(B) For arms control, $160,964,600.

(C) For intelligence, $42,336,000.

(2) For nuclear safeguards and security, $83,395,000.

(3) For security investigations, $20,000,000.

(4) For security evaluations, $14,707,000.

(5) For the Office of Nuclear Safety, $17,679,000.

(6) For worker and community transition assistance, $82,500,000.

(7) For fissile materials disposition, $70,000,000.

(8) For emergency management, $23,321,000.

(9) For naval reactors development, $682,168,000, to be allocated as follows:

(A) For operation and infrastructure, $652,568,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $29,600,000, to be allocated as follows:

Project GPN–101, general plant projects, various locations, $6,600,000.

Project 95–D–200, laboratory systems and hot cell upgrades, various locations, $11,300,000.

Project 95–D–201, advanced test reactor radioactive waste system upgrades, Idaho National Engineering Laboratory, Idaho, $4,800,000.

Project 93–D–200, engineering services facilities, Knolls Atomic Power Laboratory, Niskayuna, New York, $3,900,000.

Project 90–N–102, expended core facility dry cell project, Naval Reactors Facility, Idaho, $3,000,000.

(b) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to this section is the amount authorized to be appropriated in subsection (a) reduced by $70,000,000, for use of prior year balances.

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 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 $248,400,000.

Subtitle B—Recurring General Provisions

SEC. 3121. REPROGRAMMING.

(a) IN GENERAL.—Until the Secretary of Energy submits to the congressional defense committees the report referred to in subsection (b) and a period of 30 days has elapsed after the date on which such committees receive the report, the Secretary may not use amounts appropriated pursuant to this title for any program—

(1) in amounts that exceed, in a fiscal year—

(A) 110 percent of the amount authorized for that program by this title; or

(B) $1,000,000 more than the amount authorized for that program by this title; or

(2) which has not been presented to, or requested of, Congress.

(b) REPORT.—(1) The report referred to in subsection (a) is a report containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action.

(2) In the computation of the 30-day period under subsection (a), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(c) LIMITATIONS.—(1) In no event may the total amount of funds obligated pursuant to this title exceed the total amount authorized to be appropriated by this title.

(2) Funds appropriated pursuant to this title may not be used for an item for which Congress has specifically denied funds.

SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.

(a) IN GENERAL.—The Secretary of Energy may carry out any construction project under the general plant projects authorized by this title if the total estimated cost of the construction project does not exceed $2,000,000.

(b) REPORT TO CONGRESS.—If, at any time during the construction of any general plant project authorized by this title, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds $2,000,000, the Secretary shall immediately furnish a complete report to the congressional defense committees explaining the reasons for the cost variation.

SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.

(a) IN GENERAL.—(1) Except as provided in paragraph (2), construction on a construction project may not be started or additional obligations incurred in connection with the project above the total estimated cost, whenever the current estimated cost of the construction project, which is authorized by sections 3101, 3102, or 3103, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of—

(A) the amount authorized for the project; or

(B) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress.

(2) An action described in paragraph (1) may be taken if—

(A) the Secretary of Energy has submitted to the congressional defense committees a report on the actions and the circumstances making such action necessary; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(3) In the computation of the 30-day period under paragraph (2), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(b) EXCEPTION.—Subsection (a) shall not apply to any construction project which has a current estimated cost of less than $5,000,000.

SEC. 3124. FUND TRANSFER AUTHORITY.

(a) TRANSFER TO OTHER FEDERAL AGENCIES.—The Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title to other Federal agencies for the performance of work for which the funds were authorized. Funds so transferred may be merged with and be available for the same purposes and for the same 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 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 relating to weapons activities necessary for national security programs 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 Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives of any transfer of funds to or from authorizations under this title.

SEC. 3125. AUTHORITY FOR CONCEPTUAL AND CONSTRUCTION DESIGN.

(a) REQUIREMENT FOR 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) If the estimated cost of completing a conceptual design for a construction project exceeds $3,000,000, the Secretary shall submit to Congress a request for funds for the conceptual design before submitting a request for funds for the construction project.

(3) The requirement in paragraph (1) does not apply to a request for funds—

(A) for a construction project the total estimated cost of which is less than $2,000,000; or

(B) for emergency planning, design, and construction activities under section 3126.

(b) AUTHORITY FOR CONSTRUCTION DESIGN.—(1) Within the amounts authorized by this title, the Secretary of Energy may carry out construction design (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such design does not exceed $600,000.

(2) If the total estimated cost for construction design in connection with any construction project exceeds $600,000, funds for such design must be specifically authorized by law.

SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DESIGN, AND CONSTRUCTION ACTIVITIES.

(a) AUTHORITY.—The Secretary of Energy may use any funds available to the Department of Energy pursuant to an authorization in this title, including those funds authorized to be appropriated for advance planning and construction design under sections 3101, 3102, and 3103, to perform planning, design, and construction activities for any Department of Energy national security program construction project that, as determined by the Secretary, must proceed expeditiously in order to protect public health and safety, to meet the needs of national defense, or to protect property.

(b) LIMITATION.—The Secretary may not exercise the authority under subsection (a) in the case of any construction project until the Secretary has submitted to the congressional defense committees a report on the activities that the Secretary intends to carry out under this section and the circumstances making such activities necessary.

(c) SPECIFIC AUTHORITY.—The requirement of section 3125(b)(2) does not apply to emergency planning, design, and construction activities conducted under this section.

SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY.

Subject to the provisions of appropriations Acts and section 3121, amounts appropriated pursuant to this title for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

SEC. 3128. AVAILABILITY OF FUNDS.

When so specified in an appropriation Act, amounts appropriated for operation and maintenance or for plant projects may remain available until expended.

Subtitle C—Program Authorizations, Restrictions, and Limitations

SEC. 3131. AUTHORITY TO CONDUCT PROGRAM RELATING TO FISSILE MATERIALS.

(a) AUTHORITY.—The Secretary of Energy may conduct programs designed to improve the protection, control, and accountability of fissile materials in Russia.

(b) SEMI-ANNUAL REPORTS ON OBLIGATION OF FUNDS.—(1) Not later than 30 days after the date of the enactment of this Act, and thereafter not later than April 1 and October 1 of each year, the Secretary of Energy shall submit to Congress a report on each obligation during the preceding six months of funds appropriated for a program described in subsection (a).

(2) Each such report shall specify—

(A) the activities and forms of assistance for which the Secretary of Energy has obligated funds;

(B) the amount of the obligation;

(C) the activities and forms of assistance for which the Secretary anticipates obligating funds during the six months immediately following the report, and the amount of each such anticipated obligation; and

(D) the projected involvement (if any) of any department or agency of the United States (in addition to the Department of Energy) and of the private sector of the United States in the activities and forms of assistance for which the Secretary of Energy has obligated funds referred to in subparagraph (A).

SEC. 3132. NATIONAL IGNITION FACILITY.

None of the funds authorized to be appropriated pursuant to this title for construction of the National Ignition Facility may be obligated until—

(1) the Secretary of Energy determines that the construction of the National Ignition Facility will not impede the nuclear nonproliferation objectives of the United States; and

(2) the Secretary of Energy notifies the congressional defense committees of that determination.

SEC. 3133. TRITIUM PRODUCTION PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Energy shall establish a tritium production program that is capable of meeting the tritium requirements of the United States for nuclear weapons. In carrying out the tritium production program, the Secretary shall—

(1) complete the tritium supply and recycling environmental impact statement in preparation by the Secretary as of the date of the enactment of this Act; and

(2) assess alternative means for tritium production, including production through—

(A) types of new and existing reactors, including multipurpose reactors (such as advanced light water reactors and gas turbine gas-cooled reactors) capable of meeting both the tritium production requirements and the plutonium disposition requirements of the United States for nuclear weapons;

(B) an accelerator; and

(C) multipurpose reactor projects carried out by the private sector and the Government.

(b) FUNDING.—Of funds authorized to be appropriated to the Department of Energy pursuant to section 3101, not more than $50,000,000 shall be available for the tritium production program established pursuant to subsection (a).

(c) LOCATION OF TRITIUM PRODUCTION FACILITY.—The Secretary shall locate any new tritium production facility of the Department of Energy at the Savannah River Site, South Carolina.

(d) COST-BENEFIT ANALYSIS.—(1) The Secretary shall include in the statements referred to in paragraph (2) a comparison of the costs and benefits of carrying out two projects for the separate performance of the tritium production mission of the Department and the plutonium disposition mission of the Department with the costs and benefits of carrying out one multipurpose project for the performance of both such missions.

(2) The statements referred to in paragraph (1) are—

(A) the environmental impact statement referred to in subsection (a)(1);

(B) the plutonium disposition environmental impact statement in preparation by the Secretary as of the date of the enactment of this Act; and

(C) assessments related to the environmental impact statements referred to in subparagraphs (A) and (B).

(e) REPORT.—Not later than 45 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the tritium production program established pursuant to subsection (a). The report shall include a specification of—

(1) the planned expenditures of the Department during fiscal year 1996 for any of the alternative means for tritium production assessed under subsection (a)(2);

(2) the amount of funds required to be expended by the Department, and the program milestones (including feasibility demonstrations) required to be met, during fiscal years 1997 through 2001 to ensure tritium production beginning not later than 2005 that is adequate to meet the tritium requirements of the United States for nuclear weapons; and

(3) the amount of such funds to be expended and such program milestones to be met during such fiscal years to ensure such tritium production beginning not later than 2011.

(f) TRITIUM TARGETS.—Of the funds made available pursuant to subsection (b), not more than $5,000,000 shall be available for the Idaho National Engineering Laboratory for the test

and development of nuclear reactor tritium targets for the types of reactors assessed under subsection (a)(2)(A).

SEC. 3134. 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 in the amount of $350,000 assessed under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) against the Rocky Flats Site, Colorado.

SEC. 3135. FISSILE MATERIALS DISPOSITION.

(a) IN GENERAL.—Of the funds authorized to be appropriated to the Department of Energy for fiscal year 1996 pursuant to section 3103, $70,000,000 shall be available only for purposes of completing the evaluation of, and commencing implementation of, the interim- and long-term storage and disposition (including storage and disposition through the use of advanced light water reactors and gas turbine gas-cooled reactors) of fissile materials (including plutonium, highly enriched uranium, and other fissile materials) that are excess to the national security needs of the United States.

(b) AVAILABILITY OF FUNDS FOR MULTIPURPOSE REACTORS.—Of funds made available pursuant to subsection (a), sufficient funds shall be made available for the complete consideration of multipurpose reactors for the disposition of fissile materials in the programmatic environmental impact statement of the Department.

(c) LIMITATION.—Of funds made available pursuant to subsection (a), $10,000,000 shall be available only for a plutonium resource assessment.

SEC. 3136. TRITIUM RECYCLING.

(a) IN GENERAL.—Except as provided in subsection (b), the following activities shall be carried out at the Savannah River Site, South Carolina:

(1) All tritium recycling for weapons, including tritium refitting.

(2) All activities regarding tritium formerly carried out at the Mound Plant, Ohio.

(b) EXCEPTION.—The following activities may be carried out at the Los Alamos National Laboratory, New Mexico:

(1) Research on tritium.

(2) Work on tritium in support of the defense inertial confinement fusion program.

(3) Provision of technical assistance to the Savannah River Site regarding the weapons surveillance program.

SEC. 3137. MANUFACTURING INFRASTRUCTURE FOR REFABRICATION AND CERTIFICATION OF NUCLEAR WEAPONS STOCKPILE.

(a) MANUFACTURING PROGRAM.—The Secretary of Energy shall carry out a program for purposes of establishing within the Government a manufacturing infrastructure that has the capabilities of meeting the following objectives as specified in the Nuclear Posture Review:

(1) To provide a stockpile surveillance engineering base.

(2) To refabricate and certify weapon components and types in the enduring nuclear weapons stockpile, as necessary.

(3) To fabricate and certify new nuclear warheads, as necessary.

(4) To support nuclear weapons.

(5) To supply sufficient tritium in support of nuclear weapons to ensure an upload hedge in the event circumstances require.

(b) REQUIRED CAPABILITIES.—The manufacturing infrastructure established under the program under subsection (a) shall include the following capabilities (modernized to attain the objectives referred to in that subsection):

(1) The weapons assembly capabilities of the Pantex Plant.

(2) The weapon secondary fabrication capabilities of the Y–12 Plant, Oak Ridge, Tennessee.

(3) The tritium production, recycling, and other weapons-related capabilities of the Savannah River Site.

(4) The non-nuclear component capabilities of the Kansas City Plant.

(c) NUCLEAR POSTURE REVIEW.—For purposes of subsection (a), the term "Nuclear Posture Review" means the Department of Defense Nuclear Posture Review as contained in the Report of the Secretary of Defense to the President and the Congress dated February 19, 1995, or subsequent such reports.

(d) FUNDING.—Of the funds authorized to be appropriated under section 3101(b), $143,000,000 shall be available for carrying out the program required under this section, of which—

(1) $35,000,000 shall be available for activities at the Pantex Plant;

(2) $30,000,000 shall be available for activities at the Y–12 Plant, Oak Ridge, Tennessee;

(3) $35,000,000 shall be available for activities at the Savannah River Site; and

(4) $43,000,000 shall be available for activities at the Kansas City Plant.

(e) PLAN AND REPORT.—The Secretary shall develop a plan for the implementation of this section. Not later than March 1, 1996, the Secretary shall submit to Congress a report on the obligations the Secretary has incurred, and plans to incur, during fiscal year 1996 for the program referred to in subsection (a).

SEC. 3138. HYDRONUCLEAR EXPERIMENTS.

Of the funds authorized to be appropriated to the Department of Energy pursuant to section 3101, $30,000,000 shall be available to prepare for the commencement of a program of hydronuclear experiments at the nuclear weapons design laboratories at the Nevada Test Site, Nevada. The purpose of the program shall be to maintain confidence in the reliability and safety of the nuclear weapons stockpile.

SEC. 3139. LIMITATION ON AUTHORITY TO CONDUCT HYDRONUCLEAR TESTS.

Nothing in this Act may be construed to authorize the conduct of hydronuclear tests or to amend or repeal the requirements of section 507 of the Energy and Water Development Appropriations Act, 1993 (Public Law 102–377; 106 Stat. 1343; 42 U.S.C. 2121 note).

SEC. 3140. FELLOWSHIP PROGRAM FOR DEVELOPMENT OF SKILLS CRITICAL TO THE DEPARTMENT OF ENERGY NUCLEAR WEAPONS COMPLEX.

(a) IN GENERAL.—The Secretary of Energy shall conduct a fellowship program for the development of skills critical to the ongoing mission of the Department of Energy nuclear weapons complex. Under the fellowship program, the Secretary shall—

(1) provide educational assistance and research assistance to eligible individuals to facilitate the development by such individuals of skills critical to maintaining the ongoing mission of the Department of Energy nuclear weapons complex;

(2) employ eligible individuals at the facilities described in subsection (c) in order to facilitate the development of such skills by these individuals; or

(3) provide eligible individuals with the assistance and the employment.

(b) ELIGIBLE INDIVIDUALS.—Individuals eligible for participation in the fellowship program are the following:

(1) Students pursuing graduate degrees in fields of science or engineering that are related to nuclear weapons engineering or to the science and technology base of the Department of Energy.

(2) Individuals engaged in postdoctoral studies in such fields.

(c) COVERED FACILITIES.—The Secretary shall carry out the fellowship program at or in connection with the following facilities:

(1) The Kansas City Plant, Kansas City, Missouri.

(2) The Pantex Plant, Amarillo, Texas.

(3) The Y–12 Plant, Oak Ridge, Tennessee.

(4) The Savannah River Site, Aiken, South Carolina.

(d) ADMINISTRATION.—The Secretary shall carry out the fellowship program at a facility referred to in subsection (c) through the stockpile manager of the facility.

(e) ALLOCATION OF FUNDS.—The Secretary shall, in consultation with the Assistant Secretary of Energy for Defense Programs, allocate funds available for the fellowship program under subsection (f) among the facilities referred to in subsection (c). The Secretary shall make the allocation after evaluating an assessment by the weapons program director of each such facility of the personnel and critical skills necessary at the facility for carrying out the ongoing mission of the facility.

(f) FUNDING.—Of the funds authorized to be appropriated to the Department of Energy for fiscal year 1996 under section 3101(b), $10,000,000 may be used for the purpose of carrying out the fellowship program under this section.

SEC. 3141. LIMITATION ON USE OF FUNDS FOR CERTAIN RESEARCH AND DEVELOPMENT PURPOSES.

Funds appropriated or otherwise made available to the Department of Energy for fiscal year 1996 under section 3101 may be obligated and expended for activities under the Department of Energy Laboratory Directed Research and Development Program or under Department of Energy technology transfer programs only if such activities support the national security mission of the Department.

SEC. 3142. PROCESSING AND TREATMENT OF HIGH-LEVEL NUCLEAR WASTE AND SPENT NUCLEAR FUEL RODS.

(a) PROCESSING OF SPENT NUCLEAR FUEL RODS.—Of the amounts appropriated pursuant to section 3102, there shall be available to the Secretary of Energy to respond effectively to new requirements for managing spent nuclear fuel—

(1) not more than $30,000,000, for the Savannah River Site for the development and implementation of a program for the processing, reprocessing, separation, reduction, isolation, and interim storage of high-level nuclear waste associated with aluminum clad spent fuel rods and foreign spent fuel rods; and

(2) not more than $15,000,000, for the Idaho National Engineering Laboratory for the development and implementation of a program for the treatment, preparation, and conditioning of high-level nuclear waste and spent nuclear fuel (including naval spent nuclear fuel), nonaluminum clad fuel rods, and foreign fuel rods for interim storage and final disposition.

(b) IMPLEMENTATION PLAN.—Not later than April 30, 1996, the Secretary shall submit to Congress a five-year plan for the implementation of the programs referred to in subsection (a). The plan shall include—

(1) an assessment of the facilities required to be constructed or upgraded to carry out the processing, separation, reduction, isolation and interim storage of high-level nuclear waste;

(2) a description of the technologies, including stabilization technologies, that are required to be developed for the efficient conduct of the programs;

(3) a projection of the dates upon which activities under the programs are sufficiently completed to provide for the transfers of such waste to permanent repositories; and

(4) a projection of the total cost to complete the programs.

(c) ELECTROMETALLURGICAL WASTE TREATMENT TECHNOLOGIES.—Of the amount appropriated pursuant to section 3102(c), not more than $25,000,000 shall be available for development of electrometallurgical waste treatment technologies at the Argonne National Laboratory.

(d) USE OF FUNDS FOR SETTLEMENT AGREEMENT.—Funds made available pursuant to subsection (a)(2) for the Idaho National Engineering Laboratory shall be considered to be funds made available in partial fulfillment of the terms and obligations set forth in the settlement agreement entered into by the United States with the State of Idaho in the actions captioned Public Service Co. of Colorado v. Batt, Civil No. 91-0035-S-EJL, and United States v. Batt, Civil No. 91-0054-S-EJL, in the United States District Court for the District of Idaho and the consent order of the United States District Court for the District of Idaho, dated October 17, 1995, that effectuates the settlement agreement.

SEC. 3143. PROTECTION OF WORKERS AT NUCLEAR WEAPONS FACILITIES.

Of the funds authorized to be appropriated to the Department of Energy under section 3102, $10,000,000 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. 3144. DEPARTMENT OF ENERGY DECLASSIFICATION PRODUCTIVITY INITIATIVE.

Of the funds authorized to be appropriated to the Department of Energy under section 3103, $3,000,000 shall be available for the Declassification Productivity Initiative of the Department of Energy.

Subtitle D—Other Matters

SEC. 3151. REPORT ON FOREIGN TRITIUM PURCHASES.

(a) REPORT.—Not later than May 1, 1996, the President shall submit to the congressional defense committees a report on the feasibility of, the cost of, and the policy, legal, and other issues associated with purchasing tritium from various foreign suppliers in order to ensure an adequate supply of tritium in the United States for nuclear weapons.

(b) FORM OF REPORT.—The report shall be submitted in unclassified form, but may contain a classified appendix.

SEC. 3152. STUDY ON NUCLEAR TEST READINESS POSTURES.

Not later than February 15, 1996, the Secretary of Energy shall submit to Congress a report on the costs, programmatic issues, and other issues associated with sustaining the capability of the Department of Energy—

(1) to conduct an underground nuclear test 6 months after the date on which the President determines that such a test is necessary to ensure the national security of the United States;

(2) to conduct such a test 18 months after such date; and

(3) to conduct such a test 36 months after such date.

SEC. 3153. MASTER PLAN FOR THE CERTIFICATION, STEWARDSHIP, AND MANAGEMENT OF WARHEADS IN THE NUCLEAR WEAPONS STOCKPILE.

(a) MASTER PLAN REQUIREMENT.—Not later than March 15, 1996, the President shall submit to Congress a master plan for maintaining the nuclear weapons stockpile. The President shall submit to Congress an update of the master plan not later than March 15 of each year thereafter.

(b) PLAN ELEMENTS.—The master plan and each update of the master plan shall set forth the following:

(1) The numbers of weapons (including active and inactive weapons) for each type of weapon in the nuclear weapons stockpile.

(2) The expected design lifetime of each weapon type, the current age of each weapon type, and any plans (including the analytical basis for such plans) for lifetime extensions of a weapon type.

(3) An estimate of the lifetime of the nuclear and nonnuclear components of the weapons (including active weapons and inactive weapons) in the nuclear weapons stockpile, and any plans (including the analytical basis for such plans) for lifetime extensions of such components.

(4) A schedule of the modifications, if any, required for each weapon type (including active and inactive weapons) in the nuclear weapons stockpile and the cost of such modifications.

(5) The process to be used in recertifying the safety, reliability, and performance of each weapon type (including active weapons and inactive weapons) in the nuclear weapons stockpile.

(6) The manufacturing infrastructure required to maintain the nuclear weapons stockpile stewardship and management programs, including a detailed project plan that demonstrates the manner by which the Government will develop by 2002 the capability to refabricate and certify warheads in the nuclear weapons stockpile and to design, fabricate, and certify new warheads.

(c) FORM OF PLAN.—The master plan and each update of the master plan shall be submitted in unclassified form, but may contain a classified appendix.

SEC. 3154. PROHIBITION ON INTERNATIONAL INSPECTIONS OF DEPARTMENT OF ENERGY FACILITIES UNLESS PROTECTION OF RESTRICTED DATA IS CERTIFIED.

(a) PROHIBITION ON INSPECTIONS.—(1) The Secretary of Energy may not allow an inspection of a nuclear weapons facility by the International Atomic Energy Agency until the Secretary certifies to Congress that no restricted data will be revealed during such inspection.

(2) For purposes of paragraph (1), the term "restricted data" has the meaning provided by section 11 y. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)).

(b) EXTENSION OF NOTICE-AND-WAIT REQUIREMENT REGARDING PROPOSED COOPERATION AGREEMENTS.—Section 3155(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 3092) is amended by striking out "December 31, 1995" and inserting in lieu thereof "October 1, 1996".

SEC. 3155. REVIEW OF CERTAIN DOCUMENTS BEFORE DECLASSIFICATION AND RELEASE.

(a) IN GENERAL.—The Secretary of Energy shall ensure that, before a document of the Department of Energy that contains national security information is released or declassified, such document is reviewed to determine whether it contains restricted data.

(b) LIMITATION ON DECLASSIFICATION.—The Secretary may not implement the automatic declassification provisions of Executive Order 12958 if the Secretary determines that such implementation could result in the automatic declassification and release of documents containing restricted data.

(c) RESTRICTED DATA DEFINED.—In this section, the term "restricted data" has the meaning provided by section 11 y. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)).

SEC. 3156. ACCELERATED SCHEDULE FOR ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT ACTIVITIES.

(a) ACCELERATED CLEANUP.—The Secretary of Energy shall accelerate the schedule for environmental restoration and waste management activities and projects for a site at a Department of Energy defense nuclear facility if the Secretary determines that such an accelerated schedule will achieve meaningful, long-term cost savings to the Federal Government and could substantially accelerate the release of land for local reuse.

(b) CONSIDERATION OF FACTORS.—In making a determination under subsection (a), the Secretary shall consider the following:

(1) The cost savings achievable by the Federal Government.

(2) The amount of time for completion of environmental restoration and waste management activities and projects at the site that can be reduced from the time specified for completion of such activities and projects in the baseline environmental management report required to be submitted for 1995 under section 3153 of the National Defense Authorization Act for Fiscal Year 1994 (42 U.S.C. 7274k).

(3) The potential for reuse of the site.

(4) The risks that the site poses to local health and safety.

(5) The proximity of the site to populated areas.

(c) REPORT.—Not later than May 1, 1996, the Secretary shall submit to Congress a report on each site for which the Secretary has accelerated the schedule for environmental restoration and waste management activities and projects under subsection (a). The report shall include an explanation of the basis for the determination for that site required by such subsection, including an explanation of the consideration of the factors described in subsection (b).

(d) SAVINGS PROVISION.—Nothing in this section may be construed to affect a specific statutory requirement for a specific environmental restoration or waste management activity or project or to modify or otherwise affect applicable statutory or regulatory environmental restoration and waste management requirements, including substantive standards intended to protect public health and the environment.

SEC. 3157. SENSE OF CONGRESS REGARDING CERTAIN ENVIRONMENTAL RESTORATION REQUIREMENTS.

It is the sense of Congress that—

(1) an individual acting within the scope of that individual's employment with a Federal agency should not be personally subject to civil or criminal sanctions (to the extent such sanctions are provided for by law) as a result of the failure to comply with an environmental cleanup requirement under the Solid Waste Disposal Act or the Comprehensive Environmental Response, Compensation, and Liability Act or an analogous requirement under a comparable Federal, State, or local law, in any circumstance under which such failure to comply is due to an insufficiency of funds appropriated to carry out such requirement;

(2) Federal and State enforcement authorities should refrain from an enforcement action in a circumstance described in paragraph (1); and

(3) if funds appropriated for a fiscal year after fiscal year 1995 are insufficient to carry out any such environmental cleanup requirement, Congress should elicit the views of Federal agencies, affected States, and the public, and consider appropriate legislative action to address personal criminal liability in a circumstance described in paragraph (1) and any related issues pertaining to potential liability of a Federal agency.

SEC. 3158. RESPONSIBILITY FOR DEFENSE PROGRAMS EMERGENCY RESPONSE PROGRAM.

The Office of Military Applications under the Assistant Secretary of Energy for Defense Programs shall retain responsibility for the Defense Programs Emergency Response Program within the Department of Energy.

SEC. 3159. REQUIREMENTS FOR DEPARTMENT OF ENERGY WEAPONS ACTIVITIES BUDGETS FOR FISCAL YEARS AFTER FISCAL YEAR 1996.

(a) IN GENERAL.—The weapons activities budget of the Department of Energy shall be developed in accordance with the Nuclear Posture

Review, the Post Nuclear Posture Review Stockpile Memorandum currently under development, and the programmatic and technical requirements associated with the review and memorandum.

(b) REQUIRED DETAIL.—The Secretary of Energy shall include in the materials that the Secretary submits to Congress in support of the budget for a fiscal year submitted by the President pursuant to section 1105 of title 31, United States Code, a long-term program plan, and a near-term program plan, for the certification and stewardship of the nuclear weapons stockpile.

(c) DEFINITION.—In this section, the term "Nuclear Posture Review" means the Department of Defense Nuclear Posture Review as contained in the report of the Secretary of Defense to the President and the Congress dated February 19, 1995, or in subsequent such reports.

SEC. 3160. REPORT ON HYDRONUCLEAR TESTING.

(a) REPORT.—The Secretary of Energy shall direct the joint preparation by the Directors of the Lawrence Livermore National Laboratory and the Los Alamos National Laboratory of a report on the advantages and disadvantages with respect to the safety and reliability of the nuclear weapons stockpile of permitting alternative limits to the current limit on the explosive yield of hydronuclear and other explosive tests. The report shall address the following explosive yield limits:

(1) 4 pounds (TNT equivalent).
(2) 400 pounds (TNT equivalent).
(3) 4,000 pounds (TNT equivalent).
(4) 40,000 pounds (TNT equivalent).
(5) 400 tons (TNT equivalent).

(b) FUNDING.—The Secretary shall make available funds appropriated to the Department of Energy pursuant to section 3101 for preparation of the report required under subsection (a).

SEC. 3161. APPLICABILITY OF ATOMIC ENERGY COMMUNITY ACT OF 1955 TO LOS ALAMOS, NEW MEXICO.

(a) DATE OF TRANSFER OF UTILITIES.—Section 72 of the Atomic Energy Community Act of 1955 (42 U.S.C. 2372) is amended by striking out "not later than five years after the date it is included within this Act" and inserting in lieu thereof "not later than June 30, 1998".

(b) DATE OF TRANSFER OF MUNICIPAL INSTALLATIONS.—Section 83 of such Act (42 U.S.C. 2383) is amended by striking out "not later than five years after the date it is included within this Act" and inserting in lieu thereof "not later than June 30, 1998".

(c) RECOMMENDATION FOR FURTHER ASSISTANCE PAYMENTS.—Section 91d. of such Act (42 U.S.C. 2391) is amended—

(1) by striking out ", and the Los Alamos School Board;" and all that follows through "county of Los Alamos, New Mexico" and inserting in lieu thereof "; or not later than June 30, 1996, in the case of the Los Alamos School Board and the county of Los Alamos, New Mexico"; and

(2) by adding at the end the following new sentence: "If the recommendation under the preceding sentence regarding the Los Alamos School Board or the county of Los Alamos, New Mexico, indicates a need for further assistance for the school board or the county, as the case may be, after June 30, 1997, the recommendation shall include a report and plan describing the actions required to eliminate the need for further assistance for the school board or the county, including a proposal for legislative action to carry out the plan.".

(d) CONTRACT TO MAKE PAYMENTS.—Section 94 of such Act (42 U.S.C. 2394) is amended—

(1) by striking out "June 30, 1996" each place it appears in the proviso in the first sentence and inserting in lieu thereof "June 30, 1997"; and

(2) by striking out "July 1, 1996" in the second sentence and inserting in lieu thereof "July 1, 1997".

SEC. 3162. SENSE OF CONGRESS REGARDING SHIPMENTS OF SPENT NUCLEAR FUEL.

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

(1) The United States has entered into a settlement agreement with the State of Idaho in the actions captioned Public Service Co. of Colorado v. Batt, Civil No. 91-0035-S-EJL, and United States v. Batt, Civil No. 91-0054-S-EJL, in the United States District Court for the District of Idaho, regarding shipment of naval spent nuclear fuel to Idaho, examination and storage of such fuel in Idaho, and other matters.

(2) Under this court enforceable agreement—

(A) the State of Idaho has agreed—

(i) to accept 575 shipments of naval spent nuclear fuel from the Navy into Idaho between October 17, 1995 and 2035;

(ii) to accept certain shipments of spent nuclear fuel from the Department of Energy into Idaho between October 17, 1995 and 2035; and

(iii) to allow the Navy and the Department of Energy, on an interim basis, to store the spent nuclear fuel in Idaho over the next 40 years; and

(B) the United States has made commitments—

(i) to remove all spent nuclear fuel (except certain quantities for testing) from Idaho by 2035; and

(ii) to facilitate the cleanup and stabilization of radioactive waste at the Idaho National Engineering Laboratory.

(3) The settlement agreement allows the Department of Energy and the Department of the Navy to meet responsibilities that are important to the national security interests of the United States.

(4) Authorizations and appropriations of funds will be necessary in order to provide for fulfillment of the terms and obligations set forth in the settlement agreement.

(b) SENSE OF CONGRESS.—(1) Congress recognizes the need to implement the terms, conditions, rights, and obligations contained in the settlement agreement referred to in subsection (a)(1) and the consent order of the United States District Court for the District of Idaho, dated October 17, 1995, that effectuates the settlement agreement in accordance with those terms, conditions, rights, and obligations.

(2) It is the sense of Congress that funds requested by the President to carry out the settlement agreement and such consent order should be appropriated for that purpose.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 1996, $17,000,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

Subtitle A—Authorization of Disposals and Use of Funds

SEC. 3301. DEFINITIONS.

For purposes of this subtitle:

(1) The term "National Defense Stockpile" means the stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c).

(2) The term "National Defense Stockpile Transaction Fund" means the fund in the Treasury of the United States established under section 9(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(a)).

SEC. 3302. AUTHORIZED USES OF STOCKPILE FUNDS.

(a) OBLIGATION OF STOCKPILE FUNDS.—During fiscal year 1996, the National Defense Stockpile Manager may obligate up to $77,100,000 of the funds in the National Defense Stockpile Transaction Fund for the authorized uses of such funds under section 9(b)(2) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(b)(2)).

(b) ADDITIONAL OBLIGATIONS.—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date Congress receives the notification.

(c) LIMITATIONS.—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

SEC. 3303. DISPOSAL OF CHROMITE AND MANGANESE ORES AND CHROMIUM FERRO AND MANGANESE METAL ELECTROLYTIC.

(a) DOMESTIC UPGRADING.—In offering to enter into agreements pursuant to any provision of law for the disposal from the National Defense Stockpile of chromite and manganese ores or chromium ferro and manganese metal electrolytic, 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 chromium ferro and manganese metal electrolytic; and

(2) conducts a significant level of its research, development, engineering, and upgrading operations in the United States.

SEC. 3304. RESTRICTIONS ON DISPOSAL OF MANGANESE FERRO.

(a) DISPOSAL OF LOWER GRADE MATERIAL FIRST.—The President may not dispose of high carbon manganese ferro in the National Defense Stockpile that meets the National Defense Stockpile classification of Grade One, Specification 30(a), as revised on May 22, 1992, until completing the disposal of all manganese ferro in the National Defense Stockpile that does not meet such classification. The President may not reclassify manganese ferro in the National Defense Stockpile after the date of the enactment of this Act.

(b) REQUIREMENT FOR REMELTING BY DOMESTIC FERROALLOY PRODUCERS.—Manganese ferro in the National Defense Stockpile that does not meet the classification specified in subsection (a) may be sold only for remelting by a domestic ferroalloy producer unless the President determines that a domestic ferroalloy producer is not available to acquire the material.

(c) DOMESTIC FERROALLOY PRODUCER DEFINED.—For purposes of this section, the term "domestic ferroalloy producer" means a company or other business entity that, as determined by the President—

(1) is engaged in operations to upgrade manganese ores of metallurgical grade or manganese ferro; and

(2) conducts a significant level of its research, development, engineering, and upgrading operations in the United States.

SEC. 3305. TITANIUM INITIATIVE TO SUPPORT BATTLE TANK UPGRADE PROGRAM.

During each of the fiscal years 1996 through 2003, the Secretary of Defense shall transfer

from stocks of the National Defense Stockpile up to 250 short tons of titanium sponge to the Secretary of the Army for use in the weight reduction portion of the main battle tank upgrade program. Transfers under this section shall be without charge to the Army, except that the Secretary of the Army shall pay all transportation and related costs incurred in connection with the transfer.

Subtitle B—Programmatic Change

SEC. 3311. TRANSFER OF EXCESS DEFENSE-RELATED MATERIALS TO STOCKPILE FOR DISPOSAL.

(a) TRANSFER AND DISPOSAL.—Section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c) is amended by adding at the end the following new subsection:

"(c)(1) The Secretary of Energy, in consultation with the Secretary of Defense, shall transfer to the stockpile for disposal in accordance with this Act uncontaminated materials that are in the Department of Energy inventory of materials for the production of defense-related items, are excess to the requirements of the Department for that purpose, and are suitable for transfer to the stockpile and disposal through the stockpile.

"(2) The Secretary of Defense shall determine whether materials are suitable for transfer to the stockpile under this subsection, are suitable for disposal through the stockpile, and are uncontaminated.".

(b) CONFORMING AMENDMENT.—Subsection (a) of such section is amended by adding at the end the following:

"(10) Materials transferred to the stockpile under subsection (c).".

TITLE XXXIV—NAVAL PETROLEUM RESERVES

Subtitle A—Administration of Naval Petroleum Reserves

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated to the Secretary of Energy $101,028,000 for fiscal year 1996 for the purpose of carrying out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves (as defined in section 7420(2) of such title). Funds appropriated pursuant to such authorization shall remain available until expended.

SEC. 3402. PRICE REQUIREMENT ON SALE OF CERTAIN PETROLEUM DURING FISCAL YEAR 1996.

Notwithstanding section 7430(b)(2) of title 10, United States Code, during fiscal year 1996, 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.

Subtitle B—Sale of Naval Petroleum Reserve

SEC. 3411. DEFINITIONS.

For purposes of this subtitle:

(1) The terms "Naval Petroleum Reserve Numbered 1" and "reserve" mean Naval Petroleum Reserve Numbered 1, commonly referred to as the Elk Hills Unit, located in Kern County, California, and established by Executive order of the President, dated September 2, 1912.

(2) The term "naval petroleum reserves" has the meaning given that term in section 7420(2) of title 10, United States Code, except that the term does not include Naval Petroleum Reserve Numbered 1.

(3) The term "unit plan contract" means the unit plan contract between equity owners of the lands within the boundaries of Naval Petroleum Reserve Numbered 1 entered into on June 19, 1944.

(4) The term "effective date" means the date of the enactment of this Act.

(5) The term "Secretary" means the Secretary of Energy.

(6) The term "appropriate congressional committees means the Committee on Armed Services of the Senate and the Committee on National Security and the Committee on Commerce of the House of Representatives.

SEC. 3412. SALE OF NAVAL PETROLEUM RESERVE NUMBERED 1.

(a) SALE OF RESERVE REQUIRED.—Subject to section 3414, not later than one year after the effective date, the Secretary of Energy shall enter into one or more contracts for the sale of all right, title, and interest of the United States in and to all lands owned or controlled by the United States inside Naval Petroleum Reserve Numbered 1. Chapter 641 of title 10, United States Code, shall not apply to the sale of the reserve.

(b) EQUITY FINALIZATION.—(1) Not later than five months after the effective date, the Secretary shall finalize equity interests of the known oil and gas zones in Naval Petroleum Reserve Numbered 1 in the manner provided by this subsection.

(2) The Secretary shall retain the services of an independent petroleum engineer, mutually acceptable to the equity owners, who shall prepare a recommendation on final equity figures. The Secretary may accept the recommendation of the independent petroleum engineer for final equity in each known oil and gas zone and establish final equity interest in Naval Petroleum Reserve Numbered 1 in accordance with the recommendation, or the Secretary may use such other method to establish final equity interest in the reserve as the Secretary considers appropriate.

(3) If, on the effective date, there is an ongoing equity redetermination dispute between the equity owners under section 9(b) of the unit plan contract, the dispute shall be resolved in the manner provided in the unit plan contract within five months after the effective date. The resolution shall be considered final for all purposes under this section.

(c) NOTICE OF SALE.—Not later than two months after the effective date, the Secretary shall publish a notice of intent to sell Naval Petroleum Reserve Numbered 1. The Secretary shall make all technical, geological, and financial information relevant to the sale of the reserve available to all interested and qualified buyers upon request. The Secretary, in consultation with the Administrator of General Services, shall ensure that the sale process is fair and open to all interested and qualified parties.

(d) ESTABLISHMENT OF MINIMUM SALE PRICE.—(1) Not later than two months after the effective date, the Secretary shall retain the services of five independent experts in the valuation of oil and gas fields to conduct separate assessments, in a manner consistent with commercial practices, of the value of the interest of the United States in Naval Petroleum Reserve Numbered 1. The independent experts shall complete their assessments within six months after the effective date. In making their assessments, the independent experts shall consider (among other factors)—

(A) all equipment and facilities to be included in the sale;

(B) the estimated quantity of petroleum and natural gas in the reserve; and

(C) the net present value of the anticipated revenue stream that the Secretary and the Director of the Office of Management and Budget jointly determine the Treasury would receive from the reserve if the reserve were not sold, adjusted for any anticipated increases in tax revenues that would result if the reserve were sold.

(2) The independent experts retained under paragraph (1) shall also determine and submit to the Secretary the estimated total amount of the cost of any environmental restoration and remediation necessary at the reserve. The Secretary shall report the estimate to the Director of the Office of Management and Budget, the Secretary of the Treasury, and Congress.

(3) The Secretary, in consultation with the Director of the Office of Management and Budget, shall set the minimum acceptable price for the reserve. The Secretary may not set the minimum acceptable price below the higher of—

(A) the average of the five assessments prepared under paragraph (1); and

(B) the average of three assessments after excluding the high and low assessments.

(e) ADMINISTRATION OF SALE; DRAFT CONTRACT.—(1) Not later than two months after the effective date, the Secretary shall retain the services of an investment banker to independently administer, in a manner consistent with commercial practices and in a manner that maximizes sale proceeds to the Government, the sale of Naval Petroleum Reserve Numbered 1 under this section. Costs and fees of retaining the investment banker may be paid out of the proceeds of the sale of the reserve.

(2) Not later than six months after the effective date, the investment banker retained under paragraph (1) shall complete a draft contract or contracts for the sale of Naval Petroleum Reserve Numbered 1, which shall accompany the solicitation of offers and describe the terms and provisions of the sale of the interest of the United States in the reserve.

(3) The draft contract or contracts shall identify—

(A) all equipment and facilities to be included in the sale; and

(B) any potential claim or liability (including liability for environmental restoration and remediation), and the extent of any such claim or liability, for which the United States is responsible under subsection (g).

(4) The draft contract or contracts, including the terms and provisions of the sale of the interest of the United States in the reserve, shall be subject to review and approval by the Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget. Each of those officials shall complete the review of, and approve or disapprove, the draft contract or contracts not later than seven months after the effective date.

(f) SOLICITATION OF OFFERS.—(1) Not later than seven months after the effective date, the Secretary shall publish the solicitation of offers for Naval Petroleum Reserve Numbered 1.

(2) Not later than 10 months after the effective date, the Secretary shall identify the highest responsible offer or offers for purchase of the interest of the United States in Naval Petroleum Reserve Numbered 1 that, in total, meet or exceed the minimum acceptable price determined under subsection (d)(3).

(3) The Secretary shall take such action immediately after the effective date as is necessary to obtain from an independent petroleum engineer within six months after that date a reserve report prepared in a manner consistent with commercial practices. The Secretary shall use the reserve report in support of the preparation of the solicitation of offers for the reserve.

(g) FUTURE LIABILITIES.—To effectuate the sale of the interest of the United States in Naval Petroleum Reserve Numbered 1, the Secretary may extend such indemnities and warranties as the Secretary considers reasonable and necessary to protect the purchaser from claims arising from the ownership in the reserve by the United States.

(h) MAINTAINING PRODUCTION.—Until the sale of Naval Petroleum Reserve Numbered 1 is completed under this section, the Secretary shall continue to produce the reserve at the maximum daily oil or gas rate from a reservoir, which will permit maximum economic development of the

reservoir consistent with sound oil field engineering practices in accordance with section 3 of the unit plan contract.

(i) NONCOMPLIANCE WITH DEADLINES.—At any time during the one-year period beginning on the effective date, if the Secretary determines that the actions necessary to complete the sale of the reserve within that period are not being taken or timely completed, the Secretary shall transmit to the appropriate congressional committees a written notification of that determination together with a plan setting forth the actions that will be taken to ensure that the sale of the reserve will be completed within that period. The Secretary shall consult with the Director of the Office of Management and Budget in preparing the plan for submission to the committees.

(j) OVERSIGHT.—The Comptroller General shall monitor the actions of the Secretary relating to the sale of the reserve and report to the appropriate congressional committees any findings on such actions that the Comptroller General considers appropriate to report to the committees.

(k) ACQUISITION OF SERVICES.—The Secretary may enter into contracts for the acquisition of services required under this section under the authority of paragraph (7) of section 303(c) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)), except that the notification required under subparagraph (B) of such paragraph for each contract shall be submitted to Congress not less than 7 days before the award of the contract.

SEC. 3413. EFFECT OF SALE OF RESERVE.

(a) EFFECT ON EXISTING CONTRACTS.—(1) In the case of any contract, in effect on the effective date, for the purchase of production from any part of the United States' share of Naval Petroleum Reserve Numbered 1, the sale of the interest of the United States in the reserve shall be subject to the contract for a period of three months after the closing date of the sale or until termination of the contract, whichever occurs first. The term of any contract entered into after the effective date for the purchase of the production shall not exceed the anticipated closing date for the sale of the reserve.

(2) The Secretary shall exercise the termination procedures provided in the contract between the United States and Bechtel Petroleum Operation, Inc., Contract Number DE–ACO1–85FE60520 so that the contract terminates not later than the date of closing of the sale of Naval Petroleum Reserve Numbered 1 under section 3412.

(3) The Secretary shall exercise the termination procedures provided in the unit plan contract so that the unit plan contract terminates not later than the date of closing of the sale of reserve.

(b) EFFECT ON ANTITRUST LAWS.—Nothing in this subtitle shall be construed to alter the application of the antitrust laws of the United States to the purchaser or purchasers (as the case may be) of Naval Petroleum Reserve Numbered 1 or to the lands in the reserve subject to sale under section 3412 upon the completion of the sale.

(c) PRESERVATION OF PRIVATE RIGHT, TITLE, AND INTEREST.—Nothing in this subtitle shall be construed to adversely affect the ownership interest of any other entity having any right, title, and interest in and to lands within the boundaries of Naval Petroleum Reserve Numbered 1 and which are subject to the unit plan contract.

(d) TRANSFER OF OTHERWISE NONTRANSFERABLE PERMIT.—The Secretary may transfer to the purchaser or purchasers (as the case may be) of Naval Petroleum Reserve Numbered 1 the incidental take permit regarding the reserve issued to the Secretary by the United States Fish and Wildlife Service and in effect on the effective date if the Secretary determines that transfer of the permit is necessary to expedite the sale of the reserve in a manner that maximizes the value of the sale to the United States. The transferred permit shall cover the identical activities, and shall be subject to the same terms and conditions, as apply to the permit at the time of the transfer.

SEC. 3414. CONDITIONS ON SALE PROCESS.

(a) NOTICE REGARDING SALE CONDITIONS.—The Secretary may not enter into any contract for the sale of Naval Petroleum Reserve Numbered 1 under section 3412 until the end of the 31-day period beginning on the date on which the Secretary submits to the appropriate congressional committees a written notification—

(1) describing the conditions of the proposed sale; and

(2) containing an assessment by the Secretary of whether it is in the best interests of the United States to sell the reserve under such conditions.

(b) AUTHORITY TO SUSPEND SALE.—(1) The Secretary may suspend the sale of Naval Petroleum Reserve Numbered 1 under section 3412 if the Secretary and the Director of the Office of Management and Budget jointly determine that—

(A) the sale is proceeding in a manner inconsistent with achievement of a sale price that reflects the full value of the reserve; or

(B) a course of action other than the immediate sale of the reserve is in the best interests of the United States.

(2) Immediately after making a determination under paragraph (1) to suspend the sale of Naval Petroleum Reserve Numbered 1, the Secretary shall submit to the appropriate congressional committees a written notification describing the basis for the determination and requesting a reconsideration of the merits of the sale of the reserve.

(c) EFFECT OF RECONSIDERATION NOTICE.—After the Secretary submits a notification under subsection (b), the Secretary may not complete the sale of Naval Petroleum Reserve Numbered 1 under section 3412 or any other provision of law unless the sale of the reserve is authorized in an Act of Congress enacted after the date of the submission of the notification.

SEC. 3415. TREATMENT OF STATE OF CALIFORNIA CLAIM REGARDING RESERVE.

(a) RESERVATION OF FUNDS.—After the costs incurred in the conduct of the sale of Naval Petroleum Reserve Numbered 1 under section 3412 are deducted, nine percent of the remaining proceeds from the sale of the reserve shall be reserved in a contingent fund in the Treasury for payment to the State of California for the Teachers' Retirement Fund of the State in the event that, and to the extent that, the claims of the State against the United States regarding production and proceeds of sale from Naval Petroleum Reserve Numbered 1 are—

(1) settled by agreement with the United States under subsection (c); or

(2) finally resolved in favor of the State by a court of competent jurisdiction, if a settlement agreement is not reached.

(b) DISPOSITION OF FUNDS.—In such amounts as may be provided in appropriation Acts, amounts in the contingent fund shall be available for paying a claim described in subsection (a). After final disposition of the claims, any unobligated balance in the contingent fund shall be credited to the general fund of the Treasury. If no payment is made from the contingent fund within 10 years after the effective date, amounts in the contingent fund shall be credited to the general fund of the Treasury.

(c) SETTLEMENT OFFER.—Not later than 30 days after the date of the sale of Naval Petroleum Reserve Numbered 1 under section 3412, the Secretary shall offer to settle all claims of the State of California against the United States with respect to lands in the reserve located in sections 16 and 36 of township 30 south, range 23 east, Mount Diablo Principal Meridian, California, and production or proceeds of sale from the reserve, in order to provide proper compensation for the State's claims. The Secretary shall base the amount of the offered settlement payment from the contingent fund on the fair value for the State's claims, including the mineral estate, not to exceed the amount reserved in the contingent fund.

(d) RELEASE OF CLAIMS.—Acceptance of the settlement offer made under subsection (c) shall be subject to the condition that all claims against the United States by the State of California for the Teachers' Retirement Fund of the State be released with respect to lands in Naval Petroleum Reserve Numbered 1, including sections 16 and 36 of township 30 south, range 23 east, Mount Diablo Principal Meridian, California, or production or proceeds of sale from the reserve.

SEC. 3416, STUDY OF FUTURE OF OTHER NAVAL PETROLEUM RESERVES.

(a) STUDY REQUIRED.—The Secretary of Energy shall conduct a study to determine which of the following options, or combinations of options, regarding the naval petroleum reserves (other than Naval Petroleum Reserve Numbered 1) would maximize the value of the reserves to the United States:

(1) Retention and operation of the naval petroleum reserves by the Secretary under chapter 641 of title 10, United States Code.

(2) Transfer of all or a part of the naval petroleum reserves to the jurisdiction of another Federal agency for administration under chapter 641 of title 10, United States Code.

(3) Transfer of all or a part of the naval petroleum reserves to the Department of the Interior for leasing in accordance with the Mineral Leasing Act (30 U.S.C. 181 et seq.) and surface management in accordance with the Federal Land Policy and Management Act (43 U.S.C. 1701 et seq.).

(4) Sale of the interest of the United States in the naval petroleum reserves.

(b) CONDUCT OF STUDY.—The Secretary shall retain an independent petroleum consultant to conduct the study.

(c) CONSIDERATIONS UNDER STUDY.—An examination of the value to be derived by the United States from the transfer or sale of the naval petroleum reserves shall include an assessment and estimate of the fair market value of the interest of the United States in the naval petroleum reserves. The assessment and estimate shall be made in a manner consistent with customary property valuation practices in the oil and gas industry.

(d) REPORT AND RECOMMENDATIONS REGARDING STUDY.—Not later than June 1, 1996, the Secretary shall submit to Congress a report describing the results of the study and containing such recommendations (including proposed legislation) as the Secretary considers necessary to implement the option, or combination of options, identified in the study that would maximize the value of the naval petroleum reserves to the United States.

TITLE XXXV—PANAMA CANAL COMMISSION

Subtitle A—Authorization of Appropriations

SEC. 3501. SHORT TITLE.

This subtitle may be cited as the "Panama Canal Commission Authorization Act for Fiscal Year 1996".

SEC. 3502. 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 1996.

(b) LIMITATIONS.—For fiscal year 1996, the Panama Canal Commission may expend from funds in the Panama Canal Revolving Fund not more than $50,741,000 for administrative expenses, of which—

(1) not more than $15,000 may be used for official reception and representation expenses of the Supervisory Board of the Commission;

(2) not more than $10,000 may be used for official reception and representation expenses of the Secretary of the Commission; and

(3) not more than $45,000 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 38 passenger motor vehicles (including large heavy-duty vehicles to be used to transport Commission personnel across the isthmus of Panama) at a cost per vehicle of not more than $19,500. A vehicle may be purchased with such funds only as necessary to replace another passenger motor vehicle of the Commission.

SEC. 3503. EXPENDITURES IN ACCORDANCE WITH OTHER LAWS.

Expenditures authorized under this subtitle may be made only in accordance with the Panama Canal Treaties of 1977 and any law of the United States implementing those treaties.

Subtitle B—Reconstitution of Commission as Government Corporation

SEC. 3521. SHORT TITLE.

This subtitle may be cited as the "Panama Canal Amendments Act of 1995".

SEC. 3522. RECONSTITUTION OF COMMISSION AS GOVERNMENT CORPORATION.

(a) IN GENERAL.—Section 1101 of the Panama Canal Act of 1979 (22 U.S.C. 3611) is amended to read as follows:

"ESTABLISHMENT, PURPOSES, OFFICES, AND RESIDENCE OF COMMISSION

"SEC. 1101. (a) For the purposes of managing, operating, and maintaining the Panama Canal and its complementary works, installations and equipment, and of conducting operations incident thereto, in accordance with the Panama Canal Treaty of 1977 and related agreements, the Panama Canal Commission (hereinafter in this Act referred to as the 'Commission') is established as a wholly owned government corporation (as that term is used in chapter 91 of title 31, United States Code) within the executive branch of the Government of the United States. The authority of the President with respect to the Commission shall be exercised through the Secretary of Defense.

"(b) The principal office of the Commission shall be located in the Republic of Panama in one of the areas made available for use of the United States under the Panama Canal Treaty of 1977 and related agreements, but the Commission may establish branch offices in such other places as it considers necessary or appropriate for the conduct of its business. Within the meaning of the laws of the United States relating to venue in civil actions, the Commission is an inhabitant and resident of the District of Columbia and the eastern judicial district of Louisiana.".

(b) CLERICAL AMENDMENT.—The item relating to such section in the table of contents in section 1 of such Act is amended to read as follows:

"1101. Establishment, Purposes, Offices, and Residence of Commission.".

SEC. 3523. SUPERVISORY BOARD.

Section 1102 of the Panama Canal Act of 1979 (22 U.S.C. 3612) is amended by striking out so much as precedes subsection (b) and inserting in lieu thereof the following:

"SUPERVISORY BOARD

"SEC. 1102. (a) The Commission shall be supervised by a Board composed of nine members, one of whom shall be the Secretary of Defense or an officer of the Department of Defense designated by the Secretary. Not less than five members of the Board shall be nationals of the United States and the remaining members of the Board shall be nationals of the Republic of Panama. Three members of the Board who are nationals of the United States shall hold no other office in, and shall not be employed by, the Government of the United States, and shall be chosen for the independent perspective they can bring to the Commission's affairs. Members of the Board who are nationals of the United States shall cast their votes as directed by the Secretary of Defense or a designee of the Secretary of Defense.".

SEC. 3524. GENERAL AND SPECIFIC POWERS OF COMMISSION.

(a) IN GENERAL.—The Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.) is amended by inserting after section 1102 the following new sections:

"GENERAL POWERS OF COMMISSION

"SEC. 1102a. (a) The Commission may adopt, alter, and use a corporate seal, which shall be judicially noticed.

"(b) The Commission may by action of the Board of Directors adopt, amend, and repeal bylaws governing the conduct of its general business and the performance of the powers and duties granted to or imposed upon it by law.

"(c) The Commission may sue and be sued in its corporate name, except that—

"(1) the amenability of the Commission to suit is limited by Article VIII of the Panama Canal Treaty of 1977, section 1401 of this Act, and otherwise by law;

"(2) an attachment, garnishment, or similar process may not be issued against salaries or other moneys owed by the Commission to its employees except as provided by section 5520a of title 5, United States Code, and sections 459, 461, and 462 of the Social Security Act (42 U.S.C. 659, 661, 662), or as otherwise specifically authorized by the laws of the United States; and

"(3) the Commission is exempt from the payment of interest on claims and judgments.

"(d) The Commission may enter into contracts, leases, agreements, or other transactions.

"(e) The Commission—

"(1) may determine the character of, and necessity for, its obligations and expenditures and the manner in which they shall be incurred, allowed, and paid; and

"(2) may incur, allow, and pay its obligations and expenditures, subject to pertinent provisions of law generally applicable to Government corporations.

"(f) The Commission shall have the priority of the Government of the United States in the payment of debts out of bankrupt estates.

"(g) The authority of the Commission under this section and section 1102B is subject to the Panama Canal Treaty of 1977 and related agreements, and to chapter 91 of title 31, United States Code.

"SPECIFIC POWERS OF COMMISSION

"SEC. 1102b. (a) The Commission may manage, operate, and maintain the Panama Canal.

"(b) The Commission may construct or acquire, establish, maintain, and operate such activities, facilities, and appurtenances as necessary and appropriate for the accomplishment of the purposes of this Act, including the following:

"(1) Docks, wharves, piers, and other shoreline facilities.

"(2) Shops and yards.

"(3) Marine railways, salvage and towing facilities, fuel-handling facilities, and motor transportation facilities.

"(4) Power systems, water systems, and a telephone system.

"(5) Construction facilities.

"(6) Living quarters and other buildings.

"(7) Warehouses, storehouses, a printing plant, and manufacturing, processing, or service facilities in connection therewith.

"(8) Recreational facilities.

"(c) The Commission may use the United States mails in the same manner and under the same conditions as the executive departments of the Federal Government.

"(d) The Commission may take such actions as are necessary or appropriate to carry out the powers specifically conferred upon it.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of such Act is amended by inserting after the item relating to section 1102 the following new items:

"1102a. General powers of Commission.
"1102b. Specific powers of Commission.".

SEC. 3525. CONGRESSIONAL REVIEW OF BUDGET.

Section 1302 of the Panama Canal Act of 1979 (22 U.S.C. 3712) is amended—

(1) in subsection (c)—

(A) by striking out "and subject to paragraph (2)" in paragraph (1);

(B) by striking out paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2); and

(2) by striking out subsection (e) and inserting in lieu thereof the following new subsection (e):

"(e) In accordance with section 9104 of title 31, United States Code, Congress shall review the annual budget of the Commission.".

SEC. 3526. AUDITS.

(a) IN GENERAL.—Section 1313 of the Panama Canal Act of 1979 (22 U.S.C. 3723) is amended—

(1) by striking out the heading for the section and inserting in lieu thereof the following: "AUDITS";

(2) in subsection (a)—

(A) by striking out "Financial transactions" and inserting in lieu thereof "Notwithstanding any other provision of law, and subject to subsection (d), financial transactions";

(B) by striking out "pursuant to the Accounting and Auditing Act of 1950 (31 U.S.C. 65 et seq.)";

(C) by striking out "audit pursuant to such Act" in the second sentence and inserting in lieu thereof "such audit";

(D) by striking out "An audit pursuant to such Act" in the last sentence and inserting in lieu thereof "Any such audit"; and

(E) by adding at the end the following new sentence: "An audit performed under this section is subject to the requirements of paragraphs (2), (3), and (5) of section 9105(a) of title 31, United States Code.";

(3) in subsection (b), by striking out "The Comptroller General" in the first sentence and inserting in lieu thereof "Subject to subsection (d), the Comptroller General"; and

(4) by adding at the end the following new subsections:

"(d) At the discretion of the Board provided for in section 1102, the Commission may hire independent auditors to perform, in lieu of the Comptroller General, the audit and reporting functions prescribed in subsections (a) and (b).

"(e) In addition to auditing the financial statements of the Commission, the Comptroller General (or the independent auditor if one is employed pursuant to subsection (d)) shall, in accordance with standards for an examination of a financial forecast established by the American Institute of Certified Public Accountants, examine and report on the Commission's financial forecast that it will be in a position to meet its financial liabilities on December 31, 1999.".

(b) CLERICAL AMENDMENT.—The item relating to such section in the table of contents in section 1 of such Act is amended to read as follows:

"1313. Audits.".

SEC. 3527. PRESCRIPTION OF MEASUREMENT RULES AND RATES OF TOLLS.

Section 1601 of the Panama Canal Act of 1979 (22 U.S.C. 3791) is amended to read as follows:

"PRESCRIPTION OF MEASUREMENT RULES AND RATES OF TOLLS

"SEC. 1601. The Commission may, subject to the provisions of this Act, prescribe and from time to time change—

"(1) the rules for the measurement of vessels for the Panama Canal; and

"(2) the tolls that shall be levied for use of the Panama Canal.".

SEC. 3528. PROCEDURES FOR CHANGES IN RULES OF MEASUREMENT AND RATES OF TOLLS.

Section 1604 of the Panama Canal Act of 1979 (22 U.S.C. 3794) is amended—

(1) in subsection (a), by striking out "1601(a)" in the first sentence and inserting in lieu thereof "1601";

(2) by striking out subsection (c) and inserting in lieu thereof the following new subsection (c):

"(c) After the proceedings have been conducted pursuant to subsections (a) and (b), the Commission may change the rules of measurement or rates of tolls, as the case may be. The Commission shall publish notice of any such change in the Federal Register not less than 30 days before the effective date of the change."; and

(3) by striking out subsections (d) and (e) and redesignating subsection (f) as subsection (d).

SEC. 3529. MISCELLANEOUS TECHNICAL AMENDMENTS.

The Panama Canal Act of 1979 is amended—

(1) in section 1205 (22 U.S.C. 3645), by striking out "appropriation" in the last sentence and inserting in lieu thereof "fund";

(2) in section 1303 (22 U.S.C. 3713), by striking out "The authority of this section may not be used for administrative expenses.";

(3) in section 1321(d) (22 U.S.C. 3731(d)), by striking out "appropriations or" in the second sentence;

(4) in section 1401(c) (22 U.S.C. 3761(c)), by striking out "appropriated for or" in the first sentence;

(5) in section 1415 (22 U.S.C. 3775), by striking out "appropriated or" in the second sentence; and

(6) in section 1416 (22 U.S.C. 3776), by striking out "appropriated or" in the third sentence.

SEC. 3530. CONFORMING AMENDMENT TO TITLE 31, UNITED STATES CODE.

Section 9101(3) of title 31, United States Code, is amended by adding at the end the following:

"(P) the Panama Canal Commission.".

DIVISION D—FEDERAL ACQUISITION REFORM

SEC. 4001. SHORT TITLE.

This division may be cited as the "Federal Acquisition Reform Act of 1995".

TITLE XLI—COMPETITION

SEC. 4101. EFFICIENT COMPETITION.

(a) ARMED SERVICES ACQUISITIONS.—Section 2304 of title 10, 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):

"(j) The Federal Acquisition Regulation shall ensure that the requirement to obtain full and open competition is implemented in a manner that is consistent with the need to efficiently fulfill the Government's requirements.".

(b) CIVILIAN AGENCY ACQUISITIONS.—Section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following new subsection (h):

"(h) The Federal Acquisition Regulation shall ensure that the requirement to obtain full and open competition is implemented in a manner that is consistent with the need to efficiently fulfill the Government's requirements.".

(c) REVISIONS TO NOTICE THRESHOLDS.—Section 18(a)(1)(B) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(a)(1)(B)) is amended—

(A) by striking out "subsection (f)—" and all that follows through the end of the subparagraph and inserting in lieu thereof "subsection (b); and"; and

(B) by inserting after "property or services" the following: "for a price expected to exceed $10,000, but not to exceed $25,000,".

SEC. 4102. EFFICIENT APPROVAL PROCEDURES.

(a) ARMED SERVICES ACQUISITIONS.—Section 2304(f)(1)(B) of title 10, United States Code, is amended—

(1) in clause (i)—

(A) by striking out "$100,000 (but equal to or less than $1,000,000)" and inserting in lieu thereof "$500,000 (but equal to or less than $10,000,000)"; and

(B) by striking out "(ii), (iii), or (iv)" and inserting in lieu thereof "(ii) or (iii)";

(2) in clause (ii)—

(A) by striking out "$1,000,000 (but equal to or less than $10,000,000)" and inserting in lieu thereof "$10,000,000 (but equal to or less than $50,000,000)"; and

(B) by adding "or" at the end;

(3) by striking out clause (iii); and

(4) by redesignating clause (iv) as clause (iii).

(b) CIVILIAN AGENCY ACQUISITIONS.—Section 303(f)(1)(B) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(f)(1)(B)) is amended—

(1) in clause (i)—

(A) by striking out "$100,000 (but equal to or less than $1,000,000)" and inserting in lieu thereof "$500,000 (but equal to or less than $10,000,000)"; and

(B) by striking out "(ii), (iii), or (iv);" and inserting in lieu thereof "(ii) or (iii); and";

(2) in clause (ii)—

(A) by striking out "$1,000,000 (but equal to or less than $10,000,000)" and inserting in lieu thereof "$10,000,000 (but equal to or less than $50,000,000)"; and

(B) by striking out the semicolon after "civilian" and inserting in lieu thereof a comma; and

(3) in clause (iii), by striking out "$10,000,000" and inserting in lieu thereof "$50,000,000".

SEC. 4103. EFFICIENT COMPETITIVE RANGE DETERMINATIONS.

(a) ARMED SERVICES ACQUISITIONS.—Paragraph (4) of 2305(b) of title 10, United States Code, is amended—

(1) in subparagraph (C), by striking out "(C)", by transferring the text to the end of subparagraph (B), and in that text by striking out "Subparagraph (B)" and inserting in lieu thereof "This subparagraph";

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting before subparagraph (C) (as so redesignated) the following new subparagraph (B):

"(B) If the contracting officer determines that the number of offerors that would otherwise be included in the competitive range under subparagraph (A)(i) exceeds the number at which an efficient competition can be conducted, the contracting officer may limit the number of proposals in the competitive range, in accordance with the criteria specified in the solicitation, to the greatest number that will permit an efficient competition among the offerors rated most highly in accordance with such criteria.".

(b) CIVILIAN AGENCY ACQUISITIONS.—Section 303B(d) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253b(d)) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting before paragraph (3) (as so redesignated) the following new paragraph (2):

"(2) If the contracting officer determines that the number of offerors that would otherwise be included in the competitive range under paragraph (1)(A) exceeds the number at which an efficient competition can be conducted, the contracting officer may limit the number of proposals in the competitive range, in accordance with the criteria specified in the solicitation, to the greatest number that will permit an efficient competition among the offerors rated most highly in accordance with such criteria.".

SEC. 4104. PREAWARD DEBRIEFINGS.

(a) ARMED SERVICES ACQUISITIONS.—Section 2305(b) of title 10, United States Code, is amended—

(1) by striking out subparagraph (F) of paragraph (5);

(2) by redesignating paragraph (6) as paragraph (9); and

(3) by inserting after paragraph (5) the following new paragraphs:

"(6)(A) When the contracting officer excludes an offeror submitting a competitive proposal from the competitive range (or otherwise excludes such an offeror from further consideration prior to the final source selection decision), the excluded offeror may request in writing, within three days after the date on which the excluded offeror receives notice of its exclusion, a debriefing prior to award. The contracting officer shall make every effort to debrief the unsuccessful offeror as soon as practicable but may refuse the request for a debriefing if it is not in the best interests of the Government to conduct a debriefing at that time.

"(B) The contracting officer is required to debrief an excluded offeror in accordance with paragraph (5) of this section only if that offeror requested and was refused a preaward debriefing under subparagraph (A) of this paragraph.

"(C) The debriefing conducted under this subsection shall include—

"(i) the executive agency's evaluation of the significant elements in the offeror's offer;

"(ii) a summary of the rationale for the offeror's exclusion; and

"(iii) reasonable responses to relevant questions posed by the debriefed offeror as to whether source selection procedures set forth in the solicitation, applicable regulations, and other applicable authorities were followed by the executive agency.

"(D) The debriefing conducted pursuant to this subsection may not disclose the number or identity of other offerors and shall not disclose information about the content, ranking, or evaluation of other offerors' proposals.

"(7) The contracting officer shall include a summary of any debriefing conducted under paragraph (5) or (6) in the contract file.

"(8) The Federal Acquisition Regulation shall include a provision encouraging the use of alternative dispute resolution techniques to provide informal, expeditious, and inexpensive procedures for an offeror to consider using before filing a protest, prior to the award of a contract, of the exclusion of the offeror from the competitive range (or otherwise from further consideration) for that contract.".

(b) CIVILIAN AGENCY ACQUISITIONS.—Section 303B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253b) is amended—

(1) by striking out paragraph (6) of subsection (e);

(2) by redesignating subsections (f), (g), (h), and (i) as subsections (i), (j), (k), and (l), respectively; and

(3) by inserting after subsection (e) the following new subsections:

"(f)(1) When the contracting officer excludes an offeror submitting a competitive proposal from the competitive range (or otherwise excludes such an offeror from further consideration prior to the final source selection decision), the excluded offeror may request in writing, within 3 days after the date on which the excluded offeror receives notice of its exclusion, a debriefing prior to award. The contracting officer shall make every effort to debrief the unsuccessful offeror as soon as practicable but may refuse the request for a debriefing if it is not in the best interests of the Government to conduct a debriefing at that time.

"(2) The contracting officer is required to debrief an excluded offeror in accordance with subsection (e) of this section only if that offeror requested and was refused a preaward debriefing under paragraph (1) of this subsection.

"(3) The debriefing conducted under this subsection shall include—

"(A) the executive agency's evaluation of the significant elements in the offeror's offer;

"(B) a summary of the rationale for the offeror's exclusion; and

"(C) reasonable responses to relevant questions posed by the debriefed offeror as to whether source selection procedures set forth in the solicitation, applicable regulations, and other applicable authorities were followed by the executive agency.

"(4) The debriefing conducted pursuant to this subsection may not disclose the number or identity of other offerors and shall not disclose information about the content, ranking, or evaluation of other offerors' proposals.

"(g) The contracting officer shall include a summary of any debriefing conducted under subsection (e) or (f) in the contract file.

"(h) The Federal Acquisition Regulation shall include a provision encouraging the use of alternative dispute resolution techniques to provide informal, expeditious, and inexpensive procedures for an offeror to consider using before filing a protest, prior to the award of a contract, of the exclusion of the offeror from the competitive range (or otherwise from further consideration) for that contract.".

SEC. 4105. DESIGN-BUILD SELECTION PROCEDURES.

(a) ARMED SERVICES ACQUISITIONS.—(1) Chapter 137 of title 10, United States Code, is amended by inserting after section 2305 the following new section:

"§2305a. Design-build selection procedures

"(a) AUTHORIZATION.—Unless the traditional acquisition approach of design-bid-build established under the Brooks Architect-Engineers Act (41 U.S.C. 541 et seq.) is used or another acquisition procedure authorized by law is used, the head of an agency shall use the two-phase selection procedures authorized in this section for entering into a contract for the design and construction of a public building, facility, or work when a determination is made under subsection (b) that the procedures are appropriate for use.

"(b) CRITERIA FOR USE.—A contracting officer shall make a determination whether two-phase selection procedures are appropriate for use for entering into a contract for the design and construction of a public building, facility, or work when the contracting officer anticipates that three or more offers will be received for such contract, design work must be performed before an offeror can develop a price or cost proposal for such contract, the offeror will incur a substantial amount of expense in preparing the offer, and the contracting officer has considered information such as the following:

"(1) The extent to which the project requirements have been adequately defined.

"(2) The time constraints for delivery of the project.

"(3) The capability and experience of potential contractors.

"(4) The suitability of the project for use of the two-phase selection procedures.

"(5) The capability of the agency to manage the two-phase selection process.

"(6) Other criteria established by the agency.

"(c) PROCEDURES DESCRIBED.—Two-phase selection procedures consist of the following:

"(1) The agency develops, either in-house or by contract, a scope of work statement for inclusion in the solicitation that defines the project and provides prospective offerors with sufficient information regarding the Government's requirements (which may include criteria and preliminary design, budget parameters, and schedule or delivery requirements) to enable the offerors to submit proposals which meet the Government's needs. If the agency contracts for development of the scope of work statement, the agency shall contract for architectural and engineering services as defined by and in accordance with the Brooks Architect-Engineers Act (40 U.S.C. 541 et seq.).

"(2) The contracting officer solicits phase-one proposals that—

"(A) include information on the offeror's—

"(i) technical approach; and

"(ii) technical qualifications; and

"(B) do not include—

"(i) detailed design information; or

"(ii) cost or price information.

"(3) The evaluation factors to be used in evaluating phase-one proposals are stated in the solicitation and include specialized experience and technical competence, capability to perform, past performance of the offeror's team (including the architect-engineer and construction members of the team) and other appropriate factors, except that cost-related or price-related evaluation factors are not permitted. Each solicitation establishes the relative importance assigned to the evaluation factors and subfactors that must be considered in the evaluation of phase-one proposals. The agency evaluates phase-one proposals on the basis of the phase-one evaluation factors set forth in the solicitation.

"(4) The contracting officer selects as the most highly qualified the number of offerors specified in the solicitation to provide the property or services under the contract and requests the selected offerors to submit phase-two competitive proposals that include technical proposals and cost or price information. Each solicitation establishes with respect to phase two—

"(A) the technical submission for the proposal, including design concepts or proposed solutions to requirements addressed within the scope of work (or both), and

"(B) the evaluation factors and subfactors, including cost or price, that must be considered in the evaluations of proposals in accordance with paragraphs (2), (3), and (4) of section 2305(a) of this title.

The contracting officer separately evaluates the submissions described in subparagraphs (A) and (B).

"(5) The agency awards the contract in accordance with section 2305(b)(4) of this title.

"(d) SOLICITATION TO STATE NUMBER OF OFFERORS TO BE SELECTED FOR PHASE TWO REQUESTS FOR COMPETITIVE PROPOSALS.—A solicitation issued pursuant to the procedures described in subsection (c) shall state the maximum number of offerors that are to be selected to submit competitive proposals pursuant to subsection (c)(4). The maximum number specified in the solicitation shall not exceed 5 unless the agency determines with respect to an individual solicitation that a specified number greater than 5 is in the Government's interest and is consistent with the purposes and objectives of the two-phase selection process.

"(e) REQUIREMENT FOR GUIDANCE AND REGULATIONS.—The Federal Acquisition Regulation shall include guidance—

"(1) regarding the factors that may be considered in determining whether the two-phase contracting procedures authorized by subsection (a) are appropriate for use in individual contracting situations;

"(2) regarding the factors that may be used in selecting contractors; and

"(3) providing for a uniform approach to be used Government-wide.".

(2) The table of sections at the beginning of chapter 137 of such title is amended by adding after the item relating to section 2305 the following new item:

"2305a. Design-build selection procedures.".

(b) CIVILIAN AGENCY ACQUISITIONS.—(1) Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) is amended by inserting after section 303L the following new section:

"SEC. 303M. DESIGN-BUILD SELECTION PROCEDURES.

"(a) AUTHORIZATION.—Unless the traditional acquisition approach of design-bid-build established under the Brooks Architect-Engineers Act (title IX of this Act) is used or another acquisition procedure authorized by law is used, the head of an executive agency shall use the two-phase selection procedures authorized in this section for entering into a contract for the design and construction of a public building, facility, or work when a determination is made under subsection (b) that the procedures are appropriate for use.

"(b) CRITERIA FOR USE.—A contracting officer shall make a determination whether two-phase selection procedures are appropriate for use for entering into a contract for the design and construction of a public building, facility, or work when the contracting officer anticipates that three or more offers will be received for such contract, design work must be performed before an offeror can develop a price or cost proposal for such contract, the offeror will incur a substantial amount of expense in preparing the offer, and the contracting officer has considered information such as the following:

"(1) The extent to which the project requirements have been adequately defined.

"(2) The time constraints for delivery of the project.

"(3) The capability and experience of potential contractors.

"(4) The suitability of the project for use of the two-phase selection procedures.

"(5) The capability of the agency to manage the two-phase selection process.

"(6) Other criteria established by the agency.

"(c) PROCEDURES DESCRIBED.—Two-phase selection procedures consist of the following:

"(1) The agency develops, either in-house or by contract, a scope of work statement for inclusion in the solicitation that defines the project and provides prospective offerors with sufficient information regarding the Government's requirements (which may include criteria and preliminary design, budget parameters, and schedule or delivery requirements) to enable the offerors to submit proposals which meet the Government's needs. If the agency contracts for development of the scope of work statement, the agency shall contract for architectural and engineering services as defined by and in accordance with the Brooks Architect-Engineers Act (40 U.S.C. 541 et seq.).

"(2) The contracting officer solicits phase-one proposals that—

"(A) include information on the offeror's—

"(i) technical approach; and

"(ii) technical qualifications; and

"(B) do not include—

"(i) detailed design information; or

"(ii) cost or price information.

"(3) The evaluation factors to be used in evaluating phase-one proposals are stated in the solicitation and include specialized experience and technical competence, capability to perform, past performance of the offeror's team (including the architect-engineer and construction members of the team) and other appropriate factors, except that cost-related or price-related evaluation factors are not permitted. Each solicitation establishes the relative importance assigned to the evaluation factors and subfactors that must be considered in the evaluation of phase-one proposals. The agency evaluates phase-one proposals on the basis of the phase-one evaluation factors set forth in the solicitation.

"(4) The contracting officer selects as the most highly qualified the number of offerors specified in the solicitation to provide the property or services under the contract and requests the selected offerors to submit phase-two competitive proposals that include technical proposals and cost or price information. Each solicitation establishes with respect to phase two—

"(A) the technical submission for the proposal, including design concepts or proposed solutions to requirements addressed within the scope of work (or both), and

"(B) the evaluation factors and subfactors, including cost or price, that must be considered in the evaluations of proposals in accordance with subsections (b), (c), and (d) of section 303A. The contracting officer separately evaluates the submissions described in subparagraphs (A) and (B).

"(5) The agency awards the contract in accordance with section 303B of this title.

"(d) SOLICITATION TO STATE NUMBER OF OFFERORS TO BE SELECTED FOR PHASE TWO REQUESTS FOR COMPETITIVE PROPOSALS.—A solicitation issued pursuant to the procedures described in subsection (c) shall state the maximum number of offerors that are to be selected to submit competitive proposals pursuant to subsection (c)(4). The maximum number specified in the solicitation shall not exceed 5 unless the agency determines with respect to an individual solicitation that a specified number greater than 5 is in the Government's interest and is consistent with the purposes and objectives of the two-phase selection process.

"(e) REQUIREMENT FOR GUIDANCE AND REGULATIONS.—The Federal Acquisition Regulation shall include guidance—

"(1) regarding the factors that may be considered in determining whether the two-phase contracting procedures authorized by subsection (a) are appropriate for use in individual contracting situations;

"(2) regarding the factors that may be used in selecting contractors; and

"(3) providing for a uniform approach to be used Government-wide.".

(2) The table of sections at the beginning of such Act is amended by inserting after the item relating to section 303L the following new item:

"Sec. 303M. Design-build selection procedures.".

TITLE XLII—COMMERCIAL ITEMS

SEC. 4201. COMMERCIAL ITEM EXCEPTION TO REQUIREMENT FOR CERTIFIED COST OR PRICING DATA.

(a) ARMED SERVICES ACQUISITIONS.—(1) Subsections (b), (c), and (d) of section 2306a of title 10, United States Code, are amended to read as follows:

"(b) EXCEPTIONS.—

"(1) IN GENERAL.—Submission of certified cost or pricing data shall not be required under subsection (a) in the case of a contract, a subcontract, or modification of a contract or subcontract—

"(A) for which the price agreed upon is based on—

"(i) adequate price competition; or

"(ii) prices set by law or regulation;

"(B) for the acquisition of a commercial item; or

"(C) in an exceptional case when the head of the procuring activity, without delegation, determines that the requirements of this section may be waived and justifies in writing the reasons for such determination.

"(2) MODIFICATIONS OF CONTRACTS AND SUBCONTRACTS FOR COMMERCIAL ITEMS.—In the case of a modification of a contract or subcontract for a commercial item that is not covered by the exception to the submission of certified cost or pricing data in paragraph (1)(A) or (1)(B), submission of certified cost or pricing data shall not be required under subsection (a) if—

"(A) the contract or subcontract being modified is a contract or subcontract for which submission of certified cost or pricing data may not be required by reason of paragraph (1)(A) or (1)(B); and

"(B) the modification would not change the contract or subcontract, as the case may be, from a contract or subcontract for the acquisition of a commercial item to a contract or subcontract for the acquisition of an item other than a commercial item.

"(c) COST OR PRICING DATA ON BELOW-THRESHOLD CONTRACTS.—

"(1) AUTHORITY TO REQUIRE SUBMISSION.—Subject to paragraph (2), when certified cost or pricing data are not required to be submitted by subsection (a) for a contract, subcontract, or modification of a contract or subcontract, such data may nevertheless be required to be submitted by the head of the procuring activity, but only if the head of the procuring activity determines that such data are necessary for the evaluation by the agency of the reasonableness of the price of the contract, subcontract, or modification of a contract or subcontract. In any case in which the head of the procuring activity requires such data to be submitted under this subsection, the head of the procuring activity shall justify in writing the reason for such requirement.

"(2) EXCEPTION.—The head of the procuring activity may not require certified cost or pricing data to be submitted under this paragraph for any contract or subcontract, or modification of a contract or subcontract, covered by the exceptions in subparagraph (A) or (B) of subsection (b)(1).

"(3) DELEGATION OF AUTHORITY PROHIBITED.—The head of a procuring activity may not delegate functions under this paragraph.

"(d) SUBMISSION OF OTHER INFORMATION.—

"(1) AUTHORITY TO REQUIRE SUBMISSION.—When certified cost or pricing data are not required to be submitted under this section for a contract, subcontract, or modification of a contract or subcontract, the contracting officer shall require submission of data other than certified cost or pricing data to the extent necessary to determine the reasonableness of the price of the contract, subcontract, or modification of the contract or subcontract. Except in the case of a contract or subcontract covered by the exceptions in subsection (b)(1)(A), the data submitted shall include, at a minimum, appropriate information on the prices at which the same item or similar items have previously been sold that is adequate for evaluating the reasonableness of the price for the procurement.

"(2) LIMITATIONS ON AUTHORITY.—The Federal Acquisition Regulation shall include the following provisions regarding the types of information that contracting officers may require under paragraph (1):

"(A) Reasonable limitations on requests for sales data relating to commercial items.

"(B) A requirement that a contracting officer limit, to the maximum extent practicable, the scope of any request for information relating to commercial items from an offeror to only that information that is in the form regularly maintained by the offeror in commercial operations.

"(C) A statement that any information received relating to commercial items that is exempt from disclosure under section 552(b) of title 5 shall not be disclosed by the Federal Government.".

(2) Section 2306a of such title is further amended—

(A) by striking out subsection (h); and

(B) by redesignating subsection (i) as subsection (h).

(b) CIVILIAN AGENCY ACQUISITIONS.—(1) Subsections (b), (c) and (d) of section 304A of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254b) are amended to read as follows:

"(b) EXCEPTIONS.—

"(1) IN GENERAL.—Submission of certified cost or pricing data shall not be required under subsection (a) in the case of a contract, a subcontract, or a modification of a contract or subcontract—

"(A) for which the price agreed upon is based on—

"(i) adequate price competition; or

"(ii) prices set by law or regulation;

"(B) for the acquisition of a commercial item; or

"(C) in an exceptional case when the head of the procuring activity, without delegation, determines that the requirements of this section may be waived and justifies in writing the reasons for such determination.

"(2) MODIFICATIONS OF CONTRACTS AND SUBCONTRACTS FOR COMMERCIAL ITEMS.—In the case of a modification of a contract or subcontract for a commercial item that is not covered by the exception to the submission of certified cost or pricing data in paragraph (1)(A) or (1)(B), submission of certified cost or pricing data shall not be required under subsection (a) if—

"(A) the contract or subcontract being modified is a contract or subcontract for which submission of certified cost or pricing data may not be required by reason of paragraph (1)(A) or (1)(B); and

"(B) the modification would not change the contract or subcontract, as the case may be, from a contract or subcontract for the acquisition of a commercial item to a contract or subcontract for the acquisition of an item other than a commercial item.

"(c) COST OR PRICING DATA ON BELOW-THRESHOLD CONTRACTS.—

"(1) AUTHORITY TO REQUIRE SUBMISSION.—Subject to paragraph (2), when certified cost or pricing data are not required to be submitted by subsection (a) for a contract, subcontract, or modification of a contract or subcontract, such data may nevertheless be required to be submitted by the head of the procuring activity, but only if the head of the procuring activity determines that such data are necessary for the evaluation by the agency of the reasonableness of the price of the contract, subcontract, or modification of a contract or subcontract. In any case in which the head of the procuring activity requires such data to be submitted under this subsection, the head of the procuring activity shall justify in writing the reason for such requirement.

"(2) EXCEPTION.—The head of the procuring activity may not require certified cost or pricing data to be submitted under this paragraph for any contract or subcontract, or modification of a contract or subcontract, covered by the exceptions in subparagraph (A) or (B) of subsection (b)(1).

"(3) DELEGATION OF AUTHORITY PROHIBITED.—The head of a procuring activity may not delegate the functions under this paragraph.

"(d) SUBMISSION OF OTHER INFORMATION.—

"(1) AUTHORITY TO REQUIRE SUBMISSION.—When certified cost or pricing data are not required to be submitted under this section for a contract, subcontract, or modification of a contract or subcontract, the contracting officer shall require submission of data other than certified cost or pricing data to the extent necessary to determine the reasonableness of the price of the contract, subcontract, or modification of the contract or subcontract. Except in the case of a contract or subcontract covered by the exceptions in subsection (b)(1)(A), the data submitted shall include, at a minimum, appropriate information on the prices at which the same item or similar items have previously been sold that is adequate for evaluating the reasonableness of the price for the procurement.

"(2) LIMITATIONS ON AUTHORITY.—The Federal Acquisition Regulation shall include the following provisions regarding the types of information that contracting officers may require under paragraph (1):

"(A) Reasonable limitations on requests for sales data relating to commercial items.

"(B) A requirement that a contracting officer limit, to the maximum extent practicable, the scope of any request for information relating to commercial items from an offeror to only that information that is in the form regularly maintained by the offeror in commercial operations.

"(C) A statement that any information received relating to commercial items that is exempt from disclosure under section 552(b) of title 5 shall not be disclosed by the Federal Government.".

(2) Section 304A of such Act is further amended—

(A) by striking out subsection (h); and

(B) by redesignating subsection (i) as subsection (h).

SEC. 4202. APPLICATION OF SIMPLIFIED PROCEDURES TO CERTAIN COMMERCIAL ITEMS.

(a) ARMED SERVICES ACQUISITIONS.—(1) Section 2304(g) of title 10, United States Code, is amended—

(A) in paragraph (1), by striking out "shall provide for special simplified procedures for purchases of" and all that follows through the end of the paragraph and inserting in lieu thereof the following: "shall provide for—

"(A) special simplified procedures for purchases of property and services for amounts not greater than the simplified acquisition threshold; and

"(B) special simplified procedures for purchases of property and services for amounts greater than the simplified acquisition threshold but not greater than $5,000,000 with respect to which the contracting officer reasonably expects, based on the nature of the property or services sought and on market research, that offers will include only commercial items."; and

(B) by adding at the end the following new paragraph:

"(4) The head of an agency shall comply with the Federal Acquisition Regulation provisions referred to in section 31(g) of the Office of Federal Procurement Policy Act (41 U.S.C. 427).".

(2) Section 2305 of title 10, United States Code, is amended in subsection (a)(2) by inserting after "(other than for" the following: "a procurement for commercial items using special simplified procedures or".

(b) CIVILIAN AGENCY ACQUISITIONS.—(1) Section 303(g) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(g)) is amended—

(A) in paragraph (1), by striking out "shall provide for special simplified procedures for purchases of" and all that follows through the end of the paragraph and inserting in lieu thereof the following: "shall provide for—

"(A) special simplified procedures for purchases of property and services for amounts not greater than the simplified acquisition threshold; and

"(B) special simplified procedures for purchases of property and services for amounts greater than the simplified acquisition threshold but not greater than $5,000,000 with respect to which the contracting officer reasonably expects, based on the nature of the property or services sought and on market research, that offers will include only commercial items."; and

(B) by adding at the end the following new paragraph:

"(5) An executive agency shall comply with the Federal Acquisition Regulation provisions referred to in section 31(g) of the Office of Federal Procurement Policy Act (41 U.S.C. 427).".

(2) Section 303A of such Act (41 U.S.C. 253a) is amended in subsection (b) by inserting after "(other than for" the following: "a procurement for commercial items using special simplified procedures or".

(c) ACQUISITIONS GENERALLY.—Section 31 of the Office of Federal Procurement Policy Act (41 U.S.C. 427) is amended—

(1) in subsection (a), by striking out "shall provide for special simplified procedures for purchases of" and all that follows through the end of the subsection and inserting in lieu thereof the following: "shall provide for—

"(1) special simplified procedures for purchases of property and services for amounts not greater than the simplified acquisition threshold; and

"(2) special simplified procedures for purchases of property and services for amounts greater than the simplified acquisition threshold but not greater than $5,000,000 with respect to which the contracting officer reasonably expects, based on the nature of the property or services sought and on market research, that offers will include only commercial items."; and

(2) by adding at the end the following new subsection:

"(g) SPECIAL RULES FOR COMMERCIAL ITEMS.—The Federal Acquisition Regulation shall provide that, in the case of a purchase of commercial items using special simplified procedures, an executive agency—

"(1) shall publish a notice in accordance with section 18 and, as provided in subsection (b)(4) of such section, permit all responsible sources to submit a bid, proposal, or quotation (as appropriate) which shall be considered by the agency;

"(2) may not conduct the purchase on a sole source basis unless the need to do so is justified in writing and approved in accordance with section 2304 of title 10, United States Code, or section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253), as applicable; and

"(3) shall include in the contract file a written description of the procedures used in awarding the contract and the number of offers received.".

(d) SIMPLIFIED NOTICE.—(1) Section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416) is amended—

(A) in subsection (a)(6), by inserting before "submission" the following: "issuance of solicitations and the"; and

(B) in subsection (b)(6), by striking out "threshold—" and inserting in lieu thereof "threshold, or a contract for the procurement of commercial items using special simplified procedures—".

(e) EFFECTIVE DATE.—The authority to issue solicitations for purchases of commercial items in excess of the simplified acquisition threshold pursuant to the special simplified procedures authorized by section 2304(g)(1) of title 10, United States Code, section 303(g)(1) of the Federal Property and Administrative Services Act of 1949, and section 31(a) of the Office of Federal Procurement Policy Act, as amended by this section, shall expire three years after the date on which such amendments take effect pursuant to section 4401(b). Contracts may be awarded pursuant to solicitations that have been issued before such authority expires, notwithstanding the expiration of such authority.

SEC. 4203. INAPPLICABILITY OF CERTAIN PROCUREMENT LAWS TO COMMERCIALLY AVAILABLE OFF-THE-SHELF ITEMS.

(a) LAWS LISTED IN THE FAR.—The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) is amended by adding at the end the following:

"SEC. 35. COMMERCIALLY AVAILABLE OFF-THE-SHELF ITEM ACQUISITIONS: LISTS OF INAPPLICABLE LAWS IN FEDERAL ACQUISITION REGULATION.

"(a) LISTS OF INAPPLICABLE PROVISIONS OF LAW.—(1) The Federal Acquisition Regulation shall include a list of provisions of law that are inapplicable to contracts for the procurement of commercially available off-the-shelf items.

"(2) A provision of law that, pursuant to paragraph (3), is properly included on a list referred to in paragraph (1) may not be construed as being applicable to contracts referred to in paragraph (1). Nothing in this section shall be construed to render inapplicable to such contracts any provision of law that is not included on such list.

"(3) A provision of law described in subsection (b) shall be included on the list of inapplicable provisions of law required by paragraph (1) unless the Administrator for Federal Procurement Policy makes a written determination that it would not be in the best interest of the United States to exempt such contracts from the applicability of that provision of law. Nothing in this section shall be construed as modifying or superseding, or as being intended to impair or restrict authorities or responsibilities under—

"(A) section 15 of the Small Business Act (15 U.S.C. 644); or

"(B) bid protest procedures developed under the authority of subchapter V of chapter 35 of title 31, United States Code; subsections (e) and (f) of section 2305 of title 10, United States Code; or subsections (h) and (i) of section 303B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253b).

"(b) COVERED LAW.—Except as provided in subsection (a)(3), the list referred to in subsection (a)(1) shall include each provision of law that, as determined by the Administrator, imposes on persons who have been awarded contracts by the Federal Government for the procurement of commercially available off-the-shelf items Government-unique policies, procedures, requirements, or restrictions for the procurement of property or services, except the following:

"(1) A provision of law that provides for criminal or civil penalties.

"(2) A provision of law that specifically refers to this section and provides that, notwithstanding this section, such provision of law shall be applicable to contracts for the procurement of commercial off-the-shelf items.

"(c) DEFINITION.—(1) As used in this section, the term 'commercially available off-the-shelf item' means, except as provided in paragraph (2), an item that—

"(A) is a commercial item (as described in section 4(12)(A));

"(B) is sold in substantial quantities in the commercial marketplace; and

"(C) is offered to the Government, without modification, in the same form in which it is sold in the commercial marketplace.

"(2) The term 'commercially available off-the-shelf item' does not include bulk cargo, as defined in section 3 of the Shipping Act of 1984 (46 U.S.C. App. 1702), such as agricultural products and petroleum products.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting after the item relating to section 34 the following:

"Sec. 35. Commercially available off-the-shelf item acquisitions: lists of inapplicable laws in Federal Acquisition Regulation.".

SEC. 4204. AMENDMENT OF COMMERCIAL ITEMS DEFINITION.

Section 4(12)(F) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)(F)) is amended by inserting "or market" after "catalog".

SEC. 4205. INAPPLICABILITY OF COST ACCOUNTING STANDARDS TO CONTRACTS AND SUBCONTRACTS FOR COMMERCIAL ITEMS.

Paragraph (2)(B) of section 26(f) of the Office of Federal Procurement Policy Act (41 U.S.C. 422(f)) is amended—

(1) by striking out clause (i) and inserting in lieu thereof the following:

"(i) Contracts or subcontracts for the acquisition of commercial items."; and

(2) by striking out clause (iii).

TITLE XLIII—ADDITIONAL REFORM PROVISIONS

Subtitle A—Additional Acquisition Reform Provisions

SEC. 4301. ELIMINATION OF CERTAIN CERTIFICATION REQUIREMENTS.

(a) ELIMINATION OF CERTAIN STATUTORY CERTIFICATION REQUIREMENTS.—(1) Section 2410b of title 10, United States Code, is amended in paragraph (2) by striking out "certification and".

(2) Section 1352(b)(2) of title 31, United States Code, is amended—

(A) by striking out subparagraph (C); and

(B) by inserting "and" after the semicolon at the end of subparagraph (A).

(3) Section 5152 of the Drug-Free Workplace Act of 1988 (41 U.S.C. 701) is amended—

(A) in subsection (a)(1), by striking out "has certified to the contracting agency that it will" and inserting in lieu thereof "agrees to";

(B) in subsection (a)(2), by striking out "contract includes a certification by the individual" and inserting in lieu thereof "individual agrees"; and

(C) in subsection (b)(1)—

(i) by striking out subparagraph (A);

(ii) by redesignating subparagraph (B) as subparagraph (A) and in that subparagraph by striking out "such certification by failing to carry out"; and

(iii) by redesignating subparagraph (C) as subparagraph (B).

(b) ELIMINATION OF CERTAIN REGULATORY CERTIFICATION REQUIREMENTS.—

(1) CURRENT CERTIFICATION REQUIREMENTS.—(A) Not later than 210 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall issue for public comment a proposal to amend the Federal Acquisition Regulation to remove from the Federal Acquisition Regulation certification requirements for contractors and offerors that are not specifically imposed by statute. The Administrator may omit such a certification requirement from the proposal only if—

(i) the Federal Acquisition Regulatory Council provides the Administrator with a written justification for the requirement and a determination that there is no less burdensome means for administering and enforcing the particular regulation that contains the certification requirement; and

(ii) the Administrator approves in writing the retention of the certification requirement.

(B)(i) Not later than 210 days after the date of the enactment of this Act, the head of each executive agency that has agency procurement regulations containing one or more certification requirements for contractors and offerors that are not specifically imposed by statute shall issue for public comment a proposal to amend the regulations to remove the certification requirements. The head of the executive agency may omit such a certification requirement from the proposal only if—

(I) the senior procurement executive for the executive agency provides the head of the executive agency with a written justification for the requirement and a determination that there is no less burdensome means for administering and enforcing the particular regulation that contains the certification requirement; and

(II) the head of the executive agency approves in writing the retention of such certification requirement.

(ii) For purposes of clause (i), the term "head of the executive agency" with respect to a military department means the Secretary of Defense.

(2) FUTURE CERTIFICATION REQUIREMENTS.—(A) Section 29 of the Office of Federal Procurement Policy Act (41 U.S.C. 425) is amended—

(i) by amending the heading to read as follows:

"SEC. 29. CONTRACT CLAUSES AND CERTIFICATIONS.";

(ii) by inserting "(a) NONSTANDARD CONTRACT CLAUSES.—" before "The Federal Acquisition"; and

(iii) by adding at the end the following new subsection:

"(c) PROHIBITION ON CERTIFICATION REQUIREMENTS.—(1) A requirement for a certification by a contractor or offeror may not be included in the Federal Acquisition Regulation unless—

"(A) the certification requirement is specifically imposed by statute; or

"(B) written justification for such certification requirement is provided to the Administrator for Federal Procurement Policy by the Federal Acquisition Regulatory Council, and the Administrator approves in writing the inclusion of such certification requirement.

"(2)(A) A requirement for a certification by a contractor or offeror may not be included in a procurement regulation of an executive agency unless—

"(i) the certification requirement is specifically imposed by statute; or

"(ii) written justification for such certification requirement is provided to the head of the executive agency by the senior procurement executive of the agency, and the head of the executive agency approves in writing the inclusion of such certification requirement.

"(B) For purposes of subparagraph (A), the term 'head of the executive agency' with respect to a military department means the Secretary of Defense.".

(B) The item relating to section 29 in the table of contents for the Office of Federal Procurement Policy Act (contained in section 1(b)) (41 U.S.C. 401 note) is amended to read as follows:

"Sec. 29. Contract clauses and certifications.".

(c) POLICY OF CONGRESS.—Section 29 of the Office of Federal Procurement Policy Act (41 U.S.C. 425) is further amended by adding after subsection (a) the following new subsection:

"(b) CONSTRUCTION OF CERTIFICATION REQUIREMENTS.—A provision of law may not be construed as requiring a certification by a contractor or offeror in a procurement made or to be made by the Federal Government unless that provision of law specifically provides that such a certification shall be required.".

SEC. 4302. AUTHORITIES CONDITIONED ON FACNET CAPABILITY.

(a) COMMENCEMENT AND EXPIRATION OF AUTHORITY TO CONDUCT CERTAIN TESTS OF PROCUREMENT PROCEDURES.—Subsection (j) of section 5061 of the Federal Acquisition Streamlining Act of 1994 (41 U.S.C. 413 note; 108 Stat. 3355) is amended to read as follows:

"(j) COMMENCEMENT AND EXPIRATION OF AUTHORITY.—The authority to conduct a test under subsection (a) in an agency and to award contracts under such a test shall take effect on January 1, 1997, and shall expire on January 1, 2001. A contract entered into before such authority expires in an agency pursuant to a test shall remain in effect, in accordance with the terms of the contract, the notwithstanding of expiration the authority to conduct the test under this section.".

(b) USE OF SIMPLIFIED ACQUISITION PROCEDURES.—Subsection (e) of section 31 of the Office of Federal Procurement Policy Act (41 U.S.C. 427) is amended—

(1) by striking out "ACQUISITION PROCEDURES.—" and all that follows through "(B) The simplified acquisition" in paragraph (2)(B) and inserting in lieu thereof "ACQUISITION PROCEDURES.—The simplified acquisition"; and

(2) by striking out "pursuant to this section" in the remaining text and inserting in lieu thereof "pursuant to section 2304(g)(1)(A) of title 10, United States Code, section 303(g)(1)(A) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(g)(1)(A)), and subsection (a)(1) of this section".

SEC. 4303. INTERNATIONAL COMPETITIVENESS.

(a) ADDITIONAL AUTHORITY TO WAIVE RESEARCH, DEVELOPMENT, AND PRODUCTION COSTS.—Subject to subsection (b), section 21(e)(2) of the Arms Export Control Act (22 U.S.C. 2761(e)(2)) is amended—

(1) by inserting "(A)" after "(2)"; and

(2) by adding at the end the following new subparagraphs:

"(B) The President may waive the charge or charges which would otherwise be considered appropriate under paragraph (1)(B) for a particular sale if the President determines that—

"(i) imposition of the charge or charges likely would result in the loss of the sale; or

"(ii) in the case of a sale of major defense equipment that is also being procured for the use of the Armed Forces, the waiver of the charge or charges would (through a resulting increase in the total quantity of the equipment purchased from the source of the equipment that causes a reduction in the unit cost of the equipment) result in a savings to the United States on the cost of the equipment procured for the use of the Armed Forces that substantially offsets the revenue foregone by reason of the waiver of the charge or charges.

"(C) The President may waive, for particular sales of major defense equipment, any increase in a charge or charges previously considered appropriate under paragraph (1)(B) if the increase results from a correction of an estimate (reasonable when made) of the production quantity base that was used for calculating the charge or charges for purposes of such paragraph.".

(b) CONDITIONS.—Subsection (a) shall be effective only if—

(1) the President, in the budget of the President for fiscal year 1997, proposes legislation that if enacted would be qualifying offsetting legislation; and

(2) there is enacted qualifying offsetting legislation.

(c) EFFECTIVE DATE.—If the conditions in subsection (b) are met, then the amendments made by subsection (a) shall take effect on the date of the enactment of qualifying offsetting legislation.

(d) DEFINITIONS.—For purposes of this section:

(1) The term "qualifying offsetting legislation" means legislation that includes provisions that—

(A) offset fully the estimated revenues lost as a result of the amendments made by subsection

(a) for each of the fiscal years 1997 through 2005;

(B) expressly state that they are enacted for the purpose of the offset described in subparagraph (A); and

(C) are included in full on the PayGo scorecard.

(2) The term "PayGo scorecard" means the estimates that are made by the Director of the Congressional Budget Office and the Director of the Office of Management and Budget under section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 4304. PROCUREMENT INTEGRITY.

(a) AMENDMENT OF PROCUREMENT INTEGRITY PROVISION.—Section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423) is amended to read as follows:

"SEC. 27. RESTRICTIONS ON DISCLOSING AND OBTAINING CONTRACTOR BID OR PROPOSAL INFORMATION OR SOURCE SELECTION INFORMATION.

"(a) PROHIBITION ON DISCLOSING PROCUREMENT INFORMATION.—(1) A person described in paragraph (2) shall not, other than as provided by law, knowingly disclose contractor bid or proposal information or source selection information before the award of a Federal agency procurement contract to which the information relates.

"(2) Paragraph (1) applies to any person who—

"(A) is a present or former officer or employee of the United States, or a person who is acting or has acted for or on behalf of, or who is advising or has advised the United States with respect to, a Federal agency procurement; and

"(B) by virtue of that office, employment, or relationship has or had access to contractor bid or proposal information or source selection information.

"(b) PROHIBITION ON OBTAINING PROCUREMENT INFORMATION.—A person shall not, other than as provided by law, knowingly obtain contractor bid or proposal information or source selection information before the award of a Federal agency procurement contract to which the information relates.

"(c) ACTIONS REQUIRED OF PROCUREMENT OFFICERS WHEN CONTACTED BY OFFERORS REGARDING NON-FEDERAL EMPLOYMENT.—(1) If an agency employee who is participating personally and substantially in a Federal agency procurement for a contract in excess of the simplified acquisition threshold contacts or is contacted by a person who is a bidder or offeror in that Federal agency procurement regarding possible non-Federal employment for that employee, the employee shall—

"(A) promptly report the contact in writing to the employee's supervisor and to the designated agency ethics official (or designee) of the agency in which the employee is employed; and

"(B)(i) reject the possibility of non-Federal employment; or

"(ii) disqualify himself or herself from further personal and substantial participation in that Federal agency procurement until such time as the agency has authorized the employee to resume participation in such procurement, in accordance with the requirements of section 208 of title 18, United States Code, and applicable agency regulations on the grounds that—

"(I) the person is no longer a bidder or offeror in that Federal agency procurement; or

"(II) all discussions with the bidder or offeror regarding possible non-Federal employment have terminated without an agreement or arrangement for employment.

"(2) Each report required by this subsection shall be retained by the agency for not less than two years following the submission of the report. All such reports shall be made available to the public upon request, except that any part of a report that is exempt from the disclosure requirements of section 552 of title 5, United States Code, under subsection (b)(1) of such section may be withheld from disclosure to the public.

"(3) An employee who knowingly fails to comply with the requirements of this subsection shall be subject to the penalties and administrative actions set forth in subsection (e).

"(4) A bidder or offeror who engages in employment discussions with an employee who is subject to the restrictions of this subsection, knowing that the employee has not complied with subparagraph (A) or (B) of paragraph (1), shall be subject to the penalties and administrative actions set forth in subsection (e).

"(d) PROHIBITION ON FORMER EMPLOYEE'S ACCEPTANCE OF COMPENSATION FROM CONTRACTOR.—(1) A former employee of a Federal agency may not accept compensation from a contractor as an employee, officer, director, or consultant of the contractor within a period of one year after such former employee—

"(A) served, at the time of selection of the contractor or the award of a contract to that contractor, as the procuring contracting officer, the source selection authority, a member of the source selection evaluation board, or the chief of a financial or technical evaluation team in a procurement in which that contractor was selected for award of a contract in excess of $10,000,000;

"(B) served as the program manager, deputy program manager, or administrative contracting officer for a contract in excess of $10,000,000 awarded to that contractor; or

"(C) personally made for the Federal agency—

"(i) a decision to award a contract, subcontract, modification of a contract or subcontract, or a task order or delivery order in excess of $10,000,000 to that contractor;

"(ii) a decision to establish overhead or other rates applicable to a contract or contracts for that contractor that are valued in excess of $10,000,000;

"(iii) a decision to approve issuance of a contract payment or payments in excess of $10,000,000 to that contractor; or

"(iv) a decision to pay or settle a claim in excess of $10,000,000 with that contractor.

"(2) Nothing in paragraph (1) may be construed to prohibit a former employee of a Federal agency from accepting compensation from any division or affiliate of a contractor that does not produce the same or similar products or services as the entity of the contractor that is responsible for the contract referred to in subparagraph (A), (B), or (C) of such paragraph.

"(3) A former employee who knowingly accepts compensation in violation of this subsection shall be subject to penalties and administrative actions as set forth in subsection (e).

"(4) A contractor who provides compensation to a former employee knowing that such compensation is accepted by the former employee in violation of this subsection shall be subject to penalties and administrative actions as set forth in subsection (e).

"(5) Regulations implementing this subsection shall include procedures for an employee or former employee of a Federal agency to request advice from the appropriate designated agency ethics official regarding whether the employee or former employee is or would be precluded by this subsection from accepting compensation from a particular contractor.

"(e) PENALTIES AND ADMINISTRATIVE ACTIONS.—

"(1) CRIMINAL PENALTIES.—Whoever engages in conduct constituting a violation of subsection (a) or (b) for the purpose of either—

"(A) exchanging the information covered by such subsection for anything of value, or

"(B) obtaining or giving anyone a competitive advantage in the award of a Federal agency procurement contract,

shall be imprisoned for not more than 5 years or fined as provided under title 18, United States Code, or both.

"(2) CIVIL PENALTIES.—The Attorney General may bring a civil action in an appropriate United States district court against any person who engages in conduct constituting a violation of subsection (a), (b), (c), or (d). Upon proof of such conduct by a preponderance of the evidence, the person is subject to a civil penalty. An individual who engages in such conduct is subject to a civil penalty of not more than $50,000 for each violation plus twice the amount of compensation which the individual received or offered for the prohibited conduct. An organization that engages in such conduct is subject to a civil penalty of not more than $500,000 for each violation plus twice the amount of compensation which the organization received or offered for the prohibited conduct.

"(3) ADMINISTRATIVE ACTIONS.—(A) If a Federal agency receives information that a contractor or a person has engaged in conduct constituting a violation of subsection (a), (b), (c), or (d), the Federal agency shall consider taking one or more of the following actions, as appropriate:

"(i) Cancellation of the Federal agency procurement, if a contract has not yet been awarded.

"(ii) Rescission of a contract with respect to which—

"(I) the contractor or someone acting for the contractor has been convicted for an offense punishable under paragraph (1), or

"(II) the head of the agency that awarded the contract has determined, based upon a preponderance of the evidence, that the contractor or someone acting for the contractor has engaged in conduct constituting such an offense.

"(iii) Initiation of suspension or debarment proceedings for the protection of the Government in accordance with procedures in the Federal Acquisition Regulation.

"(iv) Initiation of adverse personnel action, pursuant to the procedures in chapter 75 of title 5, United States Code, or other applicable law or regulation.

"(B) If a Federal agency rescinds a contract pursuant to subparagraph (A)(ii), the United States is entitled to recover, in addition to any penalty prescribed by law, the amount expended under the contract.

"(C) For purposes of any suspension or debarment proceedings initiated pursuant to subparagraph (A)(iii), engaging in conduct constituting an offense under subsection (a), (b), (c), or (d) affects the present responsibility of a Government contractor or subcontractor.

"(f) DEFINITIONS.—As used in this section:

"(1) The term 'contractor bid or proposal information' means any of the following information submitted to a Federal agency as part of or in connection with a bid or proposal to enter into a Federal agency procurement contract, if that information has not been previously made available to the public or disclosed publicly:

"(A) Cost or pricing data (as defined by section 2306a(h) of title 10, United States Code, with respect to procurements subject to that section, and section 304A(h) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254b(h)), with respect to procurements subject to that section).

"(B) Indirect costs and direct labor rates.

"(C) Proprietary information about manufacturing processes, operations, or techniques marked by the contractor in accordance with applicable law or regulation.

"(D) Information marked by the contractor as 'contractor bid or proposal information', in accordance with applicable law or regulation.

"(2) The term 'source selection information' means any of the following information prepared for use by a Federal agency for the purpose of evaluating a bid or proposal to enter

into a Federal agency procurement contract, if that information has not been previously made available to the public or disclosed publicly:

"(A) Bid prices submitted in response to a Federal agency solicitation for sealed bids, or lists of those bid prices before public bid opening.

"(B) Proposed costs or prices submitted in response to a Federal agency solicitation, or lists of those proposed costs or prices.

"(C) Source selection plans.

"(D) Technical evaluation plans.

"(E) Technical evaluations of proposals.

"(F) Cost or price evaluations of proposals.

"(G) Competitive range determinations that identify proposals that have a reasonable chance of being selected for award of a contract.

"(H) Rankings of bids, proposals, or competitors.

"(I) The reports and evaluations of source selection panels, boards, or advisory councils.

"(J) Other information marked as 'source selection information' based on a case-by-case determination by the head of the agency, his designee, or the contracting officer that its disclosure would jeopardize the integrity or successful completion of the Federal agency procurement to which the information relates.

"(3) The term 'Federal agency' has the meaning provided such term in section 3 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472).

"(4) The term 'Federal agency procurement' means the acquisition (by using competitive procedures and awarding a contract) of goods or services (including construction) from non-Federal sources by a Federal agency using appropriated funds.

"(5) The term 'contracting officer' means a person who, by appointment in accordance with applicable regulations, has the authority to enter into a Federal agency procurement contract on behalf of the Government and to make determinations and findings with respect to such a contract.

"(6) The term 'protest' means a written objection by an interested party to the award or proposed award of a Federal agency procurement contract, pursuant to subchapter V of chapter 35 of title 31, United States Code.

"(g) LIMITATION ON PROTESTS.—No person may file a protest against the award or proposed award of a Federal agency procurement contract alleging a violation of subsection (a), (b), (c), or (d), nor may the Comptroller General of the United States consider such an allegation in deciding a protest, unless that person reported to the Federal agency responsible for the procurement, no later than 14 days after the person first discovered the possible violation, the information that the person believed constitutes evidence of the offense.

"(h) SAVINGS PROVISIONS.—This section does not—

"(1) restrict the disclosure of information to, or its receipt by, any person or class of persons authorized, in accordance with applicable agency regulations or procedures, to receive that information;

"(2) restrict a contractor from disclosing its own bid or proposal information or the recipient from receiving that information;

"(3) restrict the disclosure or receipt of information relating to a Federal agency procurement after it has been canceled by the Federal agency before contract award unless the Federal agency plans to resume the procurement;

"(4) prohibit individual meetings between a Federal agency employee and an offeror or potential offeror for, or a recipient of, a contract or subcontract under a Federal agency procurement, provided that unauthorized disclosure or receipt of contractor bid or proposal information or source selection information does not occur;

"(5) authorize the withholding of information from, nor restrict its receipt by, Congress, a committee or subcommittee of Congress, the Comptroller General, a Federal agency, or an inspector general of a Federal agency;

"(6) authorize the withholding of information from, nor restrict its receipt by, the Comptroller General of the United States in the course of a protest against the award or proposed award of a Federal agency procurement contract; or

"(7) limit the applicability of any requirements, sanctions, contract penalties, and remedies established under any other law or regulation.".

(b) REPEALS.—The following provisions of law are repealed:

(1) Sections 2397, 2397a, 2397b, and 2397c of title 10, United States Code.

(2) Section 33 of the Federal Energy Administration Act of 1974 (15 U.S.C. 789).

(3) Section 281 of title 18, United States Code.

(4) Subsection (c) of section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428).

(5) The first section 19 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5918).

(6) Part A of title VI of the Department of Energy Organization Act and its catchline (42 U.S.C. 7211, 7212, and 7218).

(7) Section 308 of the Energy Research and Development Administration Appropriation Authorization Act for Fiscal Year 1977 (42 U.S.C. 5816a).

(8) Section 522 of the Energy Policy and Conservation Act (42 U.S.C. 6392).

(c) CLERICAL AMENDMENTS.—

(1) The table of sections at the beginning of chapter 141 of title 10, United States Code, is amended by striking out the items relating to sections 2397, 2397a, 2397b, and 2397c.

(2) The table of sections at the beginning of chapter 15 of title 18, United States Code, is amended by striking out the item relating to section 281.

(3) Section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428) is amended by redesignating subsections (d), (e), (f), and (g) as subsections (c), (d), (e), and (f), respectively.

(4) The table of contents for the Department of Energy Organization Act is amended by striking out the items relating to part A of title VI including sections 601 through 603.

(5) The table of contents for the Energy Policy and Conservation Act is amended by striking out the item relating to section 522.

SEC. 4305. FURTHER ACQUISITION STREAMLINING PROVISIONS.

(a) PURPOSE OF OFFICE OF FEDERAL PROCUREMENT POLICY.—

(1) REVISED STATEMENT OF PURPOSE.—Section 5(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 404) is amended to read as follows:

"(a) There is in the Office of Management and Budget an Office of Federal Procurement Policy (hereinafter referred to as the 'Office') to provide overall direction of Government-wide procurement policies, regulations, procedures, and forms for executive agencies and to promote economy, efficiency, and effectiveness in the procurement of property and services by the executive branch of the Federal Government.".

(2) REPEAL OF FINDINGS, POLICIES, AND PURPOSES.—Sections 2 and 3 of such Act (41 U.S.C. 401 and 402) are repealed.

(b) REPEAL OF REPORT REQUIREMENT.—Section 8 of the Office of Federal Procurement Policy Act (41 U.S.C. 407) is repealed.

(c) OBSOLETE PROVISIONS.—

(1) RELATIONSHIP TO FORMER REGULATIONS.—Section 10 of the Office of Federal Procurement Policy Act (41 U.S.C. 409) is repealed.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 11 of such Act (41 U.S.C. 410) is amended to read as follows:

"SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated for the Office of Federal Procurement Policy each fiscal year such sums as may be necessary for carrying out the responsibilities of that office for such fiscal year.".

(d) CLERICAL AMENDMENTS.—The table of contents for the Office of Federal Procurement Policy Act (contained in section 1(b)) is amended by striking out the items relating to sections 2, 3, 8, and 10.

SEC. 4306. VALUE ENGINEERING FOR FEDERAL AGENCIES.

(a) USE OF VALUE ENGINEERING.—The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), as amended by section 4203, is further amended by adding at the end the following new section:

"SEC. 36. VALUE ENGINEERING.

"(a) IN GENERAL.—Each executive agency shall establish and maintain cost-effective value engineering procedures and processes.

"(b) DEFINITION.—As used in this section, the term 'value engineering' means an analysis of the functions of a program, project, system, product, item of equipment, building, facility, service, or supply of an executive agency, performed by qualified agency or contractor personnel, directed at improving performance, reliability, quality, safety, and life cycle costs.".

(b) CLERICAL AMENDMENT.—The table of contents for such Act, contained in section 1(b), is amended by adding at the end the following new item:

"Sec. 36. Value engineering.".

SEC. 4307. ACQUISITION WORKFORCE.

(a) ACQUISITION WORKFORCE.—(1) The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), as amended by section 4306, is further amended by adding at the end the following new section:

"SEC. 37. ACQUISITION WORKFORCE.

"(a) APPLICABILITY.—This section does not apply to an executive agency that is subject to chapter 87 of title 10, United States Code.

"(b) MANAGEMENT POLICIES.—

"(1) POLICIES AND PROCEDURES.—The head of each executive agency, after consultation with the Administrator for Federal Procurement Policy, shall establish policies and procedures for the effective management (including accession, education, training, career development, and performance incentives) of the acquisition workforce of the agency. The development of acquisition workforce policies under this section shall be carried out consistent with the merit system principles set forth in section 2301(b) of title 5, United States Code.

"(2) UNIFORM IMPLEMENTATION.—The head of each executive agency shall ensure that, to the maximum extent practicable, acquisition workforce policies and procedures established are uniform in their implementation throughout the agency.

"(3) GOVERNMENT-WIDE POLICIES AND EVALUATION.—The Administrator shall issue policies to promote uniform implementation of this section by executive agencies, with due regard for differences in program requirements among agencies that may be appropriate and warranted in view of the agency mission. The Administrator shall coordinate with the Deputy Director for Management of the Office of Management and Budget to ensure that such policies are consistent with the policies and procedures established and enhanced system of incentives provided pursuant to section 5051(c) of the Federal Acquisition Streamlining Act of 1994 (41 U.S.C. 263 note). The Administrator shall evaluate the implementation of the provisions of this section by executive agencies.

"(c) SENIOR PROCUREMENT EXECUTIVE AUTHORITIES AND RESPONSIBILITIES.—Subject to

the authority, direction, and control of the head of an executive agency, the senior procurement executive of the agency shall carry out all powers, functions, and duties of the head of the agency with respect to implementation of this section. The senior procurement executive shall ensure that the policies of the head of the executive agency established in accordance with this section are implemented throughout the agency.

"(d) MANAGEMENT INFORMATION SYSTEMS.—The Administrator shall ensure that the heads of executive agencies collect and maintain standardized information on the acquisition workforce related to implementation of this section. To the maximum extent practicable, such data requirements shall conform to standards established by the Office of Personnel Management for the Central Personnel Data File.

"(e) APPLICABILITY TO ACQUISITION WORKFORCE.—The programs established by this section shall apply to the acquisition workforce of each executive agency. For purposes of this section, the acquisition workforce of an agency consists of all employees serving in acquisition positions listed in subsection (g)(1)(A).

"(f) CAREER DEVELOPMENT.—

"(1) CAREER PATHS.—The head of each executive agency shall ensure that appropriate career paths for personnel who desire to pursue careers in acquisition are identified in terms of the education, training, experience, and assignments necessary for career progression to the most senior acquisition positions. The head of each executive agency shall make information available on such career paths.

"(2) CRITICAL DUTIES AND TASKS.—For each career path, the head of each executive agency shall identify the critical acquisition-related duties and tasks in which, at minimum, employees of the agency in the career path shall be competent to perform at full performance grade levels. For this purpose, the head of the executive agency shall provide appropriate coverage of the critical duties and tasks identified by the Director of the Federal Acquisition Institute.

"(3) MANDATORY TRAINING AND EDUCATION.—For each career path, the head of each executive agency shall establish requirements for the completion of course work and related on-the-job training in the critical acquisition-related duties and tasks of the career path. The head of each executive agency shall also encourage employees to maintain the currency of their acquisition knowledge and generally enhance their knowledge of related acquisition management disciplines through academic programs and other self-developmental activities.

"(4) PERFORMANCE INCENTIVES.—The head of each executive agency shall provide for an enhanced system of incentives for the encouragement of excellence in the acquisition workforce which rewards performance of employees that contribute to achieving the agency's performance goals. The system of incentives shall include provisions that—

"(A) relate pay to performance (including the extent to which the performance of personnel in such workforce contributes to achieving the cost goals, schedule goals, and performance goals established for acquisition programs pursuant to section 313(b) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 263(b))); and

"(B) provide for consideration, in personnel evaluations and promotion decisions, of the extent to which the performance of personnel in such workforce contributes to achieving such cost goals, schedule goals, and performance goals.

"(g) QUALIFICATION REQUIREMENTS.—

"(1) IN GENERAL.—(A) Subject to paragraph (2), the Administrator shall establish qualification requirements, including education requirements, for the following positions:

"(i) Entry-level positions in the General Schedule Contracting series (GS–1102).

"(ii) Senior positions in the General Schedule Contracting series (GS–1102).

"(iii) All positions in the General Schedule Purchasing series (GS–1105).

"(iv) Positions in other General Schedule series in which significant acquisition-related functions are performed.

"(B) Subject to paragraph (2), the Administrator shall prescribe the manner and extent to which such qualification requirements shall apply to any person serving in a position described in subparagraph (A) at the time such requirements are established.

"(2) RELATIONSHIP TO REQUIREMENTS APPLICABLE TO DEFENSE ACQUISITION WORKFORCE.—The Administrator shall establish qualification requirements and make prescriptions under paragraph (1) that are comparable to those established for the same or equivalent positions pursuant to chapter 87 of title 10, United States Code, with appropriate modifications.

"(3) APPROVAL OF REQUIREMENTS.—The Administrator shall submit any requirement established or prescription made under paragraph (1) to the Director of the Office of Personnel Management for approval. If the Director does not disapprove a requirement or prescription within 30 days after the date on which the Director receives it, the requirement or prescription is deemed to be approved by the Director.

"(h) EDUCATION AND TRAINING.—

"(1) FUNDING LEVELS.—(A) The head of an executive agency shall set forth separately the funding levels requested for education and training of the acquisition workforce in the budget justification documents submitted in support of the President's budget submitted to Congress under section 1105 of title 31, United States Code.

"(B) Funds appropriated for education and training under this section may not be obligated for any other purpose.

"(2) TUITION ASSISTANCE.—The head of an executive agency may provide tuition reimbursement in education (including a full-time course of study leading to a degree) in accordance with section 4107 of title 5, United States Code, for personnel serving in acquisition positions in the agency.".

(2) The table of contents for such Act, contained in section 1(b), is amended by adding at the end the following new item:

"Sec. 37. Acquisition workforce.".

(b) ADDITIONAL AMENDMENTS.—Section 6(d) of the Office of Federal Procurement Policy Act (41 U.S.C. 405), is amended—

(1) by redesignating paragraphs (6), (7), (8), (9), (10), (11), and (12) (as transferred by section 4321(h)(1)) as paragraphs (7), (8), (9), (10), (11), (12), and (13), respectively;

(2) in paragraph (5)—

(A) in subparagraph (A), by striking out "Government-wide career management programs for a professional procurement work force" and inserting in lieu thereof "the development of a professional acquisition workforce Government-wide"; and

(B) in subparagraph (B)—

(i) by striking out "procurement by the" and inserting in lieu thereof "acquisition by the";

(ii) by striking out "and" at the end of the subparagraph; and

(iii) by striking out subparagraph (C) and inserting in lieu thereof the following:

"(C) collect data and analyze acquisition workforce data from the Office of Personnel Management, the heads of executive agencies, and, through periodic surveys, from individual employees;

"(D) periodically analyze acquisition career fields to identify critical competencies, duties, tasks, and related academic prerequisites, skills, and knowledge;

"(E) coordinate and assist agencies in identifying and recruiting highly qualified candidates for acquisition fields;

"(F) develop instructional materials for acquisition personnel in coordination with private and public acquisition colleges and training facilities;

"(G) evaluate the effectiveness of training and career development programs for acquisition personnel;

"(H) promote the establishment and utilization of academic programs by colleges and universities in acquisition fields;

"(I) facilitate, to the extent requested by agencies, interagency intern and training programs; and

"(J) perform other career management or research functions as directed by the Administrator."; and

(3) by inserting before paragraph (7) (as so redesignated) the following new paragraph (6):

"(6) administering the provisions of section 37;".

SEC. 4308. DEMONSTRATION PROJECT RELATING TO CERTAIN PERSONNEL MANAGEMENT POLICIES AND PROCEDURES.

(a) COMMENCEMENT.—The Secretary of Defense is encouraged to take such steps as may be necessary to provide for the commencement of a demonstration project, the purpose of which would be to determine the feasibility or desirability of one or more proposals for improving the personnel management policies or procedures that apply with respect to the acquisition workforce of the Department of Defense.

(b) TERMS AND CONDITIONS.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, any demonstration project described in subsection (a) shall be subject to section 4703 of title 5, United States Code, and all other provisions of such title that apply with respect to any demonstration project under such section.

(2) EXCEPTIONS.—Subject to paragraph (3), in applying section 4703 of title 5, United States Code, with respect to a demonstration project described in subsection (a)—

(A) "180 days" in subsection (b)(4) of such section shall be deemed to read "120 days";

(B) "90 days" in subsection (b)(6) of such section shall be deemed to read "30 days"; and

(C) subsection (d)(1)(A) of such section shall be disregarded.

(3) CONDITION.—Paragraph (2) shall not apply with respect to a demonstration project unless it—

(A) involves only the acquisition workforce of the Department of Defense (or any part thereof); and

(B) commences during the 3-year period beginning on the date of the enactment of this Act.

(c) DEFINITION.—For purposes of this section, the term "acquisition workforce" refers to the persons serving in acquisition positions within the Department of Defense, as designated pursuant to section 1721(a) of title 10, United States Code.

SEC. 4309. COOPERATIVE PURCHASING.

(a) DELAY IN OPENING CERTAIN FEDERAL SUPPLY SCHEDULES TO USE BY STATE, LOCAL, AND INDIAN TRIBAL GOVERNMENTS.—The Administrator of General Services may not use the authority of section 201(b)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481(b)(2)) to provide for the use of Federal supply schedules of the General Services Administration until after the later of—

(1) the date on which the 18-month period beginning on the date of the enactment of this Act expires; or

(2) the date on which all of the following conditions are met:

(A) The Administrator has considered the report of the Comptroller General required by subsection (b).

(B) The Administrator has submitted comments on such report to Congress as required by subsection (c).

(C) A period of 30 days after the date of submission of such comments to Congress has expired.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the Administrator of General Services and to Congress a report on the implementation of section 201(b) of the Federal Property and Administrative Services Act of 1949. The report shall include the following:

(1) An assessment of the effect on industry, including small businesses and local dealers, of providing for the use of Federal supply schedules by the entities described in section 201(b)(2)(A) of the Federal Property and Administrative Services Act of 1949.

(2) An assessment of the effect on such entities of providing for the use of Federal supply schedules by them.

(c) COMMENTS ON REPORT BY ADMINISTRATOR.—Not later than 30 days after receiving the report of the Comptroller General required by subsection (b), the Administrator of General Services shall submit to Congress comments on the report, including the Administrator's comments on whether the Administrator plans to provide any Federal supply schedule for the use of any entity described in section 201(b)(2)(A) of the Federal Property and Administrative Services Act of 1949.

(d) CALCULATION OF 30-DAY PERIOD.—For purposes of subsection (a)(2)(C), the calculation of the 30-day period shall exclude Saturdays, Sundays, and holidays, and any day on which neither House of Congress is in session because of an adjournment sine die, a recess of more than 3 days, or an adjournment of more than 3 days.

SEC. 4310. PROCUREMENT NOTICE TECHNICAL AMENDMENT.

Section 18(c)(1)(E) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(c)(1)(E)) is amended by inserting after "requirements contract" the following: ", a task order contract, or a delivery order contract".

SEC. 4311. MICRO-PURCHASES WITHOUT COMPETITIVE QUOTATIONS.

Section 32(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 428), as redesignated by section 4304(c)(3), is amended by striking out "the contracting officer" and inserting in lieu thereof "an employee of an executive agency or a member of the Armed Forces of the United States authorized to do so".

Subtitle B—Technical Amendments

SEC. 4321. AMENDMENTS RELATED TO FEDERAL ACQUISITION STREAMLINING ACT OF 1994.

(a) PUBLIC LAW 103-355.—Effective as of October 13, 1994, and as if included therein as enacted, the Federal Acquisition Streamlining Act of 1994 (Public Law 103-355; 108 Stat. 3243 et seq.) is amended as follows:

(1) Section 1073 (108 Stat. 3271) is amended by striking out "section 303I" and inserting in lieu thereof "section 303K".

(2) Section 1202(a) (108 Stat. 3274) is amended by striking out the closing quotation marks and second period at the end of paragraph (2)(B) of the subsection inserted by the amendment made by that section.

(3) Section 1251(b) (108 Stat. 3284) is amended by striking out "Office of Federal Procurement Policy Act" and inserting in lieu thereof "Federal Property and Administrative Services Act of 1949".

(4) Section 2051(e) (108 Stat. 3304) is amended by striking out the closing quotation marks and second period at the end of subsection (f)(3) in the matter inserted by the amendment made by that section.

(5) Section 2101(a)(6)(B)(ii) (108 Stat. 3308) is amended by replacing "regulation" with "regulations" in the first quoted matter.

(6) Section 2351(a) (108 Stat. 3322) is amended by inserting "(1)" before "Section 6".

(7) The heading of section 2352(b) (108 Stat. 3322) is amended by striking out "PROCEDURES TO SMALL BUSINESS GOVERNMENT CONTRACTORS.—" and inserting in lieu thereof "PROCEDURES.—".

(8) Section 3022 (108 Stat. 3333) is amended by striking out "each place" and all that follows through the end of the section and inserting in lieu thereof "in paragraph (1) and ', rent,' after 'sell' in paragraph (2).".

(9) Section 5092(b) (108 Stat. 3362) is amended by inserting "of paragraph (2)" after "second sentence".

(10) Section 6005(a) (108 Stat. 3364) is amended by striking out the closing quotation marks and second period at the end of subsection (e)(2) of the matter inserted by the amendment made by that section.

(11) Section 10005(f)(4) (108 Stat. 3409) is amended in the second matter in quotation marks by striking out "SEC. 5. This Act" and inserting in lieu thereof "SEC. 7. This title".

(b) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) Section 2220(b) is amended by striking out "the date of the enactment of the Federal Acquisition Streamlining Act of 1994" and inserting in lieu thereof "October 13, 1994".

(2)(A) The section 2247 added by section 7202(a)(1) of Public Law 103-355 (108 Stat. 3379) is redesignated as section 2249.

(B) The item relating to that section in the table of sections at the beginning of subchapter I of chapter 134 is revised to conform to the redesignation made by subparagraph (A).

(3) Section 2302(3)(K) is amended by adding a period at the end.

(4) Section 2304(f)(2)(D) is amended by striking out "the Act of June 25, 1938 (41 U.S.C. 46 et seq.), popularly referred to as the Wagner-O'Day Act," and inserting in lieu thereof "the Javits-Wagner-O'Day Act (41 U.S.C. 46 et seq.),".

(5) Section 2304(h) is amended by striking out paragraph (1) and inserting in lieu thereof the following:

"(1) The Walsh-Healey Act (41 U.S.C. 35 et seq.).".

(6)(A) The section 2304a added by section 848(a)(1) of Public Law 103-160 (107 Stat. 1724) is redesignated as section 2304e.

(B) The item relating to that section in the table of sections at the beginning of chapter 137 is revised to conform to the redesignation made by subparagraph (A).

(7) Section 2306a is amended—

(A) in subsection (d)(2)(A)(ii), by inserting "to" after "The information referred";

(B) in subsection (e)(4)(B)(ii), by striking out the second comma after "parties"; and

(C) in subsection (i)(3), by inserting "(41 U.S.C. 403(12))" before the period at the end.

(8) Section 2323 is amended—

(A) in subsection (a)(1)(C), by inserting a closing parenthesis after "1135d-5(3))" and after "1059c(b)(1))";

(B) in subsection (a)(3), by striking out "(issued under" and all that follows through "421(c))";

(C) in subsection (b), by inserting "(1)" after "AMOUNT.—"; and

(D) in subsection (i)(3), by adding at the end a subparagraph (D) identical to the subparagraph (D) set forth in the amendment made by section 811(e) of Public Law 103-160 (107 Stat. 1702).

(9) Section 2324 is amended—

(A) in subsection (e)(2)(C)—

(i) by striking out "awarding the contract" at the end of the first sentence; and

(ii) by striking out "title III" and all that follows through "Act)" and inserting in lieu thereof "the Buy American Act (41 U.S.C. 10b-1)"; and

(B) in subsection (h)(2), by inserting "the head of the agency or" after "in the case of any contract if".

(10) Section 2350b is amended—

(A) in subsection (c)(1)—

(i) by striking out "specifically—" and inserting in lieu thereof "specifically prescribes—"; and

(ii) by striking out "prescribe" in each of subparagraphs (A), (B), (C), and (D); and

(B) in subsection (d)(1), by striking out "subcontract to be" and inserting in lieu thereof "subcontract be".

(11) Section 2372(i)(1) is amended by striking out "section 2324(m)" and inserting in lieu thereof "section 2324(l)".

(12) Section 2384(b) is amended—

(A) in paragraph (2)—

(i) by striking "items, as" and inserting in lieu thereof "items (as"; and

(ii) by inserting a closing parenthesis after "403(12))"; and

(B) in paragraph (3), by inserting a closing parenthesis after "403(11))".

(13) Section 2400(a)(5) is amended by striking out "the preceding sentence" and inserting in lieu thereof "this paragraph".

(14) Section 2405 is amended—

(A) in paragraphs (1) and (2) of subsection (a), by striking out "the date of the enactment of the Federal Acquisition Streamlining Act of 1994" and inserting in lieu thereof "October 13, 1994"; and

(B) in subsection (c)(3)—

(i) by striking out "the later of—" and all that follows through "(B)"; and

(ii) by redesignating clauses (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively, and realigning those subparagraphs accordingly.

(15) Section 2410d(b) is amended by striking out paragraph (3).

(16) Section 2410g(d)(1) is amended by inserting before the period at the end the following: "(as defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)))".

(17) Section 2424(c) is amended—

(A) by inserting "EXCEPTION.—" after "(c)"; and

(B) by striking out "drink" the first and third places it appears in the second sentence and inserting in lieu thereof "beverage".

(18) Section 2431 is amended—

(A) in subsection (b)—

(i) by striking out "Any report" in the first sentence and inserting in lieu thereof "Any documents"; and

(ii) by striking out "the report" in paragraph (3) and inserting in lieu thereof "the documents"; and

(B) in subsection (c), by striking "reporting" and inserting in lieu thereof "documentation".

(19) Section 2461(e)(1) is amended by striking out "the Act of June 25, 1938 (41 U.S.C. 47), popularly referred to as the Wagner-O'Day Act" and inserting in lieu thereof "the Javits-Wagner-O'Day Act (41 U.S.C. 47)".

(20) Section 2533(a) is amended by striking out "title III of the Act" and all that follows through "such Act" and inserting in lieu thereof "the Buy American Act (41 U.S.C. 10a)) whether application of such Act".

(21) Section 2662(b) is amended by striking out "small purchase threshold" and inserting in lieu thereof "simplified acquisition threshold".

(22) Section 2701(i)(1) is amended—

(A) by striking out "Act of August 24, 1935 (40 U.S.C. 270a-270d), commonly referred to as the 'Miller Act'," and inserting in lieu thereof "Miller Act (40 U.S.C. 270a et seq.)"; and

(B) by striking out "such Act of August 24, 1935" and inserting in lieu thereof "the Miller Act".

(c) SMALL BUSINESS ACT.—The Small Business Act (15 U.S.C. 632 et seq.) is amended as follows:

(1) Section 8(d) (15 U.S.C. 637(d)) is amended—

(A) in paragraph (1), by striking out the second comma after "small business concerns" the first place it appears; and

(B) in paragraph (6)(C), by striking out "and small business concerns owned and controlled by the socially and economically disadvantaged individuals" and inserting in lieu thereof ", small business concerns owned and controlled by socially and economically disadvantaged individuals, and small business concerns owned and controlled by women".

(2) Section 8(f) (15 U.S.C. 637(f)) is amended by inserting "and" after the semicolon at the end of paragraph (5).

(3) Section 15(g)(2) (15 U.S.C. 644(g)(2)) is amended by striking out the second comma after the first appearance of "small business concerns".

(d) TITLE 31, UNITED STATES CODE.—Title 31, United States Code, is amended as follows:

(1) Section 3551 is amended—

(A) by striking out "subchapter—" and inserting in lieu thereof "subchapter:"; and

(B) in paragraph (2), by striking out "or proposed contract" and inserting in lieu thereof "or a solicitation or other request for offers".

(2) Section 3553(b)(3) is amended by striking out "3554(a)(3)" and inserting in lieu thereof "3554(a)(4)".

(3) Section 3554(b)(2) is amended by striking out "section 3553(d)(2)(A)(i)" and inserting in lieu thereof "section 3553(d)(3)(C)(i)(I)".

(e) FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949.—The Federal Property and Administrative Services Act of 1949 is amended as follows:

(1) The table of contents in section 1 (40 U.S.C. 471 prec.) is amended—

(A) by striking out the item relating to section 104;

(B) by striking out the item relating to section 201 and inserting in lieu thereof the following:

"Sec. 201. Procurements, warehousing, and related activities.";

(C) by inserting after the item relating to section 315 the following new item:

"Sec. 316. Merit-based award of grants for research and development.";

(D) by striking out the item relating to section 603 and inserting in lieu thereof the following:

"Sec. 603. Authorizations for appropriations and transfer authority."; and

(E) by inserting after the item relating to section 605 the following new item:

"Sec. 606. Sex discrimination.".

(2) Section 303(f)(2)(D) (41 U.S.C. 253(f)(2)(D)) is amended by striking out "the Act of June 25, 1938 (41 U.S.C. 46 et seq.), popularly referred to as the Wagner-O'Day Act," and inserting in lieu thereof "the Javits-Wagner-O'Day Act (41 U.S.C. 46 et seq.),".

(3) The heading for paragraph (1) of section 304A(c) (41 U.S.C. 254b(c)) is amended by changing each letter that is capitalized (other than the first letter of the first word) to lower case.

(4) Subsection (d)(2)(A)(ii) of section 304A (41 U.S.C. 254b) is amended by inserting "to" after "The information referred".

(5) Section 304C(a)(2) is amended by striking out "section 304B" and inserting in lieu thereof "section 304A".

(6) Section 307(b) is amended by striking out "section 305(c)" and inserting in lieu thereof "section 305(d)".

(7) The heading for section 314A (41 U.S.C. 264a) is amended to read as follows:

"SEC. 314A. DEFINITIONS RELATING TO PROCUREMENT OF COMMERCIAL ITEMS.".

(8) Section 315(b) (41 U.S.C. 265(b)) is amended by striking out "inspector general" both places it appears and inserting in lieu thereof "Inspector General".

(9) The heading for section 316 (41 U.S.C. 266) is amended by inserting at the end a period.

(f) WALSH-HEALEY ACT.—

(1) The Walsh-Healey Act (41 U.S.C. 35 et seq.) is amended—

(A) by transferring the second section 11 (as added by section 7201(4) of Public Law 103–355) so as to appear after section 10; and

(B) by redesignating the three sections following such section 11 (as so transferred) as sections 12, 13, and 14.

(2) Such Act is further amended in section 10—

(A) in subsection (b), by striking out "section 1(b)" and inserting in lieu thereof "section 1(a)"; and

(B) in subsection (c), by striking out the comma after "'locality'".

(g) ANTI-KICKBACK ACT OF 1986.—Section 7(d) of the Anti-Kickback Act of 1986 (41 U.S.C. 57(d)) is amended—

(1) by striking out "such Act" and inserting in lieu thereof "the Office of Federal Procurement Policy Act"; and

(2) by striking out the second period at the end.

(h) OFFICE OF FEDERAL PROCUREMENT POLICY ACT.—The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) is amended as follows:

(1) Section 6 (41 U.S.C. 405) is amended by transferring paragraph (12) of subsection (d) (as such paragraph was redesignated by section 5091(2) of the Federal Acquisition Streamlining Act of 1994 (P.L. 103–355; 108 Stat. 3361)) to the end of that subsection.

(2) Section 6(11) (41 U.S.C. 405(11)) is amended by striking out "small business" and inserting in lieu thereof "small businesses".

(3) Section 18(b) (41 U.S.C. 416(b)) is amended by inserting "and" after the semicolon at the end of paragraph (5).

(4) Section 26(f)(3) (41 U.S.C. 422(f)(3)) is amended in the first sentence by striking out "Not later than 180 days after the date of enactment of this section, the Administrator" and inserting in lieu thereof "The Administrator".

(i) OTHER LAWS.—

(1) The National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160) is amended as follows:

(A) Section 126(c) (107 Stat. 1567) is amended by striking out "section 2401 of title 10, United States Code, or section 9081 of the Department of Defense Appropriations Act, 1990 (10 U.S.C. 2401 note)." and inserting in lieu thereof "section 2401 or 2401a of title 10, United States Code.".

(B) Section 127 (107 Stat. 1568) is amended—

(i) in subsection (a), by striking out "section 2401 of title 10, United States Code, or section 9081 of the Department of Defense Appropriations Act, 1990 (10 U.S.C. 2401 note)." and inserting in lieu thereof "section 2401 or 2401a of title 10, United States Code."; and

(ii) in subsection (e), by striking out "section 9081 of the Department of Defense Appropriations Act, 1990 (10 U.S.C. 2401 note)." and inserting in lieu thereof "section 2401a of title 10, United States Code.".

(2) The National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189) is amended by striking out section 824.

(3) Section 117 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 10 U.S.C. 2431 note) is amended by striking out subsection (c).

(4) The National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100–180) is amended by striking out section 825 (10 U.S.C. 2432 note).

(5) Section 11 of Public Law 101–552 (5 U.S.C. 581 note) is amended by inserting "under" before "the amendments made by this Act".

(6) The last sentence of section 6 of the Federal Power Act (16 U.S.C. 799) is repealed.

(7) Section 101(a)(11)(A) of the Rehabilitation Act of 1973 (29 U.S.C. 721(a)(11)(A)) is amended by striking out "the Act entitled 'An Act to create a Committee on Purchases of Blind-made Products, and for other purposes', approved June 25, 1938 (commonly known as the Wagner-O'Day Act; 41 U.S.C. 46 et seq.)" and inserting in lieu thereof "the Javits-Wagner-O'Day Act (41 U.S.C. 46 et seq.)".

(8) The first section 5 of the Miller Act (40 U.S.C. 270a note) is redesignated as section 7 and, as so redesignated, is transferred to the end of that Act.

(9) Section 3737(g) of the Revised Statutes of the United States (41 U.S.C. 15(g)) is amended by striking out "rights of obligations" and inserting in lieu thereof "rights or obligations".

(10) The Act of June 15, 1940 (41 U.S.C. 20a; Chapter 367; 54 Stat. 398), is repealed.

(11) The Act of November 28, 1943 (41 U.S.C. 20b; Chapter 328; 57 Stat. 592), is repealed.

(12) Section 3741 of the Revised Statutes of the United States (41 U.S.C. 22), as amended by section 6004 of Public Law 103–355 (108 Stat. 3364), is amended by striking out "No member" and inserting in lieu thereof "SEC. 3741. No Member".

(13) Section 5152(a)(1) of the Drug-Free Workplace Act of 1988 (41 U.S.C. 701(a)(1)) is amended by striking out "as defined in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)" and inserting in lieu thereof "(as defined in section 4(12) of such Act (41 U.S.C. 403(12)))".

SEC. 4322. MISCELLANEOUS AMENDMENTS TO FEDERAL ACQUISITION LAWS.

(a) OFFICE OF FEDERAL PROCUREMENT POLICY ACT.—The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) is amended as follows:

(1) Section 6(b) (41 U.S.C. 405(b)) is amended by striking out the second comma after "under subsection (a)" in the first sentence.

(2) Section 25(b)(2) (41 U.S.C. 421(b)(2)) is amended by striking out "Under Secretary of Defense for Acquisition" and inserting in lieu thereof "Under Secretary of Defense for Acquisition and Technology".

(b) OTHER LAWS.—

(1) Section 11(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking out the second comma after "Community Service".

(2) Section 908(e) of the Defense Acquisition Improvement Act of 1986 (10 U.S.C. 2326 note) is amended by striking out "section 2325(g)" and inserting in lieu thereof "section 2326(g)".

(3) Effective as of August 9, 1989, and as if included therein as enacted, Public Law 101–73 is amended in section 501(b)(1)(A) (103 Stat. 393) by striking out "be," and inserting in lieu thereof "be;" in the second quoted matter therein.

(4) Section 3732(a) of the Revised Statutes of the United States (41 U.S.C. 11(a)) is amended by striking out the second comma after "quarters".

(5) Section 2 of the Contract Disputes Act of 1978 (41 U.S.C. 601) is amended in paragraphs (3), (5), (6), and (7), by striking out "The" and inserting in lieu thereof "the".

(6) Section 6 of the Contract Disputes Act of 1978 (41 U.S.C. 605) is amended in subsections (d) and (e) by inserting after "United States Code" each place it appears the following: "(as in effect on September 30, 1995)".

(7) Section 13 of the Contract Disputes Act of 1978 (41 U.S.C. 612) is amended—

(A) in subsection (a), by striking out "section 1302 of the Act of July 27, 1956, (70 Stat. 694, as

amended; 31 U.S.C. 724a)" and inserting in lieu thereof "section 1304 of title 31, United States Code"; and

(B) in subsection (c), by striking out "section 1302 of the Act of July 27, 1956, (70 Stat. 694, as amended; 31 U.S.C. 724a)" and inserting in lieu thereof "section 1304 of title 31, United States Code,".

TITLE XLIV—EFFECTIVE DATES AND IMPLEMENTATION

SEC. 4401. EFFECTIVE DATE AND APPLICABILITY.

(a) EFFECTIVE DATE.—Except as otherwise provided in this division, this division and the amendments made by this division shall take effect on the date of the enactment of this Act.

(b) APPLICABILITY OF AMENDMENTS.—

(1) SOLICITATIONS, UNSOLICITED PROPOSALS, AND RELATED CONTRACTS.—An amendment made by this division shall apply, in the manner prescribed in the final regulations promulgated pursuant to section 4402 to implement such amendment, with respect to any solicitation that is issued, any unsolicited proposal that is received, and any contract entered into pursuant to such a solicitation or proposal, on or after the date described in paragraph (3).

(2) OTHER MATTERS.—An amendment made by this division shall also apply, to the extent and in the manner prescribed in the final regulations promulgated pursuant to section 4402 to implement such amendment, with respect to any matter related to—

(A) a contract that is in effect on the date described in paragraph (3);

(B) an offer under consideration on the date described in paragraph (3); or

(C) any other proceeding or action that is ongoing on the date described in paragraph (3).

(3) DEMARCATION DATE.—The date referred to in paragraphs (1) and (2) is the date specified in such final regulations. The date so specified shall be January 1, 1997, or any earlier date that is not within 30 days after the date on which such final regulations are published.

SEC. 4402. IMPLEMENTING REGULATIONS.

(a) PROPOSED REVISIONS.—Proposed revisions to the Federal Acquisition Regulation and such other proposed regulations (or revisions to existing regulations) as may be necessary to implement this Act shall be published in the Federal Register not later than 210 days after the date of the enactment of this Act.

(b) PUBLIC COMMENT.—The proposed regulations described in subsection (a) shall be made available for public comment for a period of not less than 60 days.

(c) FINAL REGULATIONS.—Final regulations shall be published in the Federal Register not later than 330 days after the date of enactment of this Act.

(d) MODIFICATIONS.—Final regulations promulgated pursuant to this section to implement an amendment made by this Act may provide for modification of an existing contract without consideration upon the request of the contractor.

(e) SAVINGS PROVISIONS.—

(1) VALIDITY OF PRIOR ACTIONS.—Nothing in this division shall be construed to affect the validity of any action taken or any contract entered into before the date specified in the regulations pursuant to section 4401(b)(3) except to the extent and in the manner prescribed in such regulations.

(2) RENEGOTIATION AND MODIFICATION OF PREEXISTING CONTRACTS.—Except as specifically provided in this division, nothing in this division shall be construed to require the renegotiation or modification of contracts in existence on the date of the enactment of this Act.

(3) CONTINUED APPLICABILITY OF PREEXISTING LAW.—Except as otherwise provided in this division, a law amended by this division shall continue to be applied according to the provisions thereof as such law was in effect on the day before the date of the enactment of this Act until—

(A) the date specified in final regulations implementing the amendment of that law (as promulgated pursuant to this section); or

(B) if no such date is specified in regulations, January 1, 1997.

DIVISION E—INFORMATION TECHNOLOGY MANAGEMENT REFORM

SEC. 5001. SHORT TITLE.

This division may be cited as the "Information Technology Management Reform Act of 1995".

SEC. 5002. DEFINITIONS.

In this division:

(1) DIRECTOR.—The term "Director" means the Director of the Office of Management and Budget.

(2) EXECUTIVE AGENCY.—The term "executive agency" has the meaning given that term in section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1)).

(3) INFORMATION TECHNOLOGY.—(A) The term "information technology", with respect to an executive agency means any equipment or interconnected system or subsystem of equipment, that is used in the automatic acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information by the executive agency. For purposes of the preceding sentence, equipment is used by an executive agency if the equipment is used by the executive agency directly or is used by a contractor under a contract with the executive agency which (i) requires the use of such equipment, or (ii) requires the use, to a significant extent, of such equipment in the performance of a service or the furnishing of a product.

(B) The term "information technology" includes computers, ancillary equipment, software, firmware and similar procedures, services (including support services), and related resources.

(C) Notwithstanding subparagraphs (A) and (B), the term "information technology" does not include any equipment that is acquired by a Federal contractor incidental to a Federal contract.

(4) INFORMATION RESOURCES.—The term "information resources" has the meaning given such term in section 3502(6) of title 44, United States Code.

(5) INFORMATION RESOURCES MANAGEMENT.—The term "information resources management" has the meaning given such term in section 3502(7) of title 44, United States Code.

(6) INFORMATION SYSTEM.—The term "information system" has the meaning given such term in section 3502(8) of title 44, United States Code.

(7) COMMERCIAL ITEM.—The term "commercial item" has the meaning given that term in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)).

TITLE LI—RESPONSIBILITY FOR ACQUISITIONS OF INFORMATION TECHNOLOGY

Subtitle A—General Authority

SEC. 5101. REPEAL OF CENTRAL AUTHORITY OF THE ADMINISTRATOR OF GENERAL SERVICES.

Section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759) is repealed.

Subtitle B—Director of the Office of Management and Budget

SEC. 5111. RESPONSIBILITY OF DIRECTOR.

In fulfilling the responsibility to administer the functions assigned under chapter 35 of title 44, United States Code, the Director shall comply with this title with respect to the specific matters covered by this title.

SEC. 5112. CAPITAL PLANNING AND INVESTMENT CONTROL.

(a) FEDERAL INFORMATION TECHNOLOGY.—The Director shall perform the responsibilities set forth in this section in fulfilling the responsibilities under section 3504(h) of title 44, United States Code.

(b) USE OF INFORMATION TECHNOLOGY IN FEDERAL PROGRAMS.—The Director shall promote and be responsible for improving the acquisition, use, and disposal of information technology by the Federal Government to improve the productivity, efficiency, and effectiveness of Federal programs, including through dissemination of public information and the reduction of information collection burdens on the public.

(c) USE OF BUDGET PROCESS.—The Director shall develop, as part of the budget process, a process for analyzing, tracking, and evaluating the risks and results of all major capital investments made by an executive agency for information systems. The process shall cover the life of each system and shall include explicit criteria for analyzing the projected and actual costs, benefits, and risks associated with the investments. At the same time that the President submits the budget for a fiscal year to Congress under section 1105(a) of title 31, United States Code, the Director shall submit to Congress a report on the net program performance benefits achieved as a result of major capital investments made by executive agencies in information systems and how the benefits relate to the accomplishment of the goals of the executive agencies.

(d) INFORMATION TECHNOLOGY STANDARDS.—The Director shall oversee the development and implementation of standards and guidelines pertaining to Federal computer systems by the Secretary of Commerce through the National Institute of Standards and Technology under section 5131 and section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3).

(e) DESIGNATION OF EXECUTIVE AGENTS FOR ACQUISITIONS.—The Director shall designate (as the Director considers appropriate) one or more heads of executive agencies as executive agent for Government-wide acquisitions of information technology.

(f) USE OF BEST PRACTICES IN ACQUISITIONS.—The Director shall encourage the heads of the executive agencies to develop and use the best practices in the acquisition of information technology.

(g) ASSESSMENT OF OTHER MODELS FOR MANAGING INFORMATION TECHNOLOGY.—The Director shall assess, on a continuing basis, the experiences of executive agencies, State and local governments, international organizations, and the private sector in managing information technology.

(h) COMPARISON OF AGENCY USES OF INFORMATION TECHNOLOGY.—The Director shall compare the performances of the executive agencies in using information technology and shall disseminate the comparisons to the heads of the executive agencies.

(i) TRAINING.—The Director shall monitor the development and implementation of training in information resources management for executive agency personnel.

(j) INFORMING CONGRESS.—The Director shall keep Congress fully informed on the extent to which the executive agencies are improving the performance of agency programs and the accomplishment of agency missions through the use of the best practices in information resources management.

(k) PROCUREMENT POLICY AND ACQUISITIONS OF INFORMATION TECHNOLOGY.—The Director shall coordinate the development and review by the Administrator of the Office of Information and Regulatory Affairs of policy associated with Federal acquisition of information technology with the Office of Federal Procurement Policy.

SEC. 5113. PERFORMANCE-BASED AND RESULTS-BASED MANAGEMENT.

(a) IN GENERAL.—The Director shall encourage the use of performance-based and results-based management in fulfilling the responsibilities assigned under section 3504(h), of title 44, United States Code.

(b) EVALUATION OF AGENCY PROGRAMS AND INVESTMENTS.—

(1) REQUIREMENT.—The Director shall evaluate the information resources management practices of the executive agencies with respect to the performance and results of the investments made by the executive agencies in information technology.

(2) DIRECTION FOR EXECUTIVE AGENCY ACTION.—The Director shall issue clear and concise direction to the head of each executive agency—

(A) to establish for the executive agency and each of its major components effective and efficient capital planning processes for selecting, managing, and evaluating the results of all of its major investments in information systems;

(B) to determine, before making an investment in a new information system—

(i) whether the function to be supported by the system should be performed by the private sector and, if so, whether any component of the executive agency performing that function should be converted from a governmental organization to a private sector organization; or

(ii) whether the function should be performed by the executive agency and, if so, whether the function should be performed by a private sector source under contract or by executive agency personnel;

(C) to analyze the missions of the executive agency and, based on the analysis, revise the executive agency's mission-related processes and administrative processes, as appropriate, before making significant investments in information technology to be used in support of those missions; and

(D) to ensure that the information security policies, procedures, and practices are adequate.

(3) GUIDANCE FOR MULTIAGENCY INVESTMENTS.—The direction issued under paragraph (2) shall include guidance for undertaking efficiently and effectively interagency and Government-wide investments in information technology to improve the accomplishment of missions that are common to the executive agencies.

(4) PERIODIC REVIEWS.—The Director shall implement through the budget process periodic reviews of selected information resources management activities of the executive agencies in order to ascertain the efficiency and effectiveness of information technology in improving the performance of the executive agency and the accomplishment of the missions of the executive agency.

(5) ENFORCEMENT OF ACCOUNTABILITY.—

(A) IN GENERAL.—The Director may take any authorized action that the Director considers appropriate, including an action involving the budgetary process or appropriations management process, to enforce accountability of the head of an executive agency for information resources management and for the investments made by the executive agency in information technology.

(B) SPECIFIC ACTIONS.—Actions taken by the Director in the case of an executive agency may include—

(i) recommending a reduction or an increase in any amount for information resources that the head of the executive agency proposes for the budget submitted to Congress under section 1105(a) of title 31, United States Code;

(ii) reducing or otherwise adjusting apportionments and reapportionments of appropriations for information resources;

(iii) using other authorized administrative controls over appropriations to restrict the availability of funds for information resources; and

(iv) designating for the executive agency an executive agent to contract with private sector sources for the performance of information resources management or the acquisition of information technology.

Subtitle C—Executive Agencies

SEC. 5121. RESPONSIBILITIES.

In fulfilling the responsibilities assigned under chapter 35 of title 44, United States Code, the head of each executive agency shall comply with this subtitle with respect to the specific matters covered by this subtitle.

SEC. 5122. CAPITAL PLANNING AND INVESTMENT CONTROL.

(a) DESIGN OF PROCESS.—In fulfilling the responsibilities assigned under section 3506(h) of title 44, United States Code, the head of each executive agency shall design and implement in the executive agency a process for maximizing the value and assessing and managing the risks of the information technology acquisitions of the executive agency.

(b) CONTENT OF PROCESS.—The process of an executive agency shall—

(1) provide for the selection of information technology investments to be made by the executive agency, the management of such investments, and the evaluation of the results of such investments;

(2) be integrated with the processes for making budget, financial, and program management decisions within the executive agency;

(3) include minimum criteria to be applied in considering whether to undertake a particular investment in information systems, including criteria related to the quantitatively expressed projected net, risk-adjusted return on investment and specific quantitative and qualitative criteria for comparing and prioritizing alternative information systems investment projects;

(4) provide for identifying information systems investments that would result in shared benefits or costs for other Federal agencies or State or local governments;

(5) provide for identifying for a proposed investment quantifiable measurements for determining the net benefits and risks of the investment; and

(6) provide the means for senior management personnel of the executive agency to obtain timely information regarding the progress of an investment in an information system, including a system of milestones for measuring progress, on an independently verifiable basis, in terms of cost, capability of the system to meet specified requirements, timeliness, and quality.

SEC. 5123. PERFORMANCE AND RESULTS-BASED MANAGEMENT.

In fulfilling the responsibilities under section 3506(h) of title 44, United States Code, the head of an executive agency shall—

(1) establish goals for improving the efficiency and effectiveness of agency operations and, as appropriate, the delivery of services to the public through the effective use of information technology;

(2) prepare an annual report, to be included in the executive agency's budget submission to Congress, on the progress in achieving the goals;

(3) ensure that performance measurements are prescribed for information technology used by or to be acquired for, the executive agency and that the performance measurements measure how well the information technology supports programs of the executive agency;

(4) where comparable processes and organizations in the public or private sectors exist, quantitatively benchmark agency process performance against such processes in terms of cost, speed, productivity, and quality of outputs and outcomes;

(5) analyze the missions of the executive agency and, based on the analysis, revise the executive agency's mission-related processes and administrative processes as appropriate before making significant investments in information technology that is to be used in support of the performance of those missions; and

(6) ensure that the information security policies, procedures, and practices of the executive agency are adequate.

SEC. 5124. ACQUISITIONS OF INFORMATION TECHNOLOGY.

(a) IN GENERAL.—The authority of the head of an executive agency to conduct an acquisition of information technology includes the following authorities:

(1) To acquire information technology as authorized by law.

(2) To enter into a contract that provides for multiagency acquisitions of information technology in accordance with guidance issued by the Director.

(3) If the Director finds that it would be advantageous for the Federal Government to do so, to enter into a multiagency contract for procurement of commercial items of information technology that requires each executive agency covered by the contract, when procuring such items, either to procure the items under that contract or to justify an alternative procurement of the items.

(b) FTS 2000 PROGRAM.—Notwithstanding any other provision of this or any other law, the Administrator of General Services shall continue to manage the FTS 2000 program, and to coordinate the follow-on to that program, on behalf of and with the advice of the heads of executive agencies.

SEC. 5125. AGENCY CHIEF INFORMATION OFFICER.

(a) DESIGNATION OF CHIEF INFORMATION OFFICERS.—Section 3506 of title 44, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2)(A), by striking out "senior official" and inserting in lieu thereof "Chief Information Officer";

(B) in paragraph (2)(B)—

(i) by striking out "senior officials" in the first sentence and inserting in lieu thereof "Chief Information Officers";

(ii) by striking out "official" in the second sentence and inserting in lieu thereof "Chief Information Officer"; and

(iii) by striking out "officials" in the second sentence and inserting in lieu thereof "Chief Information Officers"; and

(C) in paragraphs (3) and (4), by striking out "senior official" each place it appears and inserting in lieu thereof "Chief Information Officer"; and

(2) in subsection (c)(1), by striking out "official" in the matter preceding subparagraph (A) and inserting in lieu thereof "Chief Information Officer".

(b) GENERAL RESPONSIBILITIES.—The Chief Information Officer of an executive agency shall be responsible for—

(1) providing advice and other assistance to the head of the executive agency and other senior management personnel of the executive agency to ensure that information technology is acquired and information resources are managed for the executive agency in a manner that implements the policies and procedures of this division, consistent with chapter 35 of title 44, United States Code, and the priorities established by the head of the executive agency;

(2) developing, maintaining, and facilitating the implementation of a sound and integrated information technology architecture for the executive agency; and

(3) promoting the effective and efficient design and operation of all major information resources management processes for the executive agency, including improvements to work processes of the executive agency.

(c) DUTIES AND QUALIFICATIONS.—The Chief Information Officer of an agency that is listed in section 901(b) of title 31, United States Code, shall—

(1) have information resources management duties as that official's primary duty;

(2) monitor the performance of information technology programs of the agency, evaluate the performance of those programs on the basis of the applicable performance measurements, and advise the head of the agency regarding whether to continue, modify, or terminate a program or project; and

(3) annually, as part of the strategic planning and performance evaluation process required (subject to section 1117 of title 31, United States Code) under section 306 of title 5, United States Code, and sections 1105(a)(29), 1115, 1116, 1117, and 9703 of title 31, United States Code—

(A) assess the requirements established for agency personnel regarding knowledge and skill in information resources management and the adequacy of such requirements for facilitating the achievement of the performance goals established for information resources management;

(B) assess the extent to which the positions and personnel at the executive level of the agency and the positions and personnel at management level of the agency below the executive level meet those requirements;

(C) in order to rectify any deficiency in meeting those requirements, develop strategies and specific plans for hiring, training, and professional development; and

(D) report to the head of the agency on the progress made in improving information resources management capability.

(d) INFORMATION TECHNOLOGY ARCHITECTURE DEFINED.—In this section, the term "information technology architecture", with respect to an executive agency, means an integrated framework for evolving or maintaining existing information technology and acquiring new information technology to achieve the agency's strategic goals and information resources management goals.

(e) EXECUTIVE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

"Chief Information Officer, Department of Agriculture.

"Chief Information Officer, Department of Commerce.

"Chief Information Officer, Department of Defense (unless the official designated as the Chief Information Officer of the Department of Defense is an official listed under section 5312, 5313, or 5314 of this title).

"Chief Information Officer, Department of Education.

"Chief Information Officer, Department of Energy.

"Chief Information Officer, Department of Health and Human Services.

"Chief Information Officer, Department of Housing and Urban Development.

"Chief Information Officer, Department of the Interior.

"Chief Information Officer, Department of Justice.

"Chief Information Officer, Department of Labor.

"Chief Information Officer, Department of State.

"Chief Information Officer, Department of Transportation.

"Chief Information Officer, Department of Treasury.

"Chief Information Officer, Department of Veterans Affairs.

"Chief Information Officer, Environmental Protection Agency.

"Chief Information Officer, National Aeronautics and Space Administration.

"Chief Information Officer, Agency for International Development.

"Chief Information Officer, Federal Emergency Management Agency.

"Chief Information Officer, General Services Administration.

"Chief Information Officer, National Science Foundation.

"Chief Information Officer, Nuclear Regulatory Agency.

"Chief Information Officer, Office of Personnel Management.

"Chief Information Officer, Small Business Administration.".

SEC. 5126. ACCOUNTABILITY.

The head of each executive agency, in consultation with the Chief Information Officer and the Chief Financial Officer of that executive agency (or, in the case of an executive agency without a Chief Financial Officer, any comparable official), shall establish policies and procedures that—

(1) ensure that the accounting, financial, and asset management systems and other information systems of the executive agency are designed, developed, maintained, and used effectively to provide financial or program performance data for financial statements of the executive agency;

(2) ensure that financial and related program performance data are provided on a reliable, consistent, and timely basis to executive agency financial management systems; and

(3) ensure that financial statements support—

(A) assessments and revisions of mission-related processes and administrative processes of the executive agency; and

(B) performance measurement of the performance in the case of investments made by the agency in information systems.

SEC. 5127. SIGNIFICANT DEVIATIONS.

The head of an executive agency shall identify in the strategic information resources management plan required under section 3506(b)(2) of title 44, United States Code, any major information technology acquisition program, or any phase or increment of such a program, that has significantly deviated from the cost, performance, or schedule goals established for the program.

SEC. 5128. INTERAGENCY SUPPORT.

Funds available for an executive agency for oversight, acquisition, and procurement of information technology may be used by the head of the executive agency to support jointly with other executive agencies the activities of interagency groups that are established to advise the Director in carrying out the Director's responsibilities under this title. The use of such funds for that purpose shall be subject to such requirements and limitations on uses and amounts as the Director may prescribe. The Director shall prescribe any such requirements and limitations during the Director's review of the executive agency's proposed budget submitted to the Director by the head of the executive agency for purposes of section 1105 of title 31, United States Code.

Subtitle D—Other Responsibilities

SEC. 5131. RESPONSIBILITIES REGARDING EFFICIENCY, SECURITY, AND PRIVACY OF FEDERAL COMPUTER SYSTEMS.

(a) STANDARDS AND GUIDELINES.—

(1) AUTHORITY.—The Secretary of Commerce shall, on the basis of standards and guidelines developed by the National Institute of Standards and Technology pursuant to paragraphs (2) and (3) of section 20(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3(a)), promulgate standards and guidelines pertaining to Federal computer systems. The Secretary shall make such standards compulsory and binding to the extent to which the Secretary determines necessary to improve the efficiency of operation or security and privacy of Federal computer systems. The President may disapprove or modify such standards and guidelines if the President determines such action to be in the public interest. The President's authority to disapprove or modify such standards and guidelines may not be delegated. Notice of such disapproval or modification shall be published promptly in the Federal Register. Upon receiving notice of such disapproval or modification, the Secretary of Commerce shall immediately rescind or modify such standards or guidelines as directed by the President.

(2) EXERCISE OF AUTHORITY.—The authority conferred upon the Secretary of Commerce by this section shall be exercised subject to direction by the President and in coordination with the Director to ensure fiscal and policy consistency.

(b) APPLICATION OF MORE STRINGENT STANDARDS.—The head of a Federal agency may employ standards for the cost-effective security and privacy of sensitive information in a Federal computer system within or under the supervision of that agency that are more stringent than the standards promulgated by the Secretary of Commerce under this section, if such standards contain, at a minimum, the provisions of those applicable standards made compulsory and binding by the Secretary of Commerce.

(c) WAIVER OF STANDARDS.—The standards determined under subsection (a) to be compulsory and binding may be waived by the Secretary of Commerce in writing upon a determination that compliance would adversely affect the accomplishment of the mission of an operator of a Federal computer system, or cause a major adverse financial impact on the operator which is not offset by Government-wide savings. The Secretary may delegate to the head of one or more Federal agencies authority to waive such standards to the extent to which the Secretary determines such action to be necessary and desirable to allow for timely and effective implementation of Federal computer system standards. The head of such agency may redelegate such authority only to a Chief Information Officer designated pursuant to section 3506 of title 44, United States Code. Notice of each such waiver and delegation shall be transmitted promptly to Congress and shall be published promptly in the Federal Register.

(d) DEFINITIONS.—In this section, the terms "Federal computer system" and "operator of a Federal computer system" have the meanings given such terms in section 20(d) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3(d)).

(e) TECHNICAL AMENDMENTS.—Chapter 35 of title 44, United States Code, is amended—

(1) in section 3504(g)—

(A) in paragraph (2), by striking out "the Computer Security Act of 1987 (40 U.S.C. 759 note)" and inserting in lieu thereof "sections 20 and 21 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3 and 278g–4), section 5131 of the Information Technology Management Reform Act of 1995, and sections 5 and 6 of the Computer Security Act of 1987 (40 U.S.C. 759 note)"; and

(B) in paragraph (3), by striking out "the Computer Security Act of 1987 (40 U.S.C. 759 note)" and inserting in lieu thereof "the standards and guidelines promulgated under section 5131 of the Information Technology Management Reform Act of 1995 and sections 5 and 6 of the Computer Security Act of 1987 (40 U.S.C. 759 note)"; and

(2) in section 3518(d), by striking out "Public Law 89–306 on the Administrator of the General Services Administration, the Secretary of Commerce, or" and inserting in lieu thereof "section

5131 of the Information Technology Management Reform Act of 1995 and the Computer Security Act of 1987 (40 U.S.C. 759 note) on the Secretary of Commerce or''.

SEC. 5132. SENSE OF CONGRESS.

It is the sense of Congress that, during the next five-year period beginning with 1996, executive agencies should achieve each year at least a 5 percent decrease in the cost (in constant fiscal year 1996 dollars) that is incurred by the agency for operating and maintaining information technology, and each year a 5 percent increase in the efficiency of the agency operations, by reason of improvements in information resources management by the agency.

Subtitle E—National Security Systems

SEC. 5141. APPLICABILITY TO NATIONAL SECURITY SYSTEMS.

(a) IN GENERAL.—Except as provided in subsection (b), this title does not apply to national security systems.

(b) EXCEPTIONS.—

(1) IN GENERAL.—Sections 5123, 5125, and 5126 apply to national security systems.

(2) CAPITAL PLANNING AND INVESTMENT CONTROL.—The heads of executive agencies shall apply sections 5112 and 5122 to national security systems to the extent practicable.

(3) PERFORMANCE AND RESULTS OF INFORMATION TECHNOLOGY INVESTMENTS.—(A) Subject to subparagraph (B), the heads of executive agencies shall apply section 5113 to national security systems to the extent practicable.

(B) National security systems shall be subject to section 5113(b)(5) except for subparagraph (B)(iv) of that section.

SEC. 5142. NATIONAL SECURITY SYSTEM DEFINED.

(a) DEFINITION.—In this subtitle, the term ''national security system'' means any telecommunications or information system operated by the United States Government, the function, operation, or use of which—

(1) involves intelligence activities;

(2) involves cryptologic activities related to national security;

(3) involves command and control of military forces;

(4) involves equipment that is an integral part of a weapon or weapons system; or

(5) subject to subsection (b), is critical to the direct fulfillment of military or intelligence missions.

(b) LIMITATION.—Subsection (a)(5) does not include a system that is to be used for routine administrative and business applications (including payroll, finance, logistics, and personnel management applications).

TITLE LII—PROCESS FOR ACQUISITIONS OF INFORMATION TECHNOLOGY

SEC. 5201. PROCUREMENT PROCEDURES.

The Federal Acquisition Regulatory Council shall ensure that, to the maximum extent practicable, the process for acquisition of information technology is a simplified, clear, and understandable process that specifically addresses the management of risk, incremental acquisitions, and the need to incorporate commercial information technology in a timely manner.

SEC. 5202. INCREMENTAL ACQUISITION OF INFORMATION TECHNOLOGY.

(a) POLICY.—The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) is amended by adding at the end the following new section:

''SEC. 35. MODULAR CONTRACTING FOR INFORMATION TECHNOLOGY.

''(a) IN GENERAL.—The head of an executive agency should, to the maximum extent practicable, use modular contracting for an acquisition of a major system of information technology.

''(b) MODULAR CONTRACTING DESCRIBED.—Under modular contracting, an executive agency's need for a system is satisfied in successive acquisitions of interoperable increments. Each increment complies with common or commercially accepted standards applicable to information technology so that the increments are compatible with other increments of information technology comprising the system.

''(c) IMPLEMENTATION.—The Federal Acquisition Regulation shall provide that—

''(1) under the modular contracting process, an acquisition of a major system of information technology may be divided into several smaller acquisition increments that—

''(A) are easier to manage individually than would be one comprehensive acquisition;

''(B) address complex information technology objectives incrementally in order to enhance the likelihood of achieving workable solutions for attainment of those objectives;

''(C) provide for delivery, implementation, and testing of workable systems or solutions in discrete increments each of which comprises a system or solution that is not dependent on any subsequent increment in order to perform its principal functions; and

''(D) provide an opportunity for subsequent increments of the acquisition to take advantage of any evolution in technology or needs that occur during conduct of the earlier increments;

''(2) a contract for an increment of an information technology acquisition should, to the maximum extent practicable, be awarded within 180 days after the date on which the solicitation is issued and, if the contract for that increment cannot be awarded within such period, the increment should be considered for cancellation; and

''(3) the information technology provided for in a contract for acquisition of information technology should be delivered within 18 months after the date on which the solicitation resulting in award of the contract was issued.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting after the item relating to section 34 the following new item:

''Sec. 35. Modular contracting for information technology.''.

TITLE LIII—INFORMATION TECHNOLOGY ACQUISITION PILOT PROGRAMS

Subtitle A—Conduct of Pilot Programs

SEC. 5301. AUTHORITY TO CONDUCT PILOT PROGRAMS.

(a) IN GENERAL.—

(1) PURPOSE.—The Administrator for Federal Procurement Policy (hereinafter referred to as the ''Administrator''), in consultation with the Administrator for the Office of Information and Regulatory Affairs, may conduct pilot programs in order to test alternative approaches for acquisition of information technology by executive agencies.

(2) MULTIAGENCY, MULTI-ACTIVITY CONDUCT OF EACH PROGRAM.—Except as otherwise provided in this title, each pilot program conducted under this title shall be carried out in not more than two procuring activities in each of the executive agencies that are designated by the Administrator in accordance with this title to carry out the pilot program. The head of each designated executive agency shall, with the approval of the Administrator, select the procuring activities of the executive agency that are to participate in the test and shall designate a procurement testing official who shall be responsible for the conduct and evaluation of the pilot program within the executive agency.

(b) LIMITATIONS.—

(1) NUMBER.—Not more than two pilot programs may be conducted under the authority of this title, including one pilot program each pursuant to the requirements of sections 5311 and 5312.

(2) AMOUNT.—The total amount obligated for contracts entered into under the pilot programs conducted under the authority of this title may not exceed $750,000,000. The Administrator shall monitor such contracts and ensure that contracts are not entered into in violation of the limitation in the preceding sentence.

(c) PERIOD OF PROGRAMS.—

(1) IN GENERAL.—Subject to paragraph (2), any pilot program may be carried out under this title for the period, not in excess of five years, that is determined by the Administrator as being sufficient to establish reliable results.

(2) CONTINUING VALIDITY OF CONTRACTS.—A contract entered into under the pilot program before the expiration of that program shall remain in effect according to the terms of the contract after the expiration of the program.

SEC. 5302. EVALUATION CRITERIA AND PLANS.

(a) MEASURABLE TEST CRITERIA.—The head of each executive agency conducting a pilot program under section 5301 shall establish, to the maximum extent practicable, measurable criteria for evaluating the effects of the procedures or techniques to be tested under the program.

(b) TEST PLAN.—Before a pilot program may be conducted under section 5301, the Administrator shall submit to Congress a detailed test plan for the program, including a detailed description of the procedures to be used and a list of any regulations that are to be waived.

SEC. 5303. REPORT.

(a) REQUIREMENT.—Not later than 180 days after the completion of a pilot program under this title, the Administrator shall—

(1) submit to the Director a report on the results and findings under the program; and

(2) provide a copy of the report to Congress.

(b) CONTENT.—The report shall include the following:

(1) A detailed description of the results of the program, as measured by the criteria established for the program.

(2) A discussion of any legislation that the Administrator recommends, or changes in regulations that the Administrator considers necessary, in order to improve overall information resources management within the Federal Government.

SEC. 5304. RECOMMENDED LEGISLATION.

If the Director determines that the results and findings under a pilot program under this title indicate that legislation is necessary or desirable in order to improve the process for acquisition of information technology, the Director shall transmit the Director's recommendations for such legislation to Congress.

SEC. 5305. RULE OF CONSTRUCTION.

Nothing in this title shall be construed as authorizing the appropriation or obligation of funds for the pilot programs authorized under this title.

Subtitle B—Specific Pilot Programs

SEC. 5311. SHARE-IN-SAVINGS PILOT PROGRAM.

(a) REQUIREMENT.—The Administrator may authorize the heads of two executive agencies to carry out a pilot program to test the feasibility of—

(1) contracting on a competitive basis with a private sector source to provide the Federal Government with an information technology solution for improving mission-related or administrative processes of the Federal Government; and

(2) paying the private sector source an amount equal to a portion of the savings derived by the Federal Government from any improvements in mission-related processes and administrative processes that result from implementation of the solution.

(b) LIMITATIONS.—The head of an executive agency authorized to carry out the pilot program may, under the pilot program, carry out

one project and enter into not more than five contracts for the project.

(c) SELECTION OF PROJECTS.—The projects shall be selected by the Administrator, in consultation with the Administrator for the Office of Information and Regulatory Affairs.

SEC. 5312. SOLUTIONS-BASED CONTRACTING PILOT PROGRAM.

(a) IN GENERAL.—The Administrator may authorize the heads of any of the executive agencies, in accordance with subsection (d)(2), to carry out a pilot program to test the feasibility of using solutions-based contracting for acquisition of information technology.

(b) SOLUTIONS-BASED CONTRACTING DESCRIBED.—For purposes of this section, solutions-based contracting is an acquisition method under which the acquisition objectives are defined by the Federal Government user of the technology to be acquired, a streamlined contractor selection process is used, and industry sources are allowed to provide solutions that attain the objectives effectively.

(c) PROCESS REQUIREMENTS.—The Administrator shall require use of a process with the following aspects for acquisitions under the pilot program:

(1) ACQUISITION PLAN EMPHASIZING DESIRED RESULT.—Preparation of an acquisition plan that defines the functional requirements of the intended users of the information technology to be acquired, identifies the operational improvements to be achieved, and defines the performance measurements to be applied in determining whether the information technology acquired satisfies the defined requirements and attains the identified results.

(2) RESULTS-ORIENTED STATEMENT OF WORK.—Use of a statement of work that is limited to an expression of the end results or performance capabilities desired under the acquisition plan.

(3) SMALL ACQUISITION ORGANIZATION.—Assembly of a small acquisition organization consisting of the following:

(A) An acquisition management team, the members of which are to be evaluated and rewarded under the pilot program for contributions toward attainment of the desired results identified in the acquisition plan.

(B) A small source selection team composed of representatives of the specific mission or administrative area to be supported by the information technology to be acquired, together with a contracting officer and persons with relevant expertise.

(4) USE OF SOURCE SELECTION FACTORS EMPHASIZING SOURCE QUALIFICATIONS AND COSTS.—Use of source selection factors that emphasize—

(A) the qualifications of the offeror, including such factors as personnel skills, previous experience in providing other private or public sector organizations with solutions for attaining objectives similar to the objectives of the acquisition, past contract performance, qualifications of the proposed program manager, and the proposed management plan; and

(B) the costs likely to be associated with the conceptual approach proposed by the offeror.

(5) OPEN COMMUNICATIONS WITH CONTRACTOR COMMUNITY.—Open availability of the following information to potential offerors:

(A) The agency mission to be served by the acquisition.

(B) The functional process to be performed by use of information technology.

(C) The process improvements to be attained.

(6) SIMPLE SOLICITATION.—Use of a simple solicitation that sets forth only the functional work description, the source selection factors to be used in accordance with paragraph (4), the required terms and conditions, instructions regarding submission of offers, and the estimate of the Federal Government's budget for the desired work.

(7) SIMPLE PROPOSALS.—Submission of oral presentations and written proposals that are limited in size and scope and contain information on—

(A) the offeror's qualifications to perform the desired work;

(B) past contract performance;

(C) the proposed conceptual approach; and

(D) the costs likely to be associated with the proposed conceptual approach.

(8) SIMPLE EVALUATION.—Use of a simplified evaluation process, to be completed within 45 days after receipt of proposals, which consists of the following:

(A) Identification of the most qualified offerors that are within the competitive range.

(B) Issuance of invitations for at least three and not more than five of the identified offerors to make oral presentations to, and engage in discussions with, the evaluating personnel regarding, for each offeror—

(i) the qualifications of the offeror, including how the qualifications of the offeror relate to the approach proposed to be taken by the offeror in the acquisition; and

(ii) the costs likely to be associated with the approach.

(C) Evaluation of the qualifications of the identified offerors and the costs likely to be associated with the offerors' proposals on the basis of submissions required under the process and any oral presentations made by, and any discussions with, the offerors.

(9) SELECTION OF MOST QUALIFIED OFFEROR.—A selection process consisting of the following:

(A) Identification of the most qualified source, and ranking of alternative sources, primarily on the basis of the oral proposals, presentations, and discussions, and written proposals submitted in accordance with paragraph (7).

(B) Conduct for 30 to 60 days of a program definition phase (funded, in the case of the source ultimately awarded the contract, by the Federal Government)—

(i) during which the selected source, in consultation with one or more intended users, develops a conceptual system design and technical approach, defines logical phases for the project, and estimates the total cost and the cost for each phase; and

(ii) after which a contract for performance of the work may be awarded to that source on the basis of cost, the responsiveness, reasonableness, and quality of the proposed performance, and a sharing of risk and benefits between the source and the Government.

(C) Conduct of as many successive program definition phases with alternative sources (in the order ranked) as is necessary in order to award a contract in accordance with subparagraph (B).

(10) SYSTEM IMPLEMENTATION PHASING.—System implementation to be executed in phases that are tailored to the solution, with various contract arrangements being used, as appropriate, for various phases and activities.

(11) MUTUAL AUTHORITY TO TERMINATE.—Authority for the Federal Government or the contractor to terminate the contract without penalty at the end of any phase defined for the project.

(12) TIME MANAGEMENT DISCIPLINE.—Application of a standard for awarding a contract within 105 to 120 days after issuance of the solicitation.

(d) PILOT PROGRAM DESIGN.—

(1) JOINT PUBLIC-PRIVATE WORKING GROUP.—The Administrator, in consultation with the Administrator for the Office of Information and Regulatory Affairs, shall establish a joint working group of Federal Government personnel and representatives of the information technology industry to design a plan for conduct of any pilot program carried out under this section.

(2) CONTENT OF PLAN.—The plan shall provide for use of solutions-based contracting in the Department of Defense and not more than two other executive agencies for a total of—

(A) not more than 10 projects, each of which has an estimated cost of between $25,000,000 and $100,000,000; and

(B) not more than 10 projects, each of which has an estimated cost of between $1,000,000 and $5,000,000, to be set aside for small business concerns.

(3) COMPLEXITY OF PROJECTS.—(A) Subject to subparagraph (C), each acquisition project under the pilot program shall be sufficiently complex to provide for meaningful evaluation of the use of solutions-based contracting for acquisition of information technology for executive agencies.

(B) In order for an acquisition project to satisfy the requirement in subparagraph (A), the solution for attainment of the executive agency's objectives under the project should not be obvious, but rather shall involve a need for some innovative development and systems integration.

(C) An acquisition project should not be so extensive or lengthy as to result in undue delay in the evaluation of the use of solutions-based contracting.

(e) MONITORING BY GAO.—The Comptroller General of the United States shall—

(1) monitor the conduct, and review the results, of acquisitions under the pilot program; and

(2) submit to Congress periodic reports containing the views of the Comptroller General on the activities, results, and findings under the pilot program.

TITLE LIV—ADDITIONAL INFORMATION RESOURCES MANAGEMENT MATTERS

SEC. 5401. ON-LINE MULTIPLE AWARD SCHEDULE CONTRACTING.

(a) AUTOMATION OF MULTIPLE AWARD SCHEDULE CONTRACTING.—In order to provide for the economic and efficient procurement of information technology and other commercial items, the Administrator of General Services shall provide through the Federal Acquisition Computer Network (in this section referred to as "FACNET"), not later than January 1, 1998, Government-wide on-line computer access to information on products and services that are available for ordering under the multiple award schedules. If the Administrator determines it is not practicable to provide such access through FACNET, the Administrator shall provide such access through another automated system that has the capability to perform the functions listed in subsection (b)(1) and meets the requirement of subsection (b)(2).

(b) ADDITIONAL FACNET FUNCTIONS.—(1) In addition to the functions specified in section 30(b) of the Office of Federal Procurement Policy Act (41 U.S.C. 426(b)), the FACNET architecture shall have the capability to perform the following functions:

(A) Provide basic information on prices, features, and performance of all products and services available for ordering through the multiple award schedules.

(B) Provide for updating that information to reflect changes in prices, features, and performance as soon as information on the changes becomes available.

(C) Enable users to make on-line computer comparisons of the prices, features, and performance of similar products and services offered by various vendors.

(2) The FACNET architecture shall be used to place orders under the multiple award schedules in a fiscal year for an amount equal to at least 60 percent of the total amount spent for all orders under the multiple award schedules in that fiscal year.

(c) STREAMLINED PROCEDURES.—

(1) PILOT PROGRAM.—Upon certification by the Administrator of General Services that the FACNET architecture meets the requirements of subsection (b)(1) and was used as required by subsection (b)(2) in the fiscal year preceding the fiscal year in which the certification is made, the Administrator for Federal Procurement Policy may establish a pilot program to test streamlined procedures for the procurement of information technology products and services available for ordering through the multiple award schedules.

(2) APPLICABILITY TO MULTIPLE AWARD SCHEDULE CONTRACTS.—Except as provided in paragraph (4), the pilot program shall be applicable to all multiple award schedule contracts for the purchase of information technology and shall test the following procedures:

(A) A procedure under which negotiation of the terms and conditions for a covered multiple award schedule contract is limited to terms and conditions other than price.

(B) A procedure under which the vendor establishes the prices under a covered multiple award schedule contract and may adjust those prices at any time in the discretion of the vendor.

(C) A procedure under which a covered multiple award schedule contract is awarded to any responsible offeror that—

(i) has a suitable record of past performance, which may include past performance on multiple award schedule contracts;

(ii) agrees to terms and conditions that the Administrator determines as being required by law or as being appropriate for the purchase of commercial items; and

(iii) agrees to establish and update prices, features, and performance and to accept orders electronically through the automated system established pursuant to subsection (a).

(3) COMPTROLLER GENERAL REVIEW AND REPORT.—(A) Not later than three years after the date on which the pilot program is established, the Comptroller General of the United States shall review the pilot program and report to the Congress on the results of the pilot program.

(B) The report shall include the following:

(i) An evaluation of the extent to which there is competition for the orders placed under the pilot program.

(ii) The effect that the streamlined procedures under the pilot program have on prices charged under multiple award schedule contracts.

(iii) The effect that such procedures have on paperwork requirements for multiple award schedule contracts and orders.

(iv) The impact of the pilot program on small businesses and socially and economically disadvantaged small businesses.

(4) WITHDRAWAL OF SCHEDULE OR PORTION OF SCHEDULE FROM PILOT PROGRAM.—The Administrator may withdraw a multiple award schedule or portion of a schedule from the pilot program if the Administrator determines that (A) price competition is not available under such schedule or portion thereof, or (B) the cost to the Government for that schedule or portion thereof for the previous year was higher than it would have been if the contracts for such schedule or portion thereof had been awarded using procedures that would apply if the pilot program were not in effect. The Administrator shall notify Congress at least 30 days before the date on which the Administrator withdraws a schedule or portion thereof under this paragraph. The authority under this paragraph may not be delegated.

(5) TERMINATION OF PILOT PROGRAM.—Unless reauthorized by law, the authority of the Administrator to award contracts under the pilot program shall expire four years after the date on which the pilot program is established. Contracts entered into before the authority expires shall remain in effect in accordance with their terms notwithstanding the expiration of the authority to award new contracts under the pilot program.

(d) DEFINITION.—In this section, the term "FACNET" means the Federal Acquisition Computer Network established under section 30 of the Office of Federal Procurement Policy Act (41 U.S.C. 426).

SEC. 5402. IDENTIFICATION OF EXCESS AND SURPLUS COMPUTER EQUIPMENT.

Not later than six months after the date of the enactment of this Act, the head of an executive agency shall inventory all computer equipment under the control of that official. After completion of the inventory, the head of the executive agency shall maintain, in accordance with title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.), an inventory of any such equipment that is excess or surplus property.

SEC. 5403. ACCESS OF CERTAIN INFORMATION IN INFORMATION SYSTEMS TO THE DIRECTORY ESTABLISHED UNDER SECTION 4101 OF TITLE 44, UNITED STATES CODE.

Notwithstanding any other provision of this division, if in designing an information technology system pursuant to this division, the head of an executive agency determines that a purpose of the system is to disseminate information to the public, then the head of such executive agency shall reasonably ensure that an index of information disseminated by such system is included in the directory created pursuant to section 4101 of title 44, United States Code. Nothing in this section authorizes the dissemination of information to the public unless otherwise authorized.

TITLE LV—PROCUREMENT PROTEST AUTHORITY OF THE COMPTROLLER GENERAL

SEC. 5501. PERIOD FOR PROCESSING PROTESTS.

Title 31, United States Code, is amended as follows:

(1) Section 3553(b)(2)(A) is amended by striking out "35" and inserting in lieu thereof "30".

(2) Section 3554 is amended—

(A) in subsection (a)(1), by striking out "125" and inserting in lieu thereof "100"; and

(B) in subsection (e)—

(i) in paragraph (1), by striking out "Government Operations" and inserting in lieu thereof "Government Reform and Oversight"; and

(ii) in paragraph (2), by striking out "125" and inserting in lieu thereof "100".

SEC. 5502. AVAILABILITY OF FUNDS FOLLOWING GAO RESOLUTION OF CHALLENGE TO CONTRACTING ACTION.

(a) IN GENERAL.—Section 1558 of title 31, United States Code, is amended—

(1) in the first sentence of subsection (a)—

(A) by inserting "or other action referred to in subsection (b)" after "protest" the first place it appears;

(B) by striking out "90 working days" and inserting in lieu thereof "100 days"; and

(C) by inserting "or other action" after "protest" the second place it appears; and

(2) by striking out subsection (b) and inserting in lieu thereof the following:

"(b) Subsection (a) applies with respect to—

"(1) any protest filed under subchapter V of chapter 35 of this title; or

"(2) an action commenced under administrative procedures or for a judicial remedy if—

"(A) the action involves a challenge to—

"(i) a solicitation for a contract;

"(ii) a proposed award of a contract;

"(iii) an award of a contract; or

"(iv) the eligibility of an offeror or potential offeror for a contract or of the contractor awarded the contract; and

"(B) commencement of the action delays or prevents an executive agency from making an award of a contract or proceeding with a procurement.".

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

"§1558. Availability of funds following resolution of a formal protest or other challenge".

(c) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 15 of title 31, United States Code, is amended to read as follows:

"1558. Availability of funds following resolution of a formal protest or other challenge.".

TITLE LVI—CONFORMING AND CLERICAL AMENDMENTS

SEC. 5601. AMENDMENTS TO TITLE 10, UNITED STATES CODE.

(a) PROTEST FILE.—Section 2305(e) is amended by striking out paragraph (3).

(b) MULTIYEAR CONTRACTS.—Section 2306b of such title is amended—

(1) by striking out subsection (k); and

(2) by redesignating subsection (l) as subsection (k).

(c) LAW INAPPLICABLE TO PROCUREMENT OF INFORMATION TECHNOLOGY.—Section 2315 of title 10, United States Code, is amended by striking out "Section 111" and all that follows through "use of equipment or services if," and inserting in lieu thereof the following: "For the purposes of the Information Technology Management Reform Act of 1995, the term 'national security systems' means those telecommunications and information systems operated by the Department of Defense, the functions, operation or use of which".

SEC. 5602. AMENDMENTS TO TITLE 28, UNITED STATES CODE.

(a) REFERENCES TO BROOKS AUTOMATIC DATA PROCESSING ACT.—Section 612 of title 28, United States Code, is amended—

(1) in subsection (f), by striking out "section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759)" and inserting in lieu thereof "the provisions of law, policies, and regulations applicable to executive agencies under the Information Technology Management Reform Act of 1995";

(2) in subsection (g), by striking out "sections 111 and 201 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 and 759)" and inserting in lieu thereof "section 201 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481)";

(3) by striking out subsection (l); and

(4) by redesignating subsection (m) as subsection (l).

(b) REFERENCES TO AUTOMATIC DATA PROCESSING.—Section 612 of title 28, United States Code, is further amended—

(1) in the heading, by striking out the second word and inserting in lieu thereof "***Information Technology***";

(2) in subsection (a), by striking out "Judiciary Automation Fund" and inserting in lieu thereof "Judiciary Information Technology Fund"; and

(3) by striking out "automatic data processing" and inserting in lieu thereof "information technology" each place it appears in subsections (a), (b), (c)(2), (e), (f), and (h)(1).

SEC. 5603. AMENDMENT TO TITLE 31, UNITED STATES CODE.

Section 3552 of title 31, United States Code, is amended by striking out the second sentence.

SEC. 5604. AMENDMENTS TO TITLE 38, UNITED STATES CODE.

Section 310 of title 38, United States Code, is amended to read as follows:

"§310. Chief Information Officer

"(a) The Chief Information Officer for the Department is designated pursuant to section 3506(a)(2) of title 44.

"(b) The Chief Information Officer performs the duties provided for chief information officers of executive agencies under chapter 35 of title 44 and the Information Technology Management Reform Act of 1995.".

SEC. 5605. PROVISIONS OF TITLE 44, UNITED STATES CODE, RELATING TO PAPERWORK REDUCTION.

(a) DEFINITION.—Section 3502 of title 44, United States Code, is amended by striking out paragraph (9) and inserting in lieu thereof the following:

"(9) the term 'information technology' has the meaning given that term in section 5002 of the Information Technology Management Reform Act of 1995 but does not include national security systems as defined in section 5142 of that Act;".

(b) DEVELOPMENT OF STANDARDS AND GUIDELINES BY NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—Section 3504(h)(1)(B) of such title is amended by striking out "section 111(d) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(d))" and inserting in lieu thereof "section 5131 of the Information Technology Management Reform Act of 1995".

(c) COMPLIANCE WITH DIRECTIVES.—Section 3504(h)(2) of such title is amended by striking out "sections 110 and 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 757 and 759)" and inserting in lieu thereof "the Information Technology Management Reform Act of 1995 and directives issued under section 110 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 757)".

(d) COLLECTION OF INFORMATION.—Section 3507(j)(2) of such title is amended by striking out "90 days" in the second sentence and inserting in lieu thereof "180 days".

SEC. 5606. AMENDMENT TO TITLE 49, UNITED STATES CODE.

Section 40112(a) of title 49, United States Code, is amended by striking out "or a contract to purchase property to which section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759) applies".

SEC. 5607. OTHER LAWS.

(a) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACT.—Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) is amended—

(1) in subsection (a)—

(A) by striking out "section 3502(2) of title 44" each place it appears in paragraphs (2) and (3)(A) and inserting in lieu thereof "section 3502(9) of title 44"; and

(B) in paragraph (4), by striking out "section 111(d) of the Federal Property and Administrative Services Act of 1949" and inserting in lieu thereof "section 5131 of the Information Technology Management Reform Act of 1995";

(2) in subsection (b)—

(A) by striking out paragraph (2);

(B) in paragraph (3), by striking out "section 111(d) of the Federal Property and Administrative Services Act of 1949" and inserting in lieu thereof "section 5131 of the Information Technology Management Reform Act of 1995"; and

(C) by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (2), (3), (4), and (5); and

(3) in subsection (d)—

(A) in paragraph (1)(B)(v), by striking out "as defined" and all that follows and inserting in lieu thereof a semicolon; and

(B) in paragraph (2)—

(i) by striking out "system'—" and all that follows through "means" in subparagraph (A) and inserting in lieu thereof "system' means"; and

(ii) by striking out "; and" at the end of subparagraph (A) and all that follows through the end of subparagraph (B) and inserting in lieu thereof a semicolon.

(b) COMPUTER SECURITY ACT OF 1987.—

(1) PURPOSES.—Section 2(b)(2) of the Computer Security Act of 1987 (Public Law 100–235; 101 Stat. 1724) is amended by striking out "by amending section 111(d) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(d))".

(2) SECURITY PLAN.—Section 6(b) of such Act (101 Stat. 1729; 40 U.S.C. 759 note) is amended—

(A) by striking out "Within one year after the date of enactment of this Act, each such agency shall, consistent with the standards, guidelines, policies, and regulations prescribed pursuant to section 111(d) of the Federal Property and Administrative Services Act of 1949," and inserting in lieu thereof "Each such agency shall, consistent with the standards, guidelines, policies, and regulations prescribed pursuant to section 5131 of the Information Technology Management Reform Act of 1995,"; and

(B) by striking out "Copies" and all that follows through "Code.".

(c) FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949.—Section 303B(h) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253b(h)) is amended by striking out paragraph (3).

(d) OFFICE OF FEDERAL PROCUREMENT POLICY ACT.—Section 6(h)(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 405(h)(1)) is amended by striking out "of automatic data processing and telecommunications equipment and services or".

(e) NATIONAL ENERGY CONSERVATION POLICY ACT.—Section 801(b)(3) of the National Energy Conservation Policy Act (42 U.S.C. 8287(b)(3)) is amended by striking out the second sentence.

(f) CENTRAL INTELLIGENCE AGENCY ACT OF 1949.—Section 3 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403c) is amended by striking out subsection (e).

SEC. 5608. CLERICAL AMENDMENTS.

(a) FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949.—The table of contents in section 1(b) of the Federal Property and Administrative Services Act of 1949 is amended by striking out the item relating to section 111.

(b) TITLE 38, UNITED STATES CODE.—The table of sections at the beginning of chapter 3 of title 38, United States Code, is amended by striking out the item relating to section 310 and inserting in lieu thereof the following:

"310. Chief Information Officer.".

TITLE LVII—EFFECTIVE DATE, SAVINGS PROVISIONS, AND RULES OF CONSTRUCTION

SEC. 5701. EFFECTIVE DATE.

This division and the amendments made by this division shall take effect 180 days after the date of the enactment of this Act.

SEC. 5702. SAVINGS PROVISIONS.

(a) REGULATIONS, INSTRUMENTS, RIGHTS, AND PRIVILEGES.—All rules, regulations, contracts, orders, determinations, permits, certificates, licenses, grants, and privileges—

(1) which have been issued, made, granted, or allowed to become effective by the Administrator of General Services or the General Services Board of Contract Appeals, or by a court of competent jurisdiction, in connection with an acquisition activity carried out under the section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759), and

(2) which are in effect on the effective date of this division,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the Director or any other authorized official, by a court of competent jurisdiction, or by operation of law.

(b) PROCEEDINGS.—

(1) PROCEEDINGS GENERALLY.—This division and the amendments made by this division shall not affect any proceeding, including any proceeding involving a claim, application, or protest in connection with an acquisition activity carried out under section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759) that is pending before the Administrator of General Services or the General Services Board of Contract Appeals on the effective date of this division.

(2) ORDERS.—Orders may be issued in any such proceeding, appeals may be taken therefrom, and payments may be made pursuant to such orders, as if this division had not been enacted. An order issued in any such proceeding shall continue in effect until modified, terminated, superseded, or revoked in accordance with law by the Director or any other authorized official, by a court of competent jurisdiction, or by operation of law.

(3) DISCONTINUANCE OR MODIFICATION OF PROCEEDINGS NOT PROHIBITED.—Nothing in this subsection prohibits the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(4) OTHER AUTHORITY AND PROHIBITION.—Section 1558(a) of title 31, United States Code, and the second sentence of section 3552 of such title shall continue to apply with respect to a protest process in accordance with this subsection.

(5) REGULATIONS FOR TRANSFER OF PROCEEDINGS.—The Director may prescribe regulations providing for the orderly transfer of proceedings continued under paragraph (1).

(c) STANDARDS AND GUIDELINES FOR FEDERAL COMPUTER SYSTEMS.—Standards and guidelines that are in effect for Federal computer systems under section 111(d) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(d)) on the day before the effective date of this division shall remain in effect until modified, terminated, superseded, revoked, or disapproved under the authority of section 5131 of this Act.

SEC. 5703. RULES OF CONSTRUCTION.

(a) RELATIONSHIP TO TITLE 44, UNITED STATES CODE.—Nothing in this division shall be construed to amend, modify, or supersede any provision of title 44, United States Code, other than chapter 35 of such title.

(b) RELATIONSHIP TO COMPUTER SECURITY ACT OF 1987.—Nothing in this division shall affect the limitations on authority that is provided for in the administration of the Computer Security Act of 1987 (Public Law 100–235) and the amendments made by such Act.

And the Senate agree to the same.

From the Committee on National Security, for consideration of the House bill (except for sections 801–03, 811–14, 826, 828–32, 834–38, 842–43, and 850–96) and the Senate amendment (except for sections 801–03, 815–18, 2851–57, and 4001–4801), and modifications committed to conference:

FLOYD SPENCE,
BOB STUMP,
DUNCAN HUNTER,
JOHN R. KASICH,
HERBERT H. BATEMAN,
JAMES V. HANSEN,
CURT WELDON,
R.K. DORNAN,
JOEL HEFLEY,
JIM SAXTON,
RANDY DUKE CUNNINGHAM,
STEVE BUYER,
PETER G. TORKILDSEN,
TILLIE FOWLER,
JOHN M. MCHUGH,
J.C. WATTS, Jr.,
WALTER B. JONES, Jr.,
JIM LONGLEY,

G.V. MONTGOMERY,
IKE SKELTON,
NORMAN SISISKY,
SOLOMON P. ORTIZ,
OWEN PICKETT,
JOHN TANNER,
GLENN BROWDER,
GENE TAYLOR,
NEIL ABERCROMBIE,

From the Committee on National Security, for consideration of sections 801–03, 811–14, 826, 828–32, 834–38, 842–43, and 850–96 of the House bill and sections 801–03 and 815–18 of the Senate amendment, and modifications committed to conference:

FLOYD SPENCE,
BOB STUMP,
J.C. WATTS, Jr.,

From the Committee on National Security, for consideration of sections 2851–57 of the Senate amendment, and modifications committed to conference:

FLOYD SPENCE,
JOEL HEFLEY,
WALTER B. JONES, Jr.,
G.V. MONTGOMERY,

From the Committee on National Security, for consideration of sections 4001–4801 of the Senate amendment, and modifications committed to conference:

FLOYD SPENCE,
BOB STUMP,
PETER G. TORKILDSEN,
J.C. WATTS, Jr.,
JIM LONGLEY,

As additional conferees from the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 2 of rule XLVIII:

LARRY COMBEST,
BILL YOUNG,

As additional conferees from the Committee on Agriculture, for consideration of sections 2851–57 of the Senate amendment, and modifications committed to conference:

PAT ROBERTS,
WAYNE ALLARD,
RAY LAHOOD,
E DE LA GARZA,
TIM JOHNSON,

As additional conferees from the Committee on Commerce, for consideration of sections 601 and 3402–04 of the House bill and sections 323, 601, 705, 734, 2824, 2851–57, 3106–07, 3166, and 3301–02 of the Senate amendment, and modifications committed to conference:

TOM BLILEY,
DAN SCHAEFER,

Provided, Mr. Oxley is appointed in lieu of Mr. Schaefer for consideration of sections 323, 2824, and 3107 of the Senate amendment:

MICHAEL G. OXLEY,

Provided, Mr. Bilirakis is appointed in lieu of Mr. Schaefer for consideration of section 601 of the House bill and sections 601, 705, and 734 of the Senate amendment:

MICHAEL BILIRAKIS,

Provided, Mr. Hastert is appointed in lieu of Mr. Schaefer for consideration of sections 2851–1–57 of the Senate amendment:

J. DENNIS HASTERT,

As additional conferees from the Committee on Economic and Educational Opportunities, for consideration of section 394 of the House bill, and sections 387 and 2813 of the Senate amendment, and modifications committed to conference:

WILLIAM F. GOODLING,
FRANK RIGGS,
BILL CLAY,

As additional conferees from the Committee on Government Reform and Oversight, for consideration of sections 332–33, and 338 of the House bill, and sections 333 and 336–43 of the Senate amendment, and modifications committed to conference:

BILL CLINGER,
JOHN L. MICA,
C.F. BASS,

As additional conferees from the Committee on Government Reform and Oversight, for consideration of sections 801–03, 811–14, 826, 828–32, 834–40, and 842–43 of the House bill, and sections 801–03 and 815–18 of the Senate amendment, and modifications committed to conference:

BILL CLINGER,
STEPHEN HORN,
THOMAS M. DAVIS,

As additional conferees from the Committee on Government Reform and Oversight, for consideration of sections 850–96 of the House bill, and modifications committed to conference:

BILL CLINGER,
THOMAS M. DAVIS,

As additional conferees from the Committee on Government Reform and Oversight, for consideration of sections 4001–4801 of the Senate amendment, and modifications committed to conference:

BILL CLINGER,
STEVEN SCHIFF,
BILL ZELIFF,
STEPHEN HORN,
THOMAS M. DAVIS,

As additional conferees from the Committee on House Oversight, for consideration of section 1077 of the Senate amendment, and modifications committed to conference:

WILLIAM M. THOMAS,
PAT ROBERTS,
STENY HOYER,

As additional conferees from the Committee on International Relations, for consideration of sections 231–32, 235, 237–38, 242, 244, 1101–08, 1201, 1213, 1221–30, and 3131 of the House bill and sections 231–33, 237–38, 240–41, 1012, 1041–44, 1051–64, and 1099 of the Senate amendment, and modifications committed to conference:

BENJAMIN, A. GILMAN,
WILLIAM F. GOODLING,
TOBY ROTH,
DOUG BEREUTER,
CHRIS SMITH,

As additional conferees from the Committee on the Judiciary, for consideration of sections 831 (only as it adds a new section 27(d) to the Office of Federal Procurement Policy Act), and 850–96 of the House bill and sections 525, 1075, and 1098 of the Senate amendment, and modifications committed to conference:

HENRY HYDE,
GEORGE W. GEKAS,

As additional conferees from the Committee on Rules, for consideration of section 3301 of the Senate amendment, and modifications committed to conference:

JERRY SOLOMON,
DAVID DREIER,

As additional conferees from the Committee on Science, for consideration of sections 203, 211, and 214 of the House bill and sections 220–21, 3137, 4122(a)(3), 4161, 4605, and 4607 of the Senate amendment, and modifications committed to conference:

ROBERT S. WALKER,
JAMES F. SENSENBRENNER, Jr.,

As additional conferees from the Committee on Transportation and Infrastructure, for consideration of sections 223, 322, 2824, and 2851–57 of the Senate amendment, and modifications committed to conference:

BUD SHUSTER,
JERRY WELLER,

As additional conferees from the Committee on Veterans' Affairs, for consideration of section 2806 of the House bill and sections 644–45 and 4604 of the Senate amendment, and modifications committed to conference:

CHRISTOPHER H. SMITH,
TIM HUTCHINSON,
JOE KENNEDY,

As additional conferees from the Committee on Ways and Means, for consideration of sections 705, 734, and 1021 of the Senate amendment, and modifications committed to conference:

BILL ARCHER,
WILLIAM THOMAS,
PETE STARK,

Managers on the Part of the House.

STROM THURMOND,
JOHN WARNER,
BILL COHEN,
JOHN MCCAIN,
TRENT LOTT,
DAN COATS,
BOB SMITH,
DIRK KEMPTHORNE,
KAY BAILEY HUTCHISON,
JIM INHOFE,
RICK SANTORUM,
SAM NUNN,
ROBERT C. BYRD,
CHUCK ROBB,
JOSEPH LIEBERMAN,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1530) to authorize appropriations for fiscal year 1996 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 Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

SUMMARY STATEMENT OF CONFERENCE ACTION

The conferees recommend authorizations for the Department of Defense for procurement, research and development, test and evaluation, operation and maintenance, working capital funds, military construction and family housing, weapons programs of the Department of Energy, and civil defense that have a budget authority implication of $264.7 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 in fiscal year 1996 and, in addition, summarizes the national defense (budget function 050).

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FY 1996

(Dollars in Millions)	Authorization Request					Request	BA Implications		
Account Title	1996	House Authorized	Senate Authorized	Conference Change	Conference Authorization	BA 1996	House	Senate	Conference
DIVISION A									
TITLE I									
Aircraft Procurement, Army	1,223.067	1,423.067	1,396.451	335.738	1,558.805	1,223.067	1,423.067	1,396.451	1,558.805
Missile Procurement, Army	676.430	862.830	894.430	189.125	865.555	676.430	862.830	894.430	865.555
Procurement of Weapons and Tracked Combat Vehicles,	1,298.986	1,359.664	1,547.964	353.759	1,652.745	1,298.986	1,359.664	1,547.964	1,652.745
Procurement of Ammunition, Army	795.015	1,062.715	1,120.115	298.976	1,093.991	795.015	1,062.715	1,120.115	1,093.991
Other Procurement, Army	2,256.601	2,545.587	2,811.101	506.842	2,763.443	2,256.601	2,545.587	2,811.101	2,763.443
Aircraft Procurement, Navy	3,886.488	4,106.488	4,916.588	685.906	4,572.394	3,886.488	4,106.488	4,916.588	4,572.394
Weapons Procurement, Navy	1,787.121	1,626.411	1,771.421	(127.294)	1,659.827	1,787.121	1,626.411	1,771.421	1,659.827
Shipbuilding and Conversion, Navy	5,051.935	6,227.958	7,111.935	1,592.023	6,643.958	5,051.935	6,227.958	7,111.935	6,643.958
Procurement of Ammunition, Navy and Marine Corps	-	461.779	-	430.053	430.053	-	461.779	-	430.053
Other Procurement, Navy	2,396.080	2,461.472	2,471.861	18.691	2,414.771	2,396.080	2,461.472	2,471.861	2,414.771
Procurement, Marine Corps	474.116	399.247	683.416	(15.169)	458.947	474.116	399.247	683.416	458.947
Aircraft Procurement, Air Force	6,183.886	7,031.952	6,318.586	1,165.897	7,349.783	6,183.886	7,031.952	6,318.586	7,349.783
Missile Procurement, Air Force	3,647.711	3,430.083	3,627.499	(708.828)	2,938.883	3,647.711	3,430.083	3,627.499	2,938.883
Procurement of Ammunition, Air Force	-	321.328	-	343.848	343.848	-	321.328	-	343.848
Other Procurement, Air Force	6,804.696	6,784.801	6,516.001	(536.266)	6,268.430	6,804.696	6,784.801	6,516.001	6,268.430
Procurement, Defense-wide	2,179.917	2,205.917	2,118.324	(55.538)	2,124.379	2,179.917	2,205.917	2,118.324	2,124.379
National Guard and Reserve Equipment	-	770.000	777.400	777.000	777.000	-	770.000	777.400	777.000
Chemical Agents and Munitions Destruction, Army									
O&M	393.850	393.850	393.850	(40.000)	353.850	393.850	393.850	393.850	353.850
Proc	299.448	299.448	224.448	(34.448)	265.000	299.448	299.448	224.448	265.000
R&D	53.400	53.400	53.400	-	53.400	53.400	53.400	53.400	53.400
Defense Production Act Purchases	-	-	-		-	-			
Defense Health, Procurement	288.033	288.033	288.033	-	288.033	-			
Office of the Inspector General, Procurement	1.000	1.000	1.000	-	1.000	-			
Total Procurement	39,697.780	44,117.030	45,043.823	5,180.315	44,878.095	39,408.747	43,827.997	44,754.790	44,589.062
TITLE II									
Research, Development, Test, and Evaluation, Army	4,444.175	4,774.947	4,845.097	293.406	4,737.581	4,444.175	4,774.947	4,845.097	4,737.581

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FY 1996

(Dollars in Millions)	Authorization Request	House	Senate	Conference	Conference	Request BA	BA Implications		
Account Title	1996	Authorized	Authorized	Change	Authorization	1996	House	Senate	Conference
Research, Development, Test, and Evaluation, Navy	8,204.530	8,516.509	8,624.230	270.253	8,474.783	8,204.530	8,516.509	8,624.230	8,474.783
Research, Development, Test, and Evaluation, Air Force	12,598.439	13,184.102	13,087.389	316.429	12,914.868	12,598.439	13,184.102	13,087.389	12,914.868
Research, Development, Test, and Evaluation, Defense-w	8,802.881	9,287.058	9,271.220	616.630	9,419.511	8,802.881	9,287.058	9,271.220	9,419.511
Operational Test and Evaluation, Defense	22.587	22.587	22.587	-	22.587	22.587	22.587	22.587	22.587
Developmental Test and Evaluation, Defense	259.341	239.341	239.341	(8.259)	251.082	259.341	239.341	239.341	251.082
Undistributed Reduction			(40.000)	-	-			(40.000)	
FFRDC Reduction	-	(90.097)	(90.000)	(90.000)	(90.000)	-	(90.097)	(90.000)	(90.000)
Total Research & Development	34,331.953	35,934.447	35,959.864	1,398.459	35,730.412	34,331.953	35,934.447	35,959.864	35,730.412
TITLE III									
Operation and Maintenance, Army	18,184.736	19,339.936	18,064.436	-561.959	18,746.695	18,184.736	19,339.936	18,064.436	18,746.695
Operation and Maintenance, Navy	21,225.710	21,677.510	21,346.910	267.445	21,493.155	21,225.710	21,677.510	21,346.910	21,493.155
Operation and Maintenance, Marine Corps	2,269.722	2,603.622	2,405.722	252.100	2,521.822	2,269.722	2,603.622	2,405.722	2,521.822
Operation and Maintenance, Air Force	18,256.597	18,984.162	18,230.097	462.680	18,719.277	18,256.597	18,984.162	18,230.097	18,719.277
Operation and Maintenance, Defense-wide	10,366.782	10,680.371	10,035.867	(456.306)	9,910.476	10,366.782	10,681.871	10,035.867	9,910.476
Defense Health Program,O&M	9,865.525	9,876.525	9,943.825	11.000	9,876.525	9,865.525	9,876.525	9,943.825	9,876.525
Defense Health Program,PROC	-	-	-	-	-	288.033	288.033	288.033	288.033
Operation and Maintenance, Army Reserve	1,068.591	1,139.591	1,062.591	60.600	1,129.191	1,068.591	1,139.591	1,062.591	1,129.191
Operation and Maintenance, Navy Reserve	826.042	838.042	840.842	42.300	868.342	826.042	838.042	840.842	868.342
Operation and Maintenance, Marine Corps Reserve	90.283	91.783	90.283	10.000	100.283	90.283	91.783	90.283	100.283
Operation and Maintenance, Air Force Reserve	1,485.947	1,507.447	1,482.947	30.340	1,516.287	1,485.947	1,507.447	1,482.947	1,516.287
Operation and Maintenance, Army National Guard	2,304.108	2,394.108	2,304.108	57.700	2,361.808	2,304.108	2,394.108	2,304.108	2,361.808
Operation and Maintenance, Air National Guard	2,712.221	2,734.221	2,734.221	47.900	2,760.121	2,712.221	2,734.221	2,734.221	2,760.121
Office of the Inspector General, O&M	138.226	177.226	138.226		138.226	138.226	177.226	138.226	138.226
Office of the Inspector General, Proc						1.000	1.000	1.000	1.000
United States Courts of Appeals for the Armed Forces	6.521	6.521	6.521		6.521	6.521	6.521	6.521	6.521
Environmental Restoration, Defense	1,622.200	1,422.200	1,601.800	(200.000)	1,422.200	1,622.200	1,422.200	1,601.800	1,422.200
Drug Interdiction and Counter-drug Activities, Defense	680.432	680.432	680.432		680.432	680.432	680.432	680.432	680.432
Former Soviet Union Threat Reduction Account	371.000	200.000	365.000	(71.000)	300.000	371.000	200.000	365.000	300.000
Summer Olympics	15.000	15.000	15.000	-	15.000	15.000	15.000	15.000	15.000
Contributions for International Peacekeeping and Peace E	65.000	-	-	(65.000)	-	65.000	-	-	-

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FY 1996

(Dollars in Millions)	Authorization Request	House	Senate	Conference	Conference	Request BA	BA Implications		
Account Title	1996	Authorized	Authorized	Change	Authorization	1996	House	Senate	Conference
Humanitarian Assistance	79.790	-	60.000	(79.790)	-	79.790	-	60.000	-
Disposal and Lease of DOD Real Property	-	-	-		-	8.000	8.000	8.000	8.000
DOD 50th Anniversary of World War II Commemoration	-	-	-		-	0.100	0.100	0.100	0.100
Overseas Humanitarian, Disaster, & Civic Aid	-	50.000	-	50.000	50.000	-	50.000	-	50.000
National Science Center, Army	-	-	-	-	-	0.085	0.085	0.085	0.085
Total Operation & Maintenance	91,634.433	94,418.697	91,408.828	981.928	92,616.361	91,931.651	94,717.415	91,706.046	92,913.579
Revolving Funds									
Defense Business OperationsFund	878.700	878.700	878.700	-	878.700	878.700	878.700	878.700	878.700
National Defense Sealift Fund	974.220	1,574.220	1,084.220	50.000	1,024.220	974.220	1,574.220	1,084.220	1,024.220
National Defense Stockpile Transaction Fund	-	-	-	-	-	(150.000)	(150.000)	(150.000)	(150.000)
Stockpile Fund-Public Enterprise	-	-	-	-	-	(202.000)	(202.000)	(202.000)	(202.000)
Totals	1,852.920	2,452.920	1,962.920	50.000	1,902.920	1,500.920	2,100.920	1,610.920	1,550.920
TITLE IV-V-VI-VII									
Total Military Personnel (Sec 431)		68,951.663	68,814.863	494.345	69,191.008	68,696.663	68,951.663	68,814.863	69,191.008
GENERAL PROVISIONS DIVISION B									
Military Construction, Army	472.724	631.608	547.877	144.865	617.589	472.724	631.608	547.877	617.589
Military Construction, Navy	488.086	588.243	542.885	60.203	548.289	488.086	588.243	542.885	548.289
Military Construction, Air Force	495.655	586.841	587.517	91.915	587.570	495.655	586.841	587.517	587.570
Military Construction, Defense-wide	857.405	728.332	601.450	(235.179)	622.226	857.405	728.332	601.450	622.226
North Atlantic Treaty Organization Infrastructure	179.000	161.000	179.000	(18.000)	161.000	179.000	161.000	179.000	161.000
Military Construction, Army Reserve	42.963	42.963	79.895	30.553	73.516	42.963	42.963	79.895	73.516
Military Construction, Naval Reserve	7.920	19.655	7.920	11.135	19.055	7.920	19.655	7.920	19.055
Military Construction, Air Force Reserve	27.002	31.502	35.132	9.230	36.232	27.002	31.502	35.132	36.232
Military Construction, Army National Guard	18.480	72.537	148.586	116.322	134.802	18.480	72.537	148.586	134.802
Military Construction, Air National Guard	85.647	118.267	160.807	78.570	164.217	85.647	118.267	160.807	164.217
Foreign Currency Fluctuations, Construction	-	-	-	-	-	-	-	-	-
Base Realignment and Closure Account	3,897.892	3,897.892	3,799.192	-	3,897.892	3,897.892	3,897.892	3,799.192	3,897.892

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SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FY 1996

(Dollars in Millions)	Authorization Request					Request	BA Implications		
Account Title	1996	House Authorized	Senate Authorized	Conference Change	Conference Authorization	BA 1996	House	Senate	Conference
Total Military Construction	6,572.774	6,878.840	6,690.261	289.614	6,862.388	6,572.774	6,878.840	6,690.261	6,862.388
Family Housing, Army	43.500	126.400	66.552	73.156	116.656	43.500	126.400	66.552	116.656
Family Housing Support, Army	1,337.596	1,333.596	1,337.596	-	1,337.596	1,337.596	1,333.596	1,337.596	1,337.596
Family Housing, Navy and Marine Corps	465.755	531.289	486.247	56.944	522.699	465.755	531.289	486.247	522.699
Family Housing Support, Navy and Marine Corps	1,048.329	1,045.329	1,048.329		1,048.329	1,048.329	1,045.329	1,048.329	1,048.329
Family Housing, Air Force	249.003	294.503	287.965	49.300	298.303	249.003	294.503	287.965	298.303
Family Housing Support, Air Force	849.213	846.213	849.213		849.213	849.213	846.213	849.213	849.213
Family Housing, Defense-wide	25.772	25.772	25.772	-	25.772	25.772	25.772	25.772	25.772
Family Housing Support, Defense-wide	30.467	40.467	30.467	10.000	40.467	30.467	40.467	30.467	40.467
Homeowners Assistance Fund, Defense	75.586	75.586	75.586	-	75.586	75.586	75.586	75.586	75.586
Sec 2809-Authority to convey Family Housing	-		5.000		-	-	-	-	-
Total Family Housing	4,125.221	4,319.155	4,212.727	189.400	4,314.621	4,125.221	4,319.155	4,207.727	4,314.621
DIVISION C									
TITLE XXXI, XXXII									
Weapons Activities	3,540.175	3,610.914	3,666.219	(79.861)	3,460.314	3,540.175	3,610.914	3,666.219	3,460.314
Defense Nuclear Waste Disposal	198.400	198.400	198.400	50.000	248.400	198.400	198.400	198.400	248.400
Defense Environmental Restoration and Waste Managem	6,008.002	5,265.478	5,905.955	(450.470)	5,557.532	6,008.002	5,265.478	5,905.955	5,557.532
Other Defense Activities	1,432.159	1,328.841	1,408.162	(80.183)	1,351.976	1,432.159	1,328.841	1,408.162	1,351.976
Salaries and Expenses	18.500	17.000	18.500	(1.500)	17.000	18.500	17.000	18.500	17.000
Total DOE	11,197.236	10,420.633	11,197.236	(562.014)	10,635.222	11,197.236	10,420.633	11,197.236	10,635.222
TITLE XXXIII									
National Defense Stockpile Transaction Fund	-	-	-	-	-	(150.000)	(150.000)	(150.000)	(150.000)
OTHER									
Salaries and Expenses	44.006	-	-	(44.01)	-	44.006	-	-	-
Emergency Management Planning and Assistance	24.025	-	-	(24.03)	-	24.025	-	-	-
FEMA Civil Defense (Total)	68.031	-	-	(68.031)	-	68.031	-	-	-

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FY 1996

(Dollars in Millions)	Authorization Request	House	Senate	Conference	Conference	Request BA	BA Implications		
Account Title	1996	Authorized	Authorized	Change	Authorization	1996	House	Senate	Conference
RECAPITULATION									
Department of Defense (Division A)	167,517.086	245,425.942	243,190.298	8,105.047	244,318.796	236,019.934	245,682.442	242,996.483	244,124.981
Department of Defense (Division B)	10,697.995	11,197.995	10,902.988	479.014	11,177.009	10,697.995	11,197.995	10,897.988	11,177.009
National Defense Stockpile Transaction Fund	-	-	-	-	-	(150.000)	(150.000)	(150.000)	(150.000)
Other Funds	28.010	-	-	(28.010)	-	482.995	454.985	454.985	454.985
Offsetting Receipts	-	-	-	-	-	(1,207.785)	(1,207.785)	(1,207.785)	(1,207.785)
General Provisions (Sec. 1008)	-	-	-	(832.000)	(832.000)	-	-	-	(832.000)
Total DoD Military (051)	178,243.091	256,623.937	254,093.286	7,724.051	254,663.805	245,843.139	255,977.637	252,991.671	253,567.190
Total Atomic Energy Defense Act (053)	11,197.236	10,420.633	11,197.236	(562.014)	10,635.222	11,197.236	10,420.633	11,197.236	10,635.222
Total Other Defense (054)	68.031	-	-	(68.031)	-	562.261	494.230	494.230	494.230
Total National Defense Function (050)	189,508.358	267,044.570	265,290.522	7,094.006	265,299.027	257,602.636	266,892.500	264,683.137	264,696.642
Total National Defense Function (050)/Outlays									
Military Retirement Trust Fund	-	403.000	-	-	-	-	403.000	-	-

Congressional defense committees

The term "congressional defense committees" is often used in this statement of the managers. It means the Defense Authorization and Appropriations Committees of the Senate and House of Representatives.

DIVISION A: DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Overview

The budget request for fiscal year 1996 contained an authorization of $39,697.8 million for procurement in the Department of Defense. The House bill would authorize $44,117.0 million. The Senate amendment would authorize $45,043.8 million. The conferees recommended an authorization of $44,878.1 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FY 1996

(Dollars in Millions)

Account Title	Authorization Request 1996	House Authorized	Senate Authorized	Conference Change	Conference Authorization
TITLE I					
Aircraft Procurement, Army	1,223.067	1,423.067	1,396.451	335.738	1,558.805
Missile Procurement, Army	676.430	862.830	894.430	189.125	865.555
Procurement of Weapons and Tracked Combat Vehicles,	1,298.986	1,359.664	1,547.964	353.759	1,652.745
Procurement of Ammunition, Army	795.015	1,062.715	1,120.115	298.976	1,093.991
Other Procurement, Army	2,256.601	2,545.587	2,811.101	506.842	2,763.443
Aircraft Procurement, Navy	3,886.488	4,106.488	4,916.588	685.906	4,572.394
Weapons Procurement, Navy	1,787.121	1,626.411	1,771.421	(127.294)	1,659.827
Shipbuilding and Conversion, Navy	5,051.935	6,227.958	7,111.935	1,592.023	6,643.958
Procurement of Ammunition, Navy and Marine Corps	-	461.779	-	430.053	430.053
Other Procurement, Navy	2,396.080	2,461.472	2,471.861	18.691	2,414.771
Procurement, Marine Corps	474.116	399.247	683.416	(15.169)	458.947
Aircraft Procurement, Air Force	6,183.886	7,031.952	6,318.586	1,165.897	7,349.783
Missile Procurement, Air Force	3,647.711	3,430.083	3,627.499	(708.828)	2,938.883
Procurement of Ammunition, Air Force	-	321.328	-	343.848	343.848
Other Procurement, Air Force	6,804.696	6,784.801	6,516.001	(536.266)	6,268.430
Procurement, Defense-wide	2,179.917	2,205.917	2,118.324	(55.538)	2,124.379
National Guard and Reserve Equipment	-	770.000	777.400	777.000	777.000
Chemical Agents and Munitions Destruction, Army					
O&M	393.850	393.850	393.850	(40.000)	353.850
Proc	299.448	299.448	224.448	(34.448)	265.000
R&D	53.400	53.400	53.400	-	53.400
Defense Production Act Purchases	-	-	-		-
Defense Health, Procurement	288.033	288.033	288.033	-	288.033
Office of the Inspector General, Procurement	1.000	1.000	1.000	-	1.000
Total Procurement	39,697.780	44,117.030	45,043.823	5,180.315	44,878.095

Overview

The budget request for fiscal year 1996 contained an authorization of $1,223.1 million for Aircraft Procurement, Army in the Department of Defense. The House bill would authorize $1,423.1 million. The Senate amendment would authorize $1,396.5 million. The conferees recommended an authorization of $1,558.8 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Line No	Title	FY 1996 Request Quantity	FY 1996 Request Amount	House Authorized Quantity	House Authorized Amount	Senate Authorized Quantity	Senate Authorized Amount	Change to Request Quantity	Change to Request Amount	Conference Agreement Quantity	Conference Agreement Amount
	AIRCRAFT PROCUREMENT, ARMY										
	AIRCRAFT										
	FIXED WING										
1	ARL (TIARA)	1	18,403	1	18,403	1	18,403			1	18,403
2	C21A AIRCRAFT		-		-		-				-
3	C-XX (MEDIUM RANGE) AIRCRAFT		-		-	4	23,000		23,000	4	23,000
4	GUARDRAIL COMMON SENSOR (TIARA)		6,014		6,014		6,014				6,014
	ROTARY										
5	TOTAL PACKAGE FIELDING		-		-		-				-
6	AH-64 ATTACK HELICOPTER (APACHE)		3,268		3,268		3,268				3,268
7	UH-60 BLACKHAWK (MYP)	60	526,041	60	526,041	50	472,825			60	526,041
7	LESS: ADVANCE PROCUREMENT (PY)		(191,161)		(191,161)		(191,161)				(191,161)
8	ADVANCE PROCUREMENT (CY)		-		75,000		-		70,000		70,000
9	HELICOPTER NEW TRAINING		458		458		458				458
	MODIFICATION OF AIRCRAFT										
	MODIFICATION OF AIRCRAFT										
10	TRACTOR DEW		-		-		-				-
11	GUARDRAIL MODS (TIARA)		48,969		48,969		48,969		9,000		57,969
12	AH1F MODS		2,165		2,165		2,165				2,165
13	AH-64 MODS		53,596		53,596		53,596				53,596
14	CH-47 CARGO HELICOPTER MODS (MYP)		14,081		14,081		14,081				14,081
15	C-12 CARGO AIRPLANE MODS		675		675		675				675
16	OH-58 MODS		2,886		2,886		2,886				2,886
17	C-20 AIRCRAFT MODS		929		929		929				929
18	LONGBOW		421,406		421,406		503,406		76,200		497,606
18	LESS: ADVANCE PROCUREMENT (PY)		(79,438)		(79,438)		(79,438)				(79,438)
19	ADVANCE PROCUREMENT (CY)		12,879		12,879		12,879				12,879
20	UH-1 MODS		4,975		4,975		4,975				4,975
21	UH-1 HUEY SLEP		-		-		-				-
22	UH-60 MODS		19,300		19,300		19,300				19,300
23	KIOWA WARRIOR		71,334		196,334	20	196,334		140,000	20	211,334
24	EH-60 QUICKFIX MODS		38,049		38,049		38,049				38,049
25	AIRBORNE AVIONICS		30,424		30,424		30,424				30,424
26	ASE MODS		4,215		4,215		4,215				4,215
27	MODIFICATIONS < $2.0M		1,882		1,882		1,882				1,882
	SPARES AND REPAIR PARTS				-		-				
	SPARES AND REPAIR PARTS										
28	SPARES AND REPAIR PARTS		49,177		49,177		49,177		(14,562)		34,615
	SUPPORT EQUIPMENT AND FACILITIES				-		-				
	GROUND SUPPORT AVIONICS										
29	AIRCRAFT SURVIVABILITY EQUIPMENT		22,304		22,304		22,304		32,100		54,404
	OTHER SUPPORT										
30	AIRBORNE COMMAND & CONTROL		3,981		3,981		3,981				3,981
31	AVIONICS SUPPORT EQUIPMENT		22,168		22,168		22,168				22,168
32	TRAINING DEVICES		37,206		37,206		37,206				37,206
33	COMMON GROUND EQUIPMENT		30,539		30,539		27,139				30,539
34	AVIATION LIFE SUPPORT EQUIPMENT (ALSE)		9,732		9,732		9,732				9,732
35	AIR TRAFFIC CONTROL		8,187		8,187		8,187				8,187
36	INDUSTRIAL FACILITIES		2,826		2,826		2,826				2,826

Line No	Title	FY 1996 Request		House Authorized		Senate Authorized		Change to Request		Conference Agreement	
		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
37	AIRBORNE COMMUNICATIONS		25,597		25,597		25,597				25,597
38	CLOSED ACCOUNT ADJUSTMENT				-		-				-
	AIRCRAFT PROCUREMENT, ARMY -TOTAL		1,223,067		1,423,067		1,396,451		335,738		1,558,805

Airborne reconnaissance low

The budget request included $18.4 million to procure one additional aircraft.

The House bill and the Senate amendment would approve the budget request.

The conferees agree to authorize the budget request and express a continued strong support for the Airborne Reconnaissance Low (ARL) program, to include the procurement of a total of 9 aircraft as soon as possible.

The conferees expect the Department to evaluate the advantages of linking the airborne workstations of the ARL to an Unmanned Aerial Vehicle, to provide for airborne analysis and assured dissemination of information.

UH–60 Black Hawk helicopter

The budget request included $526.0 million for the procurement of 60 Black Hawk helicopters in the final year of a five-year multiyear procurement. No funds were requested for advance procurement.

The House bill would approve the budget request and add $75.0 million for advance procurement.

The Senate amendment would decrease procurement funds to $475.8 million to procure 50 helicopters, and would not provide funds for advance procurement.

The conferees agree to authorize $526.0 million for the procurement of 60 Black Hawk helicopters and $70.0 million for advance procurement. The conferees also agree to provide authority for multiyear procurement for the Black Hawk helicopter program.

Overview

The budget request for fiscal year 1996 contained an authorization of $676.4 million for Missile Procurement, Army in the Department of Defense. The House bill would authorize $862.8 million. The Senate amendment would authorize $894.4 million. The conferees recommended an authorization of $865.6 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Line No	Title	FY 1996 Request Quantity	FY 1996 Request Amount	House Authorized Quantity	House Authorized Amount	Senate Authorized Quantity	Senate Authorized Amount	Change to Request Quantity	Change to Request Amount	Conference Agreement Quantity	Conference Agreement Amount
	MISSILE PROCUREMENT, ARMY										
	OTHER MISSILES										
	SURFACE-TO-AIR MISSILE SYSTEM										
1	HAWK SYSTEM SUMMARY		-		-		-				-
2	PATRIOT SYSTEM SUMMARY		5,070		5,070		5,070				5,070
3	STINGER SYSTEM SUMMARY		-		-		-				-
4	AVENGER SYSTEM SUMMARY		31,441		31,441		31,441				31,441
4	LESS: ADVANCE PROCUREMENT (PY)		-		-		-				-
	AIR-TO-SURFACE MISSILE SYSTEM										
5	HELLFIRE SYS SUMMARY	352	209,460		249,460	1102	249,460		37,225	1102	246,685
	ANTI-TANK/ASSAULT MISSILE SYSTEM										
6	JAVELIN (AAWS-M) SYSTEM SUMMARY	557	171,428		210,428	1010	210,428		35,500	1010	206,928
6	LESS: ADVANCE PROCUREMENT (PY)		-		-		-				-
7	TOW 2 SYSTEM SUMMARY		7,378		27,378	1000	27,378		5,000	500	12,378
8	MLRS ROCKET		3,086		46,086	1500	46,086		43,000	1500	46,086
9	MLRS LAUNCHER SYSTEMS		48,158		64,558		96,158		50,400		98,558
10	ARMY TACTICAL MSL SYS (ATACMS) - SYS	91	106,971		124,971	120	124,971		18,000	120	124,971
10	LESS: ADVANCE PROCUREMENT (PY)		-		-		-				-
	MODIFICATION OF MISSILES										
	MODIFICATIONS										
11	PATRIOT MODS		6,988		6,988		6,988				6,988
12	STINGER MODS		10,095		20,095		20,095				10,095
13	AVENGER MODS		-		-		-				
14	TOW MODS		33,358		33,358		33,358				33,358
15	MLRS MODS		17,996		17,996		17,996				17,996
16	MODIFICATIONS LESS THAN $2.0M		-		-		-				-
	SPARES AND REPAIR PARTS				-		-				
	SPARES AND REPAIR PARTS										
17	SPARES AND REPAIR PARTS		11,841		11,841		11,841				11,841
	SUPPORT EQUIPMENT AND FACILITIES				-		-				
	SUPPORT EQUIPMENT AND FACILITIES										
18	AIR DEFENSE TARGETS		6,791		6,791		6,791				6,791
19	ITEMS LESS THAN $2.0M (MISSILES)		1,000		1,000		1,000				1,000
20	MISSILE DEMILITARIZATION		1,693		1,693		1,693				1,693
21	PRODUCTION BASE SUPPORT		3,676		3,676		3,676				3,676
22	CLOSED ACCOUNT ADJUSTMENTS		-		-		-				-
	MISSILE PROCUREMENT, ARMY-TOTAL		676,430		862,830		894,430		189,125		865,555

Hellfire missile

The budget request included $197.5 million to procure 352 Longbow Hellfire missiles and $12.0 million for post-production support.

The House bill and the Senate amendment would provide an additional $40.0 million, which when combined with $12.0 million of post-production funds, would enable the Army to buy 750 Hellfire II missiles.

The conferees agree to provide an additional $37.2 million for the procurement of 750 Hellfire II missiles.

Javelin medium anti-tank weapon

The budget request included $171.4 million to procure 557 Javelin missiles.

The House bill and the Senate amendment would authorize an increase of $39.0 million for an additional 453 Javelin missiles.

The conferees agree to authorize an additional $35.5 million, which when added to the budget request of $171.4 million, will procure a total of 1,010 Javelin missiles.

TOW missile

The budget request included $7.4 million for plant closure and production support of prior year TOW missile deliveries. No funds were requested for additional missile production.

The House bill and the Senate amendment would authorize an increase of $20.0 million for procurement of 1,000 TOW 2B missiles.

The conferees agree to authorize an increase of $5.0 million for procurement of 500 TOW 2B missiles.

Multiple launch rocket system

The budget request included $48.2 million for annual support and fielding of the Army's Multiple Launch Rocket System (MLRS), but this amount did not include funding for procurement of any new launchers.

The House bill would authorize an increase of $16.4 million to procure MLRS launchers to complete equipping a National Guard MLRS battalion, for which funds were authorized in fiscal year 1995.

The Senate amendment would authorize an increase of $16.4 million to complete fielding the same National Guard battalion described in the House bill. In addition, the Senate amendment would authorize an increase of $48.0 million to recondition sufficient MLRS lanuchers and ancillary equipment for one additional National Guard MLRS battalion.

The conferees agree to authorize $98.6 million to provide sufficient reconditioned MLRS launchers and ancillary equipment to complete the fielding of the National Guard battalion authorized in fiscal year 1995, and to fully equip another National Guard battalion in fiscal year 1996.

Overview

The budget request for fiscal year 1996 contained an authorization of $1,298.9 million for Weapons and Tracked Combat Vehicles Procurement, Army in the Department of Defense. The House bill would authorize $1,359.7 million. The Senate amendment would authorize $1,547.9 million. The conferees recommended an authorization of $1,652.7 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Line No	Title	FY 1996 Request Quantity	FY 1996 Request Amount	House Authorized Quantity	House Authorized Amount	Senate Authorized Quantity	Senate Authorized Amount	Change to Request Quantity	Change to Request Amount	Conference Agreement Quantity	Conference Agreement Amount
	PROCUREMENT OF W&TCV, ARMY										
	TRACKED COMBAT VEHICLES										
1	ABRAMS TRNG DEV MOD		3,115		3,115		3,115				3,115
2	BRADLEY FIGHTING VEHICLE FAMILY (MYP)		-		-		-				-
3	BRADLEY BASE SUSTAINMENT		138,308		138,308		138,308				138,308
4	BRADLEY FVS TRAINING DEVICES		-		-		-				-
5	BRADLEY FVS TRAINING DEVICES (MOD)		1,872		1,872		1,872				1,872
6	ABRAMS TANK TRAINING DEVICES		6,259		6,259		6,259				6,259
7	ARMORED GUN SYSTEM (AGS)	26	141,551	26	141,551	26	141,551		6,000	26	147,551
8	M1 ABRAMS TANK SERIES (MYP)		-		-		15,000		3,000		3,000
9	COMMAND & CONTROL VEHICLE		-		-		-				-
	MODIFICATION OF TRACKED COMBAT VEHICLES										
10	CARRIER, MOD		48,067		48,067		48,067		1,600		49,667
11	BFVS SERIES (MOD)		74,336		88,336		88,336		14,000		88,336
11a	BFV ARMOR TILES		-		-		-				-
12	HOWITZER, MED SP FT 155MM M109A6 (MOD)		220,239		220,239		220,239		81,800		302,039
13	HOWITZER, MED SP FT 155MM M109A5 (MOD)		131		131		131				131
14	FAASV PIP TO FLEET		4,065		4,065		4,065				4,065
15	IMPROVED RECOVERY VEHICLE (M88 MOD)		23,492		23,492		57,392		33,900		57,392
16	BREACHER SYSTEM (MOD)		-		-		-				-
17	HEAVY ASSAULT BRIDGE (HAB) SYS (MOD)		15,095		15,095		15,095				15,095
18	ARMORED VEH LAUNCH BRIDGE (AVLB) (MOD)		-		-		-				-
19	M1 ABRAMS TANK (MOD)		77,076		46,754		51,754		(25,322)		51,754
20	ABRAMS UPGRADE PROGRAM		393,884		393,884		503,884		110,000		503,884
20	LESS: ADVANCE PROCUREMENT (PY)		(52,973)		(52,973)		(52,973)				(52,973)
21	ADVANCE PROCUREMENT (CY)		132,959		132,959		132,959				132,959
22	ABRAMS UPGRADE PROGRAM (MCR)		-		-		-				-
23	MODIFICATIONS LESS THAN $2.0M (TCV-WTCV)		581		581		581				581
	SUPPORT EQUIPMENT AND FACILITIES										
24	SPARES AND REPAIR PARTS		-		-		-				-
25	ITEMS LESS THAN $2.0M (TCV-WTCV)		152		152		152				152
26	TANK ENGINE INDUSTRIAL BASE		-		-		-				-
27	PRODUCTION BASE SUPPORT (TCV-WTCV)		11,619		11,619		11,619		(6,119)		5,500
28	REGIONAL MAINTENANCE TRAINING SITES-EQUIP		1,452		1,452		1,452				1,452
	FAASV				-				44,000		44,000
	WEAPONS AND OTHER COMBAT VEHICLES				-		-				
	WEAPONS AND OTHER COMBAT VEHICLES										
29	PERSONAL DEFENSE WEAPON (ROLL)		-		2,000	10000	4,000	4660	2,000	4660	2,000
30	HOWITZER, LIGHT, TOWED, 105MM, M119		-		-		-				-
31	MACHINE GUN, 5.56MM (SAW)		-		28,500	10420	28,500	10265	28,500	10265	28,500
32	GRENADE LAUNCHER, AUTO, 40MM, MK19-3		-		20,000	2100	33,900		33,900	2100	33,900
33	MORTAR, 120MM		3,007		3,007		3,007				3,007
34	M16 RIFLE		-		13,500	27500	13,500		13,500	27500	13,500
35	5.56 CARBINE M4		-		6,500	12000	13,500		6,500	12000	6,500
35a	MED MACHINE GUN MOD		-		6,500	1434	6,500		6,500	1434	6,500
	MODIFICATION OF WEAPONS AND OTHER COMBAT VEH										
36	M4 CARBINE MODS		930		930		930				930
37	SQUAD AUTOMATIC WEAPON (MOD)		-		-		-				-
38	M16 RIFLE MODS		2,842		2,842		2,842				2,842

Line No	Title	FY 1996 Request Quantity	FY 1996 Request Amount	House Authorized Quantity	House Authorized Amount	Senate Authorized Quantity	Senate Authorized Amount	Change to Request Quantity	Change to Request Amount	Conference Agreement Quantity	Conference Agreement Amount
39	MODIFICATIONS LESS THAN $2.0M (WOCV-WTCV)		1,383		1,383		2,883				1,383
	SUPPORT EQUIPMENT AND FACILITIES										
40	SPARES AND REPAIR PARTS		-		-		-				-
41	ITEMS LESS THAN $2.0M (WOCV-WTCV)		1,150		1,150		1,150				1,150
42	PRODUCTION BASE SUPPORT (WOCV-WTCV)		6,049		6,049		6,049				6,049
43	INDUSTRIAL PREPAREDNESS		5,574		5,574		5,574				5,574
44	SMALL ARMS (SOLDIER ENH PROG)		2,428		2,428		2,428				2,428
	SPARE AND REPAIR PARTS				-		-				
	SPARES										
45	SPARES AND REPAIR PARTS (WTCV)		34,343		34,343		34,343				34,343
	PROCUREMENT OF W&TCV, ARMY-TOTAL		1,298,986		1,359,664		1,547,964		353,759		1,652,745

Direct support electronic system test sets

The budget request included $1.5 million for calibration of the direct support electronic system test sets (DSESTS).

The House bill included no additional funding for DSESTS.

The Senate amendment would authorize an increase of $15.0 million for additional procurement of DSESTS for M1 Abrams series tanks and Bradley infantry fighting vehicles.

The conferees agree to authorize an increase of $15.0 million for DSESTS for both procurement and research and development, as indicated below:

Procurement:

	Million
M1 Abrams tank series	$3.0
Armored Gun System	6.0
Research & Development:	
PE23735A Abrams Block Improvements	4.0
PE23735A Armored Gun System	2.0

M113 Carrier modifications

The budget request included $48.1 million for modification of M113 personnel carriers.

The House bill and the Senate amendment would approve the budget request.

The conferees agree to authorize an increase of $1.6 million for an additional 12 carrier modification upgrades to be used as opposing force vehicles at the National Training Center.

M109A6 Paladin 155mm howitzer, self-propelled

The budget request included $220.2 million for retrofitting 215 M109A6 Paladin howitzer systems.

The House bill and the Senate amendment would approve the budget request.

The conferees agree to authorize an increase of 81.8 million to procure an additional 48 Paladin retrofits to equip two additional National Guard battalions and to retrofit the fire control processor for 340 systems.

Improved Recovery Vehicle

The budget request included $23.5 million to procure nine M88A1E1 Improved Recovery Vehicles (IRV).

The House bill would approve the budget request.

The Senate amendment would authorize an increase of $33.9 million to procure an additional 12 IRVs.

The House recedes.

M1 Abrams tank upgrade program

The budget request included $473.8 million for 100 M1A2 tank upgrades for the Army.

The House bill would approve the budget request.

The Senate amendment would authorize an increase of $110.0 million for 24 additional M1A2 tank upgrades and, in accordance with the Statement of Managers accompanying the National Defense Authorization Act of Fiscal Year 1995 (H. Rept. 103–701), would direct the Army to transfer 24 M1A1 tanks to the Marine Corps Reserve.

The House recedes.

The conferees continue to support a multiyear procurement for M1A2 tank upgrades, as authorized in the National Defense Authorization Act of Fiscal Year 1995. However, the conferees agree with guidance and direction to the Army Acquisition Executive (AAE) regarding the need to maintain an appropriate balance between the heavy and medium portions of the tracked combat vehicle fleets, included in the Senate report (S. Rept. 104–112). The conferees expect the AAE to comply with that guidance and direction.

Mark-19 universal mounting bracket

The budget request included $1.4 million for program modifications under $2.0 million.

The Senate amendment would recommend an increase of $1.5 million to begin initial production of a nondevelopmental universal bracket.

The House bill would authorize the budget request.

The Senate recedes.

The conferees encourage the Army to reprogram funds to provide $1.5 million to initiate production of a nondevelopmental universal mounting bracket for the Mark-19 automatic grenade launcher.

The conferees provide $.5 million in PE 64802A to type classify this bracket.

Overview

The budget request for fiscal year 1996 contained an authorization of $795.0 million for Ammunition Procurement, Army in the Department of Defense. The House bill would authorize $1,062.7 million. The Senate amendment would authorize $1,120.1 million. The conferees recommended an authorization of $1,093.9 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Line No	Title	FY 1996 Request Quantity	FY 1996 Request Amount	House Authorized Quantity	House Authorized Amount	Senate Authorized Quantity	Senate Authorized Amount	Change to Request Quantity	Change to Request Amount	Conference Agreement Quantity	Conference Agreement Amount
	PROCUREMENT OF AMMUNITION, ARMY										
	AMMUNITION										
	SMALL/MEDIUM CAL AMMUNITION										
1	CTG, 5.56MM, ALL TYPES		58,579		58,579		58,579				58,579
2	CTG, 7.62MM, ALL TYPES		2,573		12,573		12,573		5,000		7,573
3	CTG, 9MM, ALL TYPES		3,837		3,837		3,837				3,837
4	CTG, .50 CAL, ALL TYPES		27,584		27,584		27,584				27,584
5	CTG, 20MM, ALL TYPES		-		-		-				-
6	CTG, 25MM, ALL TYPES		35,139		55,139		35,139		35,000		70,139
6a	CTG, 25MM, HEIT M792		-				20,000				
7	CTG, 30MM, ALL TYPES		4,289		4,289		4,289				4,289
8	CTG, 40MM, ALL TYPES		40,278		50,278		40,278		10,000		50,278
	CTG, 40MM, M430A1		-				10,000				
	MORTAR AMMUNITION										
9	CTG MORTAR 60MM 1/10 PRAC M766		-		-		-				-
10	CTG MORTAR 60MM ILLUM M721	31	13,021		23,021		20,021		10,000		23,021
11	CTG MORTAR 81MM PRAC 1/10 RANGE M880		-		6,600		-		6,600		6,600
12	CTG MORTAR 120MM FULL RANGE PRACTICE XM931	45	18,768		18,768		18,768			45	18,768
13	CTG MORTAR 120MM HE XM933 W/PD FUZE		-		-		-				-
14	CTG MORTAR 120MM SMOKE XM929 W/MO FUZE	44	47,704		69,704		67,704		20,000		67,704
	TANK AMMUNITION										
15	CTG TANK 35MM SUBCAL PRAC M968		-		-		-				-
16	CTG 120MM APFSDS-T M829A2		-		82,100		87,100		82,100		82,100
17	CTG 120MM HEAT-MP-T M830A1		-		-		20,000				-
18	CTG TANK 120MM TP-T M831/M831A1	41	29,400		29,400		29,400			41	29,400
19	CTG TANK 120MM TPCSDS-T M865	136	91,041		91,041		91,041			136	91,041
	ARTILLERY AMMUNITION										
20	CTG ARTY 75MM BLANK M337A1	102	3,749		3,749		3,749		(2,249)	102	1,500
21	CTG ARTY 105MM DPICM XM915		-		-		-				-
22	CTG ARTY 105MM HERA M913		-		-		-				-
23	PROJ ARTY 155MM SMOKE WP M825		10,607		10,607		10,607		(5,475)		5,132
24	PROJ ARTY 155MM HE M795	75	37,040		57,040		57,040		20,000	75	57,040
25	PROJ ARTY 155MM SADARM XM898	77	24,284		24,284		24,284		18,000		42,284
26	PROJ ARTY 155MM PRAC M804		-		22,000		-				-
	MINES										
27	MINE, TRAINING, ALL TYPES		3,853		3,853		3,853				3,853
28	MINE AT/AP M87 (VOLCANO)		-		30,000		30,000		30,000		30,000
29	WIDE AREA MINE	134	15,000		15,000		15,000			134	15,000
	ROCKETS										
30	BUNKER DEFEATING MUNITION (BDM)		-		15,000		15,000		15,000		15,000
31	ROCKET, HYDRA 70, ALL TYPES		28,087		48,087		48,087				28,087
	OTHER AMMUNITION										
32	DEMOLITION MUNITIONS, ALL TYPES		26,269		26,269		32,269		6,000		32,269
33	GRENADES, ALL TYPES		27,496		27,496		27,496				27,496
34	SIGNALS, ALL TYPES		18,314		18,314		18,314				18,314
35	SIMULATORS, ALL TYPES		6,070		6,070		6,070				6,070
35a	SELECTABLE LIGHTWEIGHT ATTACK MUNITIONS, XM94				-		11,000				-
	MISCELLANEOUS										
36	AMMO COMPONENTS, ALL TYPES		4,100		4,100		4,100				4,100

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37	M483 TO M864 CONVERSION		-		-		-				-
38	UPGRADE/IMPROVEMENT OF AT4		-		-		-				-
39	CAD/PAD ALL TYPES		3,523		3,523		3,523				3,523
40	ITEMS LESS THAN $2 MILLION		855		855		855				855
41	EOD EXPLOSIVE ITEMS		-		-		-				-
42	AMMUNITION PECULIAR EQUIPMENT		5,000		5,000		5,000				5,000
43	FIRST DESTINATION TRANSPORTATION (AMMO)		3,925		3,925		3,925				3,925
	AMMUNITION PRODUCTION BASE SUPPORT				-		-				
	PRODUCTION BASE SUPPORT										
44	PROVISION OF INDUSTRIAL FACILITIES		41,906		41,906		41,906				41,906
45	COMPONENTS FOR PROVE-OUT		1,456		1,456		1,456				1,456
46	LAYAWAY OF INDUSTRIAL FACILITIES		13,663		13,663		13,663				13,663
47	PROVING GROUND MODERNIZATION		-		-		-				-
48	MAINTENANCE OF INACTIVE FACILITIES		51,325		51,325		51,325				51,325
48a	ARMAMENT RETOOLING & MANUFACTURING SUPPORT (ARMS)				-		45,000		45,000		45,000
49	CONVENTIONAL AMMO DEMILITARIZATION		96,280		96,280		100,280		4,000		100,280
50	FLEXIBLE MANUFACTURING CENTERS		-		-		-				-
	PROCUREMENT OF AMMUNITION, ARMY-TOTAL		795,015		1,062,715		1,120,115		298,976		1,093,991

Overview

The budget request for fiscal year 1996 contained an authorization of $2,256.6 million for Other Procurement, Army in the Department of Defense. The House bill would authorize $2,545.6 million. The Senate amendment would authorize $2,811.1 million. The conferees recommended an authorization of $2,763.4 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Line No	Title	FY 1996 Request		House Authorized		Senate Authorized		Change to Request		Conference Agreement	
		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
	OTHER PROCUREMENT, ARMY										
	TACTICAL AND SUPPORT VEHICLES										
	TACTICAL VEHICLES										
1	TACTICAL TRAILERS/DOLLY SETS		13,803		13,803		13,803				13,803
2	SEMITRAILER FB BB/CONT TRANS 22 1/2 T		-		-		-				-
3	SEMITRAILER, TANK, 5000G		-		-		-				-
4	SEMITRAILER VAN CGO SUPPLY 12T 4WHL M129A2	58	3,179		3,179		3,179			58	3,179
5	HI MOB MULTI-PURP WHLD VEH (HMMWV)(MYP)	546	57,690		96,690	1846	129,690		72,000	1846	129,690
6	FAMILY OF MEDIUM TACTICAL VEH (MYP)		39,692		149,692		149,692		110,000		149,692
7	HEAVY EQUIPMENT TRANSPORTER SYS		-		-		-				-
8	FAMILY OF HEAVY TACTICAL VEHICLES (MYP)		596		100,596		125,596		125,000		125,596
9	ARMORED SECURITY VEHICLES (COMBAT SPT) TAC		-		-		-				-
10	MEDIUM TRUCK EXTENDED SVC PGM(ESP) (PREV S		-		-		30,000		20,000		20,000
11	MODIFICATION OF IN SVC EQUIP		2,802		2,802		2,802				2,802
12	ITEMS LESS THAN $2.0M (TAC VEH)		200		200		200				200
	NON-TACTICAL VEHICLES										
13	PASSENGER CARRYING VEHICLES	41	994	41	994	41	994			41	994
14	GENERAL PURPOSE VEHICLES		993		993		993				993
15	SPECIAL PURPOSE VEHICLES		993		993		993				993
	SUPPORT EQUIPMENT AND FACILITIES										
16	SYSTEM FIELDING SUPPORT PEO		4,189		4,189		4,189				4,189
17	PROJECT MANAGEMENT SUPPORT		697		697		697				697
18	SYSTEM FIELDING SUPPORT (TACOM)		2,000		2,000		2,000				2,000
19	SPARES AND REPAIR PARTS		-		-		-				-
	COMMUNICATIONS AND ELECTRONICS EQUIPMENT				-		-				
	COMM - JOINT COMMUNICATIONS										
20	JCSE EQUIPMENT (USREDCOM)		2,271		2,271		2,271				2,271
	COMM - SATELLITE COMMUNICATIONS										
21	DEFENSE SATELLITE COMMUNICATIONS SYSTEM		78,232		78,232		78,232				78,232
22	SAT TERM, EMUT	618	17,498	618	17,498	618	17,498			618	17,498
23	NAVSTAR GLOBAL POSITIONING SYSTEM	15,025	32,502	15025	32,502	15025	32,502		17,500		50,002
24	GROUND COMMAND POST		1,049		1,049		1,049				1,049
25	SMART-T		66,714		66,714		66,714				66,714
26	SCAMP		25,816		25,816		25,816				25,816
27	MOD OF IN-SVC EQUIP (TAC SAT)		4,166		4,166		4,166				4,166
	COMM - COMBAT SUPPORT COMM										
28	MSE MOD IN SERVICE		14,683		14,683		14,683				14,683
	COMM - C3 SYSTEM										
29	COMMAND CENTER IMPROVEMENT PROG (CCIP)		920		920		920				920
30	SOUTHCOM C3 UPGRADE		11,424		11,424		11,424				11,424
31	STD THEATER CMD & CONTROL SYS (STACCS)		14,526		14,526		17,826				14,526
	COMM - COMBAT COMMUNICATIONS										
32	ARMY DATA DISTRIBUTION SYSTEM (ADDS)		19,968		44,968		44,968		25,000		44,968
33	MOBILE SUBSCRIBER EQUIP (MSE)		3,477		3,477		3,477				3,477
34	SINCGARS FAMILY		310,620		310,620		364,720		54,100		364,720
35	SW ASIA COMM INFRASTRUCTURE		-		-		-				-
36	EAC COMMUNICATIONS		5,896		5,896		45,896		40,000		45,896
37	MOD OF IN-SVC EQUIP (EAC COMM)		11,637		11,637		11,637				11,637
38	TAC RADIO	700	24,803	700	24,803	700	24,803			700	24,803

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39	C-E CONTINGENCY/FIELDING EQUIP		5,108		5,108		5,108				5,108
	INFORMATION SECUTITY										
40	TSEC - INFORMATION SYSTEM SECURITY		11,105		11,105		11,105				11,105
41	TSEC - JCSE EQIP		-		-		-				-
	COMM - LONG HAUL COMMUNICATIONS										
42	TERRESTRIAL TRANSMISSION		9,596		9,596		9,596				9,596
43	BASE SUPPORT COMMUNICATIONS		2,205		2,205		2,205				2,205
44	DEFENSE DATA NETWORK (DDN)		4,927		4,927		4,927				4,927
45	ELECTROMAG COMP PROG (EMCP)		498		498		498				498
46	WW TECH CON IMP PROG (WWTCIP)		4,811		4,811		4,811				4,811
	COMM - BASE COMMUNICATIONS										
47	INFORMATION SYSTEMS		64,142		64,142		64,142		(12,000)		52,142
48	DEFENSE MESSAGE SYSTEM (DMS)		7,963		7,963		10,763				7,963
49	LOCAL AREA NETWORK (LAN)		61,547		61,547		61,547		(10,000)		51,547
50	PENTAGON TELECOM CTR (PTC)		2,741		2,741		2,741				2,741
	ELECT EQUIP - NAT FOR INT PROG (NFIP)										
51	FOREIGN COUNTERINTELLIGENCE PROG (FCI)		536		536		536				536
52	GENERAL DEFENSE INTELL PROG (GDIP)		29,409		29,409		29,409		(5,221)		24,188
53	ITEMS LESS THAN $2.0M (INTEL SPT) - TIARA		2,826		2,826		2,826				2,826
	ELECT EQUIP - TACT INT REL ACT (TIARA)										
54	ALL SOURCE ANALYSIS SYS (ASAS) (TIARA)		9,886		9,886		16,286				9,886
55	COMMANDERS TACTICAL TERM (CTT) (TIARA)	33	11,314		30,014		30,014		18,700		30,014
56	HF COMINT SYSTEM (TIARA)		-		-		-				-
57	IEW - GND BASE COMMON SENSORS (TIARA)		46,937		46,937		46,937				46,937
58	DEFENSE AIRBORNE RECONN PROGRAM (DARP)		-		-		-				-
59	JOINT STARS (ARMY) (TIARA)		82,984		82,984		82,984				82,984
60	DIGITAL TOPOGRAPHIC SPT SYS (DTSS) (TIARA)	5	6,954	5	6,954	5	6,954			5	6,954
61	DRUG INTERDICTION PROGRAM (DIP) (TIARA)		-		-		-				-
62	TACTICAL EXPLOITATION OF NATIONAL CAPABILI		4,617		4,617		4,617				4,617
63	JOINT TACTICAL GROUND STATION		30,914		-		30,914				30,914
64	TROJAN (TIARA)		19,313		19,313		19,313				19,313
65	MOD OF IN-SVC EQUIP (INTEL SPT) (TIARA)		19,491		19,491		19,491				19,491
66	ITEMS LESS THAN $2.0M (TIARA)		517		517		517				517
	ELECT EQUIP - ELECTRONIC WARFARE (EW)										
67	MOD OF IN-SVC EQUIP (EW)		-		-		-				-
68	COUNTERINTELLIGENCE/SECURITY COUNTERMEASUR		2,582		2,582		2,582				2,582
	ELECT EQUIP - TACTICAL SURV. (TAC SURV)										
69	LT SPEC DIV INTERIM SENSOR (LSDIS)		-		-		-				-
70	FAAD GBS		44,678		63,878		63,878		19,200		63,878
71	NIGHT VISION DEVICES		77,132		77,132		85,132		8,000		85,132
72	PHYSICAL SECURITY SYSTEMS		-		-		-				-
73	ARTILLERY ACCURACY EQUIP		12,364		12,364		12,364				12,364
74	MOD OF IN-SVC EQUIP (TAC SURV)		26,860		26,860		26,860				26,860
75	LIGHTWEIGHT LEADER COMPUTER (LLC)		-		-		-				-
76	COMPUTER BALLISTICS: MORTAR XM-23		5,019		5,019		5,019				5,019
77	INTEGRATED MET SYS SENSORS (IMETS) - TIARA	12	7,029	12	7,029	12	7,029			12	7,029
	ELECT EQUIP - TACTICAL C2 SYSTEMS										
78	ADV FIELD ARTILLERY TACT DATA SYS (AFATDS)	221	30,897	221	30,897	221	30,897		(1,500)	221	29,397
79	FIRE SUPPORT ADA CONVERSION		-		-		-				-

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80	INITIAL FIRE SPT AUTOMATIC SYSTEM (IFSAS)		-		-		-				-
81	CMBT SVC SUPT CONTROL SYS (CSSCS)	29	5,915	29	5,915	29	5,915			29	5,915
82	CORPS/THEATER ADP SVC CTR (CTASC)		-		-		-				-
83	FAAD C2	5	32,942	5	32,942	5	32,942		7,400	5	40,342
84	FORWARD ENTRY DEVICE (FED)		-		-		-				-
85	COMMON HARDWARE SOFTWARE		-		-		-				-
86	LIFE CYCLE SOFTWARE SUPPORT (LCSS)		2,096		2,096		2,096				2,096
87	LOGTECH		4,534		4,534		4,534				4,534
88	ISYSCON EQUIPMENT		13,178		13,178		13,178				13,178
89	MANEUVER CONTROL SYSTEM (MCS)		13,808		13,808		18,808		5,000		18,808
90	STAMIS TACTICAL COMPUTERS (STACOMP)	1,830	23,465	1830	23,465	1830	23,465			1830	23,465
91	STANDARD INTEGRATED CMD POST SYSTEM		28,914		28,914		28,914				28,914
	ELECT EQUIP - AUTOMATION										
92	AUTOMATED DATA PROCESSING EQUIP		132,751		120,751		132,751				132,751
93	RESERVE COMPONENT AUTOMATION SYS (RCAS)		83,174		83,174		83,174				83,174
	ELECT EQUIP - AUDIO VISUAL SYS (A/V)										
94	AFRTS		2,586		2,586		2,586				2,586
95	ITEMS LESS THAN $2.0M (A/V)		5,102		5,102		5,102				5,102
	ELECT EQUIP-TEST MEAS&DIAG EQUIP (TMDE)										
96	CALIBRATION SETS EQUIPMENT		11,457		11,457		11,457				11,457
97	INTEGRATED FAMILY OF TEST EQUIP (IFTE)		26,449		46,449		26,449		18,500		44,949
98	TMDE MODERNIZATION (TMOD)		9,470		9,470		9,470				9,470
	ELECT EQUIP - SUPPORT										
99	INITIAL SPARES - PEO CCS		-		-		-				-
100	INITIAL SPARES - PEO COMM		-		-		-				-
101	INITIAL SPARES - PEO IEW		-		-		-				-
102	INITIAL SPARES - PEO STAMIS		-		-		-				-
103	INITIAL SPARES - NON PEO		-		-		-				-
104	ARMY PRINTING AND BINDING EQUIPMENT		-		-		-				-
105	INSTALLATION C4 UPGRADE (ICU)		1,762		1,762		1,762				1,762
106	PRODUCTION BASE SUPPORT (C-E)		717		717		717				717
	OTHER SUPPORT EQUIPMENT				-		-				
	CHEMICAL DEFENSIVE EQUIPMENT										
107	SIMP COLL PROT EQUIP M20		-		-		-				-
108	COLL PROT EQUIP, NBC TEMPER, TENT M28		-		-		-				-
109	MASK, PROTECTIVE, NBC M40/M42		-		-		-				-
110	REMOTE SENSING CHEMICAL AGENT ALARM XM21		-		-		-				-
111	IMPROVED CHEMICAL AGENT MONITOR		-		-		-				-
112	AUTO CHEMICAL AGENT ALARM (ACADA), XM22		-		-		-				-
113	DECONTAMINATE APP PWR DR LT WT M17		-		-		-				-
114	GEN SMK MECH:MTRZD DUAL PURP XM56		-		-		-				-
115	GENERATOR, SMOKE, MECH XM58	34	12,698	34	12,698	34	12,698			34	12,698
116	GEN SET, SMOKE, MECH: PUL JET,XM157	170	5,214	170	5,214	170	5,214			170	5,214
117	RADIATION MONITORING SYSTEM (OPA-3)		-		-		-				-
118	JOINT BIOLOGICAL DEFENSE PROGRAM		-		-		-				-
	BRIDGING EQUIPMENT										
119	RIBBON BRIDGE		3,828		3,828		3,828				3,828
	ENGINEER (NON-CONSTRUCTION) EQUIPMENT										
120	DISPENSER, MINE M139		953		953		953				953

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121	METALLIC MINE DETECTOR, VEHICLE MOUNTED		-		-		-				-
	COMBAT SERVICE SUPPORT EQUIPMENT										
122	AIR CONDITIONERS VARIOUS SIZE/CAPACITY		3,176		3,176		3,176				3,176
123	STANDARD INTEGRATED CMD POST SYSTEM		-		-		-				-
124	CHEM/BIO PROTECTIVE SHELTER		-		-		-				-
125	SPACE HEATER	290	1,440	290	1,440	290	1,440			290	1,440
126	SOLDIER ENHANCEMENT		-		-		-				-
127	FORCE PROVIDER	2	12,275	2	12,275	2	12,275			2	12,275
128	REFRIGERATION EQUIPMENT		2,562		2,562		2,562				2,562
129	ITEMS LESS THAN $2.0M (CSS-EQ)		2,222		2,222		2,222				2,222
	PETROLEUM EQUIPMENT										
130	LAB PETROLEUM MODULAR BASE	1	2,786	1	2,786	1	2,786			1	2,786
131	INLAND PETROLEUM DISTRIBUTION SYSTEM		1,115		1,115		1,115				1,115
132	HEMTT AVIATION REFUELING SYSTEM	21	546	21	546	21	546			21	546
133	ITEMS LESS THAN $2.0M (POL)		5,537		5,537		5,537		(837)		4,700
	WATER EQUIPMENT										
134	FWD AREA WTR POINT SUP SYSTEM	148	2,692	148	2,692	148	2,692			148	2,692
135	SMALL MOBILE WATER CHILLER (SMWC)	387	3,953	387	3,953	387	3,953			387	3,953
136	ITEMS LESS THAN $2.0M (WATER EQ)		2,394		2,394		2,394				2,394
	MEDICAL EQUIPMENT										
137	COMBAT SUPPORT MEDICAL		14,310		14,310		14,310				14,310
	MAINTENANCE EQUIPMENT										
138	SHOP EQ CONTACT MAINTENANCE TRK MTD (MYP)	71	1,778	71	1,778	71	1,778			71	1,778
139	TOOL OUTFIT HYDRAULIC REPAIR 3/4 TRL MTD		-		-		-				-
140	ITEMS LESS THAN $2.0M (MAINT EQ)		1,450		1,450		1,450				1,450
	CONSTRUCTION EQUIPMENT										
141	COMPACTOR HI-SPEED TAMP SELF PROP (CCE)		-		-		-				-
142	ROLLER, VIBRATORY, SELF-PROPELLED (CCE)	47	7,115	47	7,115	47	7,115			47	7,115
143	DEPLOYABLE UNIVERSAL COMBAT EARTH MOVERS	18	9,938	18	9,938	18	9,938			18	9,938
144	CRANE, WHEEL MTD, 25T, 3/4 CU YD, RT	7	1,987	7	1,987	7	1,987			7	1,987
145	ITEMS LESS THAN $2.0M (CONST EQUIP)		1,981		1,981		1,981				1,981
	RAIL FLOAT CONTAINERIZATION EQUIPMENT										
146	PUSHER TUG, SMALL	1	3,576	1	3,576	1	3,576			1	3,576
147	FLOATING CRANE, 100-250 TON		-		-		-				-
148	CAUSEWAY SYSTEMS		-		-		-				-
149	RAILWAY CAR, FLAT, 100 TON	238	11,767	238	11,767	238	11,767			238	11,767
150	ITEMS LESS THAN $2.0M (FLOAT/RAIL)		3,602		3,602		3,602		(1,000)		2,602
	GENERATORS										
151	GENERATORS AND ASSOCIATED EQUIP		13,761		13,761		48,761				13,761
	MATERIAL HANDLING EQUIPMENT										
152	TRUCK, FORK LIFT, DE, PT, RT, 50000 LB	33	10,928	33	10,928	33	10,928			33	10,928
153	ALL TERRAIN LIFTING ARTICULATING SYSTEM	112	14,403	112	14,403	112	14,403			112	14,403
154	ITEMS LESS THAN $2.0M (MHE)		2,843		2,843		2,843				2,843
	TRAINING EQUIPMENT										
155	COMBAT TRAINING CENTERS SUPPORT		22,208		22,208		22,208				22,208
156	TRAINING DEVICES, NONSYSTEM		71,561		71,561		71,561		4,500		76,061
157	SIMNET/CLOSE COMBAT TACTICAL TRAINER		30,655		30,655		30,655				30,655
158	FIRE SUPPORT COMBINED ARMS TACTICAL TRAINE		-		-		-				-
	OTHER SUPPORT EQUIPMENT										

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159	RECONFIGURABLE SIMULATORS		12,616		12,616		12,616				12,616
160	PHYSICAL SECURITY SYSTEMS (OPA3)		6,190		6,190		6,190				6,190
161	SYSTEM FIELDING SUPPORT (OPA-3)		10,030		10,030		10,030				10,030
162	BASE LEVEL COM'L EQUIPMENT		-		-		-				-
163	ARMS CONTROL COMPLIANCE		-		-		-				-
164	COMBINED DEFENSE IMPROVEMENT PROJECT (CDIP		-		-		-				-
165	MODIFICATION OF IN-SVC EQUIPMENT (OPA-3)		21,911		21,911		21,911		(7,500)		14,411
166	PRODUCTION BASE SUPPORT (OTH)		1,835		1,835		1,835				1,835
167	INDUSTRIAL MODERNIZATION INCENTIVE PROG		-		-		-				-
168	SPECIAL EQUIPMENT FOR USER TESTING		9,165		9,165		9,165				9,165
169	ITEMS LESS THAN $2.0M (OTH SPT EQ)		-		-		-				-
170	OPA INITIAL SPARES		-		-		-				-
171	TRACTOR VAPOR		2,223		2,223		2,223				2,223
172	NATURAL GAS UTILIZATION		-		-		-				-
173	CLOSED ACCOUNT ADJUSTMENTS		-		-		-				-
	SPARE AND REPAIR PARTS				-		-				
	OPA1										
174	INITIAL SPARES - TSV		1,093		1,093		1,093				1,093
	OPA2										
175	INITIAL SPARES - C&E		82,994		82,994		82,994				82,994
	OPA3										
176	INITIAL SPARES - OTHER SUPPORT EQUIP		2,038		2,038		2,038				2,038
	OTHER PROCUREMENT, ARMY-TOTAL		2,256,601		2,545,587		2,811,101		506,842		2,763,443

High mobility multipurpose wheeled vehicle

The budget request included $57.7 million for 546 high mobility multipurpose wheeled vehicles (HMMWVs).

The House bill would authorize an increase of $39.0 million to procure approximately 700 additional HMMWVs.

The Senate amendment would authorize an increase of $72.0 million to procure approximately 1300 additional HMMWVs.

The House recedes.

The conferees agree that additional HMMWVs are required for both the Army and the Marine Corps, and expect the military services to include in future budget requests adequate funds to procure sufficient HMMWVs to meet validated service requirements and to meet minimum annual required production rates necessary to sustain the essential elements of the HMMWV industrial base.

Family of heavy tactical vehicles

The budget request included $0.6 million for the family of heavy tactical vehicles (FHTV).

The House bill would authorize an increase of $100.0 million for the FHTV program.

The Senate amendment would authorize an increase of $125.0 million for the FHTV program.

The House recedes.

The conferees agree to authorize an increase to the budget request of $125.0 million to procure the heavy tactical vehicles, as indicated below:

	Dollars (in millions)	Quantity
Heavy equipment transporter	$40.0	83
Heavy expanded mobility tactical transporter	33.0	115
Palletized loading system	52.0	147

Medium truck extended service program

The budget request did not include funds for the medium truck extended service program (ESP).

The House bill would not authorize funds for medium truck ESP.

The Senate amendment would authorize $30.0 million for medium truck ESP.

The conferees agree to authorize $20.0 million for medium truck ESP. The conferees express their concern regarding the possibility of initiating multiple truck remanufacture programs, thereby creating excess capacity in the industry. The conferees prefer that maximum use be made of the medium truck ESP currently underway, that separate, additional procurements be kept to a minimum to avoid industrial overcapacity, and that, for future procurements, consideration be given to reliable manufacturers with demonstrated capabilities to produce military trucks.

GUARDRAIL tactical information broadcast service

The budget request included $48.9 million for the GUARDRAIL common sensor program.

Both the House bill and the Senate amendment would authorize funding at the requested level.

The conferees have determined that there is a need for GUARDRAIL aircraft to be equipped with improved intelligence data dissemination capability and interoperability with other intelligence data producers. Therefore, the conferees agree to authorize an increase of $9.0 million to the budget request for procurement and integration of tactical information broadcast service to provide this capability for existing GUARDRAIL aircraft.

Nonsystem training devices

The budget request included $71.6 million for nonsystem training devices.

The House bill and the Senate amendment authorized the request.

The conferees are concerned that the Army is currently training firefighters using fossil-fueled techniques that are not only hazardous to the trainees but, in some cases, in violation of environmental regulations. Moreover, the conferees are aware that there are computer-controlled natural gas/propane firefighter training systems, currently used by other services, that provide safe training for individuals and minimize destruction to the environment. Accordingly, the conferees authorize $4.5 million to procure an initial set of these systems.

Further, the conferees believe that the Army should develop a plan to replace current firefighting training sites in regions where multiple commands can take advantage of a single site.

Overview

The budget request for fiscal year 1996 contained an authorization of $3,886.5 million for Aircraft Procurement, Navy in the Department of Defense. The House bill would authorize $4,106.5 million. The Senate amendment would authorize $4,916.6 million. The conferees recommended an authorization of $4,572.4 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Line No	Title	FY 1996 Request Quantity	FY 1996 Request Amount	House Authorized Quantity	House Authorized Amount	Senate Authorized Quantity	Senate Authorized Amount	Change to Request Quantity	Change to Request Amount	Conference Agreement Quantity	Conference Agreement Amount
	AIRCRAFT PROCUREMENT, NAVY										
	COMBAT AIRCRAFT										
	COMBAT AIRCRAFT										
1	EA-6B/REMFG (ELECTRONIC WARFARE) PROWLER		-		-		180,000				-
2	AV-8B (V/STOL)HARRIER	4	163,582	12	323,582	8	263,582	4	81,251	8	244,833
2	LESS: ADVANCE PROCUREMENT (PY)		(15,419)		(15,419)		(15,419)				(15,419)
3	ADVANCE PROCUREMENT (CY)		21,582		21,582		21,582				21,582
4	F/A-18C/D (FIGHTER) HORNET	12	694,101	12	694,101	24	1,258,101	6	212,765	18	906,866
4	LESS: ADVANCE PROCUREMENT (PY)		(84,197)		(84,197)		(84,197)				(84,197)
5	ADVANCE PROCUREMENT (CY)		-		-		-				-
6	F/A-18E/F (FIGHTER) HORNET		-		-		-				-
6	LESS: ADVANCE PROCUREMENT (PY)		-		-		-				-
7	ADVANCE PROCUREMENT (CY)		236,882		236,882		236,882				236,882
8	CH/MH-53E (HELICOPTER) SUPER STALLION		-		-	3	90,000				-
8	LESS: ADVANCE PROCUREMENT (PY)		-		-		-				-
9	V-22 (MEDIUM LIFT)		-		-		-				-
9	LESS: ADVANCE PROCUREMENT (PY)		-		-		-				-
10	ADVANCE PROCUREMENT (CY)		48,022		48,022		48,022				48,022
11	AH-1W (HELICOPTER) SEA COBRA		10,385		10,385		10,385		64,615	6	75,000
12	SH-60B (ASW HELICOPTER) SEAHAWK		13,744		13,744		13,744				13,744
12	LESS: ADVANCE PROCUREMENT (PY)		-		-		-				-
13	SH-60F CV (ASW HELICOPTER)		-		-		-				-
13	LESS: ADVANCE PROCUREMENT (PY)		-		-		-				-
14	E-2C (EARLY WARNING) HAWKEYE	3	212,589	4	282,589	3	212,589			3	212,589
14	LESS: ADVANCE PROCUREMENT (PY)		(41,376)		(41,376)		(41,376)				(41,376)
15	ADVANCE PROCUREMENT (CY)		43,020		43,020		43,020				43,020
	TRAINER AIRCRAFT				-		-				
	TRAINER AIRCRAFT										-
16	T-45TS (TRAINER) GOSHAWK	12	317,143	12	317,143	12	317,143			12	317,143
16	LESS: ADVANCE PROCUREMENT (PY)		(30,961)		(30,961)		(30,961)				(30,961)
17	ADVANCE PROCUREMENT (CY)		29,902		29,902		29,902				29,902
17a	T-39N		-		-				45,000	17	45,000
	OTHER AIRCRAFT				-		-				
	OTHER AIRCRAFT										
18	HH-60H (HELICOPTER)		23,750		23,750		23,750				23,750
	MODIFICATION OF AIRCRAFT				-		-				
	MODIFICATION OF AIRCRAFT										
19	A-6 SERIES		-		-		-				-
20	EA-6 SERIES		-		-		36,000		165,000		165,000
21	AV-8 SERIES		16,007		16,007		16,007				16,007
22	F-14 SERIES		59,047		59,047		76,147		42,475		101,522
23	ADVERSARY		153		153		153				153
24	ES-3 SERIES		20,608		20,608		20,608				20,608
25	F-18 SERIES		91,606		91,606		91,606				91,606
26	H-46 SERIES		83,665		83,665		83,665				83,665
27	H-53 SERIES		46,152		46,152		46,152				46,152
28	SH-60 SERIES		66,770		66,770		66,770				66,770
29	H-1 SERIES		54,530		54,530		67,530		13,000		67,530
30	H-3 SERIES		6,975		6,975		6,975				6,975

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31	EP-3 SERIES		32,405		32,405		32,405				32,405
32	P-3 SERIES		178,557		178,557		178,557		31,800		210,357
33	S-3 SERIES		40,232		40,232		40,232				40,232
34	E-2 SERIES		19,636		19,636		19,636				19,636
35	TRAINER A/C SERIES		727		727		727				727
36	C-130 SERIES		6,939		6,939		6,939				6,939
37	FEWSG		550		550		550				550
38	CARGO/TRANSPORT A/C SERIES		31,354		31,354		31,354				31,354
39	E-6 SERIES		112,904		112,904		112,904				112,904
40	EXECUTIVE HELICOPTERS SERIES		35,965		35,965		35,965				35,965
41	T-45 SERIES		4,949		4,949		4,949				4,949
42	POWER PLANT CHANGES		17,525		17,525		17,525				17,525
43	MISC FLIGHT SAFETY CHANGES		167		167		167				167
44	COMMON ECM EQUIPMENT		4,234		4,234		34,234		30,000		34,234
45	COMMON AVIONICS CHANGES		73,947		73,947		73,947				73,947
	AIRCRAFT SPARES AND REPAIR PARTS				-		-				
	AIRCRAFT SPARES AND REPAIR PARTS				-		-				
46	SPARES AND REPAIR PARTS		784,782		784,782		784,782				784,782
	AIRCRAFT SUPPORT EQUIPMENT AND FACILITIE				-		-				
	AIRCRAFT SUPPORT EQUIPMENT AND FACILITIES				-		-				
47	COMMON GROUND EQUIPMENT		367,017		357,017		367,017				367,017
48	AIRCRAFT INDUSTRIAL FACILITIES		30,656		30,656		30,656				30,656
49	WAR CONSUMABLES		20,191		20,191		20,191				20,191
50	OTHER PRODUCTION CHARGES		21,881		21,881		21,881				21,881
51	SPECIAL SUPPORT EQUIPMENT		11,743		11,743		11,743				11,743
52	FIRST DESTINATION TRANSPORTATION		1,865		1,865		1,865				1,865
53	CANCELLED ACCOUNT ADJUSTMENTS		-		-		-				-
	AVIATION MULTIYEAR FUND				-						
	AIRCRAFT PROCUREMENT, NAVY-TOTAL		3,886,488		4,106,488		4,916,588		685,906		4,572,394

AV–8B remanufacture

The budget request included $148.2 million for the remanufacture of four Marine Corps AV–8B aircraft.

The House bill would add $160.0 million for the remanufacture of eight additional aircraft.

The Senate amendment would authorize an additional $100.0 million for the remanufacture of four more aircraft.

The conferees agree to authorize a total of $229.4 million, $81.3 million above the budget request, for the remanufacture of four additional aircraft.

Electronic warfare

The budget request included no funds to either expand the Navy's fleet of EA–6B block 89 aircraft to accommodate the retirement of the EF–111 jammer aircraft or to improve the capabilities of the existing Block 89 EA–6B fleet.

The House bill would approve the budget request.

The Senate amendment would authorize $216.0 million to modernize airborne electronic warfare (EW) capabilities of the EA–6B Block 89 aircraft and to expand the number of Block 89 aircraft by 20.

The conferees agree that modernization of the Department's tactical electronic warfare aircraft fleet is a priority item of special interest. Accordingly, the conferees agree to authorize $165.0 million to initiate procurement of EA–6B modifications, as set forth below:

(1) $100.0 million to modernize up to 20 older EA–6B Block 82 aircraft to the newer Block 89 configuration to offset EF–111 retirements;

(2) $40.0 million to procure 60 band 9/10 transmitters; and

(3) $25.0 million for 30 USQ–113 enhanced radio countermeasure sets.

The conferees also authorize an increase of $10.0 million to Navy EW development (PE 64270N), to develop a low-cost, reactive jamming capability for the EA–6B. The conferees are especially interested in the Navy's completion of an affordable upgrade to the EA–6B reactive processor capability.

The conferees note the inconsistent nature of the Navy's actions regarding airborne tactical EW in recent years and are deeply concerned with the Navy's vacillating commitment and support for meaningful upgrades to the EA–6B aircraft. Accordingly, the Secretary of the Navy is directed to:

(1) initiate the EA–6B modifications identified above.

(2) provide the congressional defense committees with the following:

(a) a program and budget plan for completing the directed modifications.

(b) the Joint Tactical Airborne EW Study (JTAEWS).

In addition, the conferees agree that the Secretary of the Navy shall not obligate more than 75 percent of funds appropriated for procurement of the F/A–18C/D for fiscal year 1996 until he has accomplished the actions specified above.

F–14 modifications

The budget request included $59.0 million for F–14 modifications. This amount did not include any funds for a forward-looking infrared (FLIR)/laser designator system for the F–14. The budget request included $25.4 million in research and development funds for a precision strike upgrade, an effort to integrate the joint direct attack munition (JDAM) into the F–14.

The House bill would approve the budget request for F–14 modifications.

After completion of the House bill, the Navy informed the Senate that the requirements validation process had documented an operational requirement for a FLIR/laser designator system for the F–14, in lieu of the JDAM integration. The Senate considered this requirement to be a high priority for carrier operations. Therefore, the Senate amendment would authorize an increase of $17.1 million for F–14 aircraft modifications in fiscal year 1996. This action was taken with the understanding that the Department of Defense would provide funding for the system in future budget requests.

The conferees agree to provide $101.5 million for F–14 modifications, with an increase of $42.5 million provided for the FLIR/laser designator effort. The conferees also agree to reduce the F–14 research and development request by $25.4 million.

Additionally, the conferees agree to invite the Navy to reprogram funds originally authorized for JDAM integration into the FLIR/laser designator procurement effort, to expedite meeting the need for improving F–14 strike capability.

Overview

The budget request for fiscal year 1996 contained an authorization of $1,787.1 million for Weapons Procurement, Navy in the Department of Defense. The House bill would authorize $1,626.4 million. The Senate amendment would authorize $1,771.4 million. The conferees recommended an authorization of $1,659.8 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Line No	Title	FY 1996 Request Quantity	FY 1996 Request Amount	House Authorized Quantity	House Authorized Amount	Senate Authorized Quantity	Senate Authorized Amount	Change to Request Quantity	Change to Request Amount	Conference Agreement Quantity	Conference Agreement Amount
	WEAPONS PROCUREMENT, NAVY										
	BALLISTIC MISSILES										
	BALLISTIC MISSILES		-		-		-				
1	TRIDENT I		-		-		-				-
2	TRIDENT II	6	343,392	6	343,392	6	343,392			6	343,392
2	LESS: ADVANCE PROCUREMENT (PY)		(15,960)		(15,960)		(15,960)				(15,960)
3	ADVANCE PROCUREMENT (CY)		190,920		190,920		190,920				190,920
	SUPPORT EQUIPMENT AND FACILITIES				-		-				
4	MISSILE INDUSTRIAL FACILITIES		2,199		2,199		2,199				2,199
	OTHER MISSILES				-		-				-
	STRATEGIC MISSILES				-		-				
5	TOMAHAWK	164	161,727	164	161,727	164	120,027		(41,700)	164	120,027
	TACTICAL MISSILES				-		-				
6	AMRAAM	115	81,691	115	81,691	115	77,691		(4,200)	115	77,491
7	HARPOON	30	46,368	30	86,368	30	46,368		40,000	75	86,368
8	JSOW		26,218		26,218		26,218				26,218
9	STANDARD MISSILE	151	231,540	151	231,540	151	231,540			151	231,540
10	RAM	230	69,208	230	69,208	230	69,208			230	69,208
11	HELLFIRE		-		-		-				-
12	AERIAL TARGETS		68,620		68,620		68,620				68,620
13	DRONES AND DECOYS		-		-		-				-
14	OTHER MISSILE SUPPORT		22,203		22,203		22,203				22,203
	MODIFICATION OF MISSILES				-		-				
15	TOMAHAWK MODS		684		684		684		49,316		50,000
16	SPARROW MODS		4,338		4,338		4,338				4,338
17	SIDEWINDER MODS		17,861		17,861		17,861				17,861
18	HARPOON MODS		4,370		4,370		4,370				4,370
19	HARM MODS		-		-		-				-
20	STANDARD MISSILES MODS		35,055		35,055		35,055				35,055
	SUPPORT EQUIPMENT AND FACILITIES				-		-				
21	WEAPONS INDUSTRIAL FACILITIES		13,094		13,094		13,094		30,000		43,094
22	FLEET SATELLITE COMM (MYP)		51,764		51,764		81,764				51,764
	ORDNANCE SUPPORT EQUIPMENT				-		-				
23	ORDNANCE SUPPORT EQUIPMENT		5,012		5,012		5,012				5,012
	TORPEDOES AND RELATED EQUIPMENT				-		-				
	TORPEDOES AND RELATED EQUIPMENT				-		-				
24	MK-48 ADCAP TORPEDO (MYP)		-		-		-				-
24	LESS: ADVANCE PROCUREMENT (PY)		-		-		-				-
25	MK-50 ALWT		-		-		-				-
26	ASW TARGETS		652		652		652				652
27	VERTICAL LAUNCHED ASROC (VLA)		-		-		-				-
27	LESS: ADVANCE PROCUREMENT (PY)		-		-		-				-
	MOD OF TORPEDOES AND RELATED EQUIP				-		-				
28	MK-46 TORPEDO MODS		3,613		3,613		3,613				3,613
29	MK-48 TORPEDO ADCAP MODS		61,022		61,022		61,022				61,022
30	QUICKSTRIKE MINE		-		-		-				-
	SUPPORT EQUIPMENT				-		-				
31	TORPEDO SUPPORT EQUIPMENT		31,237		31,237		31,237			-	31,237
32	ASW RANGE SUPPORT		18,128		18,128		18,128			-	18,128

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	DESTINATION TRANSPORTATION				-		-				
33	FIRST DESTINATION TRANSPORTATION		4,032		4,032		4,032				4,032
	OTHER WEAPONS				-		-				
	GUNS AND GUN MOUNTS				-		-				
34	SMALL ARMS AND WEAPONS		922		922		922				922
	MODIFICATION OF GUNS AND GUN MOUNTS				-		-				
35	CIWS MODS		37,328		37,328		37,328				37,328
36	5/54 GUN MOUNT MODS		2,605		2,605		2,605				2,605
37	MK-75 76MM GUN MOUNT MODS		901		901		901				901
38	MODS UNDER $2 MILLION		1,645		1,645		1,645				1,645
	OTHER										
39	CANCELLED ACCOUNT ADJUSTMENTS		-		-		-				-
	OTHER ORDNANCE				-		-				
	AIR LAUNCHED ORDNANCE				-		-				
40	GENERAL PURPOSE BOMBS		46,142		-		46,142		(46,142)		-
41	2.75 INCH ROCKETS		14,806		-		14,806		(14,806)		-
42	MACHINE GUN AMMUNITION		11,469		-		11,469		(11,469)		-
43	PRACTICE BOMBS		11,195		-		11,195		(11,195)		-
44	CARTRIDGES & CART ACTUATED DEVICES		17,974		-		17,974		(17,974)		-
45	AIRCRAFT ESCAPE ROCKETS		10,586		-		10,586		(10,586)		-
46	AIR EXPENDABLE COUNTERMEASURES		22,828		-		22,828		(22,828)		-
47	MARINE LOCATION MARKERS		871		-		871		(871)		-
48	JATOS		4,940		-		4,940		(4,940)		-
	SHIP ORDNANCE				-						
49	5 INCH/54 GUN AMMUNITION		21,501		-		21,501		(21,501)		
50	CIWS AMMUNITION		93		-		93		(93)		-
51	76MM GUN AMMUNITION		6,432		-		6,432		(6,432)		-
52	OTHER SHIP GUN AMMUNITION		5,148		-		5,148		(5,148)		-
	OTHER ORDNANCE				-		-				
53	SMALL ARMS & LANDING PARTY AMMO		5,814		-		5,814		(5,814)		-
54	PYROTECHNIC AND DEMOLITION		11,253		-		11,253		(11,253)		-
55	MINE NEUTRALIZATION DEVICES		787		-		787		(787)		-
56	SHIP EXPENDABLE COUNTERMEASURES		8,871		-		8,871		(8,871)		-
	SPARES AND REPAIR PARTS				-		-				
	SPARES AND REPAIR PARTS				-		-				
57	SPARES AND REPAIR PARTS		64,022		64,022		64,022				64,022
	WEAPONS PROCUREMENT, NAVY-TOTAL		1,787,121		1,626,411		1,771,421		(127,294)		1,659,827

Overview

The budget request for fiscal year 1996 contained an authorization of $5,051.9 million for Shipbuilding and Conversion Procurement, Navy in the Department of Defense. The House bill would authorize $6,227.9 million. The Senate amendment would authorize $7,111.9 million. The conferees recommended an authorization of $6,643.9 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Line No	Title	FY 1996 Request Quantity	FY 1996 Request Amount	House Authorized Quantity	House Authorized Amount	Senate Authorized Quantity	Senate Authorized Amount	Change to Request Quantity	Change to Request Amount	Conference Agreement Quantity	Conference Agreement Amount
	SHIPBUILDING & CONVERSION, NAVY										
	OTHER WARSHIPS										
	OTHER WARSHIPS										
1	CARRIER REPLACEMENT PROGRAM		-		-		-				
1	LESS: ADVANCE PROCUREMENT (PY)		-		-		-				-
2	SSN-21	1	1,876,102		368,625	1	1,876,102		(807,477)	1	1,068,625
2	LESS: ADVANCE PROCUREMENT (PY)		(368,625)		(368,625)		(368,625)				(368,625)
3	NEW SSN		704,498		704,498		814,498		100,000		804,498
3a	ENHANCED SSN CAPABILITIES		-		1,000,000						-
4	CVN REFUELING OVERHAULS		221,988		221,988		221,988				221,988
5	CGN REFUELING OVERHAULS		1,719		1,719		1,719				1,719
5	LESS: ADVANCE PROCUREMENT (PY)		(1,719)		(1,719)		(1,719)				(1,719)
6	DDG-51	2	2,162,457	3	2,812,457	4	2,812,457			3	2,162,457
6	LESS: ADVANCE PROCUREMENT (PY)		-		-		-				-
7	ADVANCE PROCUREMENT (CY)		6,800		6,800		6,800				6,800
	AMPHIBIOUS SHIPS				-		-				
	AMPHIBIOUS SHIPS				-		-				
8	LHD-1 AMPHIBIOUS ASSAULT SHIP (MYP)		-		-	1	1,400,000		1,400,000	1	1,400,000
8	LESS: ADVANCE PROCUREMENT (PY)		-		-		(100,000)		(100,000)		(100,000)
8a	LPD-17				974,000		-		974,000	1	974,000
9	ADVANCE PROCUREMENT (CY)		-		-		-				-
	MINE WARFARE AND PATROL SHIPS				-		-				-
	MINE WARFARE AND PATROL SHIPS				-		-				
10	MCS CONV		-		-		-				
10a	FAST PATROL CRAFT		-		9,500				9,500		9,500
	AUXILIARIES, CRAFT, AND PRIOR-YEAR PROGR				-		-				
	AUXILIARIES, CRAFT AND PRIOR YEAR PROGRAM COS				-		-				
11	AE(C)	2	62,130	2	62,130	2	62,130			2	62,130
12	OCEANOGRAPHIC SHIPS		-		-		-				-
12a	T-AGS 64		-		70,000				16,000		16,000
12b	LSD-52 SELF DEFENSE								20,000		20,000
13	SERVICE CRAFT		16,996		16,996		16,996				16,996
14	OUTFITTING		144,791		134,791		144,791		(10,000)		134,791
15	POST DELIVERY		174,991		164,991		174,991		(10,000)		164,991
16	AFS (C)	2	47,096	2	47,096	2	47,096			2	47,096
17	FIRST DESTINATION TRANSPORTATION		2,711		2,711		2,711				2,711
18	SSN MAIN STEAM CONDENSERS		-		-		-				-
	SHIPBUILDING & CONVERSION, NAVY-TOTAL		5,051,935		6,227,958		7,111,935		1,592,023		6,643,958

Overview

The budget request for fiscal year 1996 contained an authorization of $0 million for Ammunition Procurement, Navy and Marine Corps in the Department of Defense. The House bill would authorize $461.8 million. The Senate amendment would authorize $0 million. The conferees recommended an authorization of $430.1 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Line No	Title	FY 1996 Request Quantity	FY 1996 Request Amount	House Authorized Quantity	House Authorized Amount	Senate Authorized Quantity	Senate Authorized Amount	Change to Request Quantity	Change to Request Amount	Conference Agreement Quantity	Conference Agreement Amount
	PROCUREMENT OF AMMUNITION, NAVY & MARINE CORP										
	PROC AMMO, NAVY										
	NAVY AMMUNITION										
1	GENERAL PURPOSE BOMBS		-		46,142		-		43,000		43,000
2	2.75 INCH ROCKETS		-		14,806		-		14,806		14,806
3	MACHINE GUN AMMUNITION		-		11,469		-		11,469		11,469
4	PRACTICE BOMBS		-		11,195		-		19,000		19,000
5	CARTRIDGES & CART ACTUATED DEVICES		-		17,974		-		17,974		17,974
6	AIRCRAFT ESCAPE ROCKETS		-		10,586		-		10,586		10,586
7	AIR EXPENDABLE COUNTERMEASURES		-		22,828		-		24,828		24,828
8	MARINE LOCATION MARKERS		-		871		-		871		871
9	DEFENSE NUCLEAR AGENCY MATERIAL		-		-		-				-
10	JATOS		-		4,940		-		4,940		4,940
	NAVY AMMUNITION						-				
11	5 INCH/54 GUN AMMUNITION		-		51,701		-		36,000		36,000
12	CIWS AMMUNITION		-		93		-		93		93
13	76MM GUN AMMUNITION		-		6,432		-		6,432		6,432
14	OTHER SHIP GUN AMMUNITION		-		5,148		-		10,148		10,148
	NAVY AMMUNITION						-				
15	SMALL ARMS & LANDING PARTY AMMO		-		5,814		-		5,814		5,814
16	PYROTECHNIC AND DEMOLITION		-		11,253		-		11,253		11,253
17	MINE NEUTRALIZATION DEVICES		-		787		-		787		787
18	SHIP EXPENDABLE COUNTERMEASURES		-		8,871		-		8,871		8,871
	PROC AMMO, MC				-		-				
	MARINE CORPS AMMUNITION						-				
19	5.56 MM, ALL TYPES		-		28,487		-		28,487		28,487
20	7.62 MM, ALL TYPES		-		12,082		-		12,082		12,082
21	.50 CALIBER		-		66,688		-		45,000		45,000
22	40 MM, ALL TYPES		-		3,939		-		3,939		3,939
23	60 MM HE M888		-		9,855		-		9,855		9,855
24	81 MM HE		-		4,724		-		14,724		14,724
25	81 MM SMOKE SCREEN		-		5,445		-		5,445		5,445
26	81MM ILLUMINATION (M853)		-		-		-		-		-
26a	81MM ILLUMINATION (M816)		-		6,700				6,700		6,700
27	120MM TPCSDS-T M865		-		8,902		-		8,902		8,902
28	120 MM TP-T M831		-		3,314		-		3,314		3,314
	155MM CHG, PROP, RED BAG								16,000		16,000
	155MM PROP CHARGE M203A1				32,000		-		-		-
29	FUZE, ET, XM762		-		10,000		-		10,000		10,000
30	CTG 25MM, ALL TYPES		-		6,724		-		6,724		6,724
31	9 MM ALL TYPES		-		2,979		-		2,979		2,979
32	ROCKETS, ALL TYPES		-		7,034		-		7,034		7,034
33	AMMO MODERNIZATION		-		9,611		-		9,611		9,611
	GRENADES, ALL TYPES				1,174				1,174		1,174
	MARINE CORPS AMMUNITION						-				
34	ITEMS LESS THAN $2 MIL		-		11,211		-		11,211		11,211
	PROCUREMENT OF AMMUNITION, NAVY & MARINE CORP		-		461,779		-		430,053		430,053

Overview

The budget request for fiscal year 1996 contained an authorization of $2,396.1 million for Other Procurement, Navy in the Department of Defense. The House bill would authorize $2,461.5 million. The Senate amendment would authorize $2,471.9 million. The conferees recommended an authorization of $2,414.8 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

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	OTHER PROCUREMENT, NAVY										
	SHIPS SUPPORT EQUIPMENT										
	SHIP PROPULSION EQUIPMENT										
1	LM-2500 GAS TURBINE		7,973		7,973		7,973				7,973
2	ALLISON 501K GAS TURBINE		7,143		7,143		7,143				7,143
3	STEAM PROPULSION IMPROVEMENT		781		781		781				781
4	OTHER PROPULSION EQUIPMENT		3,185		3,185		3,185				3,185
	GENERATORS				-		-				
5	OTHER GENERATORS		7,754		7,754		7,754				7,754
	PUMPS				-		-				
6	OTHER PUMPS		1,014		1,014		1,014				1,014
7	SUBMARINE PUMP RETROFIT KITS		-		-		-				-
	AIR COMPRESSORS				-		-				
8	HIGH PRESSURE AIR COMPRESSORS		-		-		-				-
	PROPELLERS				-		-				-
9	SUBMARINE PROPELLERS		-		-		-				
10	OTHER PROPELLERS AND SHAFTS		1,543		1,543		1,543				1,543
	NAVIGATION EQUIPMENT				-		-				
11	ELEC SUSPENDED GYRO NAVIGATOR		4,108		-		1,608		(4,108)		-
12	OTHER NAVIGATION EQUIPMENT		17,688		27,688		27,688		10,000		27,688
	UNDERWAY REPLENISHMENT EQUIPMENT				-		-				
13	UNDERWAY REPLENISHMENT EQUIPMENT		14,008		14,008		14,008				14,008
	PERISCOPES				-		-				
14	SUB PERISCOPES & IMAGING EQUIP		24,157		24,157		24,157				24,157
	OTHER SHIPBOARD EQUIPMENT				-		-				
15	FIREFIGHTING EQUIPMENT		19,652		19,652		19,652				19,652
16	COMMAND AND CONTROL SWITCHBOARD		4,702		4,702		4,702				4,702
17	POLLUTION CONTROL EQUIPMENT		104,493		104,493		104,493				104,493
18	SUBMARINE SILENCING EQUIPMENT		4,539		4,539		4,539				4,539
19	SURFACE SHIP SILENCING EQUIPMENT		-		-		-				-
20	SUBMARINE BATTERIES		7,347		7,347		7,347				7,347
21	SSN21 CLASS SUPPORT EQUIPMENT		4,982		4,982		4,982				4,982
22	STRATEGIC PLATFORM SUPPORT EQUIP		4,500		4,500		4,500				4,500
23	DSSP EQUIPMENT		6,622		6,622		6,622				6,622
24	MINESWEEPING EQUIPMENT		12,985		12,985		12,985		(6,000)		6,985
25	HM&E ITEMS UNDER $2 MILLION		43,389		33,389		43,389		(10,000)		33,389
26	LASER ARTICULATION ROBOTIC SYSTEM (LARS)		-		-		-				-
27	SURFACE IMA		1,407		1,407		1,407				1,407
28	DEGAUSSING EQUIPMENT		-		-		-				-
29	RADIOLOGICAL CONTROLS		151		151		151				151
30	MINI/MICROMINI ELECTRONIC REPAIR		990		990		990				990
31	SUBMARINE LIFE SUPPORT SYSTEM		-		-		-				-
	REACTOR PLANT EQUIPMENT				-		-				
32	REACTOR POWER UNITS		-		-		-				-
33	REACTOR COMPONENTS		187,943		187,943		187,943				187,943
	OCEAN ENGINEERING				-		-				
34	DIVING AND SALVAGE EQUIPMENT		8,234		8,234		8,234				8,234
35	NAVAL SPECIAL WARFARE EQUIPMENT		4,784		4,784		4,784				4,784
	SMALL BOATS				-		-				

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Line No	Title	FY 1996 Request Quantity	FY 1996 Request Amount	House Authorized Quantity	House Authorized Amount	Senate Authorized Quantity	Senate Authorized Amount	Change to Request Quantity	Change to Request Amount	Conference Agreement Quantity	Conference Agreement Amount
36	STANDARD BOATS		8,072		8,072		8,072				8,072
	TRAINING EQUIPMENT				-		-				-
37	OTHER SHIPS TRAINING EQUIPMENT		5,388		5,388		5,388				5,388
	PRODUCTION FACILITIES EQUIPMENT				-		-				
38	PRODUCTION SUPPORT FACILITIES		3,258		3,258		3,258				3,258
39	OPERATING FORCES IPE		821		821		821				821
	OTHER SHIP SUPPORT				-		-				
40	NUCLEAR ALTERATIONS		120,452		120,452		120,452				120,452
41	FLEET MODERNIZATION PROGRAM		-		3,000		-		3,000		3,000
	COMMUNICATIONS AND ELECTRONICS EQUIPMENT				-		-				
	SHIP RADARS				-		-				
42	AN/SPS-40		-		-		-				-
43	AN/SPS-48		2,167		2,167		2,167				2,167
44	AN/SPS-49		10,038		10,038		10,038				10,038
45	AN/SYS-0		311		311		311				311
46	MK-23 TARGET ACQUISITION SYSTEM		5,283		5,283		5,283				5,283
47	RADAR SUPPORT		466		9,466		466		9,000		9,466
48	SURFACE ELECTRO-OPTICAL SYSTEM		3,542		3,542		3,542				3,542
	SHIP SONARS				-		-				
49	SURFACE SONAR SUPPORT EQUIPMENT		9,349		9,349		9,349				9,349
50	AN/SQQ-89 SURF ASW COMBAT SYSTEM		30,297		30,297		30,297		(5,000)		25,297
51	SSN ACOUSTICS		42,269		42,269		42,269				42,269
52	SURFACE SONAR WINDOWS AND DOME		-		6,000		-		6,000		6,000
53	SONAR SUPPORT EQUIPMENT		25,836		25,836		25,836				25,836
54	SONAR SWITCHES AND TRANSDUCERS		9,069		9,069		9,069				9,069
55	FBM SYSTEM SONARS		-		-		-				-
	ASW ELECTRONIC EQUIPMENT				-		-				
56	SUBMARINE ACOUSTIC WARFARE SYSTEM		7,973		7,973		7,973				7,973
57	SSTD		13,751		13,751		13,751				13,751
58	ACOUSTIC COMMUNICATIONS		225		225		225				225
59	SOSUS		19,725		19,725		19,725				19,725
60	AN/SQR-18 TOWED ARRAY SONAR		-		-		-				-
61	SURTASS		18,513		18,513		18,513				18,513
62	ASW OPERATIONS CENTER		8,358		8,358		8,358				8,358
63	CARRIER ASW MODULE		169		169		169				169
	ELECTRONIC WARFARE EQUIPMENT				-		-				
64	AN/SLQ-32		19,076		19,076		42,076				19,076
65	AN/WLR-1		2,898		2,898		2,898				2,898
66	AN/WLR-8		-		-		-				-
67	ICAD SYSTEMS		1,449		1,449		1,449				1,449
68	EW SUPPORT EQUIPMENT		8,351		8,351		8,351				8,351
69	C-3 COUNTERMEASURES		9,540		9,540		9,540		15,000		24,540
	RECONNAISSANCE EQUIPMENT				-		-				
70	COMBAT DF		4,967		4,967		4,967				4,967
71	OUTBOARD		1,505		1,505		1,505				1,505
72	BATTLE GROUP PASSIVE HORIZON EXTEN		-		-		-				-
	SUBMARINE SURVEILLANCE EQUIPMENT				-		-				
73	AN/WLQ-4		2,977		2,977		2,977				2,977
74	SUBMARINE SUPPORT EQUIPMENT PROG		4,432		4,432		4,432				4,432

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	OTHER SHIP ELECTRONIC EQUIPMENT				-		-				
75	NAVY TACTICAL DATA SYSTEM		301		301		301				301
76	TACTICAL FLAG COMMAND CENTER		15,330		15,330		15,330				15,330
77	NAVAL TACTICAL COMMAND SUPPORT SYSTEM (NTCSS)		31,380		31,380		31,380				31,380
78	LINK 16 HARDWARE		15,452		15,452		15,452				15,452
79	MINESWEEPING SYSTEM REPLACEMENT		5,019		5,019		5,019				5,019
80	SHALLOW WATER MCM		398		398		398				398
81	EMSP (MYP)		26,100		26,100		26,100				26,100
82	NAVSTAR GPS RECEIVERS		1,487		1,487		1,487				1,487
83	HF LINK-11 DATA TERMINALS		3,578		3,578		3,578				3,578
84	ARMED FORCES RADIO AND TV		3,549		3,549		3,549				3,549
85	STRATEGIC PLATFORM SUPPORT EQUIP		10,007		10,007		10,007				10,007
	TRAINING EQUIPMENT				-		-				
86	OTHER SPAWAR TRAINING EQUIPMENT		2,298		2,298		2,298				2,298
87	OTHER TRAINING EQUIPMENT		11,602		11,602		11,602				11,602
	AVIATION ELECTRONIC EQUIPMENT				-		-				
88	MATCALS		1,588		1,588		1,588				1,588
89	SHIPBOARD AIR TRAFFIC CONTROL		7,704		7,704		7,704				7,704
90	AUTOMATIC CARRIER LANDING SYSTEM		6,659		6,659		6,659				6,659
91	NATIONAL AIR SPACE SYSTEM		-		-		-				-
92	TACAN		28		28		28				28
93	AIR STATION SUPPORT EQUIPMENT		5,801		5,801		5,801				5,801
94	MICROWAVE LANDING SYSTEM		507		507		507				507
95	FACSFAC		6,388		6,388		6,388				6,388
96	ID SYSTEMS		10,202		10,202		10,202		(500)		9,702
97	SURFACE IDENTIFICATION SYSTEMS		10,248		10,248		10,248				10,248
	OTHER SHORE ELECTRONIC EQUIPMENT				-		-				-
98	TADIX-B		4,450		4,450		4,450				4,450
99	NAVAL SPACE SURVEILLANCE SYSTEM		-		-		-				-
100	NATIONAL IMAGERY SUPPORT		1,292		1,292		1,292				1,292
101	NCCS ASHORE		7,730		7,730		7,730				7,730
102	RADIAC		4,877		4,877		4,877				4,877
103	GPETE		13,452		13,452		13,452				13,452
104	INTEG COMBAT SYSTEM TEST FACILITY		6,164		6,164		6,164				6,164
105	CALIBRATION STANDARDS		2,384		2,384		2,384				2,384
106	EMI CONTROL INSTRUMENTATION		5,917		5,917		5,917				5,917
107	SHORE ELEC ITEMS UNDER $2 MILLION		8,558		8,558		8,558				8,558
	SHIPBOARD COMMUNICATIONS				-		-				
108	SHIPBOARD TACTICAL COMMUNICATIONS		6,635		6,635		10,135		6,300		12,935
109	PORTABLE RADIOS		1,436		1,436		1,436				1,436
110	SINCGARS		3,132		3,132		3,132				3,132
111	SHIP COMMUNICATIONS AUTOMATION		6,110		6,110		6,110				6,110
112	SHIP COMM ITEMS UNDER $2 MILLION		11,104		11,104		11,104				11,104
	SUBMARINE COMMUNICATIONS				-		-				
113	SHORE LF/VLF COMMUNICATIONS		4,288		4,288		4,288				4,288
114	SUBMARINE COMMUNICATION EQUIPMENT		17,961		17,961		17,961				17,961
	SATELLITE COMMUNICATIONS				-		-				
115	SATCOM SHIP TERMINALS		98,099		98,099		112,499		14,400		112,499
116	SATCOM SHORE TERMINALS		12,228		12,228		12,228				12,228

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	SHORE COMMUNICATIONS				-		-				
117	JCS COMMUNICATIONS EQUIPMENT		1,551		1,551		1,551				1,551
118	ELECTRICAL POWER SYSTEMS		-		-		-				-
119	SHORE HF COMMUNICATIONS		795		795		795				795
120	WWMCCS COMMUNICATIONS EQUIPMENT		2,361		2,361		2,361				2,361
121	NAVAL SHORE COMMUNICATIONS		34,160		34,160		34,160				34,160
	CRYPTOGRAPHIC EQUIPMENT				-		-				
122	SECURE VOICE SYSTEM		4,204		4,204		4,204				4,204
123	SECURE DATA SYSTEM		8,636		8,636		8,636		(2,599)		6,037
124	KEY MANAGEMENT SYSTEMS		12,913		12,913		12,913				12,913
125	SIGNAL SECURITY		-		-		-				-
126	CRYPTOGRAPHIC ITEMS UNDER $2 MILL		-		-		-				-
	CRYPTOLOGIC EQUIPMENT				-		-				
127	CRYPTOLOGIC COMMUNICATIONS EQUIP		5,925		5,925		5,925				5,925
128	CRYPTOLOGIC ITEMS UNDER $2 MILLION		-		-		-				-
129	CRYPTOLOGIC FIELD TRAINING EQUIP		-		-		-				-
	OTHER ELECTRONIC SUPPORT				-		-				
130	ELEC ENGINEERED MAINT (NAVSEA)		-		-		-				-
131	ELECT ENGINEERED MAINTENANCE		1,781		1,781		1,781				1,781
	DRUG INTERDICTION SUPPORT				-		-				
132	OTHER DRUG INTERDICTION SUPPORT		-		-		-				-
	AVIATION SUPPORT EQUIPMENT				-		-				-
	SONOBUOYS				-		-				
133	AN/SSQ-36 (BT)		-		-		200		200		200
134	AN/SSQ-53 (DIFAR)		8,902		-		-		(8,902)		-
135	AN/SSQ-62 (DICASS)		-				4,100		4,090		4,090
136	AN/SSQ-110 (EER)		-		8,902		21,900		21,910		21,910
137	AN/SSQ-86 (DLC)		-		-		-				-
138	SIGNAL, UNDERWATER SOUND (SUS)		-		-		-				-
	AIR LAUNCHED ORDNANCE				-		-				
139	CARTRIDGES & CART ACTUATED DEVELOP		-		-		-				-
140	AIRCRAFT ESCAPE ROCKETS		-		-		-				-
141	AIR EXPENDABLE COUNTERMEASURES		-		-		-				-
142	MARINE LOCATION MARKERS		-		-		-				-
143	DEFENSE NUCLEAR AGENCY MATERIAL		-		-		-				-
144	JATOS		-		-		-				-
	AIRCRAFT SUPPORT EQUIPMENT				-		-				
145	WEAPONS RANGE SUPPORT EQUIPMENT		40,280		40,280		40,280				40,280
146	EXPEDITIONARY AIRFIELDS		4,924		4,924		4,924				4,924
147	AIRCRAFT REARMING EQUIPMENT		7,505		7,505		7,505				7,505
148	CATAPULTS & ARRESTING GEAR		15,876		15,876		15,876				15,876
149	METEOROLOGICAL EQUIPMENT		20,196		20,196		20,196				20,196
150	OTHER PHOTOGRAPHIC EQUIPMENT		732		732		732				732
151	AVIATION LIFE SUPPORT		17,708		17,708		17,708				17,708
152	AIRBORNE MINE COUNTERMEASURES		19,506		19,506		19,506				19,506
153	LAMPS MK III SHIPBOARD EQUIPMENT		17,914		17,914		17,914		(1,200)		16,714
154	REWSON PHOTOGRAPHIC EQUIPMENT		612		612		612				612
155	JSIPS-N		-		-		-				-
156	STOCK SURVEILLANCE EQUIPMENT		1,518		1,518		1,518				1,518

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157	OTHER AVIATION SUPPORT EQUIPMENT		12,577		12,577		12,577				12,577
	ORDNANCE SUPPORT EQUIPMENT				-		-				
	SHIP GUN SYSTEM EQUIPMENT				-		-				
158	GUN FIRE CONTROL EQUIPMENT		4,076		4,076		4,076				4,076
	SHIP MISSILE SYSTEMS EQUIPMENT				-		-				
159	MK-92 FIRE CONTROL SYSTEM		739		739		739				739
160	HARPOON SUPPORT EQUIPMENT		2,952		2,952		2,952				2,952
161	TARTAR SUPPORT EQUIPMENT		-		-		-				-
162	POINT DEFENSE SUPPORT EQUIPMENT		-		-		-				-
163	AIRBORNE ECM/ECCM		520		520		520				520
164	ENGAGEMENT SYSTEMS SUPPORT		24,994		24,994		24,994				24,994
165	NATO SEASPARROW		6,619		6,619		6,619				6,619
166	RAM GMLS		50,037		50,037		50,037				50,037
167	SHIP SELF DEFENSE SYSTEM		15,643		15,643		15,643				15,643
168	AEGIS SUPPORT EQUIPMENT		64,288		64,288		64,288				64,288
169	SURFACE TOMAHAWK SUPPORT EQUIPMENT		71,293		71,293		71,293		(10,000)		61,293
170	SUBMARINE TOMAHAWK SUPPORT EQUIP		1,391		1,391		1,391				1,391
171	VERTICAL LAUNCH SYSTEMS		10,617		10,617		8,700				10,617
	FBM SUPPORT EQUIPMENT				-		-				
172	STRATEGIC PLATFORM SUPPORT EQUIP		-		-		-				-
173	STRATEGIC MISSILE SYSTEMS EQUIP		106,189		137,689		106,189				106,189
	ASW SUPPORT EQUIPMENT				-		-				
174	MK-117 FIRE CONTROL SYSTEM		12,917		12,917		12,917				12,917
175	SUBMARINE ASW SUPPORT EQUIPMENT		6,730		6,730		6,730				6,730
176	SURFACE ASW SUPPORT EQUIPMENT		8,169		8,169		8,169				8,169
177	ASW RANGE SUPPORT EQUIPMENT		5,118		5,118		5,118				5,118
	OTHER ORDNANCE SUPPORT EQUIPMENT				-		-				
178	EXPLOSIVE ORDNANCE DISPOSAL EQUIP		9,690		9,690		9,690				9,690
179	UNMANNED SEABORNE TARGET		4,333		4,333		4,333				4,333
180	ANTI-SHIP MISSILE DECOY SYSTEM		15,199		15,199		15,199		(12,600)		2,599
181	INDUSTRIAL FACILITIES (CALIBRATION EQUIPMENT)		5,316		5,316		5,316				5,316
182	STOCK SURVEILLANCE EQUIPMENT		1,483		1,483		1,483				1,483
183	OTHER ORDNANCE TRAINING EQUIPMENT		-		-		-				-
	OTHER EXPENDABLE ORDNANCE				-		-				
184	FLEET MINE SUPPORT EQUIPMENT		4,452		4,452		4,452		1,700		6,152
185	MINE NEUTRALIZATION DEVICES		-		-		-				-
186	DEFENSE NUCLEAR AGENCY MATERIAL		-		-		-				-
187	SHIP EXPENDABLE COUNTERMEASURE		-		-		-				-
	CIVIL ENGINEERING SUPPORT EQUIPMENT				-		-				-
	CIVIL ENGINEERING SUPPORT EQUIPMENT				-		-				
188	PASSENGER CARRYING VEHICLES	213	2,881	213	2,881	213	2,881			213	2,881
189	SPECIAL PURPOSE VEHICLES		6,298		6,298		6,298				6,298
190	GENERAL PURPOSE TRUCKS		7,045		7,045		7,045				7,045
191	TRAILERS/TRUCK TRACTORS		1,345		1,345		1,345				1,345
192	EARTH MOVING EQUIPMENT		2,293		2,293		2,293				2,293
193	CONSTRUCTION & MAINTENANCE EQUIP		1,329		1,329		1,329				1,329
194	FIRE FIGHTING EQUIPMENT		2,224		2,224		2,224				2,224
195	WEIGHT HANDLING EQUIPMENT		1,017		1,017		1,017				1,017
196	AMPHIBIOUS EQUIPMENT		3,010		3,010		3,010				3,010

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197	COMBAT CONSTRUCTION SUPPORT EQUIP		1,026		1,026		1,026				1,026
198	MOBILE UTILITIES SUPPORT EQUIPMENT		710		710		710				710
199	COLLATERAL EQUIPMENT		577		577		577				577
200	OCEAN CONSTRUCTION EQUIPMENT		139		139		139				139
201	FLEET MOORINGS		-		-		-				-
202	POLLUTION CONTROL EQUIPMENT		18,141		18,141		18,141				18,141
203	OTHER CIVIL ENG SUPPORT EQUIPMENT		100		100		100				100
204	NATURAL GAS UTILIZATION EQUIPMENT		-		-		-				-
	SUPPLY SUPPORT EQUIPMENT				-		-				-
	SUPPLY SUPPORT EQUIPMENT				-		-				
205	FORKLIFT TRUCKS		3,750		3,750		1,750		(2,000)		1,750
206	OTHER MATERIALS HANDLING EQUIPMENT		1,559		1,559		1,559				1,559
207	OTHER SUPPLY SUPPORT EQUIPMENT		48		48		48				48
208	FIRST DESTINATION TRANSPORTATION		6,827		6,827		6,827				6,827
209	SPECIAL PURPOSE SUPPLY SYSTEMS		74,934		74,934		88,934				74,934
	PERSONNEL AND COMMAND SUPPORT EQUIPMENT				-		-				
	TRAINING DEVICES				-		-				
210	SUBMARINE SONAR TRAINERS		-		-		-				-
211	SURFACE COMBAT SYSTEM TRAINERS		745		745		745				745
212	SHIP SYSTEM TRAINERS		-		-		-				-
213	TRAINING SUPPORT EQUIPMENT		2,622		2,622		2,622				2,622
214	TRAINING DEVICE MODIFICATIONS		21,954		21,954		21,954				21,954
	COMMAND SUPPORT EQUIPMENT				-		-				
215	COMMAND SUPPORT EQUIPMENT		33,298		33,298		33,298				33,298
216	EDUCATION SUPPORT EQUIPMENT		385		385		385				385
217	MEDICAL SUPPORT EQUIPMENT		7,462		7,462		7,462				7,462
218	INTELLIGENCE SUPPORT EQUIPMENT		-		-		-				-
219	ITEMS UNDER $2 MILLION		-		-		-				-
220	OPERATING FORCES SUPPORT EQUIPMENT		-		-		-				-
221	NAVAL RESERVE SUPPORT EQUIPMENT		596		596		596				596
222	ENVIRONMENTAL SUPPORT EQUIPMENT		647		647		647				647
223	PHYSICAL SECURITY EQUIPMENT		4,567		4,567		4,567				4,567
224	INDUSTRIAL DEPOT MAINTENANCE EQUIP		6,953		6,953		6,953				6,953
	COMPUTER ACQUISITION PROGRAM				-		-				
225	COMPUTER ACQUISITION PROGRAM		-		-		-				-
	OTHER				-		-				-
226	CANCELLED ACCOUNT ADJUSTMENTS		-		-		-				-
226a	SAFETY AND SURVIABLITY ITEMS		-		20,000				10,000		10,000
	SPARES AND REPAIR PARTS				-		-				
	SPARES AND REPAIR PARTS				-		-				
227	SPARES AND REPAIR PARTS		210,213		210,213		210,213		(20,000)		190,213
	OTHER PROCUREMENT, NAVY-TOTAL		2,396,080		2,461,472		2,471,861		18,691		2,414,771

Submarine navigation sets

The budget request included $4.1 million for the electrically suspended gyro navigator (ESGN), the navigation system currently installed on Navy submarines. It also included $17.7 million for other navigation equipment.

The House bill would reduce ESGN funding by $4.1 million and increase funding for other navigation equipment by $10.0 million to purchase and install MK–49 ring laser gyro (RLG) navigators on Navy submarines.

The Senate amendment would reduce ESGN funding by $2.5 million, the amount budgeted for ESGN reliability modifications. It would also increase funding for other navigation equipment by $10.0 million to purchase and install MK–49 RLG navigators on Navy submarines.

The Senate recedes.

AN/BPS–16 submarine radar

The budget request included $0.5 million for ship radar support .

The House bill would add $9.0 million for procurement of AN/BPS–16 submarine radar systems because of a concern about the reliability and operational suitability of the existing AN/BPS–15 submarine navigation radar.

The Senate amendment would authorize the budget request.

The conferees are aware that there is a commercial off-the-shelf (COTS) variant of the AN/BPS–16 that could be procured and installed at a substantially lower cost than the AN/BPS–16 built to military specifications. The conferees are also aware that the reliability and maintenance challenges associated with the existing AN/BPS–15 have induced many Navy submarine crews to procure inexpensive commercial navigation radars with limited capability.

Based on these considerations, the conferees agree to authorize an increase of $9.0 million for the procurement and installation of AN/BPS–16 submarine radar sets. The conferees encourage the Navy to take advantage of the new COTS variant of the AN/BPS–16 to achieve the maximum benefit from this additional funding.

Afloat planning system

The conferees have fully supported the Tomahawk cruise missile program and the associated support systems necessary for employment of Tomahawk for precision strike missions. The conferees note that the Tomahawk afloat planning system (APS) complements the Tomahawk mission planning system, located at the shore-based mission planning centers, and provides afloat battle group and battle force commanders or deployed joint staffs with an organic capability to plan for the tactical employment of the conventional Tomahawk land attack missile (TLAM). APS is also an integral part of the Joint Service Imagery Processing System—Navy (JSIPS–N) and Challenge Athena systems. These systems support Tomahawk strike planning, but can also provide mission planning support for other precision guided munitions.

The conferees encourage the Department of Defense to:

(1) continue support and funding for APS; and

(2) consider extending APS's targeting and mission planning capabilities to other tactical command echelons, in order to meet the expanding requirement for tactical utilization of the Tomahawk system and improve its responsiveness to the demands of land battle.

Overview

The budget request for fiscal year 1996 contained an authorization of $474.1 million for Marine Corps Procurement, Navy in the Department of Defense. The House bill would authorize $399.2 million. The Senate amendment would authorize $683.4 million. The conferees recommended an authorization of $458.9 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

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	PROCUREMENT, MARINE CORPS										
	AMMUNITION										
	AMMUNITION										
1	5.56 MM, ALL TYPES		28,487		-		28,487		(28,487)		-
2	7.62 MM, ALL TYPES		2,082		-		12,082		(2,082)		-
3	LINEAR CHARGES, ALL TYPES		-		-		-				-
4	.50 CALIBER		8,588		-		8,588		(8,588)		-
4a	.50 CALIBER SLAP				-		10,000				-
4b	.50 CALIBER 4 & 1				-		15,000				-
5	40 MM, ALL TYPES		3,939		-		3,939		(3,939)		-
6	60 MM HE M888		9,855		-		9,855		(9,855)		-
7	81 MM HE		4,724		-		4,724		(4,724)		-
7a	81 MM HE M889A1				-						-
8	81 MM SMOKE SCREEN		5,445		-		5,445		(5,445)		-
8a	81 MM IR M 816				-		11,400				-
9	120MM TPCSDS-T M865		8,902		-		8,902		(8,902)		-
10	120 MM TP-T M831		3,314		-		3,314		(3,314)		-
10a	CTG TANK 120MM APFSDS-T M7829A2		-		-		5,000				-
10b	CTG TANK 120MM MP-T M830A1		-		-		5,000				-
11	FUZE, ET, XM762		-		-		-				-
12	FUZE, ET, XM767		-		-		-				-
13	CTG 25MM, ALL TYPES		6,724		-		6,724		(6,724)		-
14	9 MM ALL TYPES		2,979		-		2,979		(2,979)		-
15	MINES, ALL TYPES		-		-		-				-
16	GRENADES, ALL TYPES		474		-		474		(474)		-
17	ROCKETS, ALL TYPES		7,034		-		7,034		(7,034)		-
18	AMMO MODERNIZATION		9,611		-		9,611		(9,611)		-
	PROP CHARGE M203A1				-		26,000				-
	GRENADE, SMOKE VIOLET				-		700				-
	IGNITER M776				-		400				-
	DEMO SHEET				-		2,200				-
	OTHER SUPPORT				-		-				-
19	ITEMS LESS THAN $2 MIL		8,711		-		8,711		(8,711)		-
	WEAPONS AND COMBAT VEHICLES				-		-				-
	TRACKED COMBAT VEHICLES				-		-				-
20	AAV7A1 PIP		11,779		11,779		11,779				11,779
21	LAV PIP		23,291		23,291		23,291				23,291
22	LIGHT ARMORED VEHICLE		-		-		-				-
23	MODIFICATION KITS (TRKD VEH)		3,273		3,273		17,773		12,300		15,573
24	ITEMS UNDER $2M (TRKD VEH)		100		100		100				100
	ARTILLERY AND OTHER WEAPONS										
25	MOD KITS (ARTILLERY)		498		498		498				498
26	ITEMS UNDER $2M (ALL OTHER)		120		120		120				120
	GUIDED MISSILES AND EQUIPMENT										
	GUIDED MISSILES										
27	HAWK MOD		3,040		3,040		4,640				3,040
28	AAWS-MEDIUM		-		-		-				-
29	PEDESTAL MOUNTED STINGER (PMS) (MYP)		25,833		25,833		25,833				25,833
	OTHER SUPPORT										

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30	MODIFICATION KITS		1,991		1,991		1,991				1,991
31	ITEMS LESS THAN $2 MILLION		100		100		100				100
	COMMUNICATIONS AND ELECTRONICS EQUIPMENT										-
	MANPACK RADIOS										
32	MANPACK RADIOS AND EQUIP		9,735		9,735		12,735		3,000		12,735
33	GPS		-		-		-				-
	VEHICLE MOUNTED RADIOS AND EQUIPMENT										
34	VEHICLE MTD RADIOS & EQUIP (MYP)		-		-		-				-
35	TSC-96 PIP FLEET SATCOM TERMINAL		-		-		-				-
	TELEPHONE AND TELETYPE EQUIPMENT										
36	UNIT LEVEL CIRCUIT SWITCH (ULCS)		-		-		-				-
37	TACT COMM CENTER EQUIP		-		-		-				-
38	TACTICAL DATA NETWORK		-		-		-				-
39	JOINT TACT INFO DIST SYS (CL I)		5,375		5,375		5,375				5,375
40	GROUND MOBILE FORCES		-		-		-				-
	REPAIR AND TEST EQUIPMENT										
41	AUTO TEST EQUIP SYS		9,747		9,747		9,747				9,747
42	ELECTRONIC TEST EQUIP (TEL)		6,184		6,184		6,184				6,184
	OTHER COMM/ELEC EQUIPMENT										
43	SINGLE CHAN GRD & AIR RADIO		48,027		48,027		48,027				48,027
	OTHER SUPPORT (TEL)				-		-				
44	MODIFICATION KITS (TEL)		1,095		1,095		1,095				1,095
45	ITEMS LESS THAN $2M (TEL)		1,443		1,443		2,443				1,443
	COMMAND AND CONTROL SYSTEM (NON-TEL)										
46	POS LOCATING RPTG SYSTEM (PLRS)		-		-		-				-
47	TACTICAL AIR OPER MODULE (TAOM)		2,421		2,421		2,421				2,421
48	ADVANCED TACT AIR COMMAND CENTER		7,214		7,214		7,214				7,214
49	MARINE TACTICAL C2		-		-		-				-
50	MULTI-SERV ADF FIELD ART TACTICAL DATA SYS	188	12,140		12,140		23,140			188	12,140
51	TACTICAL COMBAT OPERATIONS SYS		11,025		11,025		11,025				11,025
	INTELL/COMM EQUIPMENT (NON-TEL)										
52	AN/TPQ-36 FIRE FINDER RADAR UPGRADE		-		-		-				-
53	METEOROLOGICAL SYSTEMS	7	3,393		3,393		3,393			7	3,393
54	INTELLIGENCE SUPPORT EQUIPMENT		6,283		6,283		6,283		29,000		35,283
55	MOD KITS (INTEL)		943		943		943				943
56	ITEMS LESS THAN $2M (INTELL)		1,755		1,755		1,755				1,755
	REPAIR AND TEST EQUIPMENT (NON-TEL)										
57	ELECTRONIC TMDE REPAIR FACILITY		-		-		-				-
58	MECH TEST TMDE		3,042		3,042		3,042				3,042
59	SHOP SET ELECT AN/GRM-32		-		-		-				-
	OTHER COMM/ELEC EQUIPMENT (NON-TEL)										
60	NIGHT VISION EQUIPMENT		2,283		2,283		4,283		2,000		4,283
61	ADP EQUIPMENT		22,839		22,839		44,439				22,839
	OTHER SUPPORT (NON-TEL)										
62	MARINE ENHANCEMENT PROGRAM		3,401		3,401		6,401		3,000		6,401
63	TEST CALIB & MAINT SPT		-		-		-				-
64	MODIFICATION KITS (NONTEL)		6,738		6,738		6,738				6,738
65	ITEMS LESS THAN $2M (NONTEL)		1,480		1,480		1,480				1,480
	SUPPORT VEHICLES										

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	ADMINISTRATIVE VEHICLES										
66	COMMERCIAL PASSENGER VEHICLES	194	2,824		2,824		2,824				2,824
67	COMMERCIAL CARGO VEHICLES		9,771		9,771		9,771				9,771
	TACTICAL VEHICLES										
68	5/4T TRUCK HMMWV (MYP)		-		-		-				-
68a	Light Recon Vehicle		-		2,000						-
69	LOGISTICS VEHICLE SYSTEM		-		-		-				-
70	TRAILERS		4,932		4,932		10,432		5,500		10,432
	OTHER SUPPORT										
71	MODIFICATION KITS		6,496		6,496		6,496		1,000		7,496
72	ITEMS LESS THAN $2 MIL		100		100		100				100
	ENGINEER AND OTHER EQUIPMENT				-		-				
	ENGINEER AND OTHER EQUIPMENT										
73	ENVIRONMENTAL CONTROL EQUIP ASSORT		2,338		2,338		2,338				2,338
74	TACTICAL FUEL SYSTEM (TFS) EQUIP		-		-		2,400				-
75	POWER EQUIPMENT ASSORTED		2,372		2,372		2,372				2,372
76	MINE/COUNTERMEASURES SYSTEM		-		-		-				-
77	AUTOMATIC BUILDING MACHINES		-		-		-				-
78	CANCELLED ACCOUNT ADJUSTMENTS		-		-		-				-
	MATERIALS HANDLING EQUIPMENT										
79	COMMAND SUPPORT EQUIPMENT		-		-		-				-
80	AMPHIBIOUS RAID EQUIPMENT		257		257		257				257
81	PHYSICAL SECURITY EQUIPMENT		1,839		1,839		1,839				1,839
82	GARRISON MOBILE ENGR EQUIP		5,169		5,169		5,169				5,169
83	TELEPHONE SYSTEM		8,268		8,268		8,268				8,268
84	WAREHOUSE MODERNIZATION		2,927		2,927		2,927				2,927
85	MATERIAL HANDLING EQUIP		3,105		3,105		3,105				3,105
86	FIRST DESTINATION TRANSPORTATION		1,726		1,726		1,726				1,726
	GENERAL PROPERTY										
87	FIELD MEDICAL EQUIPMENT		3,215		3,215		3,215				3,215
88	TRAINING DEVICES		17,792		51,792		51,792		34,000		51,792
89	CONTAINER FAMILY		-		-		-				-
	OTHER SUPPORT										
90	MODIFICATION KITS		1,471		1,471		1,471				1,471
91	CHEMICAL AGENT MONITOR		-		-		-				-
92	ITEMS LESS THAN $2 MIL		75		75		75				75
93	DRUG INTERDICTION		-		-		-				-
	SPARES AND REPAIR PARTS				-		-				
	SPARES AND REPAIR PARTS										
94	SPARES AND REPAIR PARTS		51,982		51,982		51,982				51,982
	PRECISION GUNNERY TRAINING SYSTEMS								5,900		5,900
	M240 MACHINE GUN MODS										
	ASSET TRACKING LOGISTICS SYSTEM										
	LIGHT COMPUTER UNITS										
	PROCUREMENT, MARINE CORPS-TOTAL		474,116		399,247		683,416		(15,169)		458,947

Commander's Tactical Terminal

The budget request included no funding for USMC procurement of Commander's Tactical Terminal (CTT) radios.

Neither the House bill nor the Senate amendment authorized additional funding for CTT radios.

The conferees note that the Department's integrated (intelligence) broadcast service plan included migration to an interoperable family of transceivers known as the Joint Tactical Terminal. The conferees have been informed that Marine Corps procurement of CTTs will play a vital role in this plan, and therefore authorize an increase of $12.5 million for this purpose.

Marine Corps intelligence support equipment

The budget request did not include funds for Marine Corps procurement of Joint Surveillance and Target Attack Radar System (JSTARS) ground support module.

Neither the House bill nor the Senate amendment included additional funds for this purpose.

The conferees believe the Marine Corps should have more responsibility over its own procurement actions, and therefore agree to authorize an increase of $16.5 million for Marine procurement of two JSTARS ground support modules.

Light reconnaissance/strike vehicles

The budget request did not include funds for procurement of any light reconnaissance/strike vehicles (LRV/LSV).

The House bill would add $2.0 million to buy LRVs for the Marine Corps and $6.0 million to buy LSVs for the special operations forces.

The conferees agree to authorize $6.0 million for LSVs for the special operations forces.

The conferees understand that the Marine Corps has completed a mission needs statement (MNS) for an LRV. The MNS calls for fielding an LRV with the Fleet Marine Forces by fiscal year 1995. However, the Marine Corps has neither established a formal requirement nor budgeted any resources against a possible requirement.

Therefore, the conferees direct the Secretary of the Navy to report to the congressional defense committees on whether the Marine Corps will translate the MNS into an operational requirement and the risks the Fleet Marine Force will incur if an LRV is not procured. The conferees expect the Secretary to submit this report by February 28, 1996.

Overview

The budget request for fiscal year 1996 contained an authorization of $6,183.9 million for Aircraft Procurement, Air Force in the Department of Defense. The House bill would authorize $7,032.0 million. The Senate amendment would authorize $6,318.6 million. The conferees recommended an authorization of $7,349.8 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Line No	Title	FY 1996 Request Quantity	FY 1996 Request Amount	House Authorized Quantity	House Authorized Amount	Senate Authorized Quantity	Senate Authorized Amount	Change to Request Quantity	Change to Request Amount	Conference Agreement Quantity	Conference Agreement Amount
	AIRCRAFT PROCUREMENT, AIR FORCE										
	COMBAT AIRCRAFT										
	STRATEGIC OFFENSIVE										
1	B-1B (MYP)		56,336		56,336		141,336				56,336
2	B-2A (MYP)		279,921		832,921		279,921		493,000		772,921
	TACTICAL FORCES										
3	ADVANCED TACTICAL FIGHTER		-		-		-				-
4	F-15A		-		-		-				-
4a	F-15E		-		250,000		-		311,210		311,210
4b	F-15E Adv Proc				-				50,190		50,190
5	F-16 C/D (MYP)		-		175,000		-		159,400		159,400
5	LESS: ADVANCE PROCUREMENT (PY)		-		-		-				-
	AIRLIFT AIRCRAFT				-		-				
	TACTICAL AIRLIFT										
6	C-17 (MYP)	8	2,592,391	8	2,592,391	8	2,592,391			8	2,592,391
6	LESS: ADVANCE PROCUREMENT (PY)		(189,900)		(189,900)		(189,900)				(189,900)
7	ADVANCE PROCUREMENT (CY)		-		-		-				-
	OTHER AIRLIFT										
8	C-130H		-		-		-				-
9	C-130J	2	88,608	2	88,608	2	88,608			2	88,608
9a	WC-130				-				132,700	3	132,700
	STRATEGIC AIRLIFT										
10	STRATEGIC AIRLIFT		183,757		183,757		183,757				183,757
10a	NONDEVELOPMENTAL AIRLIFT AIRCRAFT		-		70,000						-
	NON DEVELOPMENT AIRLIFT										
11	NON DEVELOPMENT AIRLIFT AIRCRAFT		-		-		-				-
	TRAINER AIRCRAFT				-		-				
	OPERATIONAL TRAINERS										
12	ENHANCED FLIGHT SCREENER		-		-		-				-
13	JPATS	3	54,968	3	54,968	3	54,968			8	54,968
14	TANKER, TRANSPORT, TRAINER SYSTEM		4,374		4,374		4,374				4,374
	OTHER AIRCRAFT				-		-				
	MISSION SUPPORT AIRCRAFT										
15	CIVIL AIR PATROL A/C	27	2,597	27	2,597	27	2,597			27	2,597
16	DRUG INTERDICTION		-		-		-				-
	OTHER AIRCRAFT										
17	E-8B	2	536,334	2	536,334	2	536,334		(17,200)	2	519,134
17	LESS: ADVANCE PROCUREMENT (PY)		(141,700)		(141,700)		(141,700)				(141,700)
18	ADVANCE PROCUREMENT (CY)		97,140		97,140		97,140				97,140
19	SOF A/C CSE		-		-		-				-
	MODIFICATION OF INSERVICE AIRCRAFT				-		-				
	STRATEGIC AIRCRAFT										
20	B-2A		17,286		17,286		17,286				17,286
21	B-1B		75,383		75,383		86,983		(6,900)		68,483
22	B-52		4,908		4,908		4,908				4,908
23	F-117		47,660		47,660		47,660				47,660
	TACTICAL AIRCRAFT										
24	A-10		79,424		79,424		79,424		(38,400)		41,024
25	F/RF-4		61		61		61				61

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26	F-15		79,488		79,488		79,488		(1,200)		78,288
27	F-16		118,606		118,606		118,606				118,606
28	EF-111		1,900		1,900		1,900				1,900
29	F-111		-		-		-				-
30	T/AT-37		502		502		502				502
	AIRLIFT AIRCRAFT										
31	C-5		45,431		45,431		45,431				45,431
32	C-9		4,066		4,066		4,066				4,066
33	C-17A		12,687		12,687		12,687				12,687
34	C-21		4,654		4,654		4,654				4,654
35	C-22		670		670		670				670
36	C-STOL		298		298		298				298
37	C-137		2,402		2,402		2,402				2,402
38	C-141		95,162		95,162		95,162				95,162
	TRAINER AIRCRAFT										
39	T-1		5,762		5,762		5,762				5,762
40	T-3 (EFS) AIRCRAFT		78		78		78				78
41	T-38		11,487		11,487		11,487				11,487
42	T-41 AIRCRAFT		25		25		25				25
43	T-43		5,441		5,441		5,441				5,441
	OTHER AIRCRAFT										
44	KC-10A (ATCA)		20,690		20,690		20,690				20,690
45	C-12		3,237		3,237		3,237				3,237
46	C-18		2,675		2,675		2,675				2,675
47	C-20 MODS		7,765		7,765		7,765				7,765
48	VC-25A MOD		7,772		7,772		7,772				7,772
49	C-130		84,399		84,399		84,399		10,000		94,399
50	C-135		142,764		132,764		142,764		96,000		238,764
51	E-3		230,439		220,439		230,439				230,439
52	E-4		957		957		957				957
53	H-1		6,160		6,160		6,160				6,160
54	H-60		-		-		-				-
55	OTHER AIRCRAFT		29,433		29,433		29,433				29,433
	OTHER MODIFICATIONS										
56	CLASSIFIED PROJECTS		-		-		-				-
57	DARP		-		37,000		48,000		53,000		53,000
	AIRCRAFT SPARES AND REPAIR PARTS				-		-				
	AIRCRAFT SPARES + REPAIR PARTS										
58	SPARES AND REPAIR PARTS		603,619		598,112		583,719		(17,338)		586,281
	AIRCRAFT SUPPORT EQUIPMENT AND FACILITIE				-		-				
	COMMON AGE										
59	COMMON AGE		216,048		223,248		216,048		(3,538)		212,510
	POST PRODUCTION SUPPORT										
60	F-15 POST PRODUCTION SUPPORT		13,955		-		13,955		(6,977)		6,978
61	F-16 POST PRODUCTION SUPPORT		194,672		-		194,672		(68,050)		126,622
	INDUSTRIAL PREPAREDNESS										
62	INDUSTRIAL PREPAREDNESS		48,694		48,694		48,694				48,694
63	BOMBER INDUSTRIAL BASE SUPPORT		-		-		-				-
	WAR CONSUMABLES										

Line No	Title	FY 1996 Request Quantity	FY 1996 Request Amount	House Authorized Quantity	House Authorized Amount	Senate Authorized Quantity	Senate Authorized Amount	Change to Request Quantity	Change to Request Amount	Conference Agreement Quantity	Conference Agreement Amount
64	WAR CONSUMABLES		25,479		25,479		10,479				25,479
	OTHER PRODUCTION CHARGES										
65	OTHER PRODUCTION CHARGES		167,676		157,676		192,676		20,000		187,676
66	CANCELLED ACCOUNT ADJUSTMENTS		-		-		-				-
	COMMON ECM EQUIPMENT										
67	COMMON ECM EQUIPMENT		4,871		4,871		4,871				4,871
	DARP										
68	DARP		194,374		194,374		194,374				194,374
	AIRCRAFT PROCUREMENT, AIR FORCE-TOTAL		6,183,886		7,031,952		6,318,586		1,165,897		7,349,783

Air Force fighter aircraft data link

The budget request included $79.5 million for F–15 modifications.

The House bill would authorize the requested amount based on assurances from the Department of Defense that Air Force efforts to procure a tactical information data link for a portion of the F–15 fleet would be conducted within the scope of the Department's multifunction information distribution system (MIDS) program.

The Senate amendment would authorize the budget request. The Senate report (S. Rept. 104–112) expressed support for the Air Force's efforts to equip its fighter aircraft with "Link 16" data link capability, but questioned the Air Force's decision to pursue this capability for only a portion of the F–15 fleet. The Senate report also recommended that the Department continue MIDS acquisition and stated that it would not support any Air Force effort to start a new program, redundant to MIDS, to meet similar requirements.

The conferees note that the Under Secretary of Defense for Acquisition and Technology has terminated the F–15 data link procurement and that the Air Force now intends to pursue a MIDS variant data link to meet its requirements. The Department has informed the conferees that this program is to be a competitive solicitations that will require adherence to the MIDS architecture, MIDS software modularity, MIDS hardware modulatory as a design objective, and, for the F–15, reduced hardware and software functionality to reduce costs.

The conferees agree to authorize $78.3 million for F–15 modifications. The conferees direct the Under Secretary of Defense for Acquisition and Technology to ensure that the Department for Acquisition and Technology to ensure that the Department uses a competitive acquisition strategy for fighter data link procurement. The strategy should promote full opportunity for U.S. companies to compete within the competitive solicitation outlined by the Under Secretary.

Defense support program procurement

The budget request included $102.9 million for Defense Support Program (DSP) procurement.

The Senate amendment would authorize $67.0 million, a reduction of $35.9 million to the budget request.

The House bill would authorize the budget request.

The House recedes. The conferees are aware that $35.9 million in fiscal year 1995 funds are excess and subject to consideration for reprogramming for non-DSP purposes. Therefore, the conferees agree to reduce the fiscal year 1996 DSP procurement budget by $35.9 million, leaving $67.0 million. The conferees direct the Air Force to use the excess fiscal year 1995 omnibus reprogramming request to fulfill fiscal year 1996 DSP requirements. Given that the fiscal year 1995 DSP procurement source has been denied as part of this year's omnibus reprogramming, the conferees direct that the full amount be restored to DSP.

RC–135 re-engining

The budget request included no funding for the Defense Airborne Reconnaissance Program (DARP) modifications line (P–1), line 57) in the Aircraft Procurement Air Force account.

The House bill would authorize an increase of $37.0 million for modification of an existing C–135 aircraft to the RC–135 RIVET JOINT configuration.

The Senate amendment would authorize an increase of $48.0 million for re-engining of two existing RIVET JOINT aircraft. The Senate amendment would also authorize an increase of $31.5 million in PE 64268F for nonrecurring integration activity to facilitate an affordable program for converting two retired EC–135 aircraft to the RIVET JOINT configuration.

ENGINES AND INSTALLATION

The conferees concur with the cost effectiveness and increase in operational effectiveness that could be provided by reengining the existing fleet of RIVET JOINT aircraft and agree to authorize an increase of $48.0 million to procure and install reengining kits for two existing RIVET JOINT aircraft.

The conferees note that the theater Commanders-in-Chief (CINCs) have addressed additional RIVET JOINT aircraft as one of their highest intelligence priorities. The need for additional RIVET JOINT aircraft is further reinforced by the extremely high operational tempo currently experienced by this reconnaissance asset. The conferees support the theater CINCs' requirements for additional RIVET JOINT aircraft and strongly urge the Department to seek reprogramming authority to modify other existing C–135 assets to the RC–135 configuration.

SR–71

The conferees agree to provide an additional $5.0 million for costs associated with the refurbishment of SR–71 aircraft.

ENGINE COMPONENT IMPROVEMENT PROGRAM

The conferees agree to authority $133.2 million for the engine component improvement program, an increase of $29.5 million, consisting of two adjustments: (1) an additional $31.5 million for the integration activity described in the Senate report (S. Rept. 104–112); and (2) a reduction of the $2.0 million requested for the B–2 engine.,

Overview

The budget request for fiscal year 1996 contained an authorization of $3,647.7 million for Missile Procurement, Air Force in the Department of Defense. The House bill would authorize $3,430.1 million. The Senate amendment would authorize $3,627.5 million. The conferees recommended an authorization of $2,938.9 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Line No	Title	FY 1996 Request Quantity	FY 1996 Request Amount	House Authorized Quantity	House Authorized Amount	Senate Authorized Quantity	Senate Authorized Amount	Change to Request Quantity	Change to Request Amount	Conference Agreement Quantity	Conference Agreement Amount
	MISSILE PROCUREMENT, AIR FORCE										
	BALLISTIC MISSILES										
	MISSILE REPLACEMENT EQUIPMENT - BALLISTIC										
1	MISSILE REPLACEMENT EQ-BALLISTIC		18,749		18,749		18,749				18,749
	OTHER MISSILES				-		-				
	STRATEGIC										
2	HAVE NAP		-		39,000	50	38,000		38,000	54	38,000
3	TRI-SERVICE ATTACK MISSILE		-		-		-				
4	ADVANCED CRUISE MISSILE		1,873		1,873		1,873				1,873
	TACTICAL										
5	GPS AIDED MUNITION		-		-		-				-
6	JOINT STANDOFF WEAPON		-		-		-				-
7	AMRAAM	291	190,672	291	190,672	291	182,672		(8,000)	291	182,672
8	AGM-130 POWERED GBU-15		69,303		109,303		109,303		40,000	100	109,303
8a	Interim JSOW				-		10,400				-
	TARGET DRONES										
9	TARGET DRONES	88	39,150	88	39,150	88	39,150		(3,000)	88	36,150
10	INDUSTRIAL FACILITIES		8,100		8,100		8,100				8,100
	MISSILE REPLACEMENT EQUIPMENT - OTHER										
11	MISSILE REPLACEMENT EQ-OTHER		147		147		147				147
	MODIFICATION OF INSERVICE MISSILES				-		-				
	CLASS IV										
12	CONVENTIONAL ALCM		-		27,200		27,200		15,000	100	15,000
13	PEACEKEEPER (M-X)		-		-		-				-
14	AIM-9 SIDEWINDER		15,379		15,379		15,379				15,379
15	MM III MODIFICATIONS		19,344		29,344		29,344		10,000		29,344
16	AGM-65D MAVERICK		-		-		-				-
17	AGM-88A HARM		1,602		1,602		1,602				1,602
18	MODIFICATIONS UNDER $2.0M		1,370		1,370		1,370				1,370
	SPARES AND REPAIR PARTS				-		-				
	MISSILE SPARES + REPAIR PARTS										
19	SPARES AND REPAIR PARTS		53,914		53,914		53,914				53,914
	OTHER SUPPORT				-		-				
	SPACE PROGRAMS										
20	SPACEBORNE EQUIP (COMSEC)		19,158		19,158		19,158				19,158
21	GLOBAL POSITIONING (MYP)	4	202,910	4	202,910	4	202,910		(10,000)	4	192,910
21	LESS: ADVANCE PROCUREMENT (PY)		(66,850)		(66,850)		(66,850)				(66,850)
22	ADVANCE PROCUREMENT (CY)		38,412		33,412		-		(5,000)		33,412
23	SPACE SHUTTLE OPERATIONS		56,963		56,963		56,963				56,963
23	LESS: ADVANCE PROCUREMENT (PY)		-		-		-				-
24	SPACE BOOSTERS		464,953		459,953		449,953		(31,100)		433,853
25	ADVANCE PROCUREMENT (CY)		-		-		-				-
26	MEDIUM LAUNCH VEHICLE	4	179,493	4	179,493	4	179,493			4	179,493
26	LESS: ADVANCE PROCUREMENT (PY)		(28,564)		(28,564)		(28,564)				(28,564)
27	ADVANCE PROCUREMENT (CY)		38,856		38,856		38,856				38,856
28	DEF METEOROLOGICAL SAT PROG		29,265		29,265		29,265				29,265
29	DEFENSE SUPPORT PROGRAM (MYP)		102,911		102,911		67,011		(35,900)		67,011
29	LESS: ADVANCE PROCUREMENT (PY)		-		-		-				-
30	ADVANCE PROCUREMENT (CY)		-		-		-		-		-

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31	DEFENSE SATELLITE COMM SYSTEM		25,666		23,166		18,166		(2,500)		23,166
	SPECIAL PROGRAMS										
32	IONDS (MYP)	4	29,045	4	29,045	4	29,045			4	29,045
32	LESS: ADVANCE PROCUREMENT (PY)		(9,954)		(9,954)		(9,954)				(9,954)
33	ADVANCE PROCUREMENT (CY)		-		-		-				-
34	SPECIAL UPDATE PROGRAMS		218,751		218,751		218,751				218,751
35	SPECIAL PROGRAMS		1,605,765		1,605,765		1,534,765		(395,000)		1,210,765
	MUNITIONS & RELATED EQUIPMENT				-		-				-
	ROCKETS + LAUNCHERS				-		-				
36	2.75 INCH ROCKET MOTOR	30,000	10,402		-		10,402		(10,402)		-
37	2.75	24,320	1,993		-		1,993		(1,993)		-
38	ITEMS LESS THAN $2,000,000		950		-		950		(950)		-
	CARTRIDGES				-		-				
39	5.56 MM	13,835	5,534		-		5,534		(5,534)		-
40	20MM TRAINING		-		-		-				-
41	30 MM TRAINING	1,360	14,480		-		14,480		(14,480)		-
42	CARTRIDGE CHAFF RR-180	720	10,030		-		10,030		(10,030)		-
43	CARTRIDGE CHAFF RR-188	903	1,192		-		1,192		(1,192)		-
44	SIGNAL MK-4 MOD 3		-		-		-				-
45	CART IMP 3000 FT/LBS		-		-		-		-		-
46	ITEMS LESS THAN $2,000,000		5,162		-		5,162		(5,162)		-
	BOMBS				-		-				
47	MK-82 INERT/BDU-50	12,586	8,253		-		8,253		(8,253)		-
48	TIMER ACTUATOR FIN FUZE	10,000	6,242		-		6,242		(6,242)		-
49	BOMB PRACTICE 25 POUND	400,000	5,928		-		5,928		(5,928)		-
50	MK-84 BOMB-EMPTY	3,718	9,261		-		9,261		(9,261)		-
51	SENSOR FUZED WEAPON	500	165,447		-		165,447		(165,447)		-
	CBU-87(COMBINED EFFECTS MUNITIONS)		-		-		30,000				-
52	CBU-89 GATOR INERT	236	6,531		-		6,531		(6,531)		-
53	ITEMS LESS THAN $2,000,000		1,500		-		1,500		(1,500)		-
	OTHER ITEMS				-		-				
54	FLARE, IR MJU-7B	945,049	21,859		-		21,859		(21,859)		-
55	MJU-23 FLARE	7,426	6,483		-		6,483		(6,483)		-
56	MJU-10B	110,436	7,204		-		7,204		(7,204)		-
57	M-206 CARTRIDGE FLARE	331,564	11,250		-		11,250		(11,250)		-
58	INITIAL SPARES		621		-		621		(621)		-
59	REPLENISHMENT SPARES		2,329		-		2,329		(2,329)		-
60	MODIFICATIONS		2,340		-		2,340		(2,340)		-
61	ITEMS LESS THAN $2,000,000		11,289		-		11,289		(11,289)		-
	FUZES										-
62	JOINT PROGRAMMABLE FUSE(JPF)		-		-		-				-
	OTHER WEAPONS										
63	M-16 A2 RIFLE		5,048		-		5,048		(5,048)		-
	MISSILE PROCUREMENT, AIR FORCE-TOTAL		3,647,711		3,430,083		3,627,499		(708,828)		2,938,883

Overview

The budget request for fiscal year 1996 contained an authorization of $0 million for Ammunition Procurement, Air Force in the Department of Defense. The House bill would authorize $321.3 million. The Senate amendment would authorize $0 million. The conferees recommended an authorization of $343.8 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Line No	Title	FY 1996 Request Quantity	FY 1996 Request Amount	House Authorized Quantity	House Authorized Amount	Senate Authorized Quantity	Senate Authorized Amount	Change to Request Quantity	Change to Request Amount	Conference Agreement Quantity	Conference Agreement Amount
	PROCUREMENT OF AMMUNITION, AIR FORCE										
	PROCUREMENT OF AMMO, AIR FORCE										
	PROC AMMO, AF										
1	2.75 INCH ROCKET MOTOR		-		10,402		-		10,402		10,402
1a	2.75 INCH HEAD SIGNATURE				1,993				1,993		1,993
2	ITEMS LESS THAN $2,000,000		-		950		-		950		950
	CARTRIDGE CHAFF RR-180										-
3	5.56 MM		-		5,534		-		5,534		5,534
4	20MM TRAINING		-		-		-				-
5	30 MM TRAINING		-		14,480		-		7,000		7,000
6	CARTRIDGE CHAFF RR-180		-		10,030		-		10,030		10,030
7	CARTRIDGE CHAFF RR-188		-		1,192		-		1,192		1,192
8	SIGNAL MK-4 MOD 3		-		-		-				-
	CART IMP 3000 FT/LBS		-		-		-				-
9	ITEMS LESS THAN $2,000,000		-		5,162		-		5,162		5,162
9a	MK-82 INERT/BDU-50		-		8,253				8,253		8,253
	TIMER ACTUATOR FIN FUZE										
10	TIMER ACTUATOR FIN FUZE		-		6,242		-		6,242		6,242
11	GBU-15		-		-		-				-
12	BOMB PRACTICE 25 POUND		-		5,928		-		5,928		5,928
12a	MK-84 BOMB EMPTY				9,261				9,261		9,261
13	SENSOR FUZED WEAPON		-		165,447		-		165,447		165,447
13a	CBU-89 GATOR INERT				6,531				6,531		6,531
13b	CBU COMBINED EFFECTS MUNITIONS										
14	ITEMS LESS THAN $2,000,000		-		1,500		-		1,500		1,500
	ITEMS LESS THAN $2,000,000										
15	ITEMS LESS THAN $2,000,000		-		-		-				-
	FLARE, IR MJU-7B										
16	FLARE, IR MJU-7B		-		21,859		-		21,859		21,859
16a	MJU-23 FLARE				6,483				6,483		6,483
16b	MJU-10B				7,204				7,204		7,204
17	PARACHUTE FLARE LUU-2 B/B		-		-		-				-
18	M-206 CARTRIDGE FLARE		-		11,250		-		11,250		11,250
19	INITIAL SPARES		-		621		-		621		621
20	REPLENISHMENT SPARES		-		2,329		-		2,329		2,329
21	MODIFICATIONS		-		2,340		-		2,340		2,340
22	ITEMS LESS THAN $2,000,000		-		11,289		-		11,289		11,289
	FMU-139 FUZE										
23	FMU-139 FUZE		-		-		-				-
24	ITEMS LESS THAN $2,000,000		-		-		-				-
	MUNITIONS UNDISTRIBUTED										
25	M-16 A2 RIFLE		-		5,048		-		5,048		5,048
	CBU 87(Combined Effects Munitions)		-		-				30,000		30,000
	PROCUREMENT OF AMMUNITION, AIR FORCE		-		321,328		-		343,848		343,848

Overview

The budget request for fiscal year 1996 contained an authorization of $6,804.7 million for Other Procurement, Air Force in the Department of Defense. The House bill would authorize $6,784.8 million. The Senate amendment would authorize $6,516.0 million. The conferees recommended an authorization of $6,268.4 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Line No	Title	FY 1996 Request Quantity	FY 1996 Request Amount	House Authorized Quantity	House Authorized Amount	Senate Authorized Quantity	Senate Authorized Amount	Change to Request Quantity	Change to Request Amount	Conference Agreement Quantity	Conference Agreement Amount
	OTHER PROCUREMENT, AIR FORCE										
	MUNITIONS AND ASSOCIATED EQUIPMENT										
	ROCKETS + LAUNCHERS										
1	ITEMS LESS THAN $2,000,000		-		-		-				-
	CARTRIDGES (THOUSANDS)				-		-				
2	5.56 MM		-		-		-				-
3	20MM TRAINING		-		-		-				-
4	30 MM TRAINING		-		-		-				-
5	CARTRIDGE CHAFF RR-180		-		-		-				-
6	CARTRIDGE CHAFF RR-188		-		-		-				-
7	SIGNAL MK-4 MOD 3		-		-		-				-
8	CART IMP 3000 FT/LBS		-		-		-				-
9	ITEMS LESS THAN $2,000,000		-		-		-				-
	MK-82 INERT/BDU-50		-		-		-				-
	BOMBS				-		-				-
10	BSU-49 INFLATABLE RETARDER		-		-		-				-
11	GBU-15		-		-		-				-
12	BOMB PRACTICE 25 POUND		-		-		-				-
13	SENSOR FUZED WEAPON		-		-		-				-
14	CBU-87(COMBINED EFFECTS MUNITIONS)		-		-						-
15	ITEMS LESS THAN $2,000,000		-		-		-				-
	TARGETS				-		-				
16	ITEMS LESS THAN $2,000,000		-		-		-				-
	OTHER ITEMS				-		-				-
17	FLARE, IR MJU-7B		-		-		-				-
	MJU-28 FLARE		-		-		-				-
18	MJU-10B		-		-		-				-
19	ALA-17 FLARE		-		-		-				-
20	SPARES AND REPAIR PARTS		-		-		-				-
21	MODIFICATIONS		-		-		-				-
22	ITEMS LESS THAN $2,000,000		-		-		-				-
	FUZES				-		-				
23	FMU-139 FUZE		-		-		-				-
24	ITEMS LESS THAN $2,000,000		-		-		-				-
	OTHER WEAPONS				-		-				
25	M-16 A2 RIFLE		-		-		-				-
26	.50 CAL RIFLE		-		-		-				-
	VEHICULAR EQUIPMENT				-		-				
	PASSENGER CARRYING VEHICLES				-		-				
27	SEDAN, 4 DR 4X2	186	1,798	186	1,798	186	1,798			186	1,798
28	STATION WAGON, 4X2	69	1,053	69	1,053	69	1,053			69	1,053
29	BUS, 28 PASSENGER		-		-		-				-
30	BUS - 32-44 PASSENGER		-		-		-				-
31	BUSES	43	2,339	43	2,339	43	2,339			43	2,339
32	AMBULANCE, BUS		-		-		-				-
33	AMBULANCES		-		-		-				-
34	MODULAR AMBULANCE		-		-		-				-
35	14-23 PASSENGER BUS		-		-		-				-
36	LAW ENFORCEMENT VEHICLE	86	1,327	86	1,327	86	1,327			86	1,327

Line No	Title	FY 1996 Request		House Authorized		Senate Authorized		Change to Request		Conference Agreement	
		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
37	ARMORED SEDAN	1	202	1	202	1	202		58	1	260
	CARGO + UTILITY VEHICLES										
38	TRUCK, CARGO-UTILITY, 3/4T, 4X4	134	2,760	134	2,760	134	2,760			134	2,760
39	TRUCK, PICKUP, 1/2T, 4X2	235	2,469	235	2,469	235	2,469			235	2,469
40	TRUCK, PICKUP, COMPACT	435	4,777	435	4,777	435	4,777			435	4,777
41	TRUCK MULTI-STOP 1 TON 4X2	164	3,671	164	3,671	164	3,671			164	3,671
42	TRUCK CARRYALL		-		-		-				-
43	TRUCK, CARGO, 2 1/2T, 6X6, M-35	50	2,705	50	2,705	50	2,705			50	2,705
44	MEDIUM TACTICAL VEHICLE	56	5,860	56	5,860	56	5,860			56	5,860
45	TRUCK TRACTOR, OVER 5T	57	2,799	57	2,799	57	2,799			57	2,799
46	CAP VEHICLES		781		781		781				781
47	ITEMS LESS THAN $2,000,000		7,258		7,258		7,258				7,258
	SPECIAL PURPOSE VEHICLES										
48	TRUCK TANK FUEL R-11	154	22,339	154	22,339	154	22,339			154	22,339
49	HMMWV, ARMORED	56	7,170	56	7,170	56	7,170			56	7,170
50	TRACTOR, TOW, FLIGHTLINE	152	4,460	152	4,460	152	4,460			152	4,460
51	ITEMS LESS THAN $2,000,000		6,603		6,603		6,603				6,603
	FIRE FIGHTING EQUIPMENT										
52	TRUCK CRASH P-23		-		-		-				-
53	TRUCK WATER P-26 (P-18)		-		-		-				-
54	HEAVY RESCUE VEHICLE	15	2,616	15	2,616	15	2,616			15	2,616
55	TRUCK PUMPER P-24		-		-		-				-
56	TRUCK PUMPER P-22		-		-		-				-
57	ITEMS LESS THAN $2,000,000		1,314		1,314		1,314				1,314
	MATERIALS HANDLING EQUIPMENT										
58	TRUCK, F/L 10,000 LB		-		-		-				-
59	60K A/C LOADER	28	35,336	28	35,336	28	35,336	8	7,000	36	42,336
60	50K CONTAINER HANDLER		-		-		-				-
61	ITEMS LESS THAN $2,000,000		1,670		1,670		1,670				1,670
	BASE MAINTENANCE SUPPORT										
62	WELL DRILLING SYSTEM		-		-		-				-
63	SPARES AND REPAIR PARTS		-		-		-				-
64	MODIFICATIONS		200		200		200				200
65	ITEMS LESS THAN $2,000,000		2,352		2,352		2,352		11,824		14,176
	ELECTRONICS AND TELECOMMUNICATIONS EQUIP				-		-				
	COMM SECURITY EQUIPMENT(COMSEC)										
66	COMSEC EQUIPMENT		39,422		39,422		39,422				39,422
67	SPARES AND REPAIR PARTS		-		-		-				-
68	MODIFICATIONS (COMSEC)		462		462		462				462
	INTELLIGENCE PROGRAMS										
69	INTELLIGENCE DATA HANDLING SYS		11,966		11,966		11,966				11,966
70	INTELLIGENCE TRAINING EQUIPMENT		2,368		2,368		2,368				2,368
71	INTELLIGENCE COMM EQUIP		5,510		5,510		5,510				5,510
72	ITEMS LESS THAN $2,000,000		995		995		995				995
	ELECTRONICS PROGRAMS										
73	AIR TRAFFIC CTRL/LAND SYS (ATCALS)		-		-		-				-
74	NATIONAL AEROSPACE SYSTEM		-		-		-				-
75	THEATER AIR CONTROL SYS IMPROVEMENT		32,345		32,345		32,345		(4,600)		27,745
76	WEATHER OBSERV/FORCAST		7,103		7,103		7,103				7,103

Line No	Title	FY 1996 Request Quantity	FY 1996 Request Amount	House Authorized Quantity	House Authorized Amount	Senate Authorized Quantity	Senate Authorized Amount	Change to Request Quantity	Change to Request Amount	Conference Agreement Quantity	Conference Agreement Amount
77	DEFENSE SUPPORT PROGRAM		36,909		36,909		36,909				36,909
78	STRATEGIC COMMAND AND CONTROL		67,596		67,596		67,596		(9,501)		58,095
79	CHEYENNE MOUNTAIN COMPLEX		8,667		8,667		8,667				8,667
80	SPACE BASED IR SENSOR PROG		19,895		-		-		(19,895)		-
81	NAVSTAR GPS		1,170		1,170		1,170				1,170
82	DEFENSE METEOROLOGICAL SAT PROG		14,350		14,350		14,350				14,350
83	TAC SIGINT SUPPORT		5,879		5,879		5,879				5,879
84	DRUG INTERDICTION PROGRAM		-		-		-				-
85	NUDET DETECTION SYSTEM (NDS)		5,770		5,770		5,770				5,770
86	DARP		-		-		-				-
	SPECIAL COMM-ELECTRONICS PROJECTS										
87	AUTOMATIC DATA PROCESSING EQUIP		23,958		23,958		23,958				23,958
88	ADP OPERATIONS CONSOLIDATION		-		-		-				-
89	WWMCCS/GLOBAL COMMAND & CONTROL SYS		5,173		5,173		5,173				5,173
90	MOBILITY COMMAND AND CONTROL		-		-		-				-
91	PENTAGON RENOVATION		-		-		-				-
92	AIR FORCE PHYSICAL SECURITY SYSTEM		15,247		15,247		15,247				15,247
93	COMBAT TRAINING RANGES		2,079		2,079		2,079				2,079
94	C3 COUNTERMEASURES		7,548		7,548		7,548				7,548
95	BASE LEVEL DATA AUTO PROGRAM		26,851		26,851		26,851				26,851
96	AIR FORCE SATELLITE CONTROL NETWORK		25,495		25,495		25,495				25,495
97	THEATER BATTLE MGT C2 SYS		52,616		52,616		52,616				52,616
98	EASTERN/WESTERN RANGE I&M		114,505		114,505		114,505				114,505
	AIR FORCE COMMUNICATIONS										
99	INFORMATION TRANSMISSION SYSTEMS		-		-		-				-
100	BASE INFORMATION INFRASTRUCTURE		73,138		73,138		58,138		(16,753)		56,385
101	USCENTCOM		2,219		2,219		2,219				2,219
102	AUTOMATED TELECOMMUNICATIONS PRG		18,058		18,058		18,058				18,058
103	MILSATCOM		43,362		43,362		43,362				43,362
104	SATELLITE TERMINALS		-		-		-				-
	DISA PROGRAMS										
105	WIDEBAND SYSTEMS UPGRADE		-		-		-				-
106	MINIMUM ESSENTIAL EMER COMM NET		-		-		-				-
	ORGANIZATION AND BASE										
107	TACTICAL C-E EQUIPMENT		24,628		24,628		24,628				24,628
108	RADIO EQUIPMENT		7,172		7,172		7,172				7,172
109	TV EQUIPMENT (AFRTV)		2,492		2,492		2,492				2,492
110	CCTV/AUDIOVISUAL EQUIPMENT		5,764		5,764		5,764				5,764
111	BASE COMM INFRASTRUCTURE		-		-		-				-
112	SPARES AND REPAIR PARTS		-		-		-				-
113	CAP COM & ELECT		-		-		-				-
114	ITEMS LESS THAN $2,000,000		6,638		6,638		6,638				6,638
	MODIFICATIONS										
115	COMM ELECT MODS		20,424		20,424		20,424		(10,700)		9,724
116	ANTIJAM VOICE		-		-		-				-
117	SPACE MODS		37,142		37,142		37,142				37,142
	OTHER BASE MAINTENANCE AND SUPPORT EQUIP				-		-				
	TEST EQUIPMENT										-
118	BASE/ALC CALIBRATION PACKAGE		10,024		10,024		10,024				10,024

Line No	Title	FY 1996 Request Quantity	FY 1996 Request Amount	House Authorized Quantity	House Authorized Amount	Senate Authorized Quantity	Senate Authorized Amount	Change to Request Quantity	Change to Request Amount	Conference Agreement Quantity	Conference Agreement Amount
119	PRIMARY STANDARDS LABORATORY PACKAGE		1,604		1,604		1,604				1,604
120	ITEMS LESS THAN $2,000,000		11,820		11,820		11,820				11,820
	PERSONAL SAFETY AND RESCUE EQUIP										-
121	NIGHT VISION GOGGLES		976		976		976				976
122	BREATHING APPARATUS TWO HOUR		3,134		3,134		3,134				3,134
123	UNIVERSAL WATER ACTIVATED REL SYS		7,460		7,460		7,460				7,460
124	CHEMICAL/BIOLOGICAL DEF PROG		-		-		-				-
125	ITEMS LESS THAN $2,000,000		4,802		4,802		4,802				4,802
	DEPOT PLANT + MATERIALS HANDLING EQ										
126	MECHANIZED MATERIAL HANDLING EQUIP		3,525		3,525		3,525				3,525
127	BASE MECHANIZATION EQUIPMENT		-		-		-				-
128	AIR TERMINAL MECHANIZATION EQUIP		-		-		-				-
129	ITEMS LESS THAN $2,000,000		4,090		4,090		4,090				4,090
	ELECTRICAL EQUIPMENT										-
130	GENERATORS-MOBILE ELECTRIC		3,186		3,186		3,186				3,186
131	FLOODLIGHTS SET TYPE NF2D		325		325		325				325
132	ITEMS LESS THAN $2,000,000		3,294		3,294		3,294				3,294
	BASE SUPPORT EQUIPMENT										
133	BASE PROCURED EQUIPMENT		-		-		-				-
134	NATURAL GAS UTILIZATION EQUIPMENT		-		-		-				-
135	MEDICAL/DENTAL EQUIPMENT		12,843		12,843		12,843				12,843
136	ENVIRONMENTAL PROJECTS		-		-		-				-
137	AIR BASE OPERABILITY		4,316		4,316		4,316				4,316
138	PALLET AIR CARGO	4,000	3,677	4000	3,677	4000	3,677			4000	3,677
139	NET ASSEMBLY, 108		1,952		1,952		1,952				1,952
140	BLADDERS FUEL		3,933		3,933		3,933				3,933
141	AERIAL BULK FUEL DELIVERY SYSTEM		-		-		-				-
142	PHOTOGRAPHIC EQUIPMENT		6,231		6,231		6,231				6,231
143	PRODUCTIVITY ENHANCEMENT		-		-		-				-
144	PRODUCTIVITY INVESTMENTS		-		-		-				-
145	MOBILITY EQUIPMENT		17,670		17,670		17,670		11,900		29,570
146	WARTIME HOST NATION SUPPORT		1,699		1,699		1,699		(1,699)		-
147	SPARES AND REPAIR PARTS		-		-		-				-
148	DEPLOYMENT/EMPLOYMENT CONTAINERS		3,320		3,320		3,320				3,320
149	SPATIAL DISORIENTATION DEMONSTRATOR		-		-		-				-
150	AIR CONDITIONERS		-		-		-				-
151	ITEMS LESS THAN $2,000,000		9,269		9,269		9,269				9,269
	SPECIAL SUPPORT PROJECTS										
152	INTELLIGENCE PRODUCTION ACTIVITY		67,928		67,928		61,228		1,200		69,128
153	TECH SURV COUNTERMEASURES EQ		1,049		1,049		1,049				1,049
154	SR YR GROUND STATIONS		-		-		-				-
155	DARP		74,051		74,051		74,051				74,051
156	SELECTED ACTIVITIES		5,409,357		5,409,357		5,162,257		(505,100)		4,904,257
157	SPECIAL UPDATE PROGRAM		158,402		158,402		158,402				158,402
158	INDUSTRIAL PREPAREDNESS		1,156		1,156		1,156				1,156
159	MODIFICATIONS		199		199		199				199
160	FIRST DESTINATION TRANSPORTATION		12,914		12,914		12,914				12,914
	SPARE AND REPAIR PARTS				-		-				
	SPARES AND REPAIR PARTS										

Line No	Title	FY 1996 Request		House Authorized		Senate Authorized		Change to Request		Conference Agreement	
		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
161	SPARES AND REPAIR PARTS		61,715		61,715		61,715				61,715
	OTHER PROCUREMENT, AIR FORCE-TOTAL		6,804,696		6,784,801		6,516,001		(536,266)		6,268,430

Overview

The budget request for fiscal year 1996 contained an authorization of $2,179.9 million for Defense-wide Procurement in the Department of Defense. The House bill would authorize $2,205.9 million. The Senate amendment would authorize $2,118.3 million. The conferees recommended an authorization of $2,124.4 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Line No	Title	FY 1996 Request Quantity	FY 1996 Request Amount	House Authorized Quantity	House Authorized Amount	Senate Authorized Quantity	Senate Authorized Amount	Change to Request Quantity	Change to Request Amount	Conference Agreement Quantity	Conference Agreement Amount
	PROCUREMENT, DEFENSE-WIDE										
	MAJOR EQUIPMENT										
	MAJOR EQUIPMENT, OSD/WHS										
1	MOTOR VEHICLES		304		304		304				304
2	MAJOR EQUIPMENT, OSD		193,321		193,321		193,321				193,321
3	MAJOR EQUIPMENT, WHS		15,670		15,670		15,670				15,670
4	ARMED FORCE INFORMATION SERVICE		4,907		4,907		4,907				4,907
5	DEPARTMENT OF DEFENSE EDUCATION ACTIVITY		1,612		1,612		1,612				1,612
6	DEFENSE TECHNOLOGY SECURITY ADMINISTRATION		770		770		770				770
7	DARP		179,307		179,307		183,807		(17,732)		161,575
8	CORPORATE INFORMATION MANAGEMENT		4,933		4,933		4,933				4,933
9	DEFENSE INFORMATION INFRASTRUCTURE		54,234		54,234		54,234		4,500		58,734
	MAJOR EQUIPMENT, NSA										
11	DEFENSE AIRBORNE RECONNAISSANCE PROGRAM		16,978		16,978		16,978				16,978
	MAJOR EQUIPMENT, DNA										
12	VEHICLES		130		130		130				130
13	OTHER MAJOR EQUIPMENT		7,971		7,971		7,971				7,971
	MAJOR EQUIPMENT, DISA										
14	WWMCCS ADP SYSTEMS		4,446		4,446		4,446				4,446
15	INFORMATION SERVICES TRANSFER		-		-		-				-
16	PLANS & PROGRAM ANALYSIS SUPPORT CENTER		1,498		1,498		1,498				1,498
17	ITEMS LESS THAN $2 MILLION		294		294		294				294
18	DRUG INTERDICTION SUPPORT		-		-		-				-
	MAJOR EQUIPMENT, DIA				-		-				
	MAJOR EQUIPMENT, DLA										
21	DEFENSE SUPPORT ACTIVITIES		7,291		7,291		7,291				7,291
21a	AUTOMATED DOCUMENT CONVERSION SYSTEM		-		20,000						-
	MAJOR EQUIPMENT, DMA										
22	COMMUNICATION EQUIPMENT		-		-		-				-
23	AUTOMATED INFORMATION SYSTEM EQUIPMENT		-		-		-				-
24	VECTOR PRODUCT EQUIPMENT		-		-		-				-
25	DEVELOPMENT TEST FACILITY		-		-		-				-
26	MC & G MAINFRAME UPGRADE		-		-		-				-
27	VEHICLES		1,211		1,211		1,211				1,211
28	OTHER CAPITAL EQUIPMENT		-		-		-				-
29	DEFENSE HYDROGRAPHIC EQUIPMENT		-		-		-				-
	MAJOR EQUIPMENT, DIS										
30	VEHICLES	333	3,117	333	3,117	333	3,117			333	3,117
31	OTHER CAPITAL EQUIPMENT		6,801		6,801		6,801				6,801
	MAJOR EQUIPMENT, DCAA										
32	ITEMS LESS THAN $2 MILLION		3,980		3,980		3,980				3,980
	MAJOR EQUIPMENT, DSPO				-		-				
33	MAJOR EQUIPMENT , DSPO		25,104		25,104		25,104				25,104
34	MAJOR EQUIPMENT , DSPO		-		-		-				-
35	MAJOR EQUIPMENT		-		-		-				-
	MAJOR EQUIPMENT, TJS										
36	MAJOR EQUIPMENT, TJS		38,717		38,717		38,717				38,717
	ON-SITE INSPECTION AGENCY										
37	VEHICLES		-		-		-				-

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38	OTHER CAPITAL EQUIPMENT		2,941		2,941		2,941				2,941
	BALLISTIC MISSILE DEFENSE ORGANIZATION										
40	C4I		32,242		32,242		32,242				32,242
41	HAWK BN/C3 MODS		5,106		5,106		5,106				5,106
	CENTRAL IMAGERY OFFICE										
	CLASSIFIED PROGRAMS										-
	SPECIAL OPERATIONS COMMAND										
	AVIATION PROGRAMS										
44	RADIO FREQUENCY MOBILE ELECTRONIC TEST SET		29,801		29,801		29,801				29,801
45	SOF ROTARY WING UPGRADES		9,042		9,042		9,042				9,042
46	SOF TRAINING SYSTEMS		26,818		26,818		26,818				26,818
47	MC-130H COMBAT TALON II		12,134		12,134		12,134				12,134
48	AC-130U GUNSHIP ACQUISITION		57,165		57,165		57,165				57,165
49	C-130 MODIFICATIONS		115,518		115,518		115,518				115,518
49	LESS: ADVANCE PROCUREMENT (PY)		(5,101)		(5,101)		(5,101)				(5,101)
50	ADVANCE PROCUREMENT (CY)		-		-		-				-
51	HH-53 MODIFICATIONS		-		-		-				-
52	MH-47/MH-60 MODIFICATIONS		-		-		-				-
53	OH-6 PROCUREMENT & MODIFICATIONS		-		-		-				-
54	AIRCRAFT SUPPORT		5,946		5,946		5,946				5,946
	SHIPBUILDING										-
55	PC,CYCLONE CLASS		-		-		-		20,000		20,000
56	ADVANCED SEAL DELIVERY SYSTEM (ASDS)		-		-		-				-
57	MK VIII MOD 1 - SEAL DELIVERY VEHICLE	4	11,115	4	11,115	4	11,115			4	11,115
58	SUBMARINE CONVERSION		6,770		6,770		6,770				6,770
58	LESS: ADVANCE PROCUREMENT (PY)		(2,086)		(2,086)		(2,086)				(2,086)
59	ADVANCE PROCUREMENT (CY)		-		-		-				-
60	MK V SPECIAL OPERATIONS CRAFT (MK V SOC)	2	19,501	2	19,501	4	37,201	2	17,700	4	37,201
	AMMUNITION PROGRAMS										
61	SOF PYRO/DEMO		23,887		23,887		23,887				23,887
62	SOF PLATFORM GUN AMMUNITION		-		-		-				-
63	SOF INDIV WEAPONS AMMUNITION		45,412		45,412		45,412				45,412
	OTHER PROCUREMENT PROGRAMS										
64	MARITIME EQUIPMENT MODIFICATIONS		8,559		8,559		8,559				8,559
65	SPARES AND REPAIR PARTS		35,876		35,876		35,876				35,876
66	COMM EQUIPMENT & ELECTRONICS		32,824		32,824		32,824				32,824
67	SOF INTELLIGENCE SYSTEMS		19,510		19,510		19,510				19,510
68	SOF SMALL ARMS & WEAPONS		9,972		9,972		9,972				9,972
69	SPECIAL WARFARE EQUIPMENT		11,776		11,776		7,483		(4,293)		7,483
69a	LIGHT STRIKE VEHICLE				6,000		-		6,000		6,000
70	DRUG INTERDICTION		-		-		-				-
71	MISCELLANEOUS EQUIPMENT		809		809		809				809
72	SOF PLANNING AND REHEARSAL SYSTEM (SOFPARS)		595		595		595				595
73	CLASSIFIED PROGRAMS		77,656		77,656		77,656				77,656
74	PSYOP EQUIPMENT		28,106		28,106		28,106				28,106
	CHEMICAL/BIOLOGICAL DEFENSE				-		-				-
	CBDP										
75	PROTECTIVE MASK		24,819		24,819		24,819				24,819
76	AIRCREW MASK		-		-		-				-

Line No	Title	FY 1996 Request		House Authorized		Senate Authorized		Change to Request		Conference Agreement	
		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
77	REMOTE CHEM AGT ALARM (RSCAAL)		4,190		4,190		4,190				4,190
78	IMPROVED CHEM AGENT MONITOR (ICAM)	237	7,232	237	7,232	237	7,232			237	7,232
79	AUTO CHEM AGENT ALARM (ACADA)		-		-		-				-
80	NBC RECON SYS (NBCRS) MODS		46,033		46,033		46,033				46,033
81	MODULAR DECON SYSTEM		-		-		-				-
82	M17 DECON MODS		3,165		3,165		3,165				3,165
83	POCKET RADIAC AN/UDR- 13	4,636	3,729	4636	3,729	4636	3,729			4636	3,729
84	CB PROTECTIVE SHELTER	62	11,494	62	11,494	62	11,494			62	11,494
85	JOINT BIO DEFENSE PRGM		22,860		22,860		22,860				22,860
86	CHME/BIO DEFENSE EQ (AF)		11,049		11,049		11,049				11,049
87	CHEM WARFARE DETECTORS		5,455		5,455		5,455				5,455
88	CB HELO NDI		-		-		-				-
89	CBR EQUIP-SHIPBOARD	-	498		498		498				498
999	CLASSIFIED PROGRAMS		844,903		844,903		765,403		(81,713)		763,190
	PROCUREMENT, DEFENSE-WIDE-TOTAL		2,179,917		2,205,917		2,118,324		(55,538)		2,124,379

Defense airborne reconnaissance program procurement

The budget request included $179.3 million in procurement for the Defense airborne reconnaissance program (DARP).

The House bill would approve the budget request.

The Senate amendment would increase the requested amount by $4.5 million, and would direct the Department to change the priorities of some program elements. The conferees agree to an authorization of $161.6 million, a reduction of $17.7 million from the budget request.

JOINT TACTICAL UAV

The conferees agree to authorize a total of $42.4 million for the joint tactical UAV (JT-UAV), a reduction of $17.7 million from the budget request.

The conferees are particularly concerned about the continuing problems with the Hunter UAV in the JT-UAV program. Therefore, the conferees direct that none of the funds appropriated for fiscal year 1996 be used to procure production Hunter systems or additional low-rate initial production units, beyond those already ordered, until the Secretary of Defense provides to the Congressional defense committees the results of the Defense Acquisition Board (DAB) review of the Hunter program.

PIONEER UAV

Of the funds authorized and appropriated for defense-wide procurement, Defense Airborne Reconnaissance Programs (DARP), the conferees direct that the Department use $4.5 million to equip nine Pioneer UAV systems with the common automatic landing and recovery system (CARLS).

The conferees note the Department's continuing failure to equip UAVs with the CARLS system. The conferees are concerned with this result, particularly since the Department agrees that CARLS installation on UAVs in general, and Pioneer in particular, would reduce landing accidents and associated losses.

Automated document conversion system

The budget request did not include any additional funds for the automated document conversion system (ADCS). This is a program for converting the Department of Defense's engineering drawings from hard copy to electronic format.

The House bill would authorize $20.0 million for this purpose.

The Senate amendment would approve the budget request.

The conferees are concerned with the lack of progress by the Department toward achieving major cost savings through the adoption of automated document conversion technology. The conferees are encouraged, however, that the Department has recently acknowledged such savings and has produced a roadmap to realize these savings by changing from raster to vector conversion. The conferees also understand this plan brings an upgrade and expansion of UNIX-based systems and will test several personal computer (PC)-based systems.

However, the conferees are concerned with the Department's plan for using $10.0 million of these funds for "bulk" conversion purposes, since these funds were specifically appropriated for the purchase of ADCS equipment. the conferees are concerned that there may be a greater requirement for ADCS software and equipment than the Department currently has planned and that some or all of the funds planned for bulk conversion may be needed for software and equipment. Should the results of the Department's ongoing conversion survey confirm that additional software and equipment is needed, the conferees feel that the Department should address first the needs of UNIX-based engineering systems as the UNIX-based system has undergone extensive testing per Congressional direction. The conferees direct that the Secretary of Defense provide a report to the congressional defense committees by march 29, 1996, on the results of the PC-based system testing.

Overview

The budget request for fiscal year 1996 contained no authorization for National Guard and Reserve Procurement in the Department of Defense. The House bill would authorize $770.0 million. The Senate amendment would authorize $777.4 million. The conferees recommended an authorization of $777.0 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Line No	Title	FY 1996 Request Quantity	FY 1996 Request Amount	House Authorized Quantity	House Authorized Amount	Senate Authorized Quantity	Senate Authorized Amount	Change to Request Quantity	Change to Request Amount	Conference Agreement Quantity	Conference Agreement Amount
	NATIONAL GUARD & RESERVE EQUIPMENT										
	RESERVE EQUIPMENT										
	ARMY RESERVE		-								
	TACTICAL VEHICLES		-		20,000		-		15,000		15,000
	SINCGARS		-		3,500		5,000		3,000		3,000
	MEDIUM TRUCK ESP		-		-		10,000		10,000		10,000
	HEAVY TRUCK MODERNIZATION		-		-		15,000		10,000		10,000
	NIGHT VISION EQUIPMENT		-		5,800		5,000		5,700		5,700
	CHEMICAL/BIOLOGICAL DEFENSE EQUIPMENT		-		-		2,000		2,000		2,000
	ENGINEER EQUIPMENT		-		10,000		-		10,000		10,000
	VARI-REACH LIFT TRUCKS		-		4,500		-				-
	ALL-TERRAIN FORK LIFT TRUCKS										4,500
	CH-47D		-		16,000		-		16,000		16,000
	ENGINE SERVICE ADAPTERS		-		500		-		500		500
	GENERATORS/POWER EQUIP/SPT EQUIP		-		5,000		-		5,000		5,000
	MK-19 GRENADE LAUNCHERS		-		10,000		-				-
	SIMULATORS		-		2,000		-		2,000		2,000
	MEDICAL EQUIPMENT		-		2,000		-		2,000		2,000
	MISCELLANEOUS EQUIPMENT		-		5,000		25,000				-
	NAVY RESERVE										
	DECM EQUIPMENT		-		8,000		-		8,000		8,000
	F/A-18 UPGRADES		-		28,000		24,000		24,000		24,000
	MIUW TSW-108		-		10,000		10,000		10,000		10,000
	C-9 AIRCRAFT AVIONIC UPGRADE		-		35,000		25,000		25,000		25,000
	MISCELLANEOUS EQUIPMENT		-		5,000		15,000				-
	MARINE CORPS RESERVE										
	CBT VEHICLE TRAINER		-		3,800		-		3,800		3,800
	CH-53 HELICOPTERS		-		30,000		-		50,000	2	50,000
	DIGITAL COMMAND & CONTROL NETWORK		-		4,300		-		4,300		4,300
	COMM COMPANY EQUIPMENT		-		5,000		-		5,000		5,000
	UH-1N NAV/FLIR UPGRADES		-		2,600		-		2,600		2,600
	AH-1W HELICOPTERS (3)		-		-		35,000				-
	SINCGARS		-		-		5,000		3,000		3,000
	NIGHT VISION EQUIPMENT		-		-		5,000		5,000		5,000
	MISCELLANEOUS EQUIPMENT		-		5,000		10,000				-
	AIR FORCE RESERVE										
	KC-135R REENGINING		-		26,000		-				-
	C-130H		-	4	145,200		-		135,600	4	135,600
	C-130J		-		-		210,000				-
	C-20G		-		-		30,000				-
	MISCELLANEOUS EQUIPMENT		-		-		-				-
	TOTAL RESERVE EQUIPMENT		-		392,200		431,000		362,000		362,000
	NATIONAL GUARD EQUIPMENT										
	ARMY NATIONAL GUARD										
	AVENGER		-		-		54,000		50,000		50,000
	PALADIN/FAASV		-		-		55,000				-
	MLRS		-		-		16,400				-
	M113A3 UPGRADES		-		-		10,000		10,000		10,000

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	M113A3 NIGHT VIEWERS		-		-		2,000		2,000		2,000
	MEDIUM TRUCK ESP		-		-		10,000		15,000		15,000
	HEAVY TRUCK MODERNIZATION		-		-		10,000		10,000		10,000
	TACTICAL TRUCK PROC/SLELP		-		-		-				-
	TACTICAL VEHICLES										10,000
	NEW PROCUREMENT		-		10,000		-				-
	SLEP (5 TON)		-		10,000		-				-
	SLEP (2 1/2 TON)		-		10,000		-				-
	SINCGARS		-		10,000		5,000		5,000		5,000
	M109 ACE		-		10,000		-		5,000		5,000
	IFTE		-		10,000		-		10,000		10,000
	NIGHT VISION EQUIPMENT		-		10,000		5,000		5,000		5,000
	CHEM/BIO EQUIPMENT		-		5,000		2,000		2,000		2,000
	HIGH CAPACITY AIR AMBULANCE		-		30,000		-				-
	AH-1 (C-NITE)		-		10,000		-				-
	FADEC		-		10,000		-		5,000		5,000
	TRNG & SIM EQUIPMENT		-		-		-				-
	AH-64 COMBAT MISSION SIMULATOR		-		15,000		15,000		15,000		15,000
	UH-1 SLEP		-		-		-				-
	AH-1 BORESIGHT EQUIPMENT		-		-		5,000		5,000		5,000
	FULL AUTHORITY DIGITAL ELECTRONIC CONTROL (CH-47)		-		-		5,000				-
	C-26									2	11,000
	MISCELLANEOUS EQUIPMENT		-		10,000		15,000				-
	AIR NATIONAL GUARD										
	F-16 220E ENGINES		-		10,000		-		5,000		5,000
	C-130H		-	4	145,200		102,000	6	203,400	6	203,400
	AIRLIFT DEFENSIVE SYSTEMS		-		10,000		-		10,000		10,000
	KC-135R REENGINING		-		26,000		26,000				-
	KC-135 MODS		-		-		-				-
	AIRLIFT REPLACEMENT RADAR		-		6,600		-		6,600		6,600
	C-20G		-		30,000		-		30,000		30,000
	C-26		-		-		9,000				-
	MISCELLANEOUS EQUIPMENT		-		-		-				-
	TOTAL NATIONAL GUARD EQUIPMENT		-		377,800		346,400		415,000		415,000
	TOTAL NATIONAL GUARD & RESERVE EQUIPMENT		-								
	MISC EQUIPMENT GUARD & RESERVE AIRCRAFT										
	TOTAL NATIONAL GUARD & RESERVE EQUIPMENT				770,000		777,400		777,000		777,000

Overview

The budget request for fiscal year 1996 contained an authorization of $746.7 million for Chemical Agent and Munitions Destruction, Army in the Department of Defense. The House bill would authorize $746.7 million. The Senate amendment would authorize $671.7 million. The conferees recommended an authorization of $672.3 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Line No	Title	FY 1996 Request Quantity	FY 1996 Request Amount	House Authorized Quantity	House Authorized Amount	Senate Authorized Quantity	Senate Authorized Amount	Change to Request Quantity	Change to Request Amount	Conference Agreement Quantity	Conference Agreement Amount
	CHEM AGENTS & MUNITIONS DESTRUCTION, DEF										
	CHEM AGENTS & MUNITIONS DESTRUCT-RDT&E										
	RESEARCH AND DEVELOPMENT										
1	CHEM DEMILITARIZATION - RDTE		53,400		53,400		53,400				53,400
			53,400		53,400		53,400				53,400
	CHEM AGENTS & MUNITIONS DESTRUCT-PROC										
	PROCUREMENT										265,000
2	CHEM DEMILITARIZATION - PROC		299,448		299,448		224,448		(34,448)		265,000
	CHEM AGENTS & MUNITIONS DESTRUCT-O&M										
	OPERATION AND MAINTENANCE										
3	CHEM DEMILITARIZATION - O&M		393,850		393,850		393,850		(40,000)		353,850
			393,850		393,850		393,850		(40,000)		353,850

ITEMS OF SPECIAL INTEREST

Aerial targets

The budget request included $68.6 million for aerial targets.

The House bill and the Senate amendment authorized the request.

The conferees understand the Navy's current acquisition strategy for subscale subsonic aerial targets is to procure only the BQM–74E. However, the conferees understand the contractor may have taken some recent cost reduction initiatives on the BQM–34S subscale target. Therefore, the conferees believe that the Navy's non-competitive procurement of the BQM–74E may not provide the service with the best value target. Accordingly, the conferees urge the Navy to reassess its acquisition strategy for this target and conduct a competition based upon meeting a performance specification. The conferees believe that such a competition could result in buying a target that truly represents the best value to the Navy.

AN/ALE–47

The conferees are concerned that the current Air Force acquisition strategy for the follow-on production of lots IV through VII of the AN/ALE–47 Countermeasure Dispenser System may involve significant and unnecessary risks for the program. The conferees direct the Air Force to delay any procurement action regarding lots IV through VIII of the AN/ALE–47 until 14 days after the date on which the Air Force has provided the congressional defense committees with a report that assesses the cost and acquisition strategy related to the introduction of new suppliers for the system.

Engineer construction equipment

The conferees are aware of the significant contribution National Guard engineer construction units have made to securing the southwest border. The construction efforts of the National Guard have been of singular assistance in providing for increased safety for U.S. Border Patrol agents and in facilitating the U.S. Border Patrol efforts to counter illegal drugs and illegal immigration along the southwest border. The conferees agree that sufficient funds should be allocated by the National Guard to purchase appropriate loaders, dozers, and road-grading equipment for use by National Guard engineer construction units that rotate to continue construction on projects along the United States-Mexican border.

The conferees have indicated elsewhere in this statement of managers, that the Department of Defense should, through normal reprogramming procedures, use available funds provided for counterdrug activities to continue construction to extend the fence constructed by the National Guard on the southwest border.

LPD–17 radio communications systems engineering support

The conferees note that, as a result of the base realignment and closure decisions, the Navy has reorganized and consolidated its radio communications systems (RCS) engineering, production, testing, integration, and training support activities. In assigning RCS engineering support workload for the LPD–17 class of ships, the conferees expect that the Navy will assign such workload to the most appropriate facility.

SH–60 modifications

The conferees understand that there are at least 60 AN/AQS–13F dipping sonars currently installed in the Navy's SH–60F helicopters that will not be replaced under the SH–60R program. These sonars could be upgraded to meet current shallow water operational requirements based on a modification already developed through the FMS program.

The conferees direct the Secretary of the Navy to evaluate the cost effectiveness of a modification program for the AQS–13F dipping sonars that will not be replaced in conjunction with the SH–60R program, and report the results to the congressional defense committees by March 15, 1996.

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—Authorization of Appropriations

Subtitle B—Army Programs

Procurement of OH–58D Armed Kiowa Warrior helicopters (sec. 111)

The House bill contained a provision (sec. 111) that would modify current law to permit procurement of twenty additional OH–58D AHIP scout helicopters.

The Senate amendment contained an identical provision (sec. 122).

The conferees understand that the procurement of twenty additional OH–58D Armed Kiowa Warrior helicopters will cost up to $140.0 million and agree to amend the provision to authorize $140.0 million to procure these helicopters.

Repeal of requirements for armored vehicle upgrades (sec. 112)

The House bill contained a provision (sec. 112) that would repeal subsection (j) of section 21 of the Arms Export Control Act (22 U.S.C. 2761).

The Senate amendment contained no similar provision.

The Senate recedes.

Multiyear procurement of helicopters (sec. 113)

The budget request included $354.0 million to buy 18 AH–64D aircraft and 13 Longbow fire control radars.

The House bill would authorize the budget request.

The Senate amendment contained a provision (sec. 111) that would authorize an increase of $82.0 million and the multiyear procurement of Longbow Apache helicopters.

The House recedes with an amendment.

The conferees agree to authorize an increase of $76.2 million for the Longbow Apache attack helicopter program and multiyear procurement contracts for both the AH–64D Longbow Apache attack helicopter program and the UH–60 Black Hawk utility helicopter program.

Report on AH–64D engine upgrades (sec. 114)

The Senate amendment contained a provision (sec. 114) that would require the Secretary of the Army to submit a report to Congress on plans to procure T700–701C engine upgrade kits for Army AH–64D helicopters.

The House bill contained no similar provision.

The House recedes.

Requirement for use of previously authorized multiyear procurement authority for Army small arms procurement (sec. 115)

The budget request did not include any funds for procurement of small arms.

The House bill and the Senate amendment would authorize funds for the following small arms programs as indicated below:

[In millions of dollars]

	House	Senate
M–16 rifle	$13.5	$13.5
M4 carbine	6.5	13.5
M9 personal defense weapon	2.0	4.0
M249 squad automatic weapon	28.5	28.5
MK–19 grenade launcher	20.0	33.9
Medium machine gun (mod kits)	6.5	6.5

The conferees agree to provide funds for small arms programs as indicated below:

[Dollars amounts in millions]

		Quantity
M–16 rifle	$13.5	27,500
M4 carbine	6.5	12,000
M9 personal defense weapon	2.0	4,660
M249 squad automatic weapon	28.5	10,265
MK–19 grenade launcher	33.9	2,100
Medium machine gun (mod kits)	6.5	1,434

The conferees express their concern that the Army did not include funds for small arms programs in the fiscal year 1996 budget request, despite specific direction regarding multiyear procurement for small arms included in the Statement of Managers accompanying the National Defense Authorization Act for Fiscal Year 1995 (S. Rept. 103–701). The conferees expect the Secretary of the Army to comply with both the letter and intent of the law in this regard. The conferees further expect the Secretary of the Army to ensure that small arms programs are funded at levels approximating those in this report until requirements for each separate class of small arms are fully achieved and that appropriate multiyear contracts are executed. The conferees include a provision (sec. 116) that would direct the Secretary of the Army to enter into multiyear procurement contracts during fiscal year 1997, in accordance with section 115(b)(2) of the National Defense Authorization Act for Fiscal Year 1995.

Subtitle C—Navy Programs

Nuclear attack submarines (sec. 131)

The budget request reflected a policy, adopted by the Department of Defense as a consequence of its Bottom Up Review, that would cause all future nuclear submarines to be constructed by General Dynamics Electric Boat Division (Electric Boat). The budget request included the following funding for submarine construction programs:

(1) $1.5 billion for SSN–23, the final increment required for full funding of this *Seawolf* class submarine;

(2) $704.5 million advance procurement for the first of a new class of nuclear attack submarines, designated as the new attack submarine (NAS), whose construction would begin in fiscal year 1998; and

(3) a total of $455.4 million for research, development, test, and evaluation for the NAS program.

The House report (H. Rept. 104–131) reflected the view that changes in the Navy's plan for acquisition of nuclear attack submarines should be made to incorporate advanced technologies into these submarines' designs. These recommendations were based on an underlying premise that the Navy's NAS program would not provide an adequate technological advantage over foreign submarines presently under construction or in design. The House bill would:

(1) not authorize SSN–23;

(2) authorize $550.0 million for Electric Boat to design, build, and incorporate a hull section into SSN–22 to create a lengthened, expanded capability variant of the basic *Seawolf* design, while retaining its full weapons load;

(3) authorize $704.5 million advance procurement for the fiscal year 1998 submarine that would be built by Electric Boat;

(4) authorize $300.0 million for Electric Boat to design and build a second hull section that would be incorporated into a fiscal year 1998 submarine, and convert that submarine from the lead ship of a serial-production class, based on the current NAS design, into an additional, one-of-a-kind, expanded capability platform that would be derived from the current NAS design;

(5) directs that $10.0 million of the funds in the budget request for NAS detailed design work be used only for establishing and maintaining a cadre of Newport News submarine designers at Electric Boat and for transfer of all submarine designers at Electric Boat's design data base to Newport News';

(6) authorize $150.0 million to begin an effort at Newport News to design, develop, and build prototype versions of major submarine components that would result in a follow-on submarine design for serial production that represents a substantial improvement in affordability and capability over the current NAS design;

(7) direct the Advanced Research Projects Agency (ARPA) and the national laboratories to make new technologies available to both Electric Boat and Newport News that show potential for achieving a follow-on submarine design for serial production that represents a substantial improvement over the current NAS design; and

(8) include a provision (sec. 133) that would direct the Secretary of the navy to award, on a competitive basis, contracts for attack submarines built after the fiscal year 1998 submarine.

The Senate amendment reflected an alternate view on how to acquire nuclear attack submarines. It contained a provision (sec. 121) that would:

(1) authorize the SSN–23 at $1.5 billion, the budget request;

(2) limit the ability of the Secretary of the Navy to obligate or expend funds for SSN–23 until he restructures the NAS program to provide for:

(a) procurement of the lead NAS from Electric Boat in fiscal year 1998;

(b) procurement of the second NAS from Newport News Shipbuilding and Drydock (Newport News) in fiscal year 1999; and

(c) competitive procurement of any additional NAS vessels after the second. Potential competitors for these additional vessels would be contractors that have been awarded a contract by the Secretary of the Navy for construction of nuclear attack submarines during the past 10 years;

(3) place additional limits on the total amount of funds that may be expended for SSN–23 in fiscal years 1996, 1997, 1998, and 1999;

(4) direct the Secretary of the Navy to solicit competitive proposals and award the contract or contracts for NAS, after the second NAS, on the basis of price;

(5) direct the Secretary of the Navy to take no action that would impair the design, engineering, construction, and maintenance competencies of either Electric Boat or Newport News to construct the NAS;

(6) direct the Secretary of the Navy to report every six months to the Committee on Armed Services of the Senate and the Committee on National Security of the House the obligation and expenditure of funds for SSN–23 and the NAS;

(7) authorize $814.5 million in fiscal year 1996 for design and advance procurement of the lead and second NAS, of which $10.0 million would be available only for participation of Newport News in the NAS design, and $100.0 million would be available only for advance procurement and design of the second submarine under the NAS program;

(8) place limits on the expenditure of advance procurement funds in fiscal year 1996 for the lead NAS, unless funds are also obligated or expended for the second NAS;

(9) authorized $802.0 million in fiscal year 1997 for advance procurement of the lead and second NAS, of which $75.0 million would be available only for participation by Newport News in the design of the NAS, and $427.0 million would be available only for advance procurement and design of the second submarine under the NAS program; and

(10) authorized $455.4 million, the budget request, for research, development, test, and evaluation for the NAS program.

The conferees agree to adopt a new provision dealing with the design and procurement of future Navy attack submarines. This provision would:

(1) authorize the SSN–23 at $700.0 million;

(2) authorize $804.5 million in fiscal year 1996 for design and advance procurement of the fiscal year 1998 and fiscal year 1999 submarines (previously designated by the Navy as the NAS), of which;

(a) $704.5 million would be available only for long-lead and advance construction and procurement for the fiscal year 1998 submarine, which would be built by Electric Boat; and

(b) $100.0 million would be available only for long-lead and advance construction and procurement for the fiscal year 1999 submarine, which would be built by Newport News;

(3) authorize $10.0 million only for participation of Newport News in the design of the submarine previously designated by the Navy as the NAS;

(4) establish a special bipartisan congressional panel that would be briefed, at least annually, by the Secretary of the Navy on the status of the submarine modernization program and submarine-related research and development;

(5) direct the Secretary of Defense, not later than March 15, 1996, to accomplish the following:

(a) develop and submit a detailed plan for development of a program that will lead to production of more capable, less expensive submarines than the submarine previously designated as the NAS;

(b) ensure the plan includes a program for the design, development, and procurement of four nuclear attack submarines that would be procured during fiscal years 1998 through 2001 with each successive submarine being more capable and more affordable;

(c) structure the program so that:

(i) one of the four submarines would be constructed with funds appropriated for each fiscal year from fiscal year 1998 through fiscal year 2001;

(ii) to ensure flexibility for innovation, the fiscal year 1998 and the fiscal year 2000 submarines would be constructed by Electric Boat and the fiscal year 1999 and the fiscal year 2001 submarines would be constructed by Newport News;

(iii) the design previously designated as the NAS would be used as the base design by both contractors:

(iv) each contractor would be called on to propose improvements, including design improvements, for each successive submarine so that each of them would be more capable, more affordable, and their design would lead to a design for a future class of nuclear attack submarines that would possess the latest, best, and most affordable technology; and

(v) the fifth and subsequent nuclear attack submarines, proposed for construction after SSN–23, would be procured after a competition based on price;

(d) the Secretary of Defense's plan would also:

(i) set forth a program to accomplish the design, development, and construction of the four submarines that would take maximum advantage of a streamlined acquisition process;

(ii) culminate in selection of a design for a next submarine for serial production not earlier than fiscal year 2003 with procurement to occur after a competition based on price;

(iii) identify advanced technologies that are in various phases of research and development, as well as those that are commercially available off-the-shelf, that are candidates for incorporation into the plan to design, develop, and procure the submarines;

(iv) designate the fifth submarine procured after SSN–23 to be the lead ship in a next generation submarine class, unless the Secretary of the Navy, in consultation with the special congressional submarine review panel, determines that more submarines should be built before the design of a new class of submarines is fixed, in which case the fifth and each successive submarine would be procured after a competition based on price; and

(v) identify the impact of the submarine program on the remainder of the Navy's shipbuilding account;

(6) impose certain limits on the amounts that can be obligated and expended on the SSN–23 and the fiscal year 1998 and 1999 submarines until:

(a) the Secretary of the Navy has certified in writing to the Committee on Armed Services of the Senate and the Committee on National Security of the House that procurement of future nuclear attack submarines, except as stipulated elsewhere in this provision, would be accomplished through a competition based on price; and

(b) the Secretary of Defense, not later than March 15, 1996, has:

(i) submitted the submarine design and procurement plan that would be required by the provision;

(ii) directed the Under Secretary of Defense (Comptroller) to incorporate the costs of the submarine design and procurement plan into the future years defense program, even if the total cost of the plan's program exceeds the President's budget; and

(iii) directed that the Under Secretary of Defense for Acquisition and Technology conduct oversight of the development and improvement of the nuclear attack submarine program of the Navy and established reporting procedures to ensure that officials of the Department of the Navy, who exercise management oversight of the program, report to the Under Secretary of Defense for Acquisition and Technology with respect to that program;

(7) direct the Secretary of Defense to use streamlined acquisition policies to reduce the cost and increase the efficiency of the submarine program;

(8) direct the Secretary of Defense to submit to Congress an annual update of the submarine design and procurement plan with the submission of the President's budget, for each of fiscal years 1998 through 2002;

(9) direct that funds authorized for fiscal year 1996 by this provision may not be obligated or expended during fiscal year 1996 for the fiscal year 1998 submarine unless funds are also obligated and expended during fiscal year 1996 for the fiscal year 1999 submarine;

(10) authorize the Secretary of the Navy to enter into contracts with Electric Boat and Newport News, and suppliers of components during fiscal year 1996 for:

(a) the procurement of long-lead components for the fiscal year 1998 submarine and the fiscal year 1999 submarine; and

(b) advance construction of long-lead components and other components for such submarines;

(11) authorize that, of the amount provided in section 201(4) of this Act for ARPA, that $100.0 million would be available only for development and demonstration of advanced technologies for incorporation into the submarines constructed as part of the submarine design and procurement plan specified under this provision, to include electric drive, hydrodynamic quieting, ship control automation, solid-state power electronics, wake reduction technologies, superconductor technologies, torpedo defense technologies, advanced control concepts, fuel cell technologies, and propulsors;

(12) direct that the Director of ARPA shall implement a rapid prototype acquisition strategy for both land-based and at-sea subsystem and system demonstrations of advanced technologies in concert with Electric Boat and Newport News: and

(13) define potential competitors, for the purposes of this provision, as those that have been awarded a contract by the Secretary of the Navy for construction of nuclear attack submarines during the past 10 years.

Research for advanced submarine technology (sec. 132)

The conferees agree to adopt a new provision that would direct that, of the amount appropriated for fiscal year 1996 for the national defense sealift fund, $50.0 million would be available only for the Director of the Advance Research Projects Agency for advanced submarine technology activities.

Cost limitation for Seawolf submarine program (sec. 133)

The Senate amendment would authorize the third *Seawolf* class submarine SSN-23. Consistent with this authorization, the Senate amendment included a provision (sec. 125) that would establish a combined cost cap on all three *Seawolf* submarines (SSN-21), SSN-22 and SSN-23). This cost cap would be in addition to a cost cap that Congress imposed on the first two *Seawolf* class submarines SSN-21 and SSN-22, in fiscal year 1995.

The House bill included a provision (sec. 132) that would repeal the cost cap on SSN-21 and SSN-22.

The conferees agree to adopt a new provision that would:

(1) establish a combined cost cap on the three *Seawolf* submarines (SSN-21, SSN-22, and SSN-23); and

(2) repeal the combined cost cap on SSN-21 and SSN-22 that was imposed by the National Defense Authorization Act for Fiscal Year 1995.

Repeal of prohibition on backfit of Trident submarines (sec. 134)

The House bill contained a provision (sec. 131) that would repeal the provision of law that prohibits the backfit of Trident II (D-5) missiles into Trident I (C-4) missile-carrying submarines.

The Senate amendment contained an identical provision (sec. 122).

The conference agreement contains this provision.

The conferees endorse on all D-5 fleet of Trident submarines. But the conferees also believe that it is premature to rule out the option of retaining all 18 Trident submarines. Although the Nuclear Posture Review recommended a force of 14 Trident submarines equipped with the D-5 missile, circumstances may require the United States to retain a higher number of such submarines or, alternatively, reduce to a lower level.

Given this uncertainty, the conferees direct the Secretary of the Navy to take several actions: (1) fully fund all activities necessary for the backfitting of Trident II missiles into at least four west coast Trident submarines on the schedule recommended in the Nuclear Posture Review; and (2) continue to fund, in the fiscal year 1997 budget and in the Future Years Defense Program, adequate operational support for Trident I missiles to ensure the option of retaining all 18 Trident submarines on full operational status, assuming backfits of the final four submarines with D-5 missiles following the completion of the first four conversions.

Arleigh Burke class destroyer program (sec. 135)

The Senate amendment contained a provision (sec. 123) that would:

(1) authorize $650.0 million as the first increment of split funding for two *Arleigh Burke* class destroyers in accordance with a split funding provision (sec. 124) that was included elsewhere in the Senate amendment; and

(2) express the sense of Congress that the Secretary of the Navy should plan for and request the final increment of funding for the two *Arleigh Burke* class destroyers in fiscal year 1997, also in accordance with the split funding provision (sec. 124) of the Senate amendment.

The House bill contained no similar provision.

The conferees adopt a new provision that would:

(1) authorize six *Arleigh Burke* class destroyers;

(2) authorize $2.17 billion, the budget request, for the construction, including advance procurement, for *Arleigh Burke* class destroyers;

(3) authorize the Secretary of the Navy to enter into contracts in fiscal year 1996 for the construction of three *Arleigh Burke* class destroyers;

(4) authorize the Secretary of the Navy to enter into contracts in fiscal year 1997 for the construction of three *Arleigh Burke* class destroyers, subject to the availability of appropriations for such destroyers;

(5) continue the contract award pattern and sequence used by the Navy for the procurement of *Arleigh Burke* class destroyers in fiscal years 1994 and 1995;

(6) limit the liability of the government for these vessels to the amounts appropriated for them; and

(7) encourage, subject to a prior notification to the congressional defense committees, the Secretary of the Navy to use shipbuilding and conversion savings, that become excess to the needs of the Navy from other programs, to fully fund *Arleigh Burke* class destroyers contracts entered into under the terms of the provision.

Acquisition program for crash attenuating seats (sec. 136)

The Senate amendment contained a provision (sec. 126) that would allow the Secretary of the Navy to establish a program to procure and install commercially developed, energy absorbing, crash attenuating seats in H-53E helicopters. The Senate provision would allow the Secretary to use up to $10.0 million for the program out of unobligated balances in the Legacy Resource Management Program.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary to establish such a program.

The conferees acknowledge the potential value of crash attenuating seats for passengers in military helicopters, and expect the Department to proceed quickly to define the technical specification and qualification for non-developmental seats. The conferees further expect the Department to ensure the acquisition program incorporates full and open competition.

T-39N trainer aircraft (sec. 137)

The budget request did not include funds to purchase the T-39N aircraft the Department of the Navy now uses to train naval flight officers. The government leases these aircraft as part of a service contract. The lessor has offered to sell these aircraft to the government, rather than continue the current leasing arrangement.

The House bill and the Senate amendment would support the budget request.

The Senate report (S. Rept 104-112) would direct the Secretary of the Navy to provide analysis of the contractor's proposal to the Armed Services Committee of the Senate, so the proposal and the analysis could be reviewed for possible further action.

The conferees recommend $45.0 million for purchasing T-39N aircraft, subject to certain conditions. The conferees believe that the proposal deserves further review before purchasing these aircraft. The conferees expect the Department's analysis to answer, at a minimum, the following questions:

(1) What would be the status of the training program for which T-39Ns are currently leased?

(2) For what purpose would the Navy spend procurement funds in fiscal year 1996?

(3) Is funding for this project contained anywhere in the future years defense program (FYDP)? If there is funding, how much?

(4) Is there an approved requirement in the Navy for acquiring this capability? Does this requirement supplant or supplement the current mission that is being filled by the T-39N leasing program?

(5) How much funding beyond $45.0 million would be required to enable the T-39N system to meet future training requirements? If additional funds are required, how much of the additional cost is budgeted in the FYDP?

(6) What savings, in terms of both current and constant dollars, would accrue to the Navy by purchasing aircraft for this requirement on a non-competitive basis in fiscal year 1996, rather than selecting an aircraft under competitive procedures when the current lease program expires in fiscal year 1998? If savings will accrue, are they attributable to factors other than inflation? Are there savings in life cycle support costs beyond the initial acquisition costs?

(7) Would additional funding for the project now interfere with the Navy's opportunity to conduct a competitive procurement or better define the program's requirements?

(8) Are there other reasons that would prevent executing the program in fiscal year 1996?

(9) The conferees understand that the T-39N leasing contract provided for amortizing the full purchase price of the aircraft over the first five years of the lease. Since the contractor has already been reimbursed in full for purchase price, why would it be in the government's interests to pay more than a nominal amount for aircraft?

The conferees believe that the proposal to buy the aircraft could have merit; however, the conferees recommend a provision that would prohibit obligation of these acquisition funds until 60 days after the Under Secretary of Defense for Acquisition and Technology has submitted the analysis described above and has certified to the Armed Services Committee of the Senate and the National Security Committee of the House of Representatives that acquisition of the T-39N aircraft is in the best interest of the government and is the most cost effective alternative in meeting the requirements for training naval flight officers.

Pioneer unmanned aerial vehicle program (sec. 138)

The Senate amendment contained a provision (sec. 132) that would prohibit the Secretary of the Navy from spending more than one-sixth of the funds appropriated for fiscal year 1996, or any unobligated balances available from previous years, until the Secretary certifies that funds have been obligated to equip nine Pioneer Unmanned Aerial vehicle systems with the Common Automatic Landing and Recovery System (CARLS).

The House bill contained no similar provision.

The House recedes.

Subtitle D—Air Force Programs

Repeal of limitations (secs. 141 and 142)

The budget request included $279.9 million for B-2 procurement and $623.6 million for B-2 research and development for a B-2 program consisting of twenty aircraft. The House bill contained a provision (sec. 141) that would repeal limitations on the B-2 program, and provide an increase of $553 million for B-2 procurement. The House bill would repeal:

Section 112 of the National Defense Act for Fiscal Years 1990 and 1991, which requires certification from the Secretary of Defense that the B-2 is meeting certain performance criteria.

Section 151(c) of the National Defense Authorization Act for Fiscal Year 1993, which limits B-2 procurement to 20 bombers and one test aircraft.

Section 131(c) of the National Defense Authorization Act for Fiscal Year 1994, which reaffirms the twenty one aircraft limitation.

Section 131(d) of the National Defense Authorization Act for Fiscal Year 1994, which limits the total program costs to $28,968,000,000 in Fiscal Year 1981 constant dollars.

Section 133(e) of the National Defense Authorization Act for Fiscal Year 1995, which provides that none of the $125.0 million authorized and appropriated for the Enhanced Bomber Capability Fund may be obligated for advance procurement of new B-2 aircraft (including long lead items).

The Senate amendment contained no additional funds, nor did it contain any repeal of the limitations provision.

The conferees agree to an amendment that would repeal the limitations imposed on the scope of the B-2 program, while retaining requirements for B-2 performance compliance in both the present authorization and any possible future acquisition of the aircraft.

The conferees agree to authorize the budget request for research and development and to increase the authorization for procurement by $493.0 million. The conferees further agree that the $493.0 million may not be spent until March 31, 1996.

The conferees believe that the B-2 bomber represents a major technological advance in strategic bomber capabilities. However, if a decision were made to acquire additional B-2 bombers, their high cost would result in funding reductions in the Administration's five year defense program. Therefore, the Senate conferees believe that the increased authorization of $493.0 million provided for the B-2 bomber program may be expended only for procurement of B-2 components, upgrades, and modifications that would be of value for the existing fleet of B-2 bombers.

The conferees are concerned over the cost of producing modern, highly capable, long range bombers, and therefore strongly urge the Secretary of Defense to: (1) complete the study called for in section 133(d)(3) of the National Defense Act of 1995 (Public Law 103-337) for requirements formulation and conceptual studies for a conventional-conflict-oriented, lower-cost, next generation bomber; and (2) explore options, including adoption of streamlined acquisition policies and procedures, for reducing the costs of producing long-range bombers. Accordingly, the conferees agree to repeal the requirements contained in section 133(d)(3), which states that such a study may be carried out only if the previously-produced bomber force study found bomber capabilities to be inadequate.

The conferees note that section 133(d) permitted the Secretary to obligate up to $25.0 million of the $125.0 million authorized and appropriated in fiscal year 1995 for the Enhanced Bomber Capability Fund for such a study. The conferees direct that any remaining unobligated fiscal year 1995 funds from the $125.0 million made available for B-2 bomber industrial base preservation and next-generation bomber study shall promptly be merged with the $493.0 million in additional B-2 funds authorized in this Act.

In order to compare force capabilities with relative costs, the conferees urge the Secretary of Defense to provide a summary and detailed listing of program reductions and adjustments to the fiscal year 1997 budget request and the future years' defense program (FYDP) required by the possible acquisition of additional B-2 bombers. The Secretary should use the standard cost analysis approach used in the March 1995 Air Force cost estimate for further B-2 acquisition of one and one-half and three aircraft per year.

MC-130H Aircraft Program (sec. 143)

The conference agreement includes a new provision that would amend section 161 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (P.L. 101-189) to enable obligation of funds for award fee and procurement of contractor furnished equipment.

The conferees understand that the Air Force desires to grant an award fee to the MC-130H Combat Talon II development contractor, but is prohibited from doing so by a provision of Public Law 101-189. The conferees note that the prohibitive legislative provision requires the Director of Operational Test and Evaluation (DOT&E) to certify that the MC-130H Combat Talon II terrain avoidance radar performs in accordance with requirements outlined in the test and Evaluation Master Plan (TEMP) approved by the DOT&E in September 1988. The conferees have been informed that the aircraft cannot be certified as having met TEMP criteria because a specific test criterion referred to in the TEMP has been determined to be unmeasurable.

The conferees agree to include a provision that would allow the DOT&E to certify to the congressional defense committees that the MC-130H terrain avoidance radar is operationally effective in order to release the award fee for the MC-130H. The conferees direct the DOT&E to report all unmeasurable test criteria included in the September 1988 TEMP that have been appropriately corrected.

Subtitle E—Chemical Demilitarization Program

Chemical agents and munitions destruction program (secs. 107, 151-153)

The budget request contained $746.7 million for operation and maintenance, research and development and procurement, for the defense chemical agents and munitions destruction program.

The House bill contained a series of provisions (secs. 106, 151-153, and 2407) that would: authorize the budget request; repeal a legislative requirement to develop a chemical demilitarization cryofracture facility; express congressional concern about the cost growth of destroying the unitary chemical stockpile and express a view that the Secretary of Defense should consider measures to reduce the overall cost; direct the Secretary of Defense to conduct a review and evaluation of issues associated with closure and reuse of the Department of Defense facilities that are co-located with the unitary chemical stockpile and demilitarization operations; and prohibit the obligation or expenditure of fiscal year 1996 funds, prior to March 1, 1996, for the construction of a chemical munitions incinerator facility at Umatilla Army Depot, Oregon.

The Senate amendment contained provisions (sec. 107 and 1099C) that would authorize $671.7 million for the chemical agents and munitions destruction program, and direct the Department of Defense to review and assess the risk associated with the transportation of any portion of the unitary chemical stockpile, such as drained chemical agents or munitions from one location to another within the continental United States, and review and evaluate issues associated with closure and reuse of the Department of Defense facilities that are co-located with the unitary chemical stockpile and demilitarization operations. The Senate report (S. Rept. 104-112) would recommend the use of unobligated fiscal years 1994 and 1995 procurement funds for procurement of equipment at Pine Bluff, Arkansas and Umatilla, Oregon.

The conferees agree to provisions that would authorize $672.3 million for the defense chemical agents and munitions program, to include: $265.0 million for procurement; $353.8 million for operations and maintenance; and $53.4 million for research and development. The provision would repeal the legislative requirement to develop a chemical demilitarization cryofracture facility.

Further, the conferees agree to provisions that would direct the Secretary of Defense to proceed with the destruction of the U.S. chemical stockpile using the current baseline technology. The conferees would also require the Secretary to ensure that support measures have been provided at each installation where a chemical agent and munitions demilitarization facility would be constructed, as required by the Department of Defense and the Department of Army regulations, the chemical demilitarization plans, and the Solid Waste Disposal Act permit. The conferees direct the Secretary to conduct an assessment of the current chemical demilitarization program and recommend measures that could reduce the total cost of the program. The provision would also direct the Secretary to review and evaluate issues associated with the closure and reutilization of Department of Defense facilities co-located with continuing chemical stockpile and chemical demilitarization operations.

The conferees agree to authorize the use of funds appropriated for the defense chemical agents and munitions destruction program to support travel and associated travel costs of Commissioners of the Citizens' Advisory Commissions, when such travel is conducted at the invitation of the Assistant Secretary of the Army for Research, Development and Acquisition. The provision would modify existing law to permit the appointment of a civilian as project manager for the chemical agent and munitions destruction program. The Department would also be required to provide a quarterly report to Congress on the use of such funds to pay for the travel and associated travel costs.

COST OF THE CHEMICAL AGENTS AND MUNITIONS DESTRUCTION PROGRAM

The conferees remain concerned about the escalating costs associated with the chemical agents and munitions destruction program. The program has grown from its original estimate of $1.7 billion in 1986 to the current estimated cost of $11.9 billion, with expectations that costs will further increase. Continued delays in proceeding with the demilitarization and destruction of the chemical stockpile have added to the overall increases in the program. The conferees believe that the program should proceed expeditiously and utilize technology that minimizes risks to the public and the environment.

The conferees are concerned that continued delays, related to site operation systemization, environmental permits, and construction of the demilitarization and destruction facilities, would increase the overall program costs and risks to the public and the environment.

Finally, as the Department reviews measures that could be implemented to reduce the growth of the program costs, the conferees expect the Secretary to consider the potential for reconfiguration of the stockpile, as described in the October 19, 1995 letter from the Assistant Secretary of the Army for Research, Development and Acquisition, and to ensure protection of the public and environment.

ALTERNATIVE TECHNOLOGIES

The Department of the Army is currently conducting research and development of chemical neutralization and biodegradation, in conjunction with neutralization, for use at the bulk-only storage sites. The conferees believe there is potential for the implementation of these processes at future demilitarization and destruction sites, which could reduce the requirement for a liquid incinerator. The conferees support the National Research Council's (NRC's) recommendation that the Army continues its current baseline incineration program until such time as the evaluation of these alternative technologies is concluded.

If the evaluation of the alternative technologies research and development program proves successful, the conferees would support inclusion of this process into the baseline process. In conducting the chemical demilitarization and destruction program and assessing measures to significantly reduce program costs, the conferees expect the Department to consider a wide range of alternatives to the current baseline incineration program, to include the use of alternative technologies.

Additionally, the conferees expect the Secretary's assessment of the current chemical demilitarization program and measures to reduce the overall cost of the program, to include a risk analysis specific to each chemical stockpile storage and demilitarization site, the results of the stockpile surveillance and stability analysis related to the physical and chemical integrity of the stockpile, and the potential reconfiguration of the chemical stockpile. In making such an assessment, the Secretary shall ensure the maximum protection of the environment, the general public, and the personnel involved in the destruction of the chemical stockpile, while minimizing total program costs. The conferees expect the assessment to yield potential revisions to the chemical agents and munitions destruction program that could reduce program costs and increase public safety.

LEGISLATIVE PROVISIONS NOT ADOPTED

Repeal of limitation on total cost for SSN–21 and SSN–22 Seawolf submarines

The budget request included $1.5 billion for construction of the third *Seawolf* class submarine, SSN–23.

The House bill would not authorize SSN–23. However, consistent with other actions taken by the House on SSN–22, the House bill contained a provision (sec. 132) that would eliminate the existing cost cap on the first two *Seawolf* class submarines.

The Senate amendment would authorize SSN–23. It did not contain a provision that would repeal the cost cap on SSN–21 and SSN–22.

The House recedes.

Competition required for selection of shipyards for construction of vessels for next generation attack submarine program

The House bill contained a provision (sec. 133) that would:

(1) require the Secretary of the Navy to select on a competitive basis the shipyard for construction of each vessel of the next generation attack submarine program; and

(2) stipulate that the next generation attack submarine program shall begin with the first submarine that is programmed to be constructed after the submarine that is programmed to be constructed in fiscal year 1998.

The Senate amendment contained a provision (sec. 121) that would address competition as an integral part of the broader issue of current and future nuclear submarine construction programs.

The House recedes.

The conferees agree to incorporate the issue of competition for future submarines into a new, more comprehensive provision dealing with future submarine development and procurement.

Sonobuoy programs

The budget request included $8.9 million for the procurement of AN/SSQ–53 sonobuoys and no funding for the procurement of AN/SSQ–110 sonobuoys.

The House bill contained a provision (sec. 134) that would:

(1) stipulate that no fiscal year 1996 funds could be used for procurement of AN/SSQ–53 sonobuoys; and

(2) authorize $8.9 million for AN/SSQ–110 sonobuoys.

While the Senate amendment contained no similar provision, it did recommend funding adjustments to these two sonobuoy programs that would accomplish the intent underlying the House provision.

The conferees agree that the funding adjustment included in the House provision should be adopted, but do not believe that a legislative provision to that effect is necessary.

The House recedes.

Split funding for construction of naval vessels and incremental funding of procurement items

The Senate amendment contained a provision (sec. 124) that would authorize the Secretary of Defense to employ split funding for construction of certain naval vessels when developing the future years defense program. The provision would permit the Secretary to provide funding for these vessels over two years, but enter into a contract based on the first increment of funding. The intent of the provision would be to provide the Secretary with more flexibility to develop a uniform and cost effective shipbuilding program.

The House bill contained a provision (sec. 1007) that would prohibit the use of incremental funding, including split funding, for:

(1) the procurement of aircraft, missiles, or naval vessels;

(2) the procurement of tracked combat vehicles;

(3) the procurement of other weapons, and

(4) the procurement of naval torpedoes and related support equipment.

The House provision would not apply to funding classified as advance procurement funding.

These provisions were not included in the conference agreement.

Tier II predator unmanned aerial vehicle program

The Senate amendment contained a provision (sec. 131) that would prohibit the obligation of funds appropriated or otherwise made available for the Department of Defense in fiscal year 1996 for the Tier II Predator Unmanned Aerial Vehicle.

The House bill contained no similar provision.

The Senate recedes.

Joint primary aircraft training system program

The budget request included $55.0 million for three joint primary aircraft training system (JPATS) aircraft. At the time of the budget submission, the Department of Defense (DOD) had not completed the JPATS competition. This amount was derived from an estimate of funding required to procure three aircraft from any of the potential competitors. After source selection, the Department determined that it could procure eight JPATS aircraft with the requested funds.

The Senate amendment contained a provision (sec. 133) that would increase the number of aircraft that the Department could procure, from three to eight, without changing the amount of the authorization.

The House bill contained no similar provision.

The Senate recedes.

The conferees agree that the Air Force should buy up to eight aircraft with authorized funds.

Weapons industrial facilities

The budget request included $13.1 million for naval weapons industrial facilities.

The Senate amendment included a provision (sec. 391) that would authorize an increase of $2.0 million in operations and maintenance accounts for essential safety functions for the Allegany Ballistics Laboratory.

The House bill contained no similar provision.

The Senate recedes. The conferees agree to provide an increase of $30.0 million for naval weapons industrial facilities for continuation of the facility restoration program at Allegany Ballistics Laboratory.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Overview

The budget request for fiscal year 1996 contained an authorization of $34,331.9 million

for Research and Development in the Department of Defense. The House bill would authorize $35,934.5 million. The Senate amendment would authorize $35,959.9 million. The conferees recommended an authorization of $35,730.4 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FY 1996

(Dollars in Millions) Account Title	Authorization Request 1996	House Authorized	Senate Authorized	Conference Change	Conference Authorization
TITLE II					
Research, Development, Test, and Evaluation, Army	4,444.175	4,774.947	4,845.097	293.406	4,737.581
Research, Development, Test, and Evaluation, Navy	8,204.530	8,516.509	8,624.230	270.253	8,474.783
Research, Development, Test, and Evaluation, Air Force	12,598.439	13,184.102	13,087.389	316.429	12,914.868
Research, Development, Test, and Evaluation, Defense-	8,802.881	9,287.058	9,271.220	616.630	9,419.511
Operational Test and Evaluation, Defense	22.587	22.587	22.587	-	22.587
Developmental Test and Evaluation, Defense	259.341	239.341	239.341	(8.259)	251.082
Undistributed Reduction			(40.000)	-	-
FFRDC Reduction	-	(90.000)	(90.000)	(90.000)	(90.000)
Total Research & Development	34,331.953	35,934.544	35,959.864	1,398.459	35,730.412

Overview

The budget request for fiscal year 1996 contained an authorization of $4,444.2 million for Army, Research and Development in the Department of Defense. The House bill would authorize $4,774.9 million. The Senate amendment would authorize $4,845.1 million. The conferees recommended an authorization of $4,737.6 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

PE	No	Title	FY 1996 Request	House Authorized	Senate Authorized	Change to Request	Conference Agreement
ACCOUNT		RESEARCH DEVELOPMENT TEST & EVAL ARMY					
0601101A	1	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	14,340	14,340	14,340		14,340
0601102A	2	DEFENSE RESEARCH SCIENCES	127,565	127,565	127,565		127,565
0601104A	3	UNIVERSITY AND INDUSTRY RESEARCH CENTERS	62,715	62,715	62,715	(14,936)	47,779
0602104A	4	TRACTOR ROSE	2,618	2,618	2,618		2,618
0602105A	5	MATERIALS TECHNOLOGY	10,176	14,176	14,176		10,176
0602120A	6	SENSORS AND ELECTRONIC SURVIVABILITY	21,918	27,918	21,918	6,000	27,918
0602122A	7	TRACTOR HIP	5,885	5,885	5,885		5,885
0602211A	8	AVIATION TECHNOLOGY	20,381	20,381	23,381	(1,911)	18,470
0602270A	9	EW TECHNOLOGY	15,311	15,311	15,311		15,311
0602303A	10	MISSILE TECHNOLOGY	17,985	17,985	22,985		17,985
0602307A	11	LASER WEAPONS TECHNOLOGY	-	4,000	-		-
0602308A	12	MODELING AND SIMULATION	23,770	23,770	23,770	(3,244)	20,526
0602601A	13	COMBAT VEHICLE AND AUTOMOTIVE TECHNOLOGY	39,207	39,207	39,207		39,207
0602618A	14	BALLISTICS TECHNOLOGY	28,126	35,126	28,126	8,000	36,126
0602622A	15	CHEMICAL, SMOKE AND EQUIPMENT DEFEATING TECHNOLOGY	1,891	1,891	1,891		1,891
0602623A	16	JOINT SERVICE SMALL ARMS PROGRAM	5,114	5,114	5,114		5,114
0602624A	17	WEAPONS AND MUNITIONS TECHNOLOGY	23,968	25,968	26,968		23,968
0602705A	18	ELECTRONICS AND ELECTRONIC DEVICES	17,525	20,525	17,525	2,000	19,525
0602709A	19	NIGHT VISION TECHNOLOGY	17,086	17,086	19,086		17,086
0602716A	20	HUMAN FACTORS ENGINEERING TECHNOLOGY	12,534	12,534	12,534		12,534
0602720A	21	ENVIRONMENTAL QUALITY TECHNOLOGY	21,304	21,304	24,304		21,304
0602727A	22	NON-SYSTEM TRAINING DEVICE TECHNOLOGY	-	-	-		-
0602782A	23	COMMAND, CONTROL, COMMUNICATIONS TECHNOLOGY	15,726	15,726	17,726	(2,148)	13,578
0602783A	24	COMPUTER AND SOFTWARE TECHNOLOGY	3,992	3,992	3,992		3,992
0602784A	25	MILITARY ENGINEERING TECHNOLOGY	35,220	35,220	35,220		35,220
0602785A	26	MANPOWER/PERSONNEL/TRAINING TECHNOLOGY	7,500	7,500	7,500		7,500
0602786A	27	LOGISTICS TECHNOLOGY	28,036	28,036	28,036		28,036
0602787A	28	MEDICAL TECHNOLOGY	56,658	61,658	56,658		56,658
0602788A	29	TRACTOR FLOP	-	-	-		-
0602789A	30	ARMY ARTIFICIAL INTELLIGENCE TECHNOLOGY	2,166	2,166	2,166		2,166
0603001A	31	LOGISTICS ADVANCED TECHNOLOGY	10,569	13,669	10,569	(1,862)	8,707
0603002A	32	MEDICAL ADVANCED TECHNOLOGY	11,760	11,760	14,760	9,000	20,760
0603003A	33	AVIATION ADVANCED TECHNOLOGY	48,593	65,093	48,593	8,000	56,593
0603004A	34	WEAPONS AND MUNITIONS ADVANCED TECHNOLOGY	18,518	20,518	18,518	9,000	27,518
0603005A	35	COMBAT VEHICLE AND AUTOMOTIVE ADVANCED TECHNOLOGY	30,616	30,616	30,616	(2,445)	28,171
0603006A	36	COMMAND, CONTROL, COMMUNICATIONS ADVANCED TECHNOLOGY	16,922	16,922	23,922	9,000	25,922
0603007A	37	MANPOWER, PERSONNEL AND TRAINING ADVANCED TECHNOLOGY	4,826	4,826	4,826		4,826
0603009A	38	TRACTOR HIKE	14,588	31,588	24,588	10,000	24,588

PE	No	Title	FY 1996 Request	House Authorized	Senate Authorized	Change to Request	Conference Agreement
0603012A	39	TRACTOR HOLE	-	-	-		-
0603013A	40	TRACTOR DIRT	1,805	1,805	1,805		1,805
0603017A	41	TRACTOR RED	5,663	5,663	5,663		5,663
0603020A	42	TRACTOR ROSE	4,513	4,513	18,013		4,513
0603105A	43	ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) RESEARCH	2,946	2,946	2,946		2,946
0603122A	44	TRACTOR HIP	-	-	-		-
0603238A	45	GLOBAL SURVEILLANCE/AIR DEFENSE/PRECISION STRIKE TECHNOLOGY DEMONSTRATION	39,824	43,824	39,824	(1,500)	38,324
0603270A	46	EW TECHNOLOGY	4,022	4,022	4,022		4,022
0603313A	47	MISSILE AND ROCKET ADVANCED TECHNOLOGY	123,913	111,813	135,913	(5,000)	118,913
0603322A	48	TRACTOR CAGE	8,530	8,530	8,530		8,530
0603606A	49	LANDMINE WARFARE AND BARRIER ADVANCED TECHNOLOGY	18,820	28,820	18,820	6,000	24,820
0603607A	50	JOINT SERVICE SMALL ARMS PROGRAM	4,487	6,487	7,487		4,487
0603654A	51	LINE-OF-SIGHT, ANTITANK (LOSAT)	14,727	14,727	14,727		14,727
0603710A	52	NIGHT VISION ADVANCED TECHNOLOGY	37,969	42,969	37,969	(4,166)	33,803
0603734A	53	MILITARY ENGINEERING ADVANCED TECHNOLOGY	12,380	12,380	18,380		12,380
0603759A	54	CHEMICAL BIOLOGICAL DEFENSE AND SMOKE ADVANCED TECHNOLOGY	-	-	-		-
0603771A	55	INDUSTRIAL PREPAREDNESS MANUFACTURING TECHNOLOGY	17,776	-	17,776	(17,776)	-
0603772A	56	ADVANCED TACTICAL COMPUTER SCIENCE AND TECHNOLOGY	33,989	33,989	33,989	(5,037)	28,952
0603018A	57	TRACTOR TREAD	14,930	14,930	14,930		14,930
0603019A	58	TRACTOR DUMP	15,025	15,025	15,025	(15,025)	-
0603308A	59	ARMY MISSILE DEFENSE SYSTEMS INTEGRATION (DEM/VAL)	2,985	2,985	2,985	21,000	23,985
0603604A	60	NUCLEAR MUNITIONS - ADV DEV	-	-	-		-
0603617A	61	NON-LINE OF SIGHT (N-LOS)	-	-	-		-
0603619A	62	LANDMINE WARFARE AND BARRIER - ADV DEV	32,839	32,839	32,839		32,839
0603627A	63	SMOKE, OBSCURANT AND TARGET DEFEATING SYS-ADV DEV	3,248	3,248	3,248		3,248
0603639A	64	ARMAMENT ENHANCEMENT INITIATIVE	61,491	61,491	61,491		61,491
0603640A	65	ARTILLERY PROPELLANT DEVELOPMENT	10,946	30,546	21,646	11,000	21,946
0603645A	66	ARMORED SYSTEM MODERNIZATION - ADV DEV	201,513	201,513	201,513	(10,000)	191,513
0603647A	67	TRACTOR DIRT	-	-	-		-
0603649A	68	ENGINEER MOBILITY EQUIPMENT ADVANCED DEVELOPMENT	5,615	10,115	10,115	4,500	10,115
0603653A	69	ADVANCED TANK ARMAMENT SYSTEM (ATAS)	9,955	9,955	9,955		9,955
0603713A	70	ARMY DATA DISTRIBUTION SYSTEM	6,694	6,694	6,694		6,694
0603730A	71	TACTICAL SURVEILLANCE SYSTEM - ADV DEV	-	-	-		-
0603745A	72	TACTICAL ELECTRONIC SUPPORT SYSTEMS - ADV DEV	2,937	5,937	2,937	3,000	5,937
0603746A	73	SINGLE CHANNEL GROUND AND AIRBORNE RADIO SYSTEM (SINCGARS)	-	3,000	-		-
0603747A	74	SOLDIER SUPPORT AND SURVIVABILITY	33,848	33,848	33,848	(25,935)	7,913
0603760A	75	DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS) - ADVANCED DEVELOPMENT	-	-	-		-
0603766A	76	TACTICAL ELECTRONIC SURVEILLANCE SYSTEM - ADV DEV	28,369	28,369	28,369		28,369
0603774A	77	NIGHT VISION SYSTEMS ADVANCED DEVELOPMENT	2,960	2,960	2,960		2,960

PE	No	Title	FY 1996 Request	House Authorized	Senate Authorized	Change to Request	Conference Agreement
0603801A	78	AVIATION - ADV DEV	8,430	14,430	8,430	6,000	14,430
0603802A	79	WEAPONS AND MUNITIONS - ADV DEV	-	-	5,000	1,000	1,000
0603804A	80	LOGISTICS AND ENGINEER EQUIPMENT - ADV DEV	7,427	7,427	7,427		7,427
0603805A	81	COMBAT SERVICE SUPPORT COMPUTER SYSTEM EVALUATION AND ANALYSIS	13,969	13,969	13,969		13,969
0603806A	82	NBC DEFENSE SYSTEM-ADV DEV	-	-	-		-
0603807A	83	MEDICAL SYSTEMS - ADV DEV	10,576	10,576	10,576		10,576
0603851A	84	TRACTOR CAGE (DEM/VAL)	3,411	3,411	3,411		3,411
0603889A	85	COUNTERDRUG RDT&E PROJECTS	-	-	-		-
0604018A	87	TRACTOR TREAD	-	-	-		-
0604201A	88	AIRCRAFT AVIONICS	22,044	33,044	33,044		22,044
0604220A	89	ARMED, DEPLOYABLE OH-58D	726	726	726		726
0604223A	90	COMANCHE	199,103	299,103	373,103	100,000	299,103
0604270A	91	EW DEVELOPMENT	65,222	65,222	65,222		65,222
0604315A	92	TRI-SERVICE STANDOFF ATTACK MISSILE	-	-	-		-
0604321A	93	ALL SOURCE ANALYSIS SYSTEM	52,698	52,698	52,698		52,698
0604325A	94	ADVANCED MISSILE SYSTEM-HEAVY	995	-	995		995
0604328A	95	TRACTOR CAGE	-	-	-		-
0604604A	96	MEDIUM TACTICAL VEHICLES	-	-	10,000	1,500	1,500
0604609A	97	SMOKE, OBSCURANT AND TARGET DEFEATING SYS-ENG DEV	2,000	2,000	2,000		2,000
0604611A	98	JAVELIN	-	2,000	-	1,000	1,000
0604619A	99	LANDMINE WARFARE	31,028	31,028	31,028		31,028
0604622A	100	HEAVY TACTICAL VEHICLES	-	2,745	1,900	2,745	2,745
0604633A	101	AIR TRAFFIC CONTROL	1,813	1,813	1,813		1,813
0604640A	102	ADVANCED COMMAND AND CONTROL VEHICLE (AC2V)	18,238	18,238	18,238		18,238
0604641A	103	TACTICAL UNMANNED GROUND VEHICLE (TUGV)	-	-	-		-
0604642A	104	LIGHT TACTICAL WHEELED VEHICLES	2,187	2,187	7,187	2,000	4,187
0604645A	105	ARMORED SYSTEMS MODERNIZATION (ASM)-ENG. DEV.	38,465	43,825	43,825	1,600	40,065
0604649A	106	ENGINEER MOBILITY EQUIPMENT DEVELOPMENT	21,831	35,984	35,984	2,600	24,431
0604710A	107	NIGHT VISION SYSTEMS - ENG DEV	39,697	39,697	39,697		39,697
0604713A	108	COMBAT FEEDING, CLOTHING, AND EQUIPMENT	17,959	17,959	17,959		17,959
0604715A	109	NON-SYSTEM TRAINING DEVICES - ENG DEV	55,303	55,303	55,303	(3,000)	52,303
0604716A	110	TERRAIN INFORMATION - ENG DEV	9,011	9,011	9,011		9,011
0604726A	111	INTEGRATED METEOROLOGICAL SUPPORT SYSTEM	-	-	-		-
0604740A	112	TACTICAL SURVEILLANCE SYSTEM - ENG DEV	-	3,100	3,000	3,000	3,000
0604741A	113	AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE - ENG DEV	22,030	32,030	32,030	(1,200)	20,830
0604746A	114	AUTOMATIC TEST EQUIPMENT DEVELOPMENT	5,437	15,437	5,437	10,000	15,437
0604760A	115	DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS) - ENGINEERING DEVELOPMENT	-	-	-		-
0604766A	116	TACTICAL ELECTRONIC SURVEILLANCE SYSTEM - ENG DEV	24,699	24,699	24,699		24,699
0604768A	117	TRACTOR BAT	193,303	200,303	200,303	7,000	200,303

PE	No	Title	FY 1996 Request	House Authorized	Senate Authorized	Change to Request	Conference Agreement
0604770A	118	JOINT SURVEILLANCE/TARGET ATTACK RADAR SYSTEM	18,771	18,771	18,771	9,500	28,271
0604778A	119	POSITIONING SYSTEMS DEVELOPMENT	460	460	460		460
0604780A	120	COMBINED ARMS TACTICAL TRAINER (CATT)	59,475	59,475	59,475		59,475
0604801A	121	AVIATION - ENG DEV	5,142	5,142	5,142		5,142
0604802A	122	WEAPONS AND MUNITIONS - ENG DEV	15,928	20,228	16,428	2,100	18,028
0604804A	123	LOGISTICS AND ENGINEER EQUIPMENT - ENG DEV	20,756	22,756	20,756		20,756
0604805A	124	COMMAND, CONTROL, COMMUNICATIONS SYSTEMS - ENG DEV	13,432	13,432	13,432		13,432
0604806A	125	NBC DEFENSE SYSTEM-ENG DEV	-	-	-		-
0604807A	126	MEDICAL MATERIEL/MEDICAL BIOLOGICAL DEFENSE EQUIPMENT - ENG DEV	4,738	4,738	4,738		4,738
0604808A	127	LANDMINE WARFARE/BARRIER - ENG DEV	7,382	7,382	7,382		7,382
0604814A	128	SENSE AND DESTROY ARMAMENT MISSILE - ENG DEV	16,617	16,617	16,617		16,617
0604816A	129	LONGBOW - ENG DEV	23,590	23,590	23,590		23,590
0604817A	130	NON-COOPERATIVE TARGET RECOGNITION - ENG DEV	30,466	30,466	30,466	(8,000)	22,466
0604818A	131	ARMY TACTICAL COMMAND & CONTROL SYSTEMS (ATCCS) ENG DEV	18,769	18,769	18,769		18,769
0604820A	132	RADAR DEVELOPMENT	-	-	-		-
0604256A	133	THREAT SIMULATOR DEVELOPMENT	14,397	14,397	14,397		14,397
0604258A	134	TARGET SYSTEMS DEVELOPMENT	14,292	14,292	14,292		14,292
0604759A	135	MAJOR T&E INVESTMENT	66,874	66,874	56,874		66,874
0605103A	136	RAND ARROYO CENTER	21,872	21,872	16,872	(3,000)	18,872
0605104A	137	LOS ALAMOS MESON PHYSICS FACILITY	-	-	-		-
0605301A	138	ARMY KWAJALEIN ATOLL	149,769	149,769	149,769		149,769
0605502A	139	SMALL BUSINESS INNOVATIVE RESEARCH	-	-	-		-
0605601A	140	ARMY TEST RANGES AND FACILITIES	147,330	147,330	147,330		147,330
0605602A	141	ARMY TECHNICAL TEST INSTRUMENTATION AND TARGETS	27,600	27,600	27,600		27,600
0605604A	142	SURVIVABILITY/LETHALITY ANALYSIS	34,535	34,535	34,535		34,535
0605605A	143	DOD HIGH ENERGY LASER TEST FACILITY	3,000	3,000	34,800	32,000	35,000
0605606A	144	AIRCRAFT CERTIFICATION	2,976	2,976	2,976		2,976
0605702A	145	METEOROLOGICAL SUPPORT TO RDT&E ACTIVITIES	6,660	6,660	6,660		6,660
0605706A	146	MATERIEL SYSTEMS ANALYSIS	17,864	17,864	17,864		17,864
0605709A	147	EXPLOITATION OF FOREIGN ITEMS	8,869	8,869	8,869		8,869
0605710A	148	JOINT NUCLEAR BIOLOGICAL CHEMICAL TEST, ASSESSMENT & SURVIVABILITY	-	-	-		-
0605712A	149	SUPPORT OF OPERATIONAL TESTING	46,491	47,991	46,491		46,491
0605801A	150	PROGRAMWIDE ACTIVITIES	63,649	63,649	63,649		63,649
0605802A	151	INTERNATIONAL COOPERATIVE RESEARCH AND DEVELOPMENT	1,606	1,606	1,606		1,606
0605803A	152	TECHNICAL INFORMATION ACTIVITIES	16,401	16,401	16,401	(2,564)	13,837
0605805A	153	MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFETY	6,903	6,903	6,903		6,903
0605810A	154	RDT&E SUPPORT FOR NONDEVELOPMENTAL ITEMS	-	-	-		-
0605853A	155	ENVIRONMENTAL CONSERVATION	2,533	2,533	2,533		2,533
0605854A	156	POLLUTION PREVENTION	13,005	13,005	13,005		13,005

PE	No	Title	FY 1996 Request	House Authorized	Senate Authorized	Change to Request	Conference Agreement
0605856A	157	ENVIRONMENTAL COMPLIANCE	66,101	66,101	66,101		66,101
0605876A	158	MINOR CONSTRUCTION (RPM) - RDT&E	5,497	5,497	5,497		5,497
0605878A	159	MAINTENANCE AND REPAIR (RPM) - RDT&E	95,696	95,696	95,696		95,696
0605896A	160	BASE OPERATIONS - RDT&E	329,978	329,978	309,978	(10,500)	319,478
0605898A	161	MANAGEMENT HEADQUARTERS (RESEARCH AND DEVELOPMENT)	8,766	8,766	8,766		8,766
0909999A	162	FINANCING FOR CANCELLED ACCOUNT ADJUSTMENTS	-	-	-		-
0603778A	163	MLRS PRODUCT IMPROVEMENT PROGRAM	68,786	72,486	72,486	3,700	72,486
0203726A	164	ADV FIELD ARTILLERY TACTICAL DATA SYSTEM	39,422	45,622	45,622	(3,000)	36,422
0203735A	165	COMBAT VEHICLE IMPROVEMENT PROGRAMS	197,669	198,978	198,978	17,334	215,003
0203740A	166	MANEUVER CONTROL SYSTEM	38,327	51,327	38,327	13,000	51,327
0203744A	167	AIRCRAFT MODIFICATIONS/PRODUCT IMPROVEMENT PROGRAMS	2,326	2,326	2,326		2,326
0203752A	168	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	3,012	3,012	3,012		3,012
0203758A	169	DIGITIZATION	88,567	88,567	88,567	1,500	90,067
0203801A	170	MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM	17,069	26,869	61,869	44,800	61,869
0203802A	171	OTHER MISSILE PRODUCT IMPROVEMENT PROGRAMS	57,949	57,949	57,949	10,000	67,949
0203806A	172	TRACTOR RIG	3,215	3,215	3,215		3,215
0203808A	173	TRACTOR CARD	10,156	10,156	10,156		10,156
0208010A	174	JOINT TACTICAL COMMUNICATIONS PROGRAM (TRI-TAC)	13,368	13,368	20,568		13,368
0301359A	175	SPECIAL ARMY PROGRAM	8,690	11,690	8,690		8,690
0303140A	176	INFORMATION SYSTEMS SECURITY PROGRAM	3,644	3,644	3,644		3,644
0303142A	177	SATCOM GROUND ENVIRONMENT	58,355	56,355	58,655		58,355
0303152A	178	WORLD-WIDE MILITARY COMMAND AND CONTROL SYSTEMS, INFORMATION SYSTEM	-	-	-		-
0305127A	179	FOREIGN COUNTERINTELLIGENCE ACTIVITIES	-	-	-		-
0305150A	180	AIR RECONNAISSANCE LOW	-	-	-		-
0708045A	181	END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES	-	27,776	-	26,776	26,776
		Depressed Altitude Guided Gun Round System			5,000		
		Undistributed Reduction			(5,000)		
		TASK FORCE XXI					
		TASK FORCE XXI - Soldier				30,000	30,000
XXXXXXXXXX	999	Classified Programs	-	-	-		-
		Total Army RDT&E	4,444,175	4,774,947	4,845,097	293,406	4,737,581

Passive millimeter wave camera

The budget request did not include funds for the passive millimeter wave camera.

The House bill would add $6.0 million in PE 62120A for continuation of the program.

The Senate amendment contained no similar provision.

The Senate recedes.

Tractor Rose

The budget request included $4.5 million for Tractor Rose.

The House bill would authorize the requested amount.

The Senate amendment would authorize an additional $13.5 million.

The conferees are aware of recent progress in the activities related to this program. As a consequence, the conferees recommend authorization of this project at the level of funds appropriated in fiscal year 1996. In addition, the conferees urge the Department of the Army to consider reprogramming funds below threshold to capitalize on the potential of this technology.

Electric gun technology

The budget request included $9.0 million for the electric gun exploratory development program.

The House bill would authorize an additional $6.0 million in PE 62618A to complete research team data gathering and assessment in order to refocus the effort on the most promising technologies.

The conferees agree to authorize an additional $7.0 million for electric gun technology and an additional $1.0 million for the electrothermal chemical gun.

Objective individual combat weapon (OICW)

The budget request included $5.1 million in PE 62623A and $4.5 million in PE 63607A for continuation of the joint service small arms program.

The House bill would authorize an additional $2.0 million in PE 63607A for an advanced technology demonstration of lightweight, medium caliber, multi-shot, anti-armor weapon technology for application to a next-generation objective individual combat weapon system (OICW) for the Army and the Marines. The House report (H. Rept. 104–131) expressed the concern that funds requested for the OICW in fiscal year 1996 are insufficient to adequately conduct this advanced technology program. The House report also encouraged the Secretary of the Army to examine the current development strategy for the OICW to support the joint small arms master plan (JSAMP) and to request reprogramming of funds to carry out the plan.

The Senate amendment would authorize the requested amount.

The House recedes. The conferees strongly support the development of advanced technology for advanced individual weapons systems, as outlined in the JSAMP, and share the concerns expressed in the House report regarding adequacy of funding for development of the OICW. The conferees encourage the Secretary of the Army to request reprogramming of additional funds to compensate for any fiscal year 1996 funding shortfalls in the OICW program. The conferees also encourage the Secretary to include additional funds in the fiscal year 1997 budget request for OICW.

Advanced battery technology

The budget request did not include funding for advanced batteries.

The House bill would authorize $3.0 million in PE 62705A for non-metallic lithium and low-cost reusable alkaline batteries.

The Senate amendment contained no similar provision.

The conferees agree to the House authorization, but agree to provide only $2.0 million in PE 62705A.

Environmental policy simulation laboratory

The conferees agree that $3.0 million of the funds appropriated in PE 62720A shall be authorized for the establishment of an environmental policy simulation lab under the direction of the Army Environmental Policy Institute. The conferees further direct the Department of Defense to comply with the direction contained in the Senate report (S. Rept. 104–112) regarding the establishment of this lab.

Command, control, and communications technology

The budget request included $15.7 million in PE 62782A for the exploratory development of command, control, and communications technology.

The House bill would authorize the requested amount.

The Senate amendment would authorize an additional $2.0 million in PE 62782A as part of a general increase to address underfunding in the Army technology base.

The Senate recedes.

The conferees agree that the Army technology base has been underfunded in recent years. The conferees urge the Army leadership and the Office of the Secretary of Defense provide for balanced funding of the Army technology base program, as related to other Defense program accounts in the fiscal year 1997 budget request.

Medical advanced technology

The budget request included $11.8 million for medical advanced technology.

The House bill would include an additional $5.0 million for continuation of the battlefield tissue replacement program.

The Senate amendment would include an additional $3.0 million for telemedicine.

The conferees agree to authorize an additional $8.0 million for both of these programs and an additional $1.0 million for Army standardized testing of Trichloromelamine (TCM) in PE 63002A.

Aviation advanced technology

The budget request included $48.6 million for aviation advanced technology.

The House bill provided an additional authorization of $6.5 million for evaluation of the Starstreak missile and $10.0 million for tactical mobility technologies and designs, particularly related to the CH–47.

The Senate amendment would authorize the budget request.

The conferees agree to authorize an additional $4.0 million in PE 63003A for the completion of the phase II air-to-air test and evaluation for Starstreak during fiscal year 1996 and $4.0 for modernization technologies and improvement designs for the CH–47D.

The Army is encouraged to provide sufficient funding in its fiscal year 1997 budget request for completion of the air-to-air Starstreak evaluation program and continuation of the CH–47D modernization program.

Weapons and munitions-advanced technology

The budget request included $18.8 million for weapons and munitions advanced technology.

The House bill would authorize an additional $2.0 million for the XM 982/155mm projectile development.

The Senate amendment would authorize the request.

The conferees agree to authorize $2.0 million for the XM 982/155mm projectile development, an additional $6.0 million for the precision guided mortar munition, and an additional $1.0 million for electrorheological fluid recoil in PE 63004A.

Command, control, and communications-advanced technology

The budget request included $16.9 million in PE 63006A for advanced development of command, control, and communications technology.

The House bill would authorize the requested amount.

The Senate amendment would authorize an additional $3.0 million to partially address funding shortfalls in the Army technology base for fiscal year 1996. The Senate amendment would also authorize an increase of $4.0 million in PE 63006A to develop and test wave net technology for possible application to the Army's digitization initiatives.

The conferees agree to authorize the additional $4.0 million to PE 63006A for development and testing of wave net technology.

Space applications technology program

The budget request included $16.9 million in PE 63006A for command, control, and communications advanced technology, including $498,000 for the Army's space applications technology program.

Both the House bill and the Senate amendment would authorize the budget request for the Army's space applications technology program.

The conferees agree to an additional $5.0 million in PE 63006A for the space applications technology program. The conferees are aware of the program's success in demonstrating global positioning system and Wrasse weather data receivers during Operation Desert Storm/Desert Shield and other space technology applications, such as, the location of high value targets using hyperspectral sensing techniques, high data rate satellite communications on the move, and down link weather satellite technology. The conferees encourage the Army to continue support to the program in future budget requests.

Acquired immune deficiency syndrome

The budget request included $2.9 million in PE 63105A.

Both the House bill and the Senate amendment authorized the requested amount.

The conferees agree to authorize the requested amount and concur with the Senate report (S. Rept. 104–112) that directed at least $1.0 million of the authorized amount be used to continue domestic clinical HIV programs.

Joint precision strike demonstration programs

The budget request included $34.1 million in PE 63238A for the joint air-land-sea precision strike demonstration (JPSD) program.

The House bill would direct that the JPSD program be expanded into a jointly manned program, with participation by all military services, and would recommend an increase of $4.0 million for this purpose.

The Senate amendment would authorize the requested amount.

The House recedes. The conferees agree with the views expressed in the House report (H. Rept. 104–131) on the progress made by the Army in demonstrating advanced concepts for attack of time-critical targets. The conferees also agree with the House report recommendations for increased participation by the other military services in the JPSD. Attack of time-critical targets on the battlefield is a joint issue which requires the coordinated efforts of all the military services.

Missile and rocket advanced technology

The budget request included $123.9 million in PE 63313A for missile and rocket advanced technology.

The House bill would reduce the requested amount by $12.1 million by making the following adjustments: adding $2.5 million for low cost autonomous attack submunition (LOCAAS) and $5.0 million for low-cost guidance development for the multiple launch rocket system (MLRS); and reducing the amount requested for the rapid force projection initiative by $19.6 million.

The Senate amendment would increase the requested amount by $12.0 million, with $5.0 million for LOCAAS and $7.0 million for low-cost guidance for MLRS.

The conferees agree to authorize a total of $118.9 million in PE 63313A. The conferees agree to reduce the requested amount by $7.5 million for the Enhanced-Fiber Optic Guided (E–FOG) missile system, as a result of concerns expressed in the House report (H. Rept. 104–131), and to add $2.5 million for LOCAAS within PE 63313A. The conferees would also increase the requested amount by $2.5 million for LOCAAS in PE 63601F for the Air Force. The conferees continue to support low-cost guidance for the MLRS and urge the Army to reprogram funds for this program in fiscal year 1996 and to request adequate funds in the fiscal year 1997 budget request.

Landmine warfare and barrier advanced technology

The budget request included $18.8 million for landmine warfare, and barrier advanced technology.

The House bill would authorize an additional $10.0 million for continuation of the landmine neutralization program.

The Senate amendment would approve the budget request.

The conferees agree to authorize an increase of $6.0 million for PE 63604A. Of this increase, $3.0 million will be used for landmine detection and clearance technology development, and $3.0 million will be used for the accelerated development and testing of the Ground Penetrating Radar.

Intelligence fusion analysis demonstration

The budget request included $2.9 million in PE 63745A for the Intelligence Fusion Analysis Demonstration program.

The House bill would authorize an additional $3.0 million for development and evaluation in Army Warfighter Experiments and the joint precision strike demonstration program of advanced large screen, automated graphical displays that would provide enhanced situational awareness for tactical commanders.

The Senate amendment would authorize the requested amount.

The Senate recedes.

Aviation advanced development

The budget request contained $8.4 million for aviation advanced development.

The House bill would authorize an additional $6.0 million for the common helicopter helmet development in PE 63801A.

The Senate amendment would authorize the budget request.

The Senate recedes.

Comanche helicopter (RAH–66)

The budget request included $199.1 million to continue development of the Comanche scout/attack helicopter.

The House bill would authorize an increase of $100.0 million for Comanche research and development.

The Senate amendment would authorize an increase of $174.0 million and require the Department of Defense and the Department of the Army to develop a plan to provide for procurement of Comanche helicopters, not later than fiscal year 2001, with initial operating capability by fiscal year 2003.

The Senate recedes.

The conferees agree to authorize an increase of $100.0 million to accelerate development of the electro-optical system and integrated communication navigation package, and mission equipment software development for the second aircraft.

Medium truck extended service program

The House bill would authorize an additional $9.4 million for the Marine Corps medium truck variant.

The Senate amendment would add $10.0 million to PE 64604A for initiation of a five-ton truck extended service program (ESP), and $9.4 million to PE 26624M for additional medium truck variants and development of simulation models and testing.

The conferees agree to provide $1.5 million in PE 64604A for the Army's five-ton ESP and $3.5 million for the Marine Corps in PE 26624M for initiation of a medium tactical vehicle replacement (MTVR).

The conferees agree with the section of the Senate Report (S. Rept. 104–112) that deals with the medium tactical truck extended service program, including the requirements for a report from the Secretary of the Army on the medium truck ESP.

As the manager of tactical vehicles for the Department of Defense, the conferees expect the Army to manage the Army five-ton truck ESP and the Marine Corps MTVR program and ensure that Air Force and Navy requirements are included in executing the Army ESP. The conferees expect the Army to take maximum advantage of medium truck ESP currently underway, to minimize additional procurements to avoid industrial overcapacity, and to give consideration to reliable manufacturers that have demonstrated capabilities to produce military trucks.

Heavy tactical vehicles

The House bill would provide an increase of $2.75 million in PE 64622A, $1.9 million for water heater/chiller development for the Army's water tank semitrailer, and $.85 million for a palletized loading system technology demonstration.

The Senate amendment would provide an increase of $1.9 million in PE 64622A for water heater/chiller development for the Army's water tank semitrailer.

The Senate recedes.

High mobility multipurpose wheeled vehicle extended service program

The Senate amendment would include an increase of $5.0 million in PE 64642A to initiate an extended service program (ESP) for the high mobility multipurpose wheeled vehicle (HMMWV).

The conferees recognize that the HMMWV fleet is reaching age and mileage levels leading to increased maintenance and operating costs and lower reliability. The conferees agree to provide an increase of $2.0 million for initiation and prototype development for HMMWV ESP.

The conferees direct the Secretary of the Army to submit, with the fiscal year 1997 budget request, a report to the congressional defense committees that describes a program to develop and test prototypes, and to initiate a joint program to remanufacture HMMWV's for the Army and the Marine Corps, harmonizing their requirements for ESP. The conferees further direct the Secretary of the Army and the Secretary of the Navy to ensure this program is fully funded in future budgets.

Automated test equipment development

The budget request included $5.4 million for automated test equipment development.

The House bill would authorize an additional $10.0 million in PE 64746A for the integrated family of test equipment.

The Senate amendment contained no similar provision.

The Senate recedes.

Joint surveillance target attack radar system

The budget request included $18.8 million for the Army and $169.7 million for the Air Force for the Joint Surveillance Target Attack Radar System (JSTARS).

The House bill would authorize an increase in the Air Force requested amount, $14.0 million to establish a NATO program office and $20.0 million for development of an improved data modem and satellite communications capability.

The Senate amendment would authorize no additional funding for these programs.

The conferees agree to authorize an additional $9.5 million in PE 64770A for the Army Ground Station Module, in support of the NATO Alliance Ground Surveillance program, and an additional $24.5 million in PE 64770F, with $4.5 million for the Air Force portion of the JSTARS NATO Alliance Ground Surveillance program and $20.0 million for development of an improved data modem and satellite communications capability.

Weapons and munitions-engineering development

The budget request included $15.9 million for weapons and munitions-engineering development.

The House bill would authorize an additional $2.7 million for type classification of a soft mount for the MK–19 and $1.6 million for the 120mm practice cartridge XM–931 training round.

The Senate amendment would authorize $0.5 million for type classification of a nondevelopmental universal mounting bracket for the MK–19 grenade machine gun.

The conferees agree to authorize $0.5 million for the type classification of the MK–19 mounting bracket and $1.6 million for the 120mm practice cartridge in PE 64802A.

Battlefield combat identification system (BCIS)

The conferees are disappointed with the fiscal constraints that precluded full funding of the administration's $30.5 million request for non-cooperative target recognition (PE 64817A), particularly in relation to the battlefield combat identification system (BCIS). Fratricide on the battlefield is of great concern to our fighting forces, and BCIS is expected to significantly enhance the Army's ability to deal with this critical issue. The system has performed extremely well in Army testing to date, and the program enjoys widespread support, both within the military services and the warfighting Commanders-in-Chief. The conferees encourage the Secretary of the Army to aggressively pursue the program, and would entertain a reprogramming request to fund additional BCIS units or accelerated BCIS development.

Joint warfighter interoperability demonstration

The budget request included $46.5 million in PE 65712A for support of Army operational testing.

The House bill would recommend an additional $1.5 million for support of a joint warfighter interoperability demonstration, one of the key fiscal year 1996 funding shortfalls identified during evaluation of the Department of the Army budget request.

The Senate amendment would authorize the budget request.

The conferees agree to authorize an additional $1.5 million in PE 23758A for support

of the joint warfighting interoperability demonstration, as recommended in the House bill.

Missile/air defense product improvement

The budget request included $17.1 million for the missile/air defense product improvement program element.

The House bill would authorize an increase of $9.8 million for the evaluation of Stinger block II.

The Senate amendment would also authorize $9.8 million for Stinger, and an additional $35.0 million for Patriot cruise missile defense.

The conferees agree to authorize $61.9 million in PE 23801A, an increase of $44.8 million for both programs.

Instrumented factory for gear development

The budget request did not include funding for the continuation of the instrumented factory gear (INFAC).

The House bill would authorize an additional $5.0 million for INFAC in PE 78045A.

The Senate amendment contained no similar provision.

The Senate recedes.

Polycrylonitrile carbon fibers

The budget request did not include funding for polycrylonitrile (PAN) fiber development.

The House bill would authorize an additional $4.0 million for PAN fibers in the Army MANTECH program.

The Senate amendment would authorize an additional $4.0 million for PAN fibers in the Army materials technology program.

The conferees agree to authorize an additional $4.0 million for this PAN fibers program in PE 78045A.

Rotary winged aircraft repair

The budget request included no funding for manufacturing technology related to rotary winged aircraft repair.

The House bill would fence $1.5 million of the Army MANTECH program for technologies related to industrial-academic partnerships for repair technology development and insertion for rotary winged aircraft.

The Senate amendment contained no similar provision.

The conferees agree to authorize $1.5 million for the program in PE 78045A.

Task Force XXI Soldier

The conferees agree to authorize $30.0 million for a program that consolidates the Army's Land warrior and Generation II (GEN II) soldier programs. The conferees agree to the following adjustment for the purpose of program consolidation:

	Millions
PE 63001A—Logistics Advanced Technology	−$4.9
PE 63710A—Night Vision Advanced Technology	−4.2
PE 63772A—Advanced Tactical Computer Science and Technology	−5.0
PE 63747A—Soldier Support and Survivability	−25.9
Task Force XXI Soldier	+30.0

The conferees believe that the Army must examine and consider a full range of alternatives, including expansion of the dismounted soldier system of the applique program, execution of the Land Warrior program, and acceleration of the GEN II advanced technology demonstrator, to the extent that they support the new consolidated program.

Overview

The budget request for fiscal year 1996 contained an authorization of $8,204.5 million for Navy, Research and Development in the Department of Defense. The House bill would authorize $8,516.5 million. The Senate amendment would authorize $8,624.2 million. the conferees recommended an authorization of $8,474.8 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

PE	No	Title	FY 1996 Request	House Authorized	Senate Authorized	Change to Request	Conference Agreement
ACCOUNT		RESEARCH DEVELOPMENT TEST & EVAL NAVY					
0601152N	1	IN-HOUSE INDEPENDENT LABORATORY RESEARCH	16,084	16,084	16,084		16,084
0601153N	2	DEFENSE RESEARCH SCIENCES	385,917	391,917	373,917	(12,000)	373,917
0602111N	3	SURFACE/AEROSPACE SURVEILLANCE AND WEAPONS TECHNOLOGY	32,658	36,658	42,058	2,000	34,658
0602121N	4	SURFACE SHIP TECHNOLOGY	36,786	52,786	42,786	31,000	67,786
0602122N	5	AIRCRAFT TECHNOLOGY	22,238	24,738	22,238	2,500	24,738
0602131M	6	MARINE CORPS LANDING FORCE TECHNOLOGY	17,623	18,623	17,623		17,623
0602232N	7	COMMAND, CONTROL, AND COMMUNICATIONS TECHNOLOGY	60,090	64,090	60,090		60,090
0602233N	8	READINESS, TRAINING, AND ENVIRONMENTAL QUALITY TECHNOLOGY	40,511	43,211	40,511		40,511
0602234N	9	MATERIALS, ELECTRONICS AND COMPUTER TECHNOLOGY	74,849	77,849	74,849	3,000	77,849
0602270N	10	ELECTRONIC WARFARE TECHNOLOGY	18,341	18,341	18,341		18,341
0602314N	11	UNDERSEA SURVEILLANCE WEAPON TECHNOLOGY	51,182	51,682	55,982	5,300	56,482
0602315N	12	MINE COUNTERMEASURES, MINING AND SPECIAL WARFARE	43,384	43,384	43,384		43,384
0602435N	13	OCEANOGRAPHIC AND ATMOSPHERIC TECHNOLOGY	45,526	50,526	45,526	2,500	48,026
0602633N	14	UNDERSEA WARFARE WEAPONRY TECHNOLOGY (H)	35,582	35,582	35,582		35,582
0603217N	15	AIR SYSTEMS AND WEAPONS ADVANCED TECHNOLOGY	17,082	52,082	26,082	54,000	71,082
0603238N	16	PRECISION STRIKE AND AIR DEFENSE	64,502	64,502	124,502		64,502
0603270N	17	ADVANCED ELECTRONIC WARFARE TECHNOLOGY	14,532	14,532	14,532		14,532
0603508N	18	SHIP PROPULSION SYSTEM	43,544	17,986	17,986	(25,558)	17,986
0603528N	18a	NON-ACOUSTIC ANTI-SUBMARINE WARFARE		23,200		10,000	10,000
0603640M	19	MARINE CORPS ADVANCED TECHNOLOGY DEMONSTRATION (ATD)	25,896	25,896	25,896		25,896
0603706N	20	MEDICAL DEVELOPMENT	27,754	27,754	27,754	3,000	30,754
0603707N	21	MANPOWER, PERSONNEL AND TRAINING ADV TECH DEV	17,797	19,297	17,797		17,797
0603712N	22	ENVIRONMENTAL QUALITY AND LOGISTICS ADVANCED TECHNOLOGY	21,504	33,504	21,504		21,504
0603747N	23	UNDERSEA WARFARE ADVANCED TECHNOLOGY	51,816	51,816	51,816	(3,323)	48,493
0603771N	24	INDUSTRIAL PREPAREDNESS MANUFACTURING TECHNOLOGY	41,251	-	41,251	(41,251)	-
0603782N	25	SHALLOW WATER MCM DEMOS	50,958	50,958	50,958	(10,000)	40,958
0603792N	26	ADVANCED TECHNOLOGY TRANSITION	96,825	99,825	96,825	(15,825)	81,000
0603794N	27	C3 ADVANCED TECHNOLOGY	26,794	26,794	26,794		26,794
0603207N	28	AIR/OCEAN TACTICAL APPLICATIONS	16,621	16,621	16,621		16,621
0603208N	29	TRAINING SYSTEM AIRCRAFT	3,069	3,069	3,069		3,069
0603216N	30	AVIATION SURVIVABILITY	7,477	14,877	7,477	7,400	14,877
0603254N	31	ASW SYSTEMS DEVELOPMENT	30,202	30,202	30,202		30,202
0603261N	32	TACTICAL AIRBORNE RECONNAISSANCE	18,924	18,924	18,924		18,924
0603382N	33	ADVANCED COMBAT SYSTEMS TECHNOLOGY	2,803	2,803	2,803		2,803
0603451N	34	TACTICAL SPACE OPERATIONS	1,383	1,383	1,383		1,383
0603502N	35	SURFACE AND SHALLOW WATER MINE COUNTERMEASURES	54,527	56,177	62,027	1,650	56,177
0603504N	36	ADVANCED SUBMARINE COMBAT SYSTEMS DEVELOPMENT	21,281	28,181	21,281	6,900	28,181
0603506N	37	SURFACE SHIP TORPEDO DEFENSE	10,049	10,049	10,049		10,049

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0603512N	38	CARRIER SYSTEMS DEVELOPMENT	16,164	16,164	16,164	(3,400)	12,764
0603513N	39	SHIPBOARD SYSTEM COMPONENT DEVELOPMENT	16,804	16,804	16,804		16,804
0603514N	40	SHIP COMBAT SURVIVABILITY	11,649	11,649	11,649		11,649
0603525N	41	PILOT FISH	78,960	78,960	78,960		78,960
0603536N	42	RETRACT JUNIPER	10,002	10,002	10,002		10,002
0603542N	43	RADIOLOGICAL CONTROL	3,202	3,202	3,202		3,202
0603553N	44	SURFACE ASW	6,655	6,655	6,655		6,655
0603561N	45	ADVANCED SUBMARINE SYSTEM DEVELOPMENT	35,748	48,848	35,748	20,000	55,748
0603562N	46	SUBMARINE TACTICAL WARFARE SYSTEMS	5,070	5,070	5,070		5,070
0603563N	47	SHIP CONCEPT ADVANCED DESIGN	16,736	16,736	16,736		16,736
0603564N	48	SHIP PRELIMINARY DESIGN & FEASIBILITY STUDIES	9,708	9,708	9,708		9,708
0603570N	49	ADVANCED NUCLEAR POWER SYSTEMS	141,835	141,835	141,835		141,835
0603573N	50	ADVANCED SURFACE MACHINERY SYSTEMS	39,156	86,214	64,714	43,708	82,864
0603576N	51	CHALK EAGLE	114,175	114,175	114,175		114,175
0603582N	52	COMBAT SYSTEM INTEGRATION	5,414	5,414	5,414		5,414
0603609N	53	CONVENTIONAL MUNITIONS	31,537	31,537	31,537		31,537
0603610N	54	ADVANCED WARHEAD DEVELOPMENT (MK-50)	2,993	2,993	2,993		2,993
0603611M	55	MARINE CORPS ASSAULT VEHICLES	34,157	40,157	40,157	6,000	40,157
0603612M	56	MARINE CORPS MINE/COUNTERMEASURES SYSTEMS - ADV DEV	2,470	2,470	2,470		2,470
0603634N	57	ELECTROMAGNETIC EFFECTS PROTECTION DEVELOPMENT	-	-	-		-
0603635M	58	MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM	46,733	50,933	50,933	4,200	50,933
0603654N	59	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	7,298	7,298	7,298		7,298
0603709N	60	ADVANCED MARINE BIOLOGICAL SYSTEM	-	-	-		-
0603711N	61	FLEET TACTICAL DEVELOPMENT	4,268	4,268	4,268		4,268
0603713N	62	OCEAN ENGINEERING TECHNOLOGY DEVELOPMENT	5,166	5,166	5,166		5,166
0603721N	63	ENVIRONMENTAL PROTECTION	65,947	65,947	65,947		65,947
0603724N	64	NAVY ENERGY PROGRAM	1,976	1,976	1,976		1,976
0603725N	65	FACILITIES IMPROVEMENT	1,803	1,803	1,803		1,803
0603734N	66	CHALK CORAL	71,085	71,085	71,085		71,085
0603746N	67	RETRACT MAPLE	82,932	90,932	87,932	5,000	87,932
0603748N	68	LINK PLUMERIA	17,879	17,879	21,879	3,700	21,579
0603751N	69	RETRACT ELM	32,561	32,561	32,561	(1,000)	31,561
0603755N	70	SHIP SELF DEFENSE	245,620	245,620	288,120	42,500	288,120
0603763N	71	WARFARE SYSTEMS ARCHITECTURE AND ENGINEERING	-	-	-		-
0603785N	72	COMBAT SYSTEMS OCEANOGRAPHIC PERFORMANCE ASSESSMENT	16,042	16,042	16,042		16,042
0603787N	73	SPECIAL PROCESSES	72,251	72,251	72,251		72,251
0603795N	74	GUN WEAPON SYSTEM TECHNOLOGY	12,028	37,028	31,228	22,000	34,028
0603800N	75	JOINT ADVANCED STRIKE TECHNOLOGY - DEM/VAL	149,295	123,795	324,295	(65,500)	83,795
0604707N	76	SPACE AND ELECTRONIC WARFARE (SEW) ARCHITECTURE/ENGINEERING SPT	5,742	5,742	5,742		5,742

PE	No	Title	FY 1996 Request	House Authorized	Senate Authorized	Change to Request	Conference Agreement
0603889N	77	COUNTERDRUG RDT&E PROJECTS	-	-	-		-
0604212N	78	ASW AND OTHER HELO DEVELOPMENT	91,803	80,175	91,803	(2,167)	89,636
0604214N	79	AV-8B AIRCRAFT - ENG DEV	11,309	26,909	11,309	15,600	26,909
0604215N	80	STANDARDS DEVELOPMENT	10,567	10,567	10,567		10,567
0604217N	81	S-3 WEAPON SYSTEM IMPROVEMENT	12,872	27,872	26,072		12,872
0604218N	82	AIR/OCEAN EQUIPMENT ENGINEERING	6,182	6,182	6,182		6,182
0604221N	83	P-3 MODERNIZATION PROGRAM	1,945	16,945	1,945	15,000	16,945
0604231N	84	TACTICAL COMMAND SYSTEM	27,389	27,389	27,389	(2,639)	24,750
0604261N	85	ACOUSTIC SEARCH SENSORS	9,680	9,680	9,680		9,680
0604262N	86	V-22A	762,548	762,548	762,548	(5,000)	757,548
0604264N	87	AIR CREW SYSTEMS DEVELOPMENT	9,788	17,688	9,788	7,900	17,688
0604265N	88	AIR LAUNCHED SATURATION SYSTEM (ALSS)	-	-	-		-
0604270N	89	EW DEVELOPMENT	87,440	87,440	112,440	10,000	97,440
0604301N	90	MK 92 FIRE CONTROL SYSTEM UPGRADE	-	-	-		-
0604307N	91	AEGIS COMBAT SYSTEM ENGINEERING	105,683	89,883	105,683	(11,000)	94,683
0604312N	92	TRI-SERVICE STANDOFF ATTACK MISSILE	-	37,500	-		-
0604366N	93	STANDARD MISSILE IMPROVEMENTS	8,572	8,572	8,572		8,572
0604372N	94	NEW THREAT UPGRADE	-	-	-		-
0604373N	95	AIRBORNE MCM	42,226	42,226	42,226	(7,758)	34,468
0604503N	96	SSN-688 AND TRIDENT MODERNIZATION	70,315	70,315	70,315		70,315
0604504N	97	AIR CONTROL	7,815	7,815	7,815		7,815
0604507N	98	ENHANCED MODULAR SIGNAL PROCESSOR	8,342	8,342	8,342	6,500	14,842
0604512N	99	SHIPBOARD AVIATION SYSTEMS	11,343	11,343	11,343		11,343
0604516N	100	SHIP SURVIVABILITY	4,907	4,907	4,907		4,907
0604518N	101	COMBAT INFORMATION CENTER CONVERSION	15,859	15,859	15,859		15,859
0604524N	102	SUBMARINE COMBAT SYSTEM	43,302	37,151	43,302		43,302
0604558N	103	NEW DESIGN SSN	347,415	347,415	347,415		347,415
0604561N	104	SSN-21 DEVELOPMENTS	83,503	83,503	83,503		83,503
0604562N	105	SUBMARINE TACTICAL WARFARE SYSTEM	38,479	20,487	38,479		38,479
0604567N	106	SHIP CONTRACT DESIGN/ LIVE FIRE T&E	17,994	17,994	17,994		17,994
0604574N	107	NAVY TACTICAL COMPUTER RESOURCES	5,499	5,499	5,499		5,499
0604601N	108	MINE DEVELOPMENT	3,045	3,045	3,045		3,045
0604603N	109	UNGUIDED CONVENTIONAL AIR-LAUNCHED WEAPONS	40,517	40,517	40,517		40,517
0604610N	110	LIGHTWEIGHT TORPEDO DEVELOPMENT	22,027	22,027	22,027		22,027
0604612M	111	MARINE CORPS MINE COUNTERMEASURES SYSTEMS - ENG DEV	263	263	263		263
0604618N	*112	JOINT DIRECT ATTACK MUNITION	37,832	37,832	37,832	475	38,307
0604654N	113	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	5,408	5,408	5,408		5,408
0604703N	114	PERSONNEL, TRAINING, SIMULATION, AND HUMAN FACTORS	1,043	1,043	1,043		1,043
0604710N	115	NAVY ENERGY PROGRAM	2,628	2,628	2,628		2,628

PE	No	Title	FY 1996 Request	House Authorized	Senate Authorized	Change to Request	Conference Agreement
0604719M	116	MARINE CORPS COMMAND/CONTROL/COMMUNICATIONS SYSTEMS	15,380	10,380	15,380		15,380
0604721N	117	BATTLE GROUP PASSIVE HORIZON EXTENSION SYSTEM	7,600	7,600	7,600		7,600
0604727N	118	JOINT STANDOFF WEAPON SYSTEMS	81,837	81,837	81,837		81,837
0604755N	119	SHIP SELF DEFENSE	165,997	165,997	184,497	17,500	183,497
0604761N	120	INTELLIGENCE ENGINEERING	-	-	-		-
0604771N	121	MEDICAL DEVELOPMENT	3,402	3,402	3,402		3,402
0604777N	122	NAVIGATION/ID SYSTEM	56,472	56,472	56,472	(2,368)	54,104
0604784N	123	DISTRIBUTED SURVEILLANCE SYSTEM	93,507	103,507	93,507	10,000	103,507
0604256N	124	THREAT SIMULATOR DEVELOPMENT	25,911	25,911	25,911		25,911
0604258N	125	TARGET SYSTEMS DEVELOPMENT	24,364	24,364	24,364		24,364
0604759N	126	MAJOR T&E INVESTMENT	46,586	46,586	46,586		46,586
0605152N	127	STUDIES AND ANALYSIS SUPPORT - NAVY	9,281	9,281	9,281	(2,281)	7,000
0605154N	128	CENTER FOR NAVAL ANALYSES	44,429	44,429	44,429		44,429
0605155N	129	FLEET TACTICAL DEVELOPMENT	2,620	2,620	2,620		2,620
0605502N	130	SMALL BUSINESS INNOVATIVE RESEARCH	-	-	-		-
0605804N	131	TECHNICAL INFORMATION SERVICES	2,027	2,027	2,027		2,027
0605853N	132	MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT	20,371	20,371	20,371	(1,949)	18,422
0605856N	133	STRATEGIC TECHNICAL SUPPORT	3,584	3,584	3,584	(584)	3,000
0605861N	134	RDT&E SCIENCE AND TECHNOLOGY MANAGEMENT	61,001	61,001	61,001		61,001
0605862N	135	RDT&E INSTRUMENTATION MODERNIZATION	8,278	8,278	8,278		8,278
0605863N	136	RDT&E SHIP AND AIRCRAFT SUPPORT	63,232	63,232	63,232		63,232
0605864N	137	TEST AND EVALUATION SUPPORT	245,911	247,911	240,911	(6,000)	239,911
0605865N	138	OPERATIONAL TEST AND EVALUATION CAPABILITY	5,675	5,675	5,675		5,675
0605866N	139	NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT	3,638	3,638	3,638		3,638
0605867N	140	SEW SURVEILLANCE/RECONAISSANCE SUPPORT	12,134	12,134	12,134		12,134
0605871M	141	MARINE CORPS TACTICAL EXPLOITATION OF NATIONAL CAPABILITIES	2,984	2,984	2,984		2,984
0605873M	142	MARINE CORPS PROGRAM WIDE SUPPORT	5,914	5,914	5,914		5,914
0101221N	143	STRATEGIC SUB & WEAPONS SYSTEM SUPPORT	39,511	39,511	41,711	(2,902)	36,609
0101224N	144	SSBN SECURITY TECHNOLOGY PROGRAM	25,078	34,578	25,078	5,500	30,578
0101226N	145	SUBMARINE ACOUSTIC WARFARE DEVELOPMENT	7,937	7,937	7,937		7,937
0101402N	146	NAVY STRATEGIC COMMUNICATIONS	20,416	20,416	20,416		20,416
0102427N	147	NAVAL SPACE SURVEILLANCE	752	752	752		752
0204136N	148	F/A-18 SQUADRONS	919,484	919,484	919,484		919,484
0204152N	149	E-2 SQUADRONS	52,965	52,965	52,965		52,965
0204163N	150	FLEET TELECOMMUNICATIONS (TACTICAL)	24,032	24,032	24,032		24,032
0204229N	151	TOMAHAWK AND TOMAHAWK MISSION PLANNING CENTER (TMPC)	141,440	141,440	141,440	4,000	145,440
0204311N	152	INTEGRATED SURVEILLANCE SYSTEM	16,440	16,440	16,440		16,440
0204413N	153	AMPHIBIOUS TACTICAL SUPPORT UNITS	4,364	4,364	4,364		4,364
0204571N	154	CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT	48,058	51,058	48,058	3,000	51,058

PE	No	Title	FY 1996 Request	House Authorized	Senate Authorized	Change to Request	Conference Agreement
0205601N	155	HARM IMPROVEMENT	3,348	6,348	3,348		3,348
0205604N	156	TACTICAL DATA LINKS	54,869	54,869	54,869		54,869
0205620N	157	SURFACE ASW COMBAT SYSTEM INTEGRATION	9,955	9,955	9,955		9,955
0205632N	158	MK-48 ADCAP	22,214	22,214	22,214		22,214
0205633N	159	AVIATION IMPROVEMENTS	66,875	66,875	66,875		66,875
0205658N	160	NAVY SCIENCE ASSISTANCE PROGRAM	6,036	6,036	6,036		6,036
0205667N	161	F-14 UPGRADE	44,490	44,490	44,490	(25,375)	19,115
0205675N	162	OPERATIONAL NUCLEAR POWER SYSTEMS	58,065	58,065	58,065		58,065
0206313M	163	MARINE CORPS COMMUNICATIONS SYSTEMS	3,250	3,250	3,250		3,250
0206623M	164	MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYSTEMS	13,386	13,386	23,386		13,386
0206624M	165	MARINE CORPS COMBAT SERVICES SUPPORT	3,915	16,315	13,315	3,500	7,415
	165a	ATV	-	-	-		-
0206625M	166	MARINE CORPS INTELLIGENCE/ELECTRONICS WARFARE SYSTEMS	5,131	5,131	5,131		5,131
0206626M	167	MARINE CORPS COMMAND/CONTROL/COMMUNICATIONS SYSTEMS	19,793	19,793	19,793		19,793
0207161N	168	TACTICAL AIM MISSILES	29,721	29,721	29,721		29,721
0207163N	169	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	4,491	4,491	4,491		4,491
0303109N	171	SATELLITE COMMUNICATIONS	38,472	38,472	38,472		38,472
0303140N	172	INFORMATION SYSTEMS SECURITY PROGRAM	25,848	25,848	25,848		25,848
0305160N	174	DEFENSE METEOROLOGICAL SATELLITE PROGRAM (DMSP)	18,416	18,416	18,416		18,416
0708011N	175	INDUSTRIAL PREPAREDNESS	-	51,251	-	88,000	88,000
XXXXXXXXXX	999	Classified Programs	539,680	579,680	545,480	45,800	585,480
		FREE ELECTRON LASER PROGRAM	-	9,000		9,000	9,000
		Total Navy RDT&E	8,204,530	8,525,509	8,624,230	270,253	8,474,783

Long-range guided projectile technology

The budget request contained $32.7 million for development and demonstration of the advanced global positioning system/inertial navigation system (GPS/INS) guidance and control technology for long range precision guided munitions used by Navy surface fire support and Army long-range artillery.

The House bill would authorize an additional $9.0 million to accelerate the development and demonstration of the GPS/INS.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment.

The conferees agree to an additional $2.0 million in PE 62111N for the purposes indicated in the House report (H. Rept. 104–131). The conferees are aware of a demonstrated rapid progress in the development and demonstration of miniaturized, gun-hardened GPS/INS technology in the Army's Low-Cost Competent Munition (LCCM) Program, the Navy's advanced technology demonstration program for an extended range guided projectile, and the cooperative LCCM technology program established between Departments of the Army and the Navy. The conferees believe that the technology may significantly improve the accuracy of existing and future gun-fired projectiles, missiles, and rockets, and that an opportunity exists to accelerate development and demonstration in these areas. The conferees strongly encourage increased funding in this area in future Army and Navy budget requests.

Surface ship technology

The budget request included $36.8 million for surface ship technology.

The House bill would authorize an additional $6.0 million for power electronics building blocks and $10.0 million for advanced submarine technology development.

The Senate amendment would authorize an additional $6.0 million for power electronics building blocks.

The conferees agree to authorize $67.8 million in PE 62121N; an increase of $31.0 million. That authorization includes $6.0 million for power electronics building blocks, $10.0 million for advanced submarine technology development and $15.0 million for curved plate technology for ship construction.

Power electronic building blocks

The budget request did not include funding for the power electronic building blocks project.

Both the House bill and the Senate amendment contained $6.0 million in PE 62121N to initiate a power electronics program based on metal oxide semiconductor (MOS) control thyristors for high speed switching.

The conferees agree that the program should be affiliated with academic institutions and, as recommended by the Senate, involve a computational test bed for system simulation. The conferees agree that at least one-third of the funding should be for university participation.

Flat panel, helmet-mounted display

The budget request included $7.0 million in PE 62122N for exploratory development of air vehicle technology.

The House bill would authorize an additional $2.5 million to continue exploratory development of flat panel, helmet-mounted displays for air crew helmets.

The Senate amendment would authorize the budget request.

The Senate recedes.

Communications technology

The budget request included $9.2 million in PE 62232N to continue development of key communications technologies for air, ship, and submarine platforms.

The House bill would authorize an additional $4.0 million for support of wireless and satellite communications research in the areas of integrated antenna systems, communications hardware design, communication algorithm development and high-frequency device modeling and measurements.

The Senate amendment contained no similar recommendation.

The House recedes. The conferees recognize the importance of continued wireless and satellite communications research in the areas recommended in the House report (H. Rept. 104–131).

Air crew adaptive automation technology

The budget request included $40.5 million in PE 62233N for exploratory development of enabling readiness, training, and environmental technologies that support the manning, operation, and maintenance of fleet assets, and that provide the necessary training, facilities, and equipment to maintain operational forces in a high state of readiness.

The House bill would authorize an additional $2.7 million to continue development of adaptable automation technology for management of air crew workloads.

The Senate amendment would authorize the budget request.

The House recedes.

Embedded sensors

The budget request included $74.8 million in PE 62234N for exploratory development in the areas of materials, electronics, and computer technology in support of Navy advanced weapon and platform systems.

The House bill would authorize an additional $3.0 million to complete the exploratory development of embedded, remotely queried, microelectromechanical sensors in thick composites, which would be suitable for use in submarine, ships, and armored vehicles.

The Senate amendment would authorize the budget request.

The Senate recedes.

Parametric airborne dipping sonar

The budget request included $51.2 million for exploratory development of undersea surveillance and weapons technology.

The Senate amendment would authorize an additional $4.8 million in PE 62314N to expand to current scope of the demonstration and evaluation of parametric sonar technology to provide three dimensional stabilized steerable beams, around 360 degrees, at full source level, further characterize the technology for mine avoidance implications, and evaluate whether parametric sonar technology merits further development.

The House bill contained no similar provision.

The House recedes. The conferees agree that the Navy should complete evaluation of the limited capability laboratory prototype, in-depth technical review and assessment of the potential of parametric sonar for helicopter application, and in-water testing and evaluation of the parametric airborne dipping sonar prototype.

Polar Ozone Aerosol Monitor III

The budget request included $45.5 million for exploratory development of oceanographic and atmospheric technology, in support of joint warfare mission area capabilities.

The House bill would authorize an additional $5.0 million to complete engineering, integration and test of the Polar Ozone Aerosol Monitor (POAM) III payload on the SPOT 4 spacecraft, in anticipation of system launch in 1997.

The Senate amendment included no similar provision.

The conferees agree to authorize an additional $2.5 million in PE 62435N to continue engineering, integration and test of the POAM III payload on the SPOT 4 spacecraft. The conferees encourage the Secretary of the Navy to reprogram those funds necessary to complete the program and launch the POAM III payload on the SPOT 4 spacecraft in 1997.

Air crew protective clothing and devices

The budget request included $1.7 million in PE 63216N for demonstration and validation of air crew protective clothing and devices.

The House bill would authorize an additional $7.4 million to the budget request to continue development of the advanced integrated life support system and of an advanced technology escape system for air crews. The House report (H. Rept. 104–131) also directed the Navy to provide, by March 2, 1996, a report that would describe the program plan for these two programs and the coordination of each plan with programs under consideration in the Air Force and the Army.

The Senate amendment would authorize the budget request.

The Senate recedes.

The conferees direct the Secretary of the Navy to submit the report described in the House report (H. Rpt. 104–131).

Air systems and weapons advanced technology

The budget request included $17.1 million for air systems advanced technology in PE 63217N. The request contained no specific funding for the maritime avionics subsystems and technology (MAST) program. MAST is a fiscal year 1995 "new start" that focuses on the development of scaleable, open, fault-tolerant, and common avionics architectures.

The House bill would authorize an additional $35.0 million for the advanced anti-radiation guided missile (AARGM). The House report (H. Rept. 104–131) encouraged the Navy and the Air Force to pursue the technology objectives of the MAST program under respective avionics technology development programs and the Joint Advanced Strike Technology (JAST) program.

The Senate amendment would authorize an additional $9.0 million for rapid response technologies.

The conferees agree to authorize an additional $35.0 million in PE 63217N for AARGM and $9.0 million for rapid response technologies for the specific purposes detailed in the respective House and Senate reports (H. Rept. 104–131; S. Rept. 104–112). The conferees also agree to authorize an additional $10.0 million for continuation of the MAST program in fiscal year 1996, and recommend that the Secretary of the Navy consider requirements for continuation of the MAST program in the Navy's fiscal year 1997 budget request.

Mobile off-shore base (MOBS)

The budget request included $14.7 million in PE 63238N to begin using ARPA developed technology for a mobile offshore base (MOB) and to initiate sub-scale tests of a complete system for the purpose of evaluating risks associated with full scale construction.

The House bill would authorize the budget request. The House report (H. Rept. 104–131), citing the potential cost of the MOBS system, noted that the Department of Defense had failed to comply with guidance provided in the Statement of Managers (H. Rept. 103–

701) accompanying the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337). The House report directed that any fiscal year 1996 funds authorized and appropriated for MOBS or for the Landing Ship Quay/Causeway not be obligated until the Department provides the reports and certification previously directed by Congress.

The Senate amendment would authorize the budget request.

The House recedes from its restriction on the obligation of fiscal year 1996 funds for the MOBS project. The conferees note, however, the point made in the House report (H. Rept. 104–131) about the large potential cost of the MOBS program if carried to completion. The conferees further note that, in accordance with section 2430, title 10, United States Code, MOBS qualifies as an Acquisition Category I major defense acquisition program. Therefore, it is subject to the review and approval procedures for major defense acquisition programs established in Department of Defense instructions, regulations, and procedures. Under these review and approval procedures, a Milestone 0 (concept exploration and definition) review of the MOBS project is required by the Defense Acquisition Board (DAB). The conferees direct the Secretary of Defense to report to the congressional defense committees, by March 31, 1996, the plan and schedule for incorporating MOBS into the DAB process and accomplishing a Milestone 0 review.

Medical development

The conferees agreed to authorize an additional $1.0 million (PE 63706N) for acceleration of blood storage development and an additional $3.0 million (PE 63706N) for the Naval Biodynamics Laboratory (NBDL) for infrastructure transfer activities.

Sensor integration and decision support systems

The budget request contained $17.8 million in PE 63707N for advanced development of manpower, personnel, and training technology, including $1.1 million for air human factors engineering.

The House bill would authorize an additional $1.5 million in PE 63707N for development and evaluation of intelligent, multisource, multi-platform sensor integration and cockpit decision support systems.

The Senate amendment would authorize the budget request.

The House recedes.

Navy advanced technology demonstration

The budget request included $96.8 million in PE 63792N for advanced development and demonstration of high payoff, emerging technologies that could significantly improve Navy warfighting capabilities.

Both the House bill and the Senate amendment would authorize the budget request.

The conferees agree that the program for advanced technology demonstration of low cost, highly accurate guidance and control for improved naval surface fire support from surface 5″ guns shall be fully funded at the level established in the budget request.

Remote controlled minehunting vehicle

The budget request included $7.6 million in PE 63502N for development and demonstration of improvements in minehunting sonar and remotely controlled minehunting systems.

The House bill would authorize an additional $1.65 million in PE 63502N to accelerate the remote minehunting operational prototype (RMOP) development program and provide an interim operational capability to the fleet.

The Senate amendment would authorize an additional $7.5 million in PE 63502N to accelerate development of RMOP.

The Senate recedes. The conferees agree that the mine detection and location capability demonstrated by the RMOP vehicle during a joint amphibious exercise in March-April 1995 suggests that it has the potential to fill a gap in the Navy's mine countermeasures operational capabilities. Therefore, the conferees conclude that the RMOP program should be accelerated to provide a contingency capability for fleet use. The conferees encourage the Secretary of the Navy to include additional funds for this purpose in the fiscal year 1997 budget request.

Non-acoustic antisubmarine warfare program

The House bill would authorize $23.2 million to reestablish a separate Navy non-acoustic antisubmarine warfare (NAASW) program in PE 63528N that would be on par with the Department of Defense's advanced sensor applications program.

The Senate amendment contained no funding for a Navy specific research and development program. However, the Senate amendment did provide $10.0 million of additional funding in PE 63714D, the Department of Defense's advanced sensor applications program, to continue development for a NAASW program, ATD–111, that is being executed by the Navy.

The conferees authorize an increase of $10.0 million in PE 63528N for the ATD–111 NAASW program. The funding is authorized to: (1) test system upgrades; (2) correct system defects identified during field tests; (3) bring the test systems to a common configuration; and (4) evaluate carriage on alternate airborne platforms.

The conferees recommend that the Navy conduct a comparative evaluation of the ATD–111 laser radar (LIDAR) system with other approaches. Comparative testing of competing non-acoustic approaches to antisubmarine warfare and other applications should provide a basis for establishing a firm requirement for follow-on systems.

The conferees also agree that there is a need for two viable, independent, but coordinated and complementary NAASW programs, one in the Navy and one in the Office of the Secretary of Defense. To reestablish the Navy's independent NAASW program, the conferees encourage the Secretary of the Navy to provide funding for it in the fiscal year 1997 budget request. Further guidance with respect to the NAASW program is contained in the classified annex.

Advanced submarine technology development

The budget request included $18.4 million in PE 62121N for exploratory development of submarine systems technology and $30.9 million in PE 63561N for advanced submarine systems development.

The House bill would authorize an increase of $10.0 million in PE 62121N. Of this amount, $7.0 million is to continue the transfer of technology to the Navy for active control of machinery platforms demonstrated in the Advanced Research Projects Agency's (ARPA's) Project M. The House bill would also authorize an additional $13.1 million in PE 63561N. The House report (H. Rept. 104–131) expressed concern over the overall reduction in submarine research and development funding, reflecting in the budget request, and the belief that this level of funding would be inadequate to support the type of long-term research necessary to ensure the availability of advanced technologies that could maintain the superior technological capability of the U.S. submarine force. The House report directed the Secretary of Defense to develop a plan for long-term submarine research and development aimed at ensuring U.S. technological superiority and to report this plan to the congressional defense committees with the submission of the fiscal year 1997 budget request.

The Senate amendment would approve the budget request.

The conferees agree to an increase of $10.0 million in PE 62121N. This increase would not include any reservations for ARPA's Project M. The conferees would authorize the transition effort associated with Project M in PE 63569E. The conferees also agree to an increase of $20.0 million in PE 63561N. The conferees would also adopt a provision, discussed in greater detail in the procurement section of the conference report, that would direct the Secretary of the Defense to develop a plan for long-term submarine research and development aimed at ensuring U.S. technological superiority and to report this plan to the congressional defense committees no later than March 15, 1996.

Intercooled recuperated gas turbine engine

The budget request included $25.6 million in PE 63508N, a technology base program element, for continued development of the intercooled recuperated (ICR) gas turbine.

The House bill expressed concern that the budget request had transferred the ICR gas turbine engine from the Advanced Surface Machinery (ASM) Program (PE 63573N), where it had been previously budgeted, because of the possibility of disruption in the relationship between the ICR program and other elements of the ASM program. In order to restore ASM program integrity, the House bill would direct the transfer of $25.6 million from PE 63508N to PE 63573N. Additionally, the House bill would increase funding for the ICR engine by $21.5 million to support ICR engine tests at the Navy's land-based test site and, based on elements of the Navy's revised ICR development plan, direct the Navy to proceed with a second 500 hour engine test and other associated testing at the site.

The Senate amendment also directed transfer of $25.6 million from PE 63508N to PE 63573N, but did not increase funding for the ICR engine.

The conferees agree to a funding level of $82.9 million in PE 63573N. The conferees direct that, of the total amount authorized for PE 63573N, $41.0 million is authorized for the ICR program.

Cooperative engagement capability

The budget request included $180.0 million in PE 63755N for development of the cooperative engagement capability (CEC).

The House bill would authorize the requested amount, but would direct that no more than $102.0 million be obligated until the Secretary of Defense notifies the congressional defense committees that the test and evaluation master plan for the CEC program has been approved by the Director, Operational Test and Evaluation.

The Senate amendment would add $22.5 million to continue accelerated development of the airborne component of CEC and an additional $20.0 million to accelerate joint Army-Navy and Air Force-Navy exploitation of CEC for cruise missile defense and theater missile defense.

The conferees agree to an additional $42.5 million for CEC for the purposes described in Senate amendment. The House recedes from its funding limitation. The conferees note the concerns expressed in the House report (H. Rept. 104–131) regarding developmental testing and independent operational testing required to insure that the CEC is operationally effective and suitable when deployed to the fleet. They direct the Secretary of the

Navy to submit to the congressional defense committees, by March 31, 1996, a report on the status of plans for developmental and independent operational testing of the CEC.

Naval surface fire support

The Navy's budget request included $12.0 million in PE 63795N to develop the gun weapon system technology needed by the Navy to resolve major deficiencies in its ability to provide naval surface fire support (NSFS) to amphibious operations.

The House report (H. Rept. 104–131) noted that the budget request was sharply reduced during the budget formulation process. It further observed that the future years defense plan for gun system technology had been left under funded by over $160 million and did not include an adequate plan to meet long-term requirements for advanced NSFS weapons systems. To address these concerns the House bill would increase funding in PE 63795N by $25.0 million to:

(1) accelerate the development of a long range guided projectile that would incorporate advanced low cost global positioning system/inertial navigation system (GPS/INS) guidance;

(2) improve the existing MK–45 5-inch naval gun; and

(3) permit the Navy to place increased emphasis on satisfying long-term requirements for advanced gun systems in addition to its near-term focus on modifications to the MK–45 gun.

The Senate amendment would add $19.2 million to PE 63795N. The Senate's evaluation noted in the Senate report (S. Rept. 104–112) of the Navy's NSFS program, as reflected in the budget request, yielded conclusions similar to those of the House.

The conferees note that in May 1995 the Secretary of the Navy, based on a recently completed cost and operational effectiveness analysis (COEA), reported the following conclusions to Congress regarding NSFS:

(1) a 155 millimeter/60-caliber naval gun, employing precision guided munitions, is the most cost effective NSFS solution; and

(2) a combination of guns, missiles, and tactical aviation is needed to fully meet NSFS requirements.

The Secretary also reported that, as a result of the NSFS COEA, the Navy's NSFS program had been structured to:

(1) proceed with the long-term development of a 155 millimeter gun;

(2) develop a gun-launched precision guided munition; and

(3) modify the Navy's existing MK–45, 5-inch gun to deal with long-term and near-term challenges.

However, as reflected in the budget request, affordability constraints and a desire to field an enhanced NSFS capability prior to Fiscal Year 2001 have moved the Navy to embrace a near-term program reflecting the following priorities:

(1) develop a global positioning system/inertial navigation system 5-inch guided projectile;

(2) improve the existing MK–45 5-inch gun; and

(3) demonstrate the NSFS capabilities of Army Tactical Missile System (ATACMS), Sea Standoff Land Attack Missile (SLAM), and STANDARD Missiles.

To confirm the cost effectiveness of this near-term approach, which was not thoroughly evaluated in the NSFS COEA, the Navy has directed the Center for Naval Analysis to perform supplemental analysis to evaluate its cost effectiveness. The need for this supplemental analysis was reinforced by the General Accounting Office, which strongly recommended in May 1995 that the Navy revalidate its NSFS requirements and conduct a comprehensive supplemental analysis to the COEA that would include all available gun and missile alternatives.

The conferees agree to authorize $34.0 million, an increase of $22.0 million, in PE 63795N. Over the past several years, the conferees have repeatedly stressed the issue of NSFS, but have found the Navy's response to be highly variable as new programs or approaches have succeeded one another from year to year. Because of a strong need and the Navy's apparent commitment to pursue the program to completion, the conferees are willing to provide initial support, in fiscal year 1996, to the Navy's effort to upgrade the capability of its 5-inch guns and projectiles. The conferees take this action based on the Navy leadership's assurances that the Navy will follow through with consistent, stable, and adequate future years funding.

The conferees affirm their conclusion that the Navy needs to place increased emphasis on pursuing a long-term program to satisfy NSFS mission requirements. The conferees direct that the Secretary of the Navy include a report on the plans for such a program in the fiscal year 1997 budget submission. The conferees also affirm the need for an updated COEA that considers all available gun and missile alternatives, including extended range multiple launch rockets and existing and improved 5-inch guns, to support future acquisition milestone decisions related to the Navy's near-term and long-term programs.

AH-1W integrated weapons system upgrade

The budget request included $14.9 million in PE 64212N for engineering and manufacturing development of upgrades to the AH–IW Cobra attack helicopter for the Marine Corps.

The House bill recommended a reduction of $11.6 million to the budget request, based on the understanding that the Marine Corps had decided to suspend development of the integrated weapon system (IWS) for the AH–1W.

The Senate amendment would authorize the budget request.

The House recedes. The conferees understand that the Department of the Navy has suspended the IWS upgrade, based on identification of other urgent requirements for modification of Marine Corps helicopters. The upgrade program would now focus on the adaptation of both the AH–1W attack helicopter and the UH–1N utility helicopter, and their respective power trains, to a 4–blade rotor system which will increase the operational safety power margin and useful mission payload of both helicopters. The IWS upgrade for the AH–1W will be deferred until later in the program. The conferees further understand, based upon the Department's analysis, that the revised program will provide growth potential to bridge the gap until the joint replacement aircraft would become available around the year 2020, and is reportedly more cost effective than the adoption of other, more modern attack and utility helicopters that have already been fielded or are under development.

The conferees note that the Department plans a defense acquisition milestone II decision to proceed with engineering and manufacturing development in late fiscal year 1996 and also plans to use the fiscal year 1996 funds made available for the program for pre-milestone IV/II engineering studies. The conferees are aware of a Department of the Navy experience with harmonic coupling problems encountered during a previous major helicopter power train upgrade that contributed to a number of aircraft mishaps. Accordingly, this issue must be addressed in detail during pre-milestone engineering studies and in the milestone II decision process, and the absence of the problem demonstrated prior to milestone III. The Secretary of the Navy is directed to report the results of these engineering studies and the milestone II decision with the submission of the fiscal year 1998 budget request.

AV–8B Harrier weapons system improvements

The budget request included $11.3 million in PE 64214N for integration and testing of weapons and aircraft improvements for the AV–8B Harrier aircraft.

The House bill would authorize an increase of $15.6 million to the budget request to support the United States' share of the AV–8B production memorandum of understanding between the United States, Spain, and Italy, and for concurrent integration of the AIM–120 missile and 1760 data bus during remanufacture of the day-only AV–8As to the AV–8B radar configuration.

The Senate amendment would authorize the budget request.

The Senate recedes. The conferees agree to authorize the increase of $15.6 million to the budget request with the increase of $15.6 million to the budget request with the understanding that the Department of the Navy would include in the fiscal year 1997 budget request the balance of the $11.7 million required by the memorandum of understanding.

S–3B Project Gray Wolf

The budget request included $12.9 million in PE 64217N for continued development of weapon system improvements for the S–3 aircraft.

The House bill would authorize an additional $15.0 million for continued evaluation and potential establishment of an advanced concept technology demonstration of "Project Gray Wolf", a fleet proof of concept demonstration of the ability of an S–3B aircraft equipped with a multi-mode synthetic aperture radar designed to provide real time stand-off surveillance, targeting, and strike support for littoral operations.

The Senate amendment would authorize an additional $13.2 million for the same purpose.

The conferees agree to authorize the requested amount.

The conferees agree that "Project Gray Wolf" demonstrates potential for providing the Department of the Navy with a versatile carrier-based capability provide real time, stand-off surveillance, targeting, and strike support. The conferees encourage the Secretary of the Navy to consider a reprogramming request to support this program, should any funds become available during fiscal year 1996. The conferees further encourage the Secretary to include funds for the program in his fiscal year 1997 budget request.

P–3 maritime patrol aircraft sensor integration

The budget request included $1.9 million in PE 64221N for the P–3 maritime patrol aircraft (MPA) modernization program.

The House bill would authorize an increase of $15.0 million to the budget request. That increase would include $12.0 million to restore the schedule for integration of the improved extended echo ranging (IEER) and the anti-surface warfare improvement program (AIP) capabilities in the P–3, and $3.0 million for upgrade of P–3 stores management, to permit integration of advanced weapons systems. In relation to the fiscal year 1995 budget projections for fiscal year 1996, the House report (H. Rept. 104–131) noted that sharp

funding reductions in the P–3 modernization program would result in an overall program cost increase and multi-year delays in fielding capability improvements needed to offset decreases in MPA force structure. The House report also expressed the House's expectation that the Navy's future budget requests would include the increased funding necessary to complete the IEER and AIP capabilities integration in the P–3, the P–3 stores management upgrades, and procurement of sufficient quantities of the AIP and update III kits to appropriately outfit the active and reserve MPA force.

The Senate amendment would authorize the budget request.

The Senate recedes.

Air crew systems development

The budget request included $9.8 million in PE 64264N for the development of aviation life support systems for air crews.

The House bill would authorize an increase of $7.9 million to transition the Navy's Day/Night/All Weather Helmet Mounted Display to operational evaluation in F/A–18 and AV–8B aircraft, to upgrade current escape systems, and to develop crashworthy troop seats in the H–1, H–3 and H–46 helicopters.

The Senate amendment would authorize the budget request.

The Senate recedes.

AEGIS combat systems engineering

The budget request included $105.9 million in PE 64307N, including $90.0 million for continued development of improvements in the AEGIS combat system.

The House bill would authorize $89.9 million, a reduction of $15.8 million from the requested amount. In support of the funding reduction, the House report (H. Rept. 104–131) cited the deferred release of fiscal year 1995 funds, which led to a corresponding, but unnecessary, increase in the Navy's budget request. The House report (H. Rept. 104–131) also expressed concern about the Navy's revised strategy for development of the AEGIS baseline 6.

The Senate amendment would authorize the requested amount.

The conferees agree to a reduction of $11.0 million in PE 64307N for AEGIS combat systems engineering. The conferees note that the Navy included the $11.0 million in its budget request in anticipation of losing $15.8 million of fiscal year 1995 funds through the omnibus reprogramming process. The use of these fiscal year 1995 funds as a reprogramming source has been specifically denied by Congress. The conferees direct the Office of the Secretary of Defense to return these funds to the Navy without delay to permit orderly execution of the AEGIS program. Further, the navy should review its program for development of the AEGIS baseline 6 with a view to minimizing concurrency.

Enhanced modular signal processor

The budget request included $8.3 million in PE 64507N for development and risk mitigation testing of the AN/UYS–2 enhanced modular signal processor (EMSP) and software development, integration, testing, and critical engineering design support in the airborne low-frequency sonar (ALFS), surveillance towed array sensor system (SURTASS), AN/SQQ–89 surface combat system, and AN/BSY–2 submarine combat system.

Both the House bill and the Senate amendment would authorize the budget request.

The conferees understand that the Navy is considering development of a commercial-off-the-shelf (COTS) variant of the EMSP, as discussed in the House report (H. Rept. 104–131). The conferees authorize an increase of $6.5 million in PE 64507N for development of this COTS variant. The conferees encourage the Navy to include additional funds that may be required to complete the EMSP COTS development in its fiscal year 1997 budget request.

Submarine combat system

The budget request included $42.3 million in PE 64524N for development of the AN/BSY–2 submarine combat system.

The House bill would reduce the authorization by $6.2 million, the amount requested for delivery of the AN/BSY–2 system for the SSN–23.

The Senate amendment would authorize the budget request.

The House recedes.

Submarine tactical warfare system

The budget request included $38.5 million in PE 64562N for continued development of improvements in SSN combat control systems.

The House bill recommended a reduction of $18.0 million to the budget request.

The Senate amendment would authorize the requested amount.

The House recedes.

Advanced tactical air command central

The budget request included $8.4 million in PE 604719M to continue development of the advanced tactical air command central (ATACC) for the Marine Corps.

The House bill would reduce the PE by $5.0 million and direct that the details of the operational requirement and a revised program plan be provided with the fiscal year 1997 budget request. The house report (H. Rept. 104–131) expressed concerns regarding the marked growth in program costs for fiscal year 1996 and succeeding years, changes in the acquisition strategy, and significant revisions in the program schedule. These concerns raise questions regarding how well the operational requirement is defined and whether the system should continue in engineering and manufacturing systems development, or whether a demonstration/validation program would be more appropriate.

The Senate amendment would authorize the requested amount.

The House recedes.

The conferees agree that the concerns expressed by the House should be addressed following submission of the fiscal year 1997 defense budget request.

Ship self-defense system

SUMMARY

The budget request included $166.0 million in PE 64755N for the ship self-defense program.

The House bill would approve the budget request. The House report (H. Rept. 104–131) expressed concern that the Navy had failed to include funding in its budget request to continue development of either the infrared search and track (IRST) system or NULKA, an electronic warfare countermeasures system, despite the apparently high priority that the Navy has placed on these systems in the past. The House report argued that such funding lapses point to the absence of clearly defined program baselines in the ship self-defense programs.

The Senate amendment would authorize $184.5 million in PE 64755N, an increase of $18.5 million. It would authorize an additional $9.5 million for IRST and $9.0 million for NULKA. The Senate report (S. Rept. 104–112) also discussed evaluation of existing self-defense systems, such as the BARAK 1 missile system, for installation on active and new construction Navy ships.

The conferees agree to authorize $183.5 million for the ship self-defense program in PE 64755N. Funding increases and areas of emphasis are discussed in the following paragraphs. The conferees also agree that the year-to-year volatility of the Navy's budget requests for ship self-defense programs appear to contradict the Navy's oft stated emphasis on littoral warfare. Therefore, the conferees direct the Secretary of the Navy to provide to the congressional defense committees, as a part of the annual update of the "Ship Anti-Air Warfare (AAW) Report", an assessment of progress in establishing program baselines for the ship self-defense program and the degree to which these baselines are being met.

IRST

The budget requested reduced funding for and restructured the infrared search and track (IRST) program for affordability reasons. The conferees believe that the IRST system has the potential to play a very important role in defending naval ships against sea skimming antiship missiles. A recently completed cost and operational effectiveness analysis (COEA) supports this conclusion. The conferees agree that the Navy should emphasize early integration of the IRST system with both Aegis and non-Aegis ships, and place priority on early completion of its development. Therefore, the conferees authorize an increase of $9.5 million in PE 64755N to accelerate plans for combat system integration and design of the IRST system.

NULKA

NULKA is a joint United States/Australian project to develop an anti-ship missile decoy system. Increased funding in fiscal year 1996 would allow the Navy to integrate NULKA with the ship self-defense system (SSDS), for installation on amphibious ships and other self-defense ships, to conduct testing of the integrated system, and to commence development of improvements to the payload needed to counter improvements in anti-ship missile technology. The conferees strongly support these objectives and authorize an increase of $8.0 million in PE 64755N.

BARAK 1

The Senate report expressed concern about the need to protect Navy ships from the proliferation of maneuvering, sea-skimming, low observable, anti-ship cruise missiles. It also recognizes the fact that the Navy's evaluation of existing systems, such as the BARAK 1 missile, as candidates for the LPD–17 class's self-defense suite, could produce the most cost-effective solution to this threat. Development costs could be avoided through such an approach.

While addressing ship self-defense in some detail, the House report did not discuss this aspect of the requirement.

The conferees agree that the incorporation of weapons systems that are already in production, such as BARAK 1, into the combat systems of active or new construction ships could be a cost effective means to deal with a rapidly proliferating and evolving cruise missile threat. The conferees desire to be kept informed on the progress and results of the LPD–17 cost and operational effectiveness analysis (COEA). Furthermore, the conferees direct the Navy to present, by February 1996, a plan that could lead to testing of the BARAK 1 system in the United States during fiscal year 1996, should the LPD–17 COEA demonstrate that self-defense systems such as BARAK 1 would be cost effective.

Because of the advantage to the fleet of an early deployment of a robust ship self-defense system, the committee directs the

Navy to also examine and report on BARAK 1 applicability to other ship classes. The results of this analysis should be provided to the congressional defense committees by February 1996.

Fixed distributed system—deployable

The budget request included $93.5 million in PE 64784N for the fixed distribution surveillance system (FDS), but included no funding for the deployable (FDS–D) prototype.

The House bill would add $10.0 million to the budget request to refurbish the FDS–D prototype and improve its capability to provide an interim deployable undersea surveillance, until the Advanced Deployable System becomes available.

The Senate amendment would authorize the budget request.

The conferees authorize $103.5 million in PE 64784N, of which $10.0 million would be used to refurbish the FDS–D prototype and improve its surveillance capability. Further guidance is contained in the classified annex.

SSBN security and survivability program

The budget request included $25.1 million in PE 12224N for the SSBN security and survivability program.

The House bill would provide an increase of $9.5 million to the budget request. The House bill would also direct the Secretary of the Navy to provide to the congressional defense committees, within 60 days of enactment, an assessment of the potential threat to the U.S. SSBN force an analysis of the SSBN security program needed to counter that threat.

The Senate amendment would authorize the budget request.

The conferees agree to authorize an additional $5.5 million in PE 12224N for the SSBN security and survivability program. The conferees agree with the House direction to the Secretary of Defense regarding the SSBN security program, contained in the House report (H. Rept. 104–131). Further guidance regarding the program is provided in the classified annex.

Cryptologic system trainer

The budget request included $7.0 million in PE 24571N to continue development and evaluation of the Navy's surface tactical team trainer.

The House bill would authorize an additional $3.0 million for:

(1) integration and evaluation of the cryptologic systems trainer in the battle force tactical training system; and

(2) the development of related information warfare/command and control warfare shipboard training systems.

The Senate amendment would authorize the budget request.

The conferees authorize $10.0 million in PE 24571N. Of this amount, $3.0 million is for the purposes discussed in the House report (H. Rept. 104–131).

Optoelectronics

The budget request did not include funding for optoelectronics manufacturing.

The House bill would provide $10.0 million to initiate partnerships with industry, government laboratories and other research organizations to allow the development of manufacturing technologies that would support optoelectronics devices and components.

The Senate amendment contained no similar provision.

The conferees agree to authorize an additional $10.0 million for this program in PE 78011N. The conferees also agree to authorize an additional $2.0 million for advanced bulk manufacturing of mercury cadmium telluride (MCT) for low cost sensors, also in PE 78011N.

Overview

The budget request for fiscal year 1996 contained an authorization of $12,598.4 million for Air Force, Research and Development in the Department of Defense. The House bill would authorize $13,184.1 million. The Senate amendment would authorize $13,087.4 million. The conferees recommended an authorization of $12,914.9 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

PE	No	Title	FY 1996 Request	House Authorized	Senate Authorized	Change to Request	Conference Agreement
ACCOUNT		RESEARCH DEVELOPMENT TEST & EVAL AF					
0601101F	1	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	-	-	-		-
0601102F	2	DEFENSE RESEARCH SCIENCES	239,893	244,893	235,893	9,585	249,478
0602101F	3	GEOPHYSICS	-	-	-		-
0602102F	4	MATERIALS	74,534	82,534	75,284		74,534
0602201F	5	AEROSPACE FLIGHT DYNAMICS	66,268	66,268	66,268	(1,918)	64,350
0602202F	6	HUMAN SYSTEMS TECHNOLOGY	90,311	90,311	75,311	(3,400)	86,911
0602203F	7	AEROSPACE PROPULSION	78,592	81,592	81,592	(3,522)	75,070
0602204F	8	AEROSPACE AVIONICS	74,256	74,256	74,256	(5,756)	68,500
0602205F	9	PERSONNEL, TRAINING AND SIMULATION	-	-	-		-
0602206F	10	CIVIL ENGINEERING AND ENVIRONMENTAL QUALITY	-	-	-		-
0602269F	11	HYPERSONIC TECHNOLOGY PROGRAM	19,900	19,900	19,900		19,900
0602302F	12	ROCKET PROPULSION AND ASTRONAUTICS TECHNOLOGY	-	-	-		-
0602601F	13	ADVANCED WEAPONS	124,446	130,446	124,446	11,000	135,446
0602602F	14	CONVENTIONAL MUNITIONS	44,954	44,954	44,954		44,954
0602702F	15	COMMAND CONTROL AND COMMUNICATIONS	98,477	96,477	98,477	(2,000)	96,477
0603106F	16	LOGISTICS SYSTEMS TECHNOLOGY	17,960	17,960	17,960		17,960
0603112F	17	ADVANCED MATERIALS FOR WEAPON SYSTEMS	23,283	23,283	23,283		23,283
0603202F	18	AEROSPACE PROPULSION SUBSYSTEMS INTEGRATION	29,818	29,818	29,818		29,818
0603203F	19	ADVANCED AVIONICS FOR AEROSPACE VEHICLES	32,131	32,131	32,131		32,131
0603205F	20	AEROSPACE VEHICLE TECHNOLOGY	10,793	10,793	10,793		10,793
0603211F	21	AEROSPACE STRUCTURES	13,269	13,269	13,269		13,269
0603216F	22	AEROSPACE PROPULSION AND POWER TECHNOLOGY	41,779	41,779	41,779		41,779
0603227F	23	PERSONNEL, TRAINING AND SIMULATION TECHNOLOGY	8,930	8,930	8,930		8,930
0603231F	24	CREW SYSTEMS AND PERSONNEL PROTECTION TECHNOLOGY	18,953	21,953	18,953	3,000	21,953
0603238F	25	GLOBAL SURVEILLANCE	2,483	2,483	2,483		2,483
0603245F	26	ADVANCED FIGHTER TECHNOLOGY INTEGRATION	12,491	12,491	12,491		12,491
0603250F	27	LINCOLN LABORATORY	-	-	-		-
0603253F	28	ADVANCED AVIONICS INTEGRATION	20,421	20,421	20,421	(2,800)	17,621
0603269F	29	NATIONAL AERO SPACE PLANE TECHNOLOGY PROGRAM	-	-	-		-
0603270F	30	EW TECHNOLOGY	25,079	25,079	25,079	(2,500)	22,579
0603302F	31	SPACE AND MISSILE ROCKET PROPULSION	15,203	20,203	15,203	5,000	20,203
0603311F	32	BALLISTIC MISSILE TECHNOLOGY	3,085	8,785	8,085	5,700	8,785
0603319F	33	AIRBORNE LASER TECHNOLOGY	-	-	-		-
0603401F	34	ADVANCED SPACECRAFT TECHNOLOGY	32,627	140,127	52,627	70,000	102,627
0603410F	35	SPACE SYSTEMS ENVIRONMENTAL INTERACTIONS TECHNOLOGY	3,479	3,479	3,479		3,479
0603428F	36	SPACE SUBSYSTEMS TECHNOLOGY	-	-	-		-
0603601F	37	CONVENTIONAL WEAPONS TECHNOLOGY	31,637	34,137	31,637	2,500	34,137
0603605F	38	ADVANCED RADIATION TECHNOLOGY	47,919	47,919	47,919		47,919

PE	No	Title	FY 1996 Request	House Authorized	Senate Authorized	Change to Request	Conference Agreement
0603707F	39	WEATHER SYSTEMS TECHNOLOGY	4,577	4,577	4,577		4,577
0603723F	40	CIVIL AND ENVIRONMENTAL ENGINEERING TECHNOLOGY	9,835	9,835	9,835	(1,000)	8,835
0603726F	41	C3I SUBSYSTEM INTEGRATION	12,008	12,008	12,008		12,008
0603728F	42	ADVANCED COMPUTING TECHNOLOGY	11,005	11,005	11,005		11,005
0603771F	43	INDUSTRIAL PREPAREDNESS MANUFACTURING TECHNOLOGY	53,332	-	53,332	(53,332)	-
0603789F	44	C3 ADVANCED DEVELOPMENT	12,617	12,617	12,617		12,617
0603260F	45	INTELLIGENCE ADVANCED DEVELOPMENT	5,109	5,109	5,109		5,109
0603307F	46	AIR BASE OPERABILITY ADVANCED DEVELOPMENT	-	-	-		-
0603319F	47	AIRBORNE LASER TECHNOLOGY	19,954	19,954	19,954		19,954
0603402F	48	SPACE TEST PROGRAM	-	-	-		-
0603430F	49	ADVANCED MILSATCOM	30,038	30,038	30,038		30,038
	49a	POLAR SATCOM	-	-	58,000	58,000	58,000
0603434F	50	NATIONAL POLAR-ORBITING OPERATIONAL ENVIRONMENTAL SATELLITE SYSTEM	23,861	18,861	13,861	(5,000)	18,861
0603438F	51	SATELLITE SYSTEMS SURVIVABILITY	-	-	-		-
0603440F	52	BRILLIANT EYES	-	-	-		-
0603441F	53	SPACE BASED INFRARED ARCHITECTURE (SBIR) - DEM/VAL	130,744	265,744	265,744	135,000	265,744
0603617F	54	COMMAND, CONTROL, AND COMMUNICATION APPLICATIONS	6,437	6,437	6,437		6,437
0603714F	55	DOD PHYSICAL SECURITY EQUIPMENT - EXTERIOR	-	-	-		-
0603742F	56	COMBAT IDENTIFICATION TECHNOLOGY	4,571	4,571	4,571		4,571
0603800F	57	JOINT ADVANCED STRIKE TECHNOLOGY - DEM/VAL	151,186	125,686	151,186	(65,500)	85,686
0603851F	58	INTERCONTINENTAL BALLISTIC MISSILE - DEM/VAL	20,265	34,765	24,565		20,265
0603852F	60	C-130J - DEM/VAL	-	-	-		-
0603853F	61	EVOLVED EXPENDABLE LAUNCH VEHICLE (EELV) PROGRAM - DEM/VAL	39,226	39,226	39,226		39,226
0604201F	62	AIRCRAFT AVIONICS EQUIPMENT DEVELOPMENT	16,892	16,892	16,892		16,892
0604212F	63	AIRCRAFT EQUIPMENT DEVELOPMENT	-	-	-		-
0604218F	64	ENGINE MODEL DERIVATIVE PROGRAM (EMDP)	756	756	756		756
0604222F	65	NUCLEAR WEAPONS SUPPORT	4,822	4,822	4,822		4,822
0604226F	66	B-1B	173,838	194,838	287,638	28,600	202,438
0604227F	67	TRAINING SYSTEMS DEVELOPMENT	8,786	8,786	8,786		8,786
0604231F	68	C-17 PROGRAM	85,753	85,753	85,753	(11,950)	73,803
0604233F	69	SPECIALIZED UNDERGRADUATE PILOT TRAINING	63,042	63,042	63,042		63,042
0604237F	70	VARIABLE STABILITY IN-FLIGHT SIMULATOR TEST AIRCRAFT	-	-	-		-
0604239F	71	F-22 EMD	2,138,718	2,138,718	2,138,718		2,138,718
0604240F	72	B-2 ADVANCED TECHNOLOGY BOMBER	623,616	623,616	623,616		623,616
0604243F	73	MANPOWER, PERSONNEL AND TRAINING DEVELOPMENT	5,300	5,300	5,300		5,300
0604249F	74	NIGHT/PRECISION ATTACK	8,708	8,708	8,708		8,708
0604268F	75	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	-	-	-		-
0604270F	76	EW DEVELOPMENT	50,203	50,203	50,203		50,203
0604321F	77	COMBAT INTELLIGENCE SYSTEM -EMD	3,938	3,938	3,938		3,938

PE	No	Title	FY 1996 Request	House Authorized	Senate Authorized	Change to Request	Conference Agreement
0604441F	78	SPACE BASED INFRARED ARCHITECTURE (SBIR) - EMD	152,219	162,219	162,219	10,000	162,219
0604479F	79	MILSTAR LDR/MDR SATELLITE COMMUNICATIONS	649,666	649,666	577,666	(72,000)	577,666
0604480F	80	GLOBAL POSITIONING SYSTEM BLOCK IIF	19,699	19,699	29,699		19,699
0604600F	81	MUNITIONS DISPENSER DEVELOPMENT	53,254	53,254	53,254		53,254
0604601F	82	CHEMICAL/BIOLOGICAL DEFENSE EQUIPMENT	-	-	-		-
0604602F	83	ARMAMENT/ORDNANCE DEVELOPMENT	8,075	8,075	8,075		8,075
0604604F	84	SUBMUNITIONS	4,953	4,953	14,953	10,000	14,953
0604609F	85	R&M MATURATION/TECHNOLOGY INSERTION	-	-	-		-
0604617F	86	AIR BASE OPERABILITY	9,692	9,692	9,692		9,692
0604618F	87	JOINT DIRECT ATTACK MUNITION	92,161	92,161	99,161	475	92,636
0604703F	88	AEROMEDICAL/CHEMICAL DEFENSE SYSTEMS	6,235	6,235	6,235		6,235
0604704F	89	COMMON SUPPORT EQUIPMENT DEVELOPMENT	1,167	1,167	1,167		1,167
0604706F	90	LIFE SUPPORT SYSTEMS	4,035	4,035	4,035		4,035
0604707F	91	WEATHER SYSTEMS - ENG DEV	-	-	-		-
0604708F	92	CIVIL, FIRE, ENVIRONMENTAL, SHELTER ENGINEERING	2,737	2,737	2,737		2,737
0604711F	93	SYSTEMS SURVIVABILITY (NUCLEAR EFFECTS)	37	-	37	(37)	-
0604727F	94	JOINT STANDOFF WEAPONS SYSTEMS	44,025	44,025	44,025		44,025
0604733F	95	SURFACE DEFENSE SUPPRESSION	-	5,000	-		-
0604735F	96	COMBAT TRAINING RANGES	10,418	10,418	10,418		10,418
0604740F	97	COMPUTER RESOURCE TECHNOLOGY TRANSITION (CRTT)	2,166	2,166	2,166		2,166
0604750F	98	INTELLIGENCE EQUIPMENT	1,294	1,294	1,294		1,294
0604754F	99	JOINT TACTICAL INFORMATION DISTRIBUTION SYSTEM (JTIDS)	10,146	10,146	10,146		10,146
0604770F	100	JOINT SURVEILLANCE/TARGET ATTACK RADAR SYSTEM (JSTARS)	169,702	203,702	169,702	12,500	182,202
0604779F	101	JOINT INTEROPERABILITY OF TACTICAL COMMAND & CONTROL SYSTEMS (JINTACCS)	6,356	6,356	6,356		6,356
0604851F	102	INTERCONTINENTAL BALLISTIC MISSILE - EMD	192,719	200,719	192,719		192,719
0303606F	103	UHF SATELLITE COMMUNICATIONS	15,568	13,068	9,068	(2,500)	13,068
0603402F	104	SPACE TEST PROGRAM	57,710	64,710	57,710	(10,710)	47,000
0604256F	105	THREAT SIMULATOR DEVELOPMENT	53,377	53,377	53,377		53,377
0604258F	106	TARGET SYSTEMS DEVELOPMENT	5,362	5,362	5,362		5,362
0604759F	107	MAJOR T&E INVESTMENT	37,879	37,879	37,879		37,879
0605101F	108	RAND PROJECT AIR FORCE	25,924	25,924	25,924		25,924
0605306F	109	RANCH HAND II EPIDEMIOLOGY STUDY	3,139	3,139	3,139		3,139
0605502F	110	SMALL BUSINESS INNOVATIVE RESEARCH (H)	-	-	-		-
0605708F	111	NAVIGATION/RADAR/SLED TRACK TEST SUPPORT	-	-	-		-
0605712F	112	INITIAL OPERATIONAL TEST & EVALUATION	24,506	24,506	24,506		24,506
0605807F	113	TEST AND EVALUATION SUPPORT	454,067	444,167	424,167	(19,900)	434,167
0605808F	114	DEVELOPMENT PLANNING	6,745	6,745	6,745		6,745
0605853F	115	ENVIRONMENTAL CONSERVATION	14,169	4,169	14,169	(10,000)	4,169
0605854F	116	POLLUTION PREVENTION	14,046	14,046	14,046		14,046

PE	No	Title	FY 1996 Request	House Authorized	Senate Authorized	Change to Request	Conference Agreement
0605856F	117	ENVIRONMENTAL COMPLIANCE	26,423	26,423	26,423		26,423
0605860F	118	ROCKET SYSTEMS LAUNCH PROGRAM (RSLP)	5,949	5,949	5,949		5,949
0605863F	119	RDT&E AIRCRAFT SUPPORT	-	-	-		-
0605876F	120	MINOR CONSTRUCTION (RPM) - RDT&E	-	-	-		-
0605878F	121	MAINTENANCE AND REPAIR (RPM) - RDT&E	-	-	-		-
0605896F	122	BASE OPERATIONS - RDT&E	117,083	126,983	126,983	6,900	123,983
0604268F	125	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	103,700	103,700	135,200	29,530	133,230
0101113F	126	B-52 SQUADRONS	16,505	16,505	36,505	4,500	21,005
0101120F	127	ADVANCED CRUISE MISSILE	7,060	7,060	7,060		7,060
0101213F	128	MINUTEMAN SQUADRONS	-	-	-		-
0102325F	129	JOINT SURVEILLANCE SYSTEM	4,711	4,711	4,711		4,711
0102411F	130	NORTH ATLANTIC DEFENSE SYSTEM	9,351	9,351	9,351		9,351
0102412F	131	NORTH WARNING SYSTEM (NWS)	1,015	1,015	1,015		1,015
0207129F	132	F-111 SQUADRONS	597	597	597		597
0207133F	133	F-16 SQUADRONS	175,600	175,600	175,600		175,600
0207134F	134	F-15E SQUADRONS	171,337	171,337	171,337		171,337
0207136F	135	MANNED DESTRUCTIVE SUPPRESSION	2,908	12,908	2,908		2,908
0207141F	136	F-117A SQUADRONS	3,881	3,881	3,881		3,881
		JASSM	-	-	50,000	25,000	25,000
0207160F	137	TRI-SERVICE STANDOFF ATTACK MISSILE	-	37,500	-		-
0207161F	138	TACTICAL AIM MISSILES	20,082	20,082	20,082		20,082
0207163F	139	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	42,311	50,311	47,311	5,000	47,311
0207217F	140	FOLLOW-ON TACTICAL RECONNAISSANCE SYSTEM	-	-	-		-
0207247F	141	AF TENCAP	21,966	21,966	21,966		21,966
0207248F	142	SPECIAL EVALUATION PROGRAM	87,184	87,184	87,184		87,184
0207411F	143	OVERSEAS AIR WEAPON CONTROL SYSTEM	-	-	-		-
0207412F	144	THEATER AIR CONTROL SYSTEMS	290	290	290		290
0207417F	145	AIRBORNE WARNING AND CONTROL SYSTEM (AWACS)	96,696	96,696	96,696		96,696
0207419F	146	TACTICAL AIRBORNE COMMAND AND CONTROL SYSTEMS	2,093	2,093	2,093		2,093
0207422F	147	DEPLOYABLE C3 SYSTEMS	-	-	-		-
0207423F	148	ADVANCED COMMUNICATIONS SYSTEMS	1,934	1,934	1,934		1,934
0207424F	149	EVALUATION AND ANALYSIS PROGRAM	77,688	77,688	77,688		77,688
0207433F	151	ADVANCED PROGRAM TECHNOLOGY	157,397	157,397	157,397		157,397
0207438F	152	THEATER BATTLE MANAGEMENT (TBM) C4I	24,813	24,813	24,813		24,813
0207579F	153	ADVANCED SYSTEMS IMPROVEMENTS	105,548	105,548	65,548	(41,800)	63,748
0207590F	154	SEEK EAGLE	17,390	17,390	17,390		17,390
0207591F	155	ADVANCED PROGRAM EVALUATION	140,571	140,571	140,571		140,571
0207601F	156	USAF WARGAMING AND SIMULATION	19,762	19,762	19,762		19,762
0208006F	157	MISSION PLANNING SYSTEMS	20,585	20,585	20,585		20,585

PE	No	Title	FY 1996 Request	House Authorized	Senate Authorized	Change to Request	Conference Agreement
0208060F	159	THEATER MISSILE DEFENSES	25,102	25,102	53,102		25,102
0303110F	166	DEFENSE SATELLITE COMMUNICATIONS SYSTEM	32,555	32,555	32,555		32,555
0303131F	167	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN)	15,777	15,777	15,777		15,777
0303140F	168	INFORMATION SYSTEMS SECURITY PROGRAM	11,261	11,261	12,761	1,500	12,761
0303144F	169	ELECTROMAGNETIC COMPATIBILITY ANALYSIS CENTER (ECAC)	-	-	-		-
0303601F	170	MILSTAR SATELLITE COMMUNICATIONS SYSTEM	42,591	42,591	42,591		42,591
0303605F	171	SATELLITE COMMUNICATIONS TERMINALS	-	-	-		-
0305110F	173	SATELLITE CONTROL NETWORK	89,717	89,717	89,717	(5,100)	84,617
0305111F	174	WEATHER SERVICE	5,771	5,771	5,771		5,771
0305114F	175	AIR TRAFFIC CONTROL, APPROACH, AND LANDING SYSTEM (ATCALS)	3,968	3,968	3,968		3,968
0305119F	176	MEDIUM LAUNCH VEHICLES	21,898	21,898	21,898		21,898
0305128F	178	SECURITY AND INVESTIGATIVE ACTIVITIES	299	299	299		299
0305137F	179	NATIONAL AIRSPACE SYSTEM (NAS) PLAN	13,759	13,759	13,759		13,759
0305138F	180	UPPER STAGE SPACE VEHICLES	3,554	3,554	3,554		3,554
0305144F	182	TITAN SPACE LAUNCH VEHICLES	140,514	140,514	140,514	(5,000)	135,514
0305145F	183	ARMS CONTROL IMPLEMENTATION	998	998	998		998
0305158F	184	CONSTANT SOURCE	3,089	3,089	3,089		3,089
0305160F	185	DEFENSE METEOROLOGICAL SATELLITE PROGRAM (DMSP)	21,464	21,464	21,464		21,464
0305164F	186	NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT)	17,371	17,371	17,371		17,371
0305165F	187	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE AND CONTROL SEGMENTS)	26,921	26,921	26,921	(1,000)	25,921
0305181F	189	WESTERN SPACE LAUNCH FACILITY (WSLF)	-	-	-		-
0305182F	190	EASTERN SPACE LAUNCH FACILITY (ESLF)	52,272	52,272	52,272		52,272
0305887F	191	ELECTRONIC COMBAT INTELLIGENCE SUPPORT	-	-	-		-
0305905F	193	IMPROVED SPACE BASED TW/AA	-	-	-		-
0305906F	194	NCMC - TW/AA SYSTEM	60,897	60,897	60,897	7,900	68,797
0305910F	195	SPACETRACK	35,583	35,583	35,583		35,583
0305911F	196	DEFENSE SUPPORT PROGRAM	43,672	43,672	38,672	(6,231)	37,441
0305913F	197	NUDET DETECTION SYSTEM	16,277	16,277	16,277	(3,000)	13,277
0401119F	198	C-5 AIRLIFT SQUADRONS	-	-	-		-
0401218F	199	KC-135S	12,727	12,727	12,727		12,727
0401840F	200	AMC COMMAND AND CONTROL SYSTEM	-	-	-		-
0404102F	201	AEROSPACE RESCUE AND RECOVERY	5,369	5,369	5,369		5,369
0701111F	202	SUPPLY DEPOT OPERATIONS (NON-IF)	-	-	-		-
0702207F	203	DEPOT MAINTENANCE (NON-IF)	1,464	1,464	1,464		1,464
0708011F	204	INDUSTRIAL PREPAREDNESS	-	53,332	-	60,932	60,932
0708012F	205	LOGISTICS SUPPORT ACTIVITIES	-	-	-		-
0708026F	206	PRODUCTIVITY, RELIABILITY, AVAILABILITY, MAINTAIN. PROG OFC (PRAMPO)	15,719	15,719	15,719		15,719
0708054F	207	POLLUTION PREVENTION	-	-	-		-
0708611F	208	SUPPORT SYSTEMS DEVELOPMENT	5,906	5,906	5,906		5,906

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PE	No	Title	FY 1996 Request	House Authorized	Senate Authorized	Change to Request	Conference Agreement
0804734F	209	CRYPTOLOGIC/SIGINT-RELATED SKILL TRAINING	1,139	1,139	1,139		1,139
0901218F	210	CIVILIAN COMPENSATION PROGRAM	5,827	5,827	5,827		5,827
1001004F	211	INTERNATIONAL ACTIVITIES	3,713	3,713	3,713		3,713
		Joint Seismic Program and Global Seismic Network		-	9,500		
		FY95 Unobligated Balances		-	(9,500)		
XXXXXXXXXX	999	Classified Programs	3,203,479	3,396,479	3,312,079	149,763	3,353,242
		POLAR SATCOM					-
		Total Air Force RDT&E	12,598,439	13,182,102	13,087,389	316,429	12,914,868

Defense research sciences

The budget request included $239.893 million for defense research sciences in PE 61102F.

The House bill would authorize an additional $5.0 million for adaptive optics research.

The Senate amendment would reduce the budget request by $9.0 million and authorize $5.0 million for adaptive optics research.

The conferees agree, that of the $249.5 million authorized in this program element, $5.0 million shall be authorized for adaptive optics research.

Robotics corrosion inspection system

The House bill would authorize $8.0 million in PE 62102F to conduct a competitive program to demonstrate the feasibility of non-contact robotic corrosion inspection for detection of hidden corrosion and metal fatigue.

The Senate amendment did not include such authorization.

The conferees strongly encourage the Air Force to consider environmentally benign technologies that demonstrate the potential to provide a 25 percent savings in cargo and fighter aircraft inspection and repair costs through the use of non-contact robotic corrosion inspection.

Firefighting clothing

The conferees encourage the Department of Defense to continue to make greater use of commercial off-the-shelf technologies that meet military requirements without extensive development programs. The conferees are aware of recent commercial developments in thermal absorbing materials that would have the potential to significantly increase personnel protection for fighting aircraft, ship-board, and chemical fires. Accordingly, the conferees authorize an additional $1.25 million in PE 62201F for the development of a firefighting suit that would incorporate these technologies.

Aerospace propulsion

The budget request included $3.7 million in PE 62203F for the high thermal stability and the endothermic hydrocarbon fuels project 3048.

The House bill and Senate amendment would authorize an additional $3.0 million for the acceleration of this project.

The conferees agree that of the $75.0 million authorized for this program element that $6.7 million be authorized for project 3048.

Rocket propulsion technology

The House bill would authorize an additional $13.0 million for rocket propulsion technology programs in PE 62601F, PE 63302F, and PE 62111N.

The Senate amendment contained no similar provision.

The conferees agree to provide an additional $13.0 million, as specified in the House report (H. Rept. 104–131).

Computer security

The budget request included $98.5 million for Command, Control, and Communications in PE 62702F.

The House bill would authorize an additional $3.0 million to evaluate voice recognition computer security systems.

The Senate amendment contained no similar authorization.

The conferees direct that, of the $96.5 million authorized, $3.0 million be authorized for evaluation of voice recognition computer security systems, as specified in the House report (H. Rept. 104–131).

Aircraft ejection seats

The budget request included $19.0 million in PE 63231F for crew systems and personnel protection technology.

The House bill would authorize an additional $3.0 million to test existing Navy, Marine Corps, and Air Force front-line trainer and tactical aircraft ejection seats. Ejection seat tests would be conducted to verify predicted performance and to identify existing problems and the required corrective action.

The Senate amendment had no similar provision.

The conferees agree to authorize an additional $3.0 million in PE 63231F for the purposes specified in the House report (H. Rept. 104–131).

Micro-satellite development program

The budget request included $32.6 million in PE 63401F for Advanced Spacecraft Technology.

The Senate amendment would authorize an additional $20.0 million for a micro-satellite development program.

The House bill would authorize the budget request.

The House recedes.

The Air Force Phillips Laboratory, in conjunction with the Air Force Space Command's Space Warfare Center, has initiated a small satellite program to develop and demonstrate a variety of miniaturized space technologies. The micro-satellite program builds upon the highly successful Clementine satellite program. The conferees strongly support this effort and direct that it be placed under the control of the Space Warfare Center and be executed by the Clementine Team (Phillips Laboratory, Naval Research Laboratory, and Lawrence Livermore National Laboratory).

Intercontinental ballistic missile (ICBM) research and development and associated issues

ICBM DEMONSTRATION/VALIDATION

The budget request included $20.3 million in PE 63851F for six Minuteman-related projects.

The House bill would authorize an additional $14.5 million to complete acquisition and requirement documentation efforts and to conduct missile guidance technology experiments. The House report (H. Rept. 104–131) expressed concern that the budget request failed to include pre-milestone 0 and phase 0 funding for the command signal decoder, the modified miniature receive terminal for launch control centers, the safety enhanced reentry vehicle, and inertial measurement modifications.

The Senate amendment would authorize an additional $4.3 million to bolster the Air Force reentry vehicle applications project. The Senate report (S. Rept. 104–112) expressed concern that the reentry vehicle nose tip requirements were not adequately funded.

The conferees agree to authorize the budget request. The conferees also reiterate the concerns expressed in the House and Senate reports. The conferees understand that the Air Force is considering options to address these concerns from within their existing fiscal year 1996 budget, in particular the documentation issues identified in the House report. The conferees strongly urge the Air Force to fulfill these requirements.

ICBM ENGINEERING AND MANUFACTURING DEVELOPMENT

The budget request contained $192.7 million in PE 64851F to fund the Minuteman guidance and propulsion replacement programs.

The House bill would authorize an additional $8.0 million to fund the initial integration design and testing of the capability to integrate the Mk21 warhead on the new Minuteman guidance set. The House report (H. Rept. 104–131) endorsed using the Mk21, the safest warhead in the inventory, on the Minuteman, if and when it becomes available as a result of arms control treaties. The House report expressed concern that the current guidance replacement program fails to fund the design and testing necessary to ensure the Mk21 capability prior to initiation of the guidance set production.

The Senate amendment would authorize the budget request.

The conferees agree to authorize the budget request. The conferees, however, reiterate the concerns expressed in the House report (H. Rept. 104–131), and support the recommendations made therein. The conferees are concerned that the Department of Defense and the Air Force have failed to take the necessary action to ensure that the safest nuclear warheads are compatible with the new Minuteman guidance sets. Therefore, the conferees direct that, of the funds authorized for fiscal year 1996 in PE 64851F, up to $4.0 million shall be available to initiate efforts to ensure that the new Minuteman guidance sets are capable of accommodating the Mk21 warhead. The conferees further direct the Secretary of Defense to ensure that the funds necessary to continue this effort are included in the fiscal year 1997 budget request.

REENTRY VEHICLE MATERIALS

The Senate amendment would authorize $750,000 above the budget request in PE 62102F for the Thermal Protection Materials Reentry Vehicle project to purchase, test, and evaluate three nose tip billets and related technologies.

The House bill would not authorize additional funds for reentry vehicle materials.

The Senate recedes. Nevertheless, the conferees reiterate the concerns expressed in the Senate report (S. Rept. 104–112) regarding the adequacy of the reentry vehicle applications program, and, in particular, the reentry vehicle materials program. Therefore, the conferees direct that, of the funds available in PE 62102F, up to $750,000 shall be available for the Thermal Protection Materials Reentry Vehicle project to purchase, test, and evaluate three ICBM reentry vehicle nose tip billets and related thermal technologies.

BALLISTIC MISSILE TECHNOLOGY

The budget request contained $3.1 million in PE 63311F to conduct guidance and range safety technology experiments.

The House bill would authorize an additional $5.7 million for Minuteman class range tracking and safety equipment based on Global Positioning System (GSP) equipment developments.

The Senate amendment would authorize an additional $5.0 million for suborbital flight testing conducted at White Sands Missile Range for ballistic missile guidance, range tracking, and safety equipment, based on existing GPS equipment.

The conferees agree to authorize $5.7 million above the budget request to enhance ballistic missile technology experiments and to proceed with a follow-on to the successful Missile Technology Demonstration Flight 1 (MDT–1). The conferees commend the participants in this joint effort and encourage the Air Force, the Ballistic Missile Defense Organization, the Defense Nuclear Agency, and the Phillips Laboratory to continue to pursue such joint efforts. Prior to completing plans for a MTD follow-on, the conferees

direct the Air Force to consult with the Senate Committee on Armed Services and the House Committee on National Security on the issues and options associated with the following: (1) the technologies to be tested; (2) the type of booster configuration to be employed; and (3) the test range to be used.

PEACEKEEPER CONTINGENCY PLANNING

The conferees direct the Secretary of the Air Force to submit a report to the congressional defense committees, by March 1, 1996, that outlines the Air Force's current plans for retiring Peacekeeper, and maintaining the system in the interim. The report should also address the additional actions and funding that would be required to maintain the option of retaining up to 50 Peacekeeper ICBMs in an operational status beyond 2003. The report should include a timetable that outlines when such actions and funding would be needed.

Weapon impact assessment system

The conferees are aware of innovative technologies that may significantly resolve the battlefield damage assessment problems related to tactical aviation. The conferees support the priorities established in the fiscal year 1996 Department of Defense Small Business Innovative Research Program solicitation (96.1) to expeditiously pursue weapon impact assessment technology. Accordingly, the conferees authorize $950,000, distributed equally between PE 64618N and PE 64618F, for a joint Navy-Air Force flight demonstration of a weapon impact assessment system that uses a video sensor-transmitter with precision guided munitions.

Stand-off land attack missiles

The budget request contained $40.5 million in PE 64603N for continued development of the stand-off land attack missile-enhanced response (SLAM-ER) as an interim replacement for the canceled tri-service stand-off attack missile (TSSAM) for the Navy.

The House bill would authorize the budget request for SLAM-ER. However, the House report (H. Rept. 104-131) would prohibit the Navy from obligating more than $10.0 million for the program without specific approval by the congressional defense committees.

The House bill would also provide an additional $37.5 million in PE 64312N for the Navy and an additional $37.5 million in PE 27160F for the Air Force to establish a joint program for accelerated development and evaluation of candidate joint air-to-surface stand-off missile (JASSM) systems as a near-term replacement for TSSAM. The House report would direct the Secretary of Defense to establish immediately such a program and would further direct the Secretary to report to the congressional defense committees within 60 days of the enactment of the Act on:

(1) the Department's plan to address near-term Navy and Air Force requirements for an interim TSSAM replacement;

(2) the Department's plans to satisfy these near-term requirements; and

(3) the long-term plan for development of a TSSAM replacement that will satisfy the requirements of both services.

The Senate amendment would authorize the budget request in PE 64603N for continued development of SLAM-ER, and would provide an additional $50.0 million for the Air Force in PE 27160F to initiate a JASSM program, with the expectation that the Department of Defense would establish a joint program to meet Air Force and Navy needs for a replacement for TSSAM.

The House recedes with an amendment. The conferees agree to:

(1) authorize the SLAM-ER budget request;

(2) provide $25.0 million for JASSM in the Air Force budget; and

(3) require the Department to report on plans for meeting near-term and long-term Air Force and Navy requirements for stand-off weapons systems.

JOINT AIR-TO-SURFACE STAND-OFF MISSILE (JASSM)

In testimony before the Congress this year, the Air Force and the Navy continued to support the requirement for a survivable, precision strike stand-off weapon. The DOD decision to cancel the TSSAM program exacerbated an already significant shortfall in this capability. The conferees stress the urgent need for the operational capability that would be provided by the TSSAM, and expect the Secretary of Defense to establish a joint program in the Air Force and the Navy for development of a TSSAM replacement, as recommended in both the House report (H. Rept. 104-131) and the Senate report (S. Rept. 104-112).

The conferees are concerned about the approach the services may pursue to fulfill the JASSM requirement. The conferees note that there are a number of competing alternatives upon which the JASSM could be based. The conferees believe that JASSM could evolve from a existing, or planned interim weapons system. The conferees believe that, if the Department decides that a new weapon development is appropriate, the new development program should be based on technologies that have already been developed in the TSSAM program, or in other existing or planned stand-off weapons systems, including technologies relating to low and very low observability/stealth.

The conferees note that there are a number of competing alternatives upon which the JASSM could be based, and want to ensure that due consideration is given to all competing approaches. Therefore, the conferees direct the Department to consider the following in conducting the JASSM program: (1) the results of the TSSAM development program, and the potential for using technology and components derived from that program; and (2) the results of programs for development of other stand-off weapons systems, and the potential for using technologies derived from those programs. The conferees direct the Secretary of Defense to include, in his report on precision guided munitions, information on the extent to which the Department may avail itself of TSSAM-derivative components and technology, as well as, components and technologies derived from other stand-off weapons programs, in meeting the JASSM requirement.

REQUIRED REPORT

The conferees direct the Secretary of Defense to include in the report on the analysis required by the provision on precision guided munitions, the Department's plan for meeting near-term Navy and Air Force requirements for an interim TSSAM replacement and the long-term plan for development of a TSSAM replacement that will meet the requirements of both services. The conferees expect that the Department would establish the following for JASSM weapons system at the next milestong: design-to-unit cost goals; minimum performance parameters; and interface requirements between JASSM and launch platforms.

Mobile missile launch detection and tracking

The conferees are aware of a proposal to use specialized processing techniques on synthetic aperture radar data to detect medium-rage ballistic missiles shortly after launch. The conferees urge the Air Force to consider this promising concept and agree to authorize the use of up to $1.0 million in funds made available in PE 28060F to demonstrate the feasibility of this concept.

Rivet joint technology transfer program

The Senate amendment recommended a $28.0 million increase to the theater missile defense program element (PE 28060F) to initiate the migration of the Cobra Ball medium wave infrared acquisition technology for the Rivet Joint RC-135 tactical reconnaissance fleet.

The House bill did not contain a similar recommendation.

The Senate recedes.

The conferees encourage the Air Force to move forward with this near term, cost effective program. With the transfer of this mature technology, the Rivet Joint fleet would offer early deployment and provide a significant improvement to the Department of Defense's capabilities in long range surveillance, warning, rapid cueing for attack operations, and impact point prediction. To achieve this goal, the conferees would consider a reprogramming in fiscal year 1996. The conferees understand that funds for the completion of this technology migration are included in the Air Force future year defense plans for this program.

Information systems security

The budget request included $11.3 million in PE 33140F for the Air Force's Information Systems Security program.

The Senate amendment would authorize an additional $1.5 million to complete research and development of the Trusted RUBIX multi-level security database management system.

The House bill would authorize the budget request.

The House recedes.

Computer-assisted technology transfer

The conferees agree to authorize $7.2 million in PE 78011F to continue the computer-assisted technology transfer program.

Overview

The budget request for fiscal year 1996 contained an authorization of $8.802.9 million for Defense-Wide, Research and Development in the Department of Defense. The House bill would authorize $9,287.1 million. The Senate amendment would authorize $9,271.2 million. The conferees recommended an authorization of $9,419.5 million. Unless noted explicity in the statement of managers, all changes are made without prejudice.

PE	No	Title	FY 1996 Request	House Authorized	Senate Authorized	Change to Request	Conference Agreement
ACCOUNT		RESEARCH DEVELOPMENT TEST & EVAL DEFENSE-WIDE				-	
0601101D	1	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	3,551	3,551	3,551		3,551
0601101E	2	DEFENSE RESEARCH SCIENCES	89,732	84,732	89,732	(8,400)	81,332
0601103D	3	UNIVERSITY RESEARCH INITIATIVES	236,165	256,165	231,165	(5,000)	231,165
0601110D	4	FOCUSED RESEARCH INITIATIVES	14,009	9,009	14,009	(5,000)	9,009
0601384BP	5	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	23,947	28,547	23,947	4,600	28,547
0602160D	6	COUNTERPROLIFERATION SUPPORT	9,952	9,952	9,952		9,952
0602173C	7	SUPPORT TECHNOLOGIES/FOLLOW-ON TECHNOLOGIES EXPLORATORY DEVELOPMENT	93,308	93,308	93,308		93,308
0602227D	8	MEDICAL FREE ELECTRON LASER	13,258	13,258	21,258	13,000	26,258
0602228D	9	HISTORICALLY BLACK COLLEGES AND UNIVERSITIES (HBCU) SCIENCE AND ENGINEER	14,779	14,779	14,779		14,779
0602234D	10	LINCOLN LABORATORY RESEARCH PROGRAM	19,903	10,000	19,903	(7,000)	12,903
0602301E	11	COMPUTING SYSTEMS AND COMMUNICATIONS TECHNOLOGY	403,875	389,875	406,875	(7,550)	396,325
0602384BP	12	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	60,665	84,165	60,665	7,850	68,515
0602702E	13	TACTICAL TECHNOLOGY	113,168	122,868	101,818	(4,350)	108,818
0602708E	14	INTEGRATED COMMAND AND CONTROL TECHNOLOGY	48,000	48,000	48,000		48,000
0602712E	15	MATERIALS AND ELECTRONICS TECHNOLOGY	226,045	253,545	242,045	16,000	242,045
0602715H	16	DEFENSE NUCLEAR AGENCY	219,003	223,003	242,003	22,700	241,703
0602787D	17	MEDICAL TECHNOLOGY	7,501	7,501	7,501		7,501
0305108K	18	COMMAND AND CONTROL RESEARCH	1,999	1,999	1,999		1,999
		DEFENSE HEALTH R&D					-
0603002D	19	MEDICAL ADVANCED TECHNOLOGY	4,088	4,088	4,088		4,088
0603104D	20	EXPLOSIVES DEMILITARIZATION TECHNOLOGY	-	-	-	15,000	15,000
0603122D	21	COUNTERTERROR TECHNICAL SUPPORT	12,044	12,044	14,044	2,000	14,044
0603160D	22	COUNTERPROLIFERATION SUPPORT - ADV DEV	55,331	55,331	91,631		55,331
		ASAT PROGRAM		-		30,000	30,000
0603173C	23	SUPPORT TECHNOLOGIES/FOLLOW-ON TECHNOLOGIES - ADVANCED TECHNOLOGY	79,387	79,387	149,387	50,000	129,387
0603215C	24	LIMITED DEFENSE SYSTEM	-	-	-		-
0603216C	25	THEATER MISSILE DEFENSE ADVANCED DEVELOPMENT	-	-	-		-
0603218C	26	RESEARCH AND SUPPORT ACTIVITIES	-	-	-		-
0603225D	27	JOINT DOD-DOE MUNITIONS TECHNOLOGY DEVELOPMENT	16,799	31,799	16,799	5,000	21,799
0603226E	28	EXPERIMENTAL EVALUATION OF MAJOR INNOVATIVE TECHNOLOGIES	618,005	673,805	626,005	(14,300)	603,705
0603384BP	29	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM - ADVANCED DEVELOPMENT	25,684	38,284	25,684	10,000	35,684
0603569E	30	ADVANCED SUBMARINE TECHNOLOGY	7,473	30,473	7,473	23,000	30,473
0603570D	31	DEFENSE LABORATORY PARTNERSHIP PROGRAM	16,106	-	10,106	(16,106)	-
0603570E	32	DEFENSE DUAL USE TECHNOLOGY INITIATIVE	500,000	-	238,000	(305,000)	195,000
0603704D	33	SPECIAL TECHNICAL SUPPORT	18,187	18,187	18,187		18,187
0603711H	34	VERIFICATION TECHNOLOGY DEMONSTRATION	33,971	33,971	33,971		33,971
0603716D	35	STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM	58,435	54,155	58,435	(280)	58,155
0603724D	36	BIOLOGICAL DEFENSE - ADVANCED DEVELOPMENT	-	-	-		-

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0603725D	37	COMPUTERS & COMMUNICATIONS TO REDUCE MEDICAL COSTS	-	-	-		-
0603726D	38	JOINT TECHNOLOGY INSERTION PROGRAM	4,976	-	4,976	(1,500)	3,476
0603736D	39	CALS INITIATIVE	6,545	6,545	18,545	12,000	18,545
0603738D	40	COOPERATIVE DOD/VA MEDICAL RESEARCH	-	-	-		-
0603739E	41	ADVANCED ELECTRONICS TECHNOLOGIES	419,863	421,221	369,863	(10,845)	409,018
0603744E	42	ADVANCED SIMULATION	5,799	5,799	5,799		5,799
0603745E	43	SEMICONDUCTOR MANUFACTURING TECHNOLOGY	89,554	89,554	89,554		89,554
0603746E	44	MARITIME TECHNOLOGY	49,657	49,657	49,657		49,657
0603747E	45	ELECTRIC VEHICLES	-	-	-		-
0603748E	46	NATURAL GAS VEHICLES	-	-	-		-
0603749E	47	EARTH CONSERVANCY	-	-	-		-
0603750D	48	ADVANCED CONCEPT TECHNOLOGY DEMONSTRATIONS	63,251	71,251	59,851	(18,400)	44,851
0603755D	49	HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM	89,682	89,682	89,682		89,682
0603756D	50	CONSOLIDATED DOD SOFTWARE INITIATIVE	-	-	-		-
0603771S	51	INDUSTRIAL PREPAREDNESS MANUFACTURING TECHNOLOGY	7,007	-	7,007	(7,007)	-
0603800E	52	JOINT ADVANCED STRIKE TECHNOLOGY - DEM/VAL	30,675	30,675	30,675		30,675
0603832D	53	JOINT WARGAMING SIMULATION MANAGEMENT OFFICE	77,690	77,690	77,690		77,690
0305889E	55	COUNTERDRUG INTELLIGENCE SUPPORT	-	-	-		-
0603228D	56	PHYSICAL SECURITY EQUIPMENT	20,092	27,092	20,092		20,092
0603708D	57	INTEGRATED DIAGNOSTICS	10,266	10,266	10,266		10,266
0603709D	58	JOINT ROBOTICS PROGRAM	17,382	27,382	17,382	5,000	22,382
0603714D	59	ADVANCED SENSOR APPLICATIONS PROGRAM	25,923	35,923	35,923		25,923
0603715D	60	AIM-9 CONSOLIDATED PROGRAM	-	-	-		-
0603734J	61	ISLAND SUN SUPPORT	1,584	1,584	1,584		1,584
0603790D	62	NATO RESEARCH AND DEVELOPMENT	45,642	25,642	40,642	(22,142)	23,500
0603851D	63	ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM	14,939	14,939	26,939	12,000	26,939
0603861C	64	THEATER HIGH-ALTITUDE AREA DEFENSE SYSTEM - TMD - DEM/VAL	576,327	576,327	576,327		576,327
0603862C	65	THEATER MISSILE DEFENSE GROUND BASED RADAR (GBR-T) - DEM/VAL	-	-	-		-
0603863C	66	HAWK UPGRADES THEATER MISSILE DEFENSE ACQUISITION - DEM/VAL	23,188	23,188	23,188		23,188
0603864C	67	BATTLE MANAGEMENT AND C4I FOR TMD ACQUISITION - DEM/VAL	24,231	24,231	24,231		24,231
0603867C	68	NAVY LOWER TIER TMD ACQUISITION - DEM/VAL	-	-	-	185,000	185,000
0603868C	69	NAVY UPPER TIER TMD - DEM/VAL	30,442	200,442	200,442	170,000	200,442
0603869C	70	CORPS SURFACE-TO-AIR MISSILE - TMD - DEM/VAL	30,442	20,442	-	(10,000)	20,442
0603870C	71	BOOST PHASE INTERCEPT THEATER MISSILE DEFENSE ACQUISITION	49,061	29,061	-	(49,061)	-
0603871C	72	NATIONAL MISSILE DEFENSE - DEM/VAL	370,621	820,621	670,621	450,000	820,621
0603872C	73	OTHER THEATER MISSILE DEFENSE/FOLLOW-ON TMD ACTIVITIES ACQUISITION	460,470	423,470	475,470	(22,000)	438,470
0603884BP	74	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM - DEM/VAL	32,461	36,861	32,461	1,600	34,061
0604225C	75	THEATER MISSILE DEFENSE ACQUISITION EMD PROGRAMS	-	-	-		-
0604705D	76	MOBILE OFFSHORE BASE ANALYSIS	-	-	-		-

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0201135J	77	CINC C2 INITIATIVES	-	-	-		-
0604160D	78	COUNTERPROLIFERATION SUPPORT - EMD	2,786	2,786	2,786		2,786
0604384BP	79	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM - EMD	95,324	107,324	95,324	(3,707)	91,617
0604771D	80	JOINT TACTICAL INFORMATION DISTRIBUTION SYSTEM (JTIDS)	62,068	62,068	62,068		62,068
0604861C	81	THEATER HIGH-ALTITUDE AREA DEFENSE SYSTEM - TMD - EMD	-	50,000	-		-
0604864C	82	BATTLE MANAGEMENT AND C4I FOR TMD ACQUISITION - EMD	14,301	14,301	14,301		14,301
0604865C	83	PATRIOT PAC-3 THEATER MISSILE DEFENSE ACQUISITION - EMD	247,921	247,921	352,421	104,500	352,421
0604866C	84	ERINT/PATRIOT PAC-3 RISK REDUCTION - TMD - EMD	19,485	19,485	19,485		19,485
0604867C	85	NAVY LOWER TIER TMD ACQUISITION - EMD	237,473	282,473	282,473	(140,000)	97,473
0604889K	86	COUNTERDRUG ENGINEERING AND MANUFACTURING DEVELOPMENT PROJECTS	-	-	-		-
0603710D	87	CLASSIFIED PROGRAM - C3I	2,510	2,510	2,510		2,510
0603712S	88	GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS	16,800	16,800	16,800	(4,500)	12,300
0605104D	89	TECHNICAL STUDIES, SUPPORT AND ANALYSIS	39,302	24,302	34,302	(15,000)	24,302
0605110D	90	TECHNICAL SUPPORT TO USD(A)--CRITICAL TECHNOLOGY	2,651	2,651	2,651		2,651
0605114E	91	BLACK LIGHT	4,745	4,745	4,745		4,745
0605117D	92	FOREIGN MATERIAL ACQUISITION AND EXPLOITATION	46,338	46,338	46,338		46,338
0605129D	93	TECHNICAL ASSISTANCE	4,927	-	-	(4,927)	-
0605160D	94	COUNTERPROLIFERATION SUPPORT	6,468	6,468	6,468		6,468
0605218C	95	BALLISTIC MISSILE DEFENSE RDT&E PROGRAM MANAGEMENT AND SUPPORT	185,542	165,542	155,542	(30,000)	155,542
0605384BP	96	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	4,936	4,936	4,936		4,936
0605502D	97	SMALL BUSINESS INNOVATIVE RESEARCH	-	-	-		-
0605790D	98	SMALL BUSINESS INNOVATIVE RESEARCH ADMINISTRATION	1,574	1,574	-		1,574
0605798S	99	DEFENSE SUPPORT ACTIVITIES	14,752	14,752	14,752		14,752
0605801S	100	DEFENSE TECHNICAL INFORMATION CENTER	42,989	42,989	42,989		42,989
0605898E	101	MANAGEMENT HEADQUARTERS (RESEARCH AND DEVELOPMENT)	32,643	32,643	32,643		32,643
0305154D	102	DEFENSE AIRBORNE RECONNAISSANCE PROGRAM	10,000	-	30,000		10,000
0305889D	103	COUNTERDRUG INTELLIGENCE SUPPORT	-	-	-		-
0708011S	104	INDUSTRIAL PREPAREDNESS	-	17,007	-	7,007	7,007
0201135J	105	CINC C2 INITIATIVES	200	200	200		200
0208045K	106	C3 INTEROPERABILITY (JOINT TACTICAL C3 AGENCY)	25,338	25,338	25,338		25,338
0302016K	109	NATIONAL MILITARY COMMAND SYSTEM-WIDE SUPPORT	2,153	2,153	2,153		2,153
0302019K	110	JOINT/DEFENSE INFORMATION SYSTEMS ENGINEERING AND INTEGRATION	5,138	5,138	5,138		5,138
0303126K	111	LONG-HAUL COMMUNICATIONS (DCS)	20,538	20,538	20,538		20,538
0303127K	112	SUPPORT OF THE NATIONAL COMMUNICATIONS SYSTEM	4,062	4,062	4,062		4,062
0303131K	113	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN)	2,269	2,269	2,269		2,269
0303140D	114	INFORMATION SYSTEMS SECURITY PROGRAM	23,884	23,884	23,884	(6,470)	17,414
0303163K	116	JOINT SPECTRUM CENTER	4,859	4,859	4,859		4,859
0303154J	117	WWMCCS ADP MODERNIZATION	-	-	-		-
0305139B	122	DMA MAPPING, CHARTING, AND GEODESY (MC&G) PRODUCTION SYSTEM IMPR	80,131	98,131	80,131	(5,386)	74,745

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0305141D	123	JOINT REMOTELY PILOTED VEHICLES PROGRAM	-	-	-		-
0305154D	124	DEFENSE AIRBORNE RECONNAISSANCE PROGRAM	515,148	646,748	528,148	115,800	630,948
0305154I	126	DEFENSE AIRBORNE RECONNAISSANCE PROGRAM	-	-	-		-
0305157I	127	LAND REMOTE SENSING SATELLITE SYSTEM	-	-	-		-
0305159B	128	DEFENSE RECONNAISSANCE SUPPORT ACTIVITIES	-	-	-		-
0305159I	130	DEFENSE RECONNAISSANCE SUPPORT ACTIVITIES	59,183	59,183	59,183		59,183
0305190D	131	C3I INTELLIGENCE PROGRAMS	7,907	7,907	7,907		7,907
1160401BB	136	SPECIAL OPERATIONS TECHNOLOGY DEVELOPMENT	4,090	4,090	4,090		4,090
1160402BB	137	SPECIAL OPERATIONS ADVANCED TECHNOLOGY DEVELOPMENT	13,288	14,788	13,288	1,500	14,788
1160404BB	138	SPECIAL OPERATIONS TACTICAL SYSTEMS DEVELOPMENT	101,602	107,102	109,895	8,293	109,895
	138a	ATV	-	-	-		-
1160405BB	139	SPECIAL OPERATIONS INTELLIGENCE SYSTEMS DEVELOPMENT	2,901	2,901	2,901		2,901
1160407BB	140	SOF MEDICAL TECHNOLOGY DEVELOPMENT	1,891	1,891	1,891		1,891
1160408BB	141	SOF OPERATIONAL ENHANCEMENTS	16,534	16,534	16,534		16,534
		NON-LETHAL WEAPONS TECHNOLOGIES		-	37,200	37,200	37,200
XXXXXXXXXX	999	Classified Programs	1,194,090	1,237,401	1,224,890	31,511	1,225,601
		READINESS FOR PROCUREMENT TECH ASST(Transfer to O&M)		-	(12,000)		
		Total Defense Wide	8,802,881	9,280,058	9,271,220	616,630	9,419,511
ACCOUNT		DIRECTOR OF TEST & EVAL DEFENSE					
0604940D	1	CENTRAL TEST AND EVALUATION INVESTMENT DEVELOPMENT (CTEIP)	119,714	119,714	109,714	(5,000)	114,714
0605130D	2	FOREIGN COMPARATIVE TESTING	34,062	14,062	34,062	(1,609)	32,453
0605131D	3	LIVE FIRE TESTING	-	-	-		-
0605804D	4	DEVELOPMENT TEST AND EVALUATION	105,565	105,565	95,565	(1,650)	103,915
			259,341	239,341	239,341	(8,259)	251,082
ACCOUNT		DIRECTOR OF OPERATIONAL TEST & EVALUATION					
0605118D	1	OPERATIONAL TEST AND EVALUATION	12,183	12,183	12,183		12,183
0605131D	2	LIVE FIRE TESTING	10,404	10,404	10,404		10,404
			22,587	22,587	22,587		22,587

University research initiative

The budget request included $236.2 million in PE 61103D.

The House bill would authorize an additional $20.0 million above the requested amount for the continuation of the Defense Experimental Program to Stimulate Competitive Research (DEPSCoR).

The Senate amendment would apply a general reduction of $15.0 million to the requested amount and would add $10.0 million for the acceleration of research activities at universities affecting combat readiness. The Senate amendment would also authorize $10.0 million within the authorized amount for the continuation of the DODDS Director's fund for Science, Mathematics, and Engineering.

The conferees agree to an authorization of $231.2 million in PE 61103D, of which $20.0 million shall be for the continuation of the DEPSCoR program and $10.0 million for the continuation of the DODDS Director's fund for Science, Mathematics and Engineering. The conferees also agree to authorize an additional $10.0 million for the Combat Readiness Research program described on page 169 of the Senate report (104–112) and direct that an institution awarded a contract, grant or agreement under the program be required to contribute at least three times the amount provided by the Federal government to execute the program.

Chemical-biological defense program

The budget request contained $383.5 million for the Department of Defense chemical-biological defense program, including $243.0 million for research, development, test and evaluation and $140.5 million for procurement of chemical and biological defense non-medical and medical systems.

The House bill would authorize a $57.1 million increase to the budget request for the following chemical-biological defense research and development programs: $4.6 million for PE 61384BP; $23.5 million for PE 62384BP; $12.6 million for PE 63384BP; $4.4 million for PE 63884BP; and $12.0 million for PE 64384BP. The House bill would also authorize a total of an additional $50.0 million in operations and maintenance funding for chemical defense training and chemical medical defense training in the Army, Navy, Marine Corps, and Air Force.

The Senate amendment would authorize the budget request.

The conferees agree to authorize an increase to the budget request in the following program elements: $4.6 million for PE 61384BP; $7.8 million for PE 62384BP; $10.0 million for PE 63384BP; and $1.6 million for PE 63884BP. The increased authorizations would augment and accelerate research and development in medical and non-medical chemical and biological defense. Prior to obligation or expenditure of funds authorized above the budget request, the conferees direct the Department to report on the projected use of these funds.

The conferees also agree to a $50.0 million increase in the military services operations and maintenance accounts for chemical defense training and chemical medical defense training. The conferees direct the Department to provide a report to Congress on the use of this increased funding in the Department's chemical defense training and chemical medical defense training. Additionally, the Department is directed to notify Congress 15 days in advance of obligation or expenditure of funds, and to provide a justification for the use of such funds in connection with the procurement of chemical-biological defense equipment.

Computing systems and communications technology

The budget request included $403.9 million for computing systems and communications technology in PE 62301E.

The House bill would reduce the budget request by $25.0 million. The House bill would authorize an additional $11.0 million for accelerated development of improved nuclear detection and forensic analysis capabilities.

The Senate amendment would authorize an additional $3.0 million for software reuse activities and $30.0 million in procurement for the global broadcast service.

The conferees agree to authorize $396.3 million in PE 62301E, to includg: $11.0 million for nuclear monitoring and detection; $8.0 million for global broadcast service; $7.5 million for software reuse; and a general reduction of $29.6 million.

Global broadcast service

The budget request contained no funds for global broadcast service (GBS).

The Senate amendment would authorize $30.0 million in weapons procurement, Navy, for a GBS pilot program. The Senate report (S. Rept. 104–112) endorsed insertion of this technology into the military communications master plan and the Navy's proposal to use the ultra-high frequency follow-on (UFO) satellite system as a host for an interim GBS capability.

Neither the House bill nor the House report (H. Rept. 104–131) addressed the subject.

The Senate recedes on the $30.0 million authorization in weapons procurement, Navy. The conferees, however, agree to authorize $8.0 million for fiscal year 1996 in PE 62301E to support this effort.

The conferees endorse the Senate language regarding the insertion of DBS/GBS technology into the communications master plan. The conferees, however, do not believe that the Department of Defense (DOD) has adequately evaluated all alternatives and associated issues. The conferees support proceeding swiftly with this program, but require additional information before endorsing any particular technical approach or acquisition strategy.

The conferees are aware of the time-sensitivity surrounding the Navy's proposal to use UFO satellites 8, 9, and 10 as host platforms, and that a protracted period of study and review may preclude this option (insofar as it is dependent on use of satellite 8, which is currently scheduled to be launched no later than December 1997). The conferees are also aware that the Deputy Under Secretary of Defense for Space has tentatively endorsed the UFO approach as an interim bridge to an objective GBS system.

Nonetheless, the conferees remain concerned that no detailed analysis of options and requirements has been presented to Congress. Not wanting to prematurely endorse any particular GBS option nor preclude any promising alternative, the conferees direct the Under Secretary of Defense for Acquisition and Technology to submit a report to the congressional defense committees that addresses the following issues regarding the development and deployment of interim and objective GBS capabilities: (1) the military requirement to be satisfied; (2) the cost, schedule, technical risk, and operational effectiveness of all hosted and free-flyer options; (3) the issues involved with the use of competitive procedures or other than competitive procedures; and (4) the role of GBS capabilities in the DOD's future military satellite communications architecture and the Department's strategy for acquiring and integrating such capabilities.

The conferees encourage early involvement by the Commanders-in-Chief (CINCs) to ensure that GBS capabilities support a broad range of joint missions in the CINCs' areas of responsibility. The conferees also believe that the Under Secretary for Acquisition and Technology should conduct a broad survey of the capabilities and views of industry prior to selecting a particular technical approach or acquisition strategy.

Once the congressional defense committees have received the report described above, the conferees would consider a reprogramming request to satisfy any outstanding fiscal year 1996 funding requirements. The conferees' approval of such a request would depend largely on the content of the report submitted, the offsets identified, and the degree to which the chosen GBS acquisition strategy is funded in the Secretary of Defense's fiscal year 1997 budget request and Future Years Defense Program.

Materials and electronics technology

The budget request included $226.1 million for material and electronics technology.

The House bill would authorize an additional $3.0 million for chemical vapor deposition (CVD) and $2.0 million for chemical vapor composite (CVC) deposition. The bill would also provide an additional $5.0 million for higher transition temperature superconducting (HTS) materials, $7.5 million for seamless high off-chip connectivity (SHOCC) and $10.0 million for non-woven aramide fiber packaging.

The Senate amendment would authorize an additional $8.0 million for CVD and $8.0 million for HTS.

The conferees agree to authorize $242.0 million in PE 62712E, an increase of $16.0 million. This increase provides $4.0 million each for CVC deposition and CVD diamond material development and $8.0 million for HTS. The HTS authorization shall include HTS wire applications and precision band pass filters and high "Q" antennae for military communication systems that operator in signal rich environments.

Counterterror technical support

The budget request included $12.0 million for the counterterror technical support program.

The House bill would authorize the budget request.

The Senate amendment would authorize an increase of $2.0 million to the budget request for the continued development of pulsed fast neutron analysis (PFNA) cargo inspection technology.

The House recedes.

Joint Department of Defense/Department of Energy munitions technology development

The budget request included $16.8 million for the joint Department of Defense and Department of Energy munitions program.

The House bill would authorize $31.8 million for the program, a $15.0 million increase to the budget request for environmentally compliant demilitarization and disposal of unserviceable, obsolete, or non-treaty compliant munitions, rocket motors, and explosives.

The Senate amendment would authorize the budget request.

The conferees agree to a $5.0 million increase to the budget request for joint DOD/DOE munitions technology development (PE 63225D). In addition, the conferees agree to provide $15.0 million for explosives demilitarization technology (PE 63104D), discussed elsewhere in the report.

Experimental evaluation of major innovative technologies (EEMIT)

The budget request included $618.0 million for Experimental Evaluation of Major Innovative Technologies (EEMIT).

The House bill would authorize an additional $55.8 million for several programs, to includg: global grid communications ($5.0 million); safety and survivability ($2.0 million); synthetic theater of war ($6.8 million); cruise missile defense ($35.0 million); and antisubmarine warfare (ASW) ($7.0 million).

The Senate amendment would authorize an increase of $18.0 million for several programs, to includg: cruise missile defense ($10.0 million); thermophotovoltaics ($5.0 million); and funding for a large millimeter wave telescope ($3.0 million). The Senate would also authorize a general reduction of $10.0 million to the EEMIT program element.

The conferees agree to authorize $613.7 million in PE 63226E, the highest level of appropriation, and specifically identify the following programs for authorization: cruise missile defense ($10.0 million); large millimeter wave telescope ($3.0 million); safety and survivability ($2.0 million); ASW ($5.0 million); deep ocean relocation ($2.5 million); and Crown Royal ($5.0 million).

Safety and survivability

The House bill would authorize an additional $2.0 million in PE 65864N and an additional $2.0 million in PE 63226E for safety and survivability enhancements.

The Senate amendment contained no additional authorization for these purposes.

The conferees direct that of the funds authorized in PE 64864N and PE 63226E, $2.0 million each shall be used for safety and survivability enhancements, as specified in the House report (H. Rept. 104–131).

Shallow water anti-submarine warfare

The budget request included $16.5 million in PE 63226E for development and demonstration of advanced technologies for shallow water anti-submarine warfare operations.

The House bill would authorize an additional $7.0 million to begin an assessment by ARPA and the Navy of the use of newly developed and maturing multi-static acoustic, electromagnetic and electro-optic sensor technologies integrated into existing aircraft, ship, and submarine platforms in a combined system of sensors to provide the joint amphibious operational commander an integrated picture of the littoral maritime environment.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment. The conferees agree to authorize an additional $5.0 million to the budget request to continue the development and demonstration of advanced technologies for shallow water anti-submarine warfare.

Synthetic theater of war

The budget request included $79.1 million in PE 63226E for the Advanced Distributed Simulation program.

The House bill would authorize an additional $6.8 million to maintain the program and schedule for the 1997 Synthetic Theater of War (STOW–97) advanced concept technology demonstration.

The Senate amendment would authorize the budget request.

The House recedes. The conferees are impressed by the results of the STOW–95 demonstration and the potential to meet the warfighting commanders' requirements for development and integration of improved simulation technologies for training and mission rehearsal. The conferees recognize that the STOW program could prove to be the foundation for the future Joint Simulations System for all the military services. The conferees strongly encourage the Secretary of Defense to maintain funding levels necessary to sustain the objectives and schedule of the STOW–97 advanced concept technology demonstration.

Tactical technology

The budget request included $113.2 million for this tactical technology program.

The House bill would authorize an additional $7.0 million for the tactical landing system project and an additional $7.0 million for a high resolution, mobile multiple object tracking system project.

The Senate amendment would authorize an additional $6.5 million for the tactical landing system project.

The conferees agree to authorize an additional $6.5 million in PE 63226E for completion of the tactical landing system project and an additional $7.0 million in PE 63226E for a high resolution, mobile multiple object tracking system.

Advanced submarine technology development

The budget request included $7.5 million in PE 63569E for the Advanced Research Projects Agency's (ARPA's) advanced submarine technology program.

The House bill would authorize an additional $23.0 million in PE 63569E. This increase would permit ARPA to pursue innovative technologies that could improve the capability of Navy submarines to operate in littoral regions, develop and demonstrate new concepts for structural acoustics and management of submarine signatures, and enhance the multi-mission capabilities of Navy submarines.

The Senate amendment would authorize the budget request.

The conferees agree to authorize $30.5 million in PE 63569E, an increase of $23.0 million. Of the $23.0 million, $7.0 million shall only be available to continue transfer of technology to the Navy for active control of machinery platforms demonstrated in ARPA's Project M.

Rapid acquisition of manufactured parts

The House bill would authorize an increase of $12.0 million above the requested amount of $21.5 million in PE 63712N for the continuation of the rapid acquisition of manufactured parts (RAMP) program.

The Senate amendment would authorize an increase of $12.0 million above the requested amount of $6.5 million in PE 63736D for the RAMP program.

The House recedes.

Advanced lithography program

The budget request included $39.0 million in PE 63739E for advanced lithography programs.

The House bill would authorize an additional $25.0 million in PE 63739E for advanced lithography programs.

The Senate amendment would authorize the requested amount.

The conferees agree to authorize $6.0 million, an additional $21.0 million, in PE 63739E, for advanced lithography programs.

Advanced electronics technologies

The budget request included $420.0 million for advanced electronics technologies in PE 63739E.

The House bill would authorize an additional $25.0 million for advanced lithography and a reduction of $23.6 million in project MT–07.

The Senate amendment reduced the budget request by a cumulative $50.0 million for three separate programs.

The conferees agree to a funding level of $409.0 million, which includes an additional $21.0 million for advanced lithography, $7.5 million for seamless high off-chip connectivity, and full funding for project MT–08. The conferees consider the work of the Center for Advanced Technologies to be worthy of continuation. The conferees note that the Department of Defense may, at its discretion, use funds authorized in PE 61101E to continue the program at the requested level.

Joint robotics program

The budget request included $17.4 million for the joint robotics program.

The House bill would authorize an additional $10.0 million for the mobile detection assessment response system (MDARS).

The Senate amendment contained no similar provision.

The conferees agree to an increased funding authorization of $5.0 million for MDARS in PE 63709D.

Advanced sensor applications program

The budget request included $17.4 million in PE 63714D for the advanced sensor applications program.

The House bill would authorize an increase of $10.0 million to the budget request, including $5.0 million for continued development of a research prototype laser radar anti-submarine warfare (LIDAR ASW) system concept, which is being investigated by the Office of the Secretary of Defense advanced sensor applications program (OSD ASAP), and $5.0 million for continued development of the Navy ATD–111 LIDAR ASW system. The House bill would encourage comparative testing of the two systems as a basis for establishing the requirement for a follow-on system.

The Senate amendment would authorize an additional $10.0 million for upgrade test and evaluation of the ATD–111 system, and would direct the Secretary of the Navy to prepare a plan for acquisition and deployment of the ATD–111.

The conferees have agreed to provide $10.0 million in PE 63528N for the Navy ATD–111 non-acoustic anti-submarine warfare program, as discussed elsewhere in this statement of managers. The conferees strongly support the comparative evaluation of the LIDAR ASW alternatives, and direct the Department of the Navy and the OSD ASAP to develop jointly a plan for testing these two alternative approaches to LIDAR ASW. The conferees expect that funds to complete the evaluation will be included in the fiscal year 1997 defense budget request.

Industrial preparedness (manufacturing technology) programs

The budget request included $17.8 million for the Army, $41.2 million for the Navy, $53.3 million for the Air Force, and $7.0 million for the Defense Agencies to fund the manufacturing technology (MANTECH) programs within these agencies.

The House bill would include an additional $10.0 million for the Army, an additional $10.0 million for the Navy, and approve the requested amount for the Air Force and the Defense. The House bill would also transfer funding from advanced development (6.3) program elements to industrial preparedness (7.8) program elements.

The Senate amendment would authorize all the manufacturing technology programs at the requested amounts and would transfer the funding from the program elements in the budget request.

The conferees agree to authorize funding for manufacturing technology programs, as follows:

	Millions
Army (PE 78045A)	$26.8
Navy (PE 78011N)	88.0
Air Force (PE 78011F)	60.9
Def. Ag. (PE 78011S)	7.0

Integrated bridge system for MK V special operations craft

The budget request included $13.3 million in PE 1160402BB for special operations advanced technology development.

The House bill would authorize an additional $1.5 million for development of a prototype maritime integrated bridge system for the MK V special operations craft to demonstrate the potential for advanced display and control technologies to enhance mission performance.

The Senate amendment would authorize the budget request.

The Senate recedes.

Quiet Knight advanced concept and technology demonstration

The budget request included $101.6 million in PE 116040BB for Special Operations tactical systems development, to include $3.5 million allocated by the U.S. Special Operations Command to continue the Quiet Knight advanced avionics technology demonstration.

The House bill would authorize the budget request. The House report (H. Rept. 104–131) expressed strong support for a Phase I (component development and demonstration) of an advanced concept technology demonstration of Quiet Knight for both fixed and rotary wing aircraft, and the continuation to a Phase II full scale demonstration and flight test of the integrated Quiet Knight capability. The House report also expressed the expectation that funding requirements for completion of the Phase II demonstration would be included in the fiscal year 1997 budget request.

The Senate amendment would authorize the budget request.

The conferees support completion of the Quiet Knight technology demonstration, and encourage the Department of Defense to validate the requirements for advanced low probability of intercept/low probability of detection avionics for special operations aircraft.

Advanced SEAL delivery system

The budget request included $24.6 million in PE 1160404BB to complete fabrication and integration of the first Advanced SEAL Delivery System (ASDS) and begin system level testing.

The House bill would authorize an additional $4.0 million to complete evaluation of the ASDS employed on the SSN–688 class submarine.

The Senate amendment contained a similar provision.

The conferees are pleased with the joint efforts of the U.S. Special Operations Command and the Navy in the development of ASDS. The conferees agree to increase the budget request by $4.0 million to complete evaluation of the ASDS.

Rigid hull inflatable boat

The budget request contained $11.7 million for procurement of special warfare equipment, including $10.1 million for procurement of the Naval Special Warfare 10 meter Rigid Hull Inflatable Boat (RHIB).

The House bill would authorize the budget request.

The Senate amendment noted that the U.S. Special Operations Command had reported that the 10 meter RHIB, on which initial developmental effort had been focused, performed unsatisfactorily during operational testing. As a result, a new strategy was adopted for development of a RHIB to meet Special Operations Forces' requirements. The Senate amendment would authorize an increase of $4.3 million in PE 1160404BB to support this developmental effort and would direct a corresponding reduction in the procurement account for special warfare equipment to offset the increase.

The House recedes. The conferees understand that the $4.3 million increase in PE 1160404BB for this purpose will support the competitive procurement of three to four prototype RHIBs for developmental testing and early operational assessment. The remaining $5.8 million authorized for procurement of special warfare RHIBs will be used to procure approximately 30 interim 24-foot RHIBs to alleviate deficiencies caused by the estimated three-year delay in initial operation capability for the new RHIBs.

Ballistic missile defense funding and programmatic guidance

The budget request contained $2,912.9 million for the Ballistic Missile Defense Organization (BMDO), including $2,442.2 million for Research, Development, Test, and Evaluation (RDT&E), $453.7 million for Procurement, and $17.0 million for Military Construction.

The House bill would authorize an additional $628.0 million for BMDO.

The Senate amendment would authorize an additional $490.5 million for BMDO.

The conferees agree to authorize a total of $3,516.9 million for BMDO, an increase of $603.9 million for BMDO, an increase of $603.9 million above the budget request. The conferees set forth funding allocations and programmatic guidance below.

BMDO FUNDING ALLOCATION

[In thousands of dollars]

Program	Budget Request	House Change	Senate Change	Conference Change	Conference Outcome
Support Tech	93,308				93,308
Support Tech	79,387		+70,000	+50,000	129,387
THAAD Dem/Val	576,327				576,327
Hawk	23,188				23,188
BM/C3 Dem/Val	24,231				24,231
Navy LT Dem/Val				+185,000	185,000
Navy UT Dem/Val	30,442	+170,000	+170,000	+170,000	200,442
Corps SAM	30,442	−10,000	+4,558	−10,000	20,442
BPI	49,061	−20,000	−49,061	−49,061	
NMD	370,621	+450,000	+300,000	+450,000	820,621
Other TMD	460,470	−37,000	+15,000	−22,000	438,470
THAAD EMD		+50,000			
BM/C3 EMD	14,301				14,301
PAC-3 EMD	247,921		+104,500	+104,500	352,421
PAC-3 EMD/RR	19,485				19,485
Navy LT EMD	237,473	+45,000	+45,000	−140,000	97,473
Management	185,542	−20,000	−30,000	−30,000	155,542
Patriot Proc	399,463		−104,500	−104,500	294,963
Navy LT Proc	16,897				16,897
Hawk Proc	5,106				5,106
BM/C3 Proc	32,242				32,242
BMDO Milcon	17,009				17,009

Theater High Altitude Area Defense (THAAD)—The conferees agree to authorize the budget request of $576.3 million in PE 63861C for THAAD Demonstration/Validation (Dem/Val).

The conferees endorse the language in the House report (H. Rept. 104–131) and the Senate report (S. Rept. 104–112) regarding the THAAD User Operational Evaluation System (UOES) option, and the need to ensure a smooth and timely transition from the Dem/Val phase to the Engineering and Manufacturing Development (EMD) phase. The conferees direct the Secretary of Defense to restructure the THAAD program so as to achieve a First Unit Equipped (FUE) by fiscal year 2000. The conferees believe that this objective can be facilitated by making only minor modifications to the UOES design and beginning Low-Rate Initial Production as soon as the EMD missiles have been adequately tested. Subsequent performance improvements to the initial system configuration should be incorporated through block upgrades, as appropriate and necessary. The conferees note that this approach would reduce overall THAAD development costs while significantly accelerating fielding of an operational system. Therefore, the conferees urge the Secretary of Defense to release the THAAD engineering and manufacturing development (EMD) request for proposal. Finally, the conferees direct the Secretary of Defense to promptly initiate development of all battle management software for the THADD system, including that necessary to receive cuing information from external sensors.

Navy Upper Tier—The budget request included $30.4 million in PE 63868C for the Navy Upper Tier program.

The conferees agree to authorize an increase of $170.0 million for a total Navy Upper Tier authorization of $200.4 million. The conferees direct the Secretary of Defense to include the Navy Upper Tier program in the core theater missile defense (TMD) program and to structure the Navy Upper Tier development and acquisition program so as to achieve an initial operational capability (IOC) not later than fiscal year 2001, with a UOES capability not later than fiscal year 1999. The conferees look forward

to receiving the results of the various studies that are assessing Navy Upper Tier technical issues and deployment options. The conferees agree to require the Director of BMDO to provide a status report to the congressional defense committees, not later than March 1, 1996, that summarizes the findings and recommendations (as available) of these analyses. The Director of BMDO should include in such report an assessment of options for reducing risk and enhancing competition in the Navy Upper Tier program, including the option of establishing a competitive development and flight test program between the Lightweight Exoatomospheric Projectile (LEAP) and THAAD kill vehicles.

The conferees believe that competition within the Navy Upper Tier program is desirable, but do not support the notion of competition between the Navy Upper Tier and THAAD programs. The conferees are convinced that the United States can and should develop and deploy both sea-based and land-based upper tier programs. Although there may be an opportunity to reduce the number of TMD programs being developed by the Department of Defense, the conferees strongly oppose the notion of a competition and down-select between the THAAD and Navy Upper Tier systems. The conferees view these as critical and complementary systems.

Patriot—The budget request included $247.9 in PE 64865C for PAC–3 EMD, $19.5 million in PE 64866C for PAC–3 risk reduction, and $399.5 million for Patriot procurement.

The conferees agree to authorize the overall amount requested for the Patriot program and related activities. Within this overall authorization, the conferees agree to transfer $104.5 million from Patriot procurement to PAC–3 EMD, a total authorization of $352.4 million in PE 64865C.

Navy Lower Tier—The budget request included $237.5 million in PE 64867C for Navy Lower Tier EMD and $16.9 million for Navy Lower Tier procurement.

The conferees agree to authorize an increase of $45.0 million for Navy Lower Tier Dem/Val and to transfer $140.0 million from Navy Lower Tier EMD to Navy Lower Tier Dem/Val, a total of $185.0 million in PE 63867C.

Corps SAM—The budget request included $30.4 million in PE 63869C for the Corps Surface to Air Missile (Corps SAM) system.

The conferees agree to authorize $20.4 million for Corps SAM, a reduction of $10.0 million. Although the conferees support the Corps SAM requirement, they remain concerned by several aspects of the current Corps SAM program, now known as the medium extended air defense system (MEADS). The conferees support an effort to explore alternative means to satisfy the Corps SAM requirement. Given the investments that have already been made in developing systems such as PAC–3 and THAAD, reintegration of existing systems and technologies may offer an achievable, cost-effective, and expeditious alternative. The conferees direct the Secretary of Defense to submit a report to the congressional defense committees on the options associated with the use of existing systems, technologies, and program management mechanisms to satisfy the Corps SAM requirement, including an assessment of cost and schedule implications. The conferees direct that, of the funds authorized in fiscal year 1996 for the Corps SAM program, not more than $15.0 million may be obligated until such report has been submitted to the congressional defense committees.

Boost-Phase Intercept—The budget request included $49.1 million in PE 63870C for the kinetic energy Boost-Phase Intercept (BPI) program.

The House bill would authorize $29.1 million for the kinetic BPI program.

The Senate amendment would authorize no funds for the kinetic BPI program in PE 63870C. However, the Senate amendment would authorize $15.0 million in the Other TMD (OTMD) program element (PE 63872C) to initiate a joint United States-Israel BPI program based on unmanned aerial vehicles (UAVs).

The conferees agree to authorize no funds for the kinetic BPI program due to continuing skepticism about the operational and technical effectiveness of a BPI system based on a manned tactical aircraft. However, the conferees agree to authorize the use of up to $15.0 million, from within funds made available in the OTMD program element, for a UAV-based BPI program. The conferees support a joint U.S.-Israel UAV-BPI program focused on risk mitigation, provided that an equitable cost-sharing arrangement can be reached and that the program will be structured to satisfy the BPI requirements of both sides. The conferees also support continuation of the Atmospheric Interceptor Technology (AIT) program, which is being developed as an advanced multi-purpose kill vehicle. The conferees authorize the use of up to $30.0 million, from within funds made available in the OTMD program element, to continue the AIT program. The conferees are disappointed that the Department has not completed its review of BPI programs and options in time to inform the conferees' deliberations and decisions. Therefore, the conferees agree to require the Director of BMDO to submit a report to the congressional defense committees, not later than February 1, 1996, that summarizes the findings and recommendations of the Department's BPI study. This report should also address promising options and technical approaches associated with a UAV BPI program.

Other TMD—The budget request contained $460.5 million in PE 63872C for OTMD programs, projects, and activities.

The House bill would authorize $423.5 million for OTMD.

The Senate amendment would authorize $475.5 million, including the $15.0 million for the UAV-BPI program cited above.

The conferees agree to authorize $438.5 million for OTMD. Of this amount, the conferees authorize the use of up to $15.0 million to explore a UAV–BPI program and up to $30.0 million to continue the AIT advanced kill vehicle program.

National Missile Defense—The budget request contained $370.6 million in PE 63871C for National Missile Defense (NMD).

The House bill would authorize $820.6 million for NMD.

The Senate amendment would authorize $670.6 million for NMD.

The conferees agree to authorize $820.6 million for NMD. The conferees provide detailed programmatic guidance on NMD elsewhere in this Statement of Managers.

Support Technologies—The budget request contained $93.3 million in PE 62173C and $79.4 million in PE 63173C for ballistic missile defense (BMD) support technologies.

The House bill would authorize the budget request for BMD Support Technologies.

The Senate amendment would authorize an increase of $70.0 million in PE 63173C for the Space-Based Laser (SBL) program.

The conferees agree to authorize the budget request in PE 62173C and to authorize an increase in the SBL program of $50.0 million, for a total authorization of $129.4 million in PE 63173C. The conferees believe that it is critical for the United States to continue developing the technology for space-based defenses, to preserve the option of deploying highly effective global defenses in the future. The conferees note that a space-based laser would likely be the most effective system for intercepting ballistic missiles of virtually all ranges in the boost phase. Therefore, the conferees direct the Secretary of Defense to take the following actions: (1) continue integration and testing of the laser, mirror, and beam control components of the Alpha-Lamp Integration program; (2) accelerate design activities on the StarLITE space demonstration configuration; (3) produce the concept of operations and design requirements for a follow-on operational space-based laser deployment; and (4) revitalize the technology development efforts most likely to yield significant cost and weight savings for a future SBL spacecraft. The conferees direct the Secretary of Defense to ensure that sufficient funds are provided in the outyears for continuation of a robust SBL effort, and submit to the congressional defense committees, by March 1, 1996, a report that outlines a program and funding profile that could lead to an on-orbit test of a demonstration system by the end of 1999 if approved.

The conferees note that the Director, BMDO, has testified to Congress that BMDO's follow-on technology programs are severely under-funded and that the Director is seeking to increase such funding to approximately 12 percent of the overall BMDO budget. The conferees support the efforts of the Director of BMDO to increase funding for advanced technology development. However, the conferees note that such increases will require an overall increase in the funds allocated to BMDO. The conferees support such an increase in order to reinvigorate and advanced technology programs and to help sustain the development and acquisition activities endorsed by the conferees.

BMDO is required to set aside 2.15 percent of extramural research, development, test, and evaluation authorized and appropriated (RDT&E) funds for Small Business Innovative Research (SBIR) efforts. Since the conferees recommend a level of funding for BMD programs exceeding the budget request, and programmed funding for SBIR represents a level below the mandated percentage, the Director of BMDO is authorized to transfer such funds as necessary from BMD program elements into PE 62173C to achieve the required percentage for SBIR.

BMDO Management—The budget request contained $185.5 million in PE 65218C for BMD Management.

The House bill would authorize $165.5 million for BMDO Management.

The Senate amendment would authorize $155.5 million for BMDO Management.

The conferees agree to authorize $155.5 million for BMDO Management. The conferees recognize that BMDO must maintain the integrity of its oversight of the overall BMD program. The conferees are concerned, however, that BMD management infrastructure may be unnecessarily duplicated in one or more of the services. Therefore, the conferees direct that BMDO identify any such duplication and take actions to eliminate it. The conferees request that the Director of BMDO consult with the Senate Committee on Armed Services and the House Committee on National Security regarding the Director's findings and proposed actions. The conferees further direct that BMDO show no increase in fiscal year 1997, after adjustments for inflation and any change in mission, over

the level appropriated for management in fiscal year 1996.

Cruise missile defense funding

The House bill would authorize an increase of $76.0 million above the budget request for cruise missile defense programs, projects, and activities.

The Senate amendment would authorize an increase of $145.0 million above the budget request for a similar group of programs, projects, and activities.

The conferees agree to authorize an increase of $85.0 million above the budget request for cruise missile defense programs, projects, and activities. The conferees provide additional guidance in the classified annex.

ITEMS OF SPECIAL INTEREST

Anti-submarine warfare program

The conferees share the concerns raised in the House report (H. Rept. 104–131), and in the classified annex to that report, regarding the apparent decline in priority of the Navy's anti-submarine warfare (ASW) program. The conferees agree that there is a need for an assessment of the nation's overall ASW program. The conferees' concerns are addressed further in the classified annex to this Statement of Managers.

The conferees direct the Secretary of Defense to assess the current and projected United States ASW capability in light of the continuing development of quieter nuclear submarines, the proliferation of very capable diesel submarines, the sale of sophisticated, submarine launched weapons, and the declining trend in budget resources associated with ASW programs. This assessment should identify both short-term and long-term improvements that are needed to cope with the evolving submarine threat in both littoral and open ocean areas. The results of this assessment and the plan for the United States ASW program shall be reported to the congressional defense committees by July 1, 1996.

Geosat follow-on program

The House report (H. Rept. 104–131) addressed the issue of converging the Navy's Geosat Follow-On (GFO) altimetry program with the National Aeronautics and Space Administration's TOPEX/Poseidon Follow-On (TPFO) altimetry program.

The Senate report (S. Rept. 104–112) did not address the issue.

The conferees share the concerns raised in the House report. The conferees are dismayed that the report to Congress on altimetry convergence was submitted more than three months later than an already extended deadline. The conferees are also troubled that the report recommends proceeding with the TPFO option, despite the fact that this approach would cost more, not involve U.S. construction and control of the satellite, and not provide the same level of data security. The TPFO option would require the Navy to spend an additional $5.2 million, for which it has not budgeted, to add global positioning system (GPS) and direct downlink capabilities critical for satisfying Navy requirements. The conferees direct that no funds authorized for the Department of Defense be obligated or expended during fiscal year 1996 for activities associated with adding GPS and direct downlink capabilities to TPFO.

High performance computing modernization program

In addition to supporting efforts to reduce the RDT&E infrastructure, the conferees continue to support investment in high performance computing (HPC) resources for use in the developmental test and evaluation (DT&E) community and recognize the need for a transition to HPC-based resources, integrated DT&E, and operational test and evaluation (OT&E). The conferees direct the Secretary of Defense to prepare a long-term plan for modernization of HPC resources at test and evaluation centers, and for the integration of HPC-based models, advanced data bases, and other decision support resources into the RDT&E infrastructure. In preparing the plan, the Secretary should rely on the collaborative input from the Director of Defense Research and Engineering, the Director of Test Systems Engineering and Evaluation, and the Director of Operational Test and Evaluation. The plan shall address budgeting options that provide for a realistic program and propose financing methods that can insure that needed infrastructure investments are made in a timely manner. The conferees direct the Secretary to submit the proposed plan with the Department of Defense budget recommendations to the congressional defense committees, no later than March 31, 1996.

Low-low frequency acoustics

The conferees share the understanding expressed in the House report (H. Rept. 104–131) that of the funds authorized and appropriated in fiscal year 1994 and 1995 for the low-low frequency acoustics (LLFA) technology program approximately $30.0 million remain available and are sufficient to continue the program through fiscal year 1996. The conferees further understand that the fiscal year 1996 program will focus on operational concepts for the LLFA, technical performance, command and control, environmental considerations, and the transition of the LLFA technology to existing fleet platforms. The conferees agree with the House that based on the emerging results of the fiscal year 1996 program consideration of additional funding for LLFA technology program, should be deferred until the fiscal year 1997 budget request.

Machine tool controller

The conferees are aware of a recent cooperative research and development agreement, entered into by the Department of Energy, two national laboratories, and a private sector consortium, to develop and test an open-architecture machine tool controller. The conferees encourage the Secretary of Defense to develop a plan to ensure a thorough evaluation of the technology and its application to the specific needs of defense contractors.

National security space policy, management, and oversight

The House report (H. Rept. 104–131) and the Senate report (S. Rept. 104–112) each contained reporting requirements concerning policy, management, and oversight of U.S. national security space programs. In lieu of the reporting requirements contained in those reports, the conferees direct the Secretary of Defense to submit a report to the Congress, not later than April 15, 1996, that addresses in detail the following matters:

(1) *The results of the Administration's reviews of U.S. national and military space policies*—The conferees direct that copies of any updated policy directives (including unclassified and classified forms) that result from the reviews be included as attachments to the Secretary's report. The conferees view the Administration's decision to initiate such reviews as appropriate in light of changes in the international security environment, and expect the reviews will be completed in time to permit Departmental witnesses to discuss the results in hearings on the President's fiscal year 1997 budget request.

(2) *The activities of the Joint Department of Defense Intelligence Community Space Management Board (JSMB)*—The report shall include a copy of the charter for the Board and a description of its planned functions, operations, and staffing. The report shall address the responsibilities for the development of an integrated national security space architecture and the integrated acquisition of national security space systems. In addition, the report shall describe the Board's plans for reviewing military and intelligence satellite communications architectures and systems. The conferees endorse the establishment of the JSMB, noting that improved integration of military and intelligence satellite architectures and systems can result in significant cost-savings and efficiencies in the acquisition and operation of those systems.

(3) *The status of and plans for completing a national security space master plan to guide investments in military and intelligence space architectures and systems for the coming decade*—The conferees note with concern that the Department failed in a similar, but more narrowly focused, undertaking when, in the Statement of Managers to accompany the National Defense Authorization Act for Fiscal Year 1993 the National Defense Authorization Act for Fiscal Year 1993 (H. Rept. 102–966), the conferees directed the Department to develop "a comprehensive acquisition strategy for developing, field, and operating DOD space programs." Nonetheless, the conferees applaud the decision of the Deputy Under Secretary of Defense for Space to begin drafting such a master plan, and request that the report include an estimated completion date for the plan.

(4) *The Department's plans for ensuring that, even as oversight of national security space acquisition and planning is centralized, each of the military services is able to influence decisions regarding space architectures and systems*—The conferees direct that the report includg: (a) an assessment of progress to date in centralizing DOD space management; (b) the organizational structure that will be achieved upon completion of the planned consolidation, and an estimated completion date for such consolidation; (c) a description of how the DOD plans to protect service-unique interests and other equities in the new centralized organization; (d) the anticipated reductions in personnel and infrastructure that will result from such consolidation; and (e) the degree to which effectiveness and efficiency will be enhanced by the new structure and associated procedures.

The conferees are aware that the Department has established a Space Architect Office as part of the space management reorganization. Given that this is a new function and organization, budget planning was not completed prior to submittal of the amended fiscal year 1996 budget request. Therefore, the conferees agree to authorize the use of up to $10.0 million in Air Force research, development, test, and evaluation funds to operate the Space Architect Office in fiscal year 1996.

Shortstop

The conferees stress the need to move forward without delay on the Shortstop countermeasure system, and encourage the Secretary of the Army to maintain funding for the currently planned program leading to procurement.

Softwar operations

The conferees direct the Air Force's Phillips Laboratory Combat Space Operations

Program Office to examine the use of commercially developed Information Warfare Systems that use television enhanced situational awareness for "softwar" operations. The Secretary of the Air Force shall report to the congressional defense committees by January 1, 1996 on the results of the Phillips Laboratory examination and the possibility to fund a technology demonstration in "softwar" operations. The conferees direct the Secretary to pursue this technology if the examination results in a favorable recommendation.

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

SUBTITLE A—AUTHORIZATION OF APPROPRIATIONS

Modifications to strategic environmental research and development program (sec. 203)

The House bill contained a provision (sec. 203) that would make certain modifications to chapter 172 of title 10, United States Code, which governs the Strategic Environmental Research and Development Program.

Senate amendment contained no similar provision.

The Senate recedes with an amendment that would streamline and simplify program activities, facilitate program management, and promote cost effectiveness. The existing annual reporting requirement would continue until fiscal year 1997, at which point an abbreviated annual reporting requirement would become effective. The Senate amendment would ensure that the level of participation by the Secretary of Energy would not be subject to change. The conferees agree that there is a continuing need for Department of Energy participation in the program, and the retention of some reporting requirements.

Defense dual-use technology initiative (sec. 204)

The House bill would deny the entire funding request of $500.0 million for the Defense Reinvestment Program (PE 63570E).

The Senate amendment would rename the program the Defense Dual-Use Technology Initiative and reduce the requested authorization for the program by $262.0 million.

The conferees agree to change the name of the program and to authorize $195.0 million for the program. The conferees have included a provision that would limit the availability of the funds authorized in PE 63570E only for the purpose of continuation or completion of projects initiated before October 1, 1995. The conferees have also included language that would require the Secretary of Defense, prior to obligation of funds, to provide the congressional defense committees with notice regarding the projects to be funded with $145.0 million of the amount authorized for the program. The conferees have also required that, for the remaining $50.0 million of the total amount authorized, the Secretary should certify, prior to obligation of funds, that the projects that would be carried out using such funds have been determined by the Joint Requirements Oversight Council to be of significant military priority.

Subtitle B—Program Requirements, Restrictions, and Limitations

Space launch modernization (sec. 211)

The House bill contained a provision (sec. 211) that would authorize $100.0 million for a competitive reusable rocket technology program, and $7.5 million for evaluation of prototype hardware of low-cost expendable launch vehicles.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize $50.0 million for a competitive reusable rocket technology programs, provided that the National Aeronautics and Space Administration allocates at least an equal amount for its reusable space launch program.

Tactical manned reconnaissance (sec. 212)

The House bill contained a provision (sec. 213) that would prohibit the Air Force from conducting any research and development on tactical manned reconnaissance systems.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require a report explaining the Air Force's planned uses of funds for the tactical manned reconnaissance mission.

Joint advanced strike technology (JAST) program (sec. 213)

The budget request included three requests for research and development funding for the joint advanced strike technology (JAST) program: $149.3 million for the Navy, 151.2 million for the Air Force, and $30.7 million for the Advanced Research Projects Agency.

The House bill contained a provision (sec. 216) that would reduce the request for JAST by $51.0 million, evenly divided between the Navy and the Air Force, and limit to 75 percent the obligation of fiscal year 1996 appropriations until the Secretary of Defense provides a report to the congressional defense committees. The provision would require that the Secretary's report specify the numbers and capabilities of JAST-derivative aircraft and related weapons systems necessary to support two major regional contingencies.

The Senate amendment would approve the JAST request. The Senate amendment also contained a provision (sec. 211) that would require the Navy to evaluate a variant of the F-117 stealth fighter to fulfill Navy requirements within the JAST program. The Senate amendment would add $175.0 million to the Navy program for this propose, with $25.0 million to provide initial engineering analysis and specific risk reduction efforts, and $150.0 million to develop a flying prototype. Authorization of a flying prototype would be contingent on approval by the Secretary of the Navy's approval of results of initial analytical efforts.

The Senate report (S. Rept. 104-112) questioned whether the program could fulfill the needs of the three services, and directed the Department to include two separate approaches in the JAST program to reduce program risk. The Senate amendment directed the Secretary of the Navy to:

(1) ensure that the JAST program leads to competitive demonstration involving tests of full scale, full thrust aircraft by competitors to provide test data for evaluation by the services; and

(2) evaluate at least two propulsion concepts from competing engine companies as part of those demonstrations.

Subsequent to passage of the Senate amendment and the House bill, the Department redefined the JAST program. Although additional resources will be necessary, from fiscal year 1997 onward, to execute this new program, these changes have led to fiscal year 1996 deferral of $131.0 million.

The conferees share the concerns expressed in the Senate report (S. Rept. 104-112) regarding the lack of engine competition and the size of flying prototypes. The conferees direct the Under Secretary of Defense (Acquisition & Technology) (USD (A&T)) to ensure that: (1) the Department's JAST program plan provides for adequate engine competition in the program; and (2) the scale of the proposed demonstrator aircraft is consistent with both adequately demonstrating JAST concepts and lowering the risk of entering engineering and manufacturing development (EMD). The conferees direct the Secretary of Defense to include in the report required by section 213(d) the Department's plan for competitive engine programs and demonstrator aircraft.

The conferees recommend authorization of funds reflecting these changes, and agree to a provision (sec. 213) that would:

(1) require that the Secretary of Defense provide a report to the congressional defense committees specifying thg:

(a) the numbers and capabilities of JAST-derivative aircraft and related weapons systems required to support two major regional contingencies; and

(b) the department's plan for competitive engine programs and demonstrator aircraft;

(2) limit obligations for the JAST program to no more than 75 per cent of fiscal year 1996 appropriations, until the Secretary of Defense provides this report;

(3) authorize up to $25.0 million from Navy Research, Development, Test and Evaluation to conduct a six month program definition phase for the A/F-117X to determine whether such an aircraft could affordably meet the Navy's next generation aircraft strike requirements;

(a) if the USD (A&T) determines that a six month definition phase is warranted, he shall provide a report on the results of the concept definition phase to the congressional defense committees, not later than May 1, 1996;

(b) if the USD (A&T) determines otherwise and certifies that an A/F-117X aircraft is not needed to meet the Navy requirements and is not a cost effective approach to meeting Navy needs, the provision would allow the Department to use the $25.0 million for other JAST activities.

(4) authorize $7.0 million for competitive engine concepts.

Continous wave, superconducting radio frequency, free electron laser (sec. 214)

The House bill contained a provision (sec. 217) that would authorize $9.0 million in PE 62111N for the establishment of a continuous wave, superconducting radio frequency, free electron laser program within the Office of the Secretary of the Navy.

The Senate amendment contained no similar provision.

The Senate recedes.

Navy mine countermeasure program (sec. 215)

The Senate amendment contained a provision (sec. 212) that would transfer primary responsibility for developing and testing naval mine countermeasures from the Director, Defense Research and Engineering to the Under Secretary of Defense for Acquisition and Technology. It would provide for the exercise of this responsibility during fiscal years 1997 through 1999.

The House bill contained no similar provision.

The House recedes with an amendment that would establish fiscal years 1996 through 1999 as the period for exercise of the responsibility.

The conferees note that section 216(b) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190) provides that the Secretary of Defense may waive this assignment of responsibility if he annually certifies the adequacy of:

(1) the mine countermeasures master plan prepared by the Department of the Navy; and

(2) the budget resources provided for implementation of the plan.

Space-Based Infrared System (sec. 216)

The Senate amendment contained a provision (sec. 214) that would accelerate development and deployment of the Space and Missile Tracking System (SMTS), formerly known as Brilliant Eyes, and that would require the Secretary of the Air Force to obtain the concurrence of the Director of the Ballistic Missile Defense Organization (BMDO) before implementing any decision that would impact the SMTS program.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense to establish a program baseline for the overall Space-Based Infrared System (SBIRS) program. The baseline would include the following:

(1) overall program structure, including: (A) program cost and an estimate of the funds required in each fiscal year in which development and acquisition activities are planned, (B) a comprehensive schedule with program milestones and exit criteria, and (C) optimized performance parameters for each segment of the integrated system;

(2) a development schedule for SMTS structured to achieve the first launch of a Block I satellite in fiscal year 2002, and initial operational capability (IOC) of the system in fiscal year 2003;

(3) full integration of SMTS into the overall SBIRS architecture; and

(4) establishment of the performance parameters of all space segment components so as to optimize the performance of the integrated system while minimizing unnecessary redundancy and cost.

The provision adopted by the conferees would require the Secretary of Defense to provide a report to the congressional defense committees on the SBIRS program baseline not later than 60 days after the enactment of this Act.

The conference provision would also establish the following program elements for the SBIRS program:

(1) Space Segment High;

(2) Space Segment Low (SMTS); and

(3) Ground Segment.

The conference provision requires the SBIRS baseline to include an SMTS IOC by fiscal year 2003 to support national and theater missile defenses. The conferees understand that the Air Force has defined this IOC as consisting of 12–18 satellites. The conferees urge the Air Force to make every effort to achieve an 18 satellite IOC by fiscal year 2003.

In accelerating the SMTS program, it is not the conferees' intent to reduce the priority and importance of the SBIRS High components. The conferees endorse the schedule that the Air Force has established for the SBIRS High components. The SBIRS program should feature complementary and mutually supportive elements that do not include excessive technical and functional redundancy.

Although SMTS can, over time, become a multi-functional sensor system capable of fulfilling missions such as technical intelligence and battlespace characterization, the conferees direct the Air Force to ensure that the SMTS Flight Demonstration System (FDS) and Block I system be designed primarily to satisfy the missile defense mission. Missions not related to theater and/or national ballistic missile defense should not be allowed to add significant cost, weight or delay to the SMTS FDS or Block I system. This scaled-down approach will ameliorate the technical challenges associated with an accelerated schedule while contributing to overall affordability.

To support this schedule and missile defense focus, the conferees direct the Secretary of Defense to commence SMTS preengineering and manufacturing development (EMD) activities in fiscal year 1996 and to ensure that the FDS and Block I satellites are equipped with long-wave infrared sensors. The conferees endorse the design characteristics specified in the Senate report (S. Rept. 104–112) regarding the objective SMTS system. The conferees have authorized sufficient funds in fiscal year 1996 to commence these activities and to prepare the way for a fiscal year 1998 FDS launch.

Over time, as the Air Force gains operational experience with the High and Low Block I systems, it is likely that SMTS will be able to assume a much larger share of the SBIRS requirements burden. In the meantime, the conferees urge the Secretary of Defense to initiate technical and cost trade studies among the SBIRS space systems and include any preliminary findings and recommendations in the SBIRS baseline report.

The budget request for SBIRS included $130.7 million for demonstration/validation (Dem/Val), $152.2 million for EMD, and $19.9 million for procurement. Of the funds requested for Dem/Val, $114.8 million was for SMTS. The conferees agree on the following authorizations:

(1) $265.7 million in PE 63441F for SBIRS Dem/Val, of which $249.8 million is for SMTS; and

(2) $162.2 million in PE 64441F for SBIRS EMD, of which $9.4 million is for the Miniature Sensor Technology Integration (MSTI) program.

The conferees are aware of a recent proposal to increase competition and reduce risk in the SMTS program through a low-cost flight experiment. The conferees direct the Air Force and BMDO to carefully assess the merits of this concept and to include their joint findings and recommendations in the SBIRS baseline report. * * *

Defense Nuclear Agency programs (sec. 217)

The budget request contained $219.0 million for research and development at the Defense Nuclear Agency (DNA).

The Senate amendment contained a provision (sec. 216) that would authorize $242.0 million for fiscal year 1996 for research and development programs (PE 62715H), a $23.0 million increase to the budget request. The increase would providg: $3.0 million for the establishment of a tunnel characterization/neutralization program; $6.0 million for the establishment of a long-term radiation tolerant microelectronics program and require the Secretary to report to Congress on the program and future year funding; $4.0 million for the exlectro-thermal gun program; and transfer the Air Force thermionics program and any unobligated funds to the DNA and provide $10.0 million to accelerate that program.

The House report (H. Rept. 104–131) would provide a $4.0 million increase to the budget request for the electro-thermal gun technology.

The conferees agree to a provision that would authorize $241.7 million, a $22.7 million increase above the budget request, for DNA research and development programs (PE 0602715H). Of that amount, $3.0 million shall be available for a tunnel characterization/neutralization program, $4.0 million shall be available for the electro-thermal gun technology program, $6.0 million shall be available for the establishment of a long-term radiation tolerant microelectronics program and development of long pulse, high power microwave technology; and $4.0 million shall be available for the counterterror explosives research program. Additionally, the Secretary is directed to provide a report to Congress, 120 days after enactment of this Act, on the conduct of the long-term radiation tolerant microelectronics program and future years funding for this program. The remainder of the increase should be used to supplement the tunnel characterization/neutralization program and the long-term radiation tolerant microelectronics program, as appropriate.

TUNNEL CHARACTERIZATION/NEUTRALIZATION PROGRAM

The conferees understand that the Department of Defense has allocated $10.0 million of funds requested in the budget for the counterproliferation support program for a tunnel characterization/neutralization program. Although the DNA tunnel characterization/neutralization target tests and program would be executed independently of the Department's counterproliferation efforts, the conferees expect close coordination between the two programs to ensure that common concerns are addressed. The acceleration, the conferees authorize the use of up to $40.0 million of the funds authorized for SMTS in fiscal year 1996 to begin a low-cost flight experiment.

The conferees congratulate the Air Force and BMDO for reaching agreement on the acquisition management relationship for execution of the SMTS program. In light of the Memorandum of Agreement between the Air Force Acquisition Executive and the Director of BMDO, the Senate recedes on its language dealing with management oversight of the SMTS program. As with all aspects of the SMTS program, however, the conferees will continue to monitor management oversight with great interest. If the present management structure does not fulfill the expectations of the conferees, or lead to implementation of the guidance provided above, the conferees will reconsider transferring SMTS back to BMDO.

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THERMIONICS

The conferees direct the transfer of the thermionics conversion technology from the Air Force Weapons program (PE 62601F), together with all unobligated funds authorized and appropriated in prior years, totalling around $12.0 million, to the Defense Nuclear Agency program (PE 62715H).

Counterproliferation support program (sec. 218)

The budget request contained $108.2 million for the defense counterproliferation support program.

The Senate amendment contained a provision (sec. 217) that would authorize $144.5 million for the program, a $36.3 million increase to the budget request. Of the funds authorized in this section, $6.3 million would be available to the Special Operations Command (SOCOM) for purposes of broadening SOCOM's counterproliferation activities and $30.0 million would be available for the continuation of the Army tactical antisatellite technologies (ASAT) program (PE 63392A) for a user operation evaluation system (UOES) contingency capability. The provision would authorize the Department of Defense to transfer up to $50.0 million from fiscal year 1996 defense research and development accounts for counterproliferation support activities.

The House bill would authorize the budget request for the counterproliferation support program and include $11.0 million for the development of improved nuclear detection and forensics analysis by the Advanced Projects Research Agency (ARPA).

The conferees agree to a provision that would authorize $138.2 million for the counterproliferation support program, of which $30.0 million shall be available for the continuation of the Army tactical antisatellite technologies program. Of the funds authorized in fiscal year 1996, the conferees recommend that $1.5 million be available for the exploration of the "deep digger" concept for hard target characterization, and that $5.0 million be available for the high frequency active auroral research program (HAARP).

The conferees acknowledge concerns raised in the Senate report (S. Rept. 104–112) regarding the need for the Department to continue the aggressive pursuit of discriminate detection and attack capabilities of deep underground structures. The Department should continue to develop the capability to detect and defend against biological agents through the use of technologies, available through universities and non-profit industries, that have been developed for biological detection, emergency preparedness and response. The Department should also continue to develop a capability to counter technological gains by proliferant countries that could gain access to a broad mix of commercial-off-the-shelf space technologies which could provide these countries with significant space capabilities or access to space-derived data and could negatively impact a spectrum of multi-service and joint warfighting capabilities.

TACTICAL ANTISATELLITE TECHNOLOGY

The conferees direct the Secretary of Defense to include sufficient resources in fiscal year 1997, and throughout the future year defense plan (FYDP), for the following: a user operation evaluation system (UOES) contingency capability to produce 10 kill vehicles with the appropriate boosters by fiscal year 1999; a review to determine the appropriate management structure and military service responsibility; report on the current status of antisatellite development worldwide and the degree to which United States antisatellite development efforts may contribute to similar development among other nations and their impact on U.S. operational capabilities; and to report the Department's recommendations to Congress in the fiscal year 1997 budget request. To avoid significant or lengthy delays in developing a needed capability, the conferees direct the Department to leverage, or build upon the current Army tactical antisatellite technology program. The conferees note that authorization of funds for continued development of the tactical antisatellite system does not constitute a decision to deploy the system.

MISSION PLANNING AND ANALYSIS

The conferees recommend that $2.5 million from Air Force operation and maintenance (O&M) be made available for Strategic Air Command (STRATCOM) mission planning and analysis. The STRATCOM program provides support to the regional commanders-in-chief (CINCs) in advance planning for counterproliferation contingencies. This program aids commanders in identifying and characterizing current and emerging proliferation threats. In instances in which proliferation activities challenge the interests of the United States and its military forces and operations, STRATCOM mission planning and analysis capabilities allow defense planners to: identify a variety of potential military targets; assess the effectiveness, consequences and costs of military options; and develop alternative contingency plans that would maximize mission effectiveness, and minimize the risks, costs, and collateral effects.

IMPROVED NUCLEAR DETECTION AND FORENSIC ANALYSIS CAPABILITIES

Due to an increase in international terrorism and attempts by criminal elements to acquire weapons-grade nuclear material, the conferees recommend $11.0 million to accelerate the development of improved nuclear detection and forensic analysis capabilities in PE 62301E, project ST23. The conferees direct the ARPA to closely coordinate its efforts in this area with the counterproliferation support program manager in the Department of Defense and the interagency group on counterproliferation.

Nonlethal Weapons Program (sec. 219)

The Senate bill contained a provision (sec. 218) that would establish a new, consolidated program for non-lethal systems and technology. The program would be managed by the Office of Strategic and Tactical Systems of the Under Secretary of Defense for Acquisition and Technology. The provision would create a new program element within the defense budget for this program, and transfer funds from PE 603570D, PE 603750D, PE 603702E, and PE 603226E into this new program element.

The House bill contained no similar provision.

The House recedes with an amendment that would express congressional recognition of the U.S. armed forces increasing role in operations other than war, recognition of support for the use of nonlethal weapons and systems across the spectrum of conflict, and concern that development of these technologies is being spread across the budgets of the military services and defense agencies. The conferees direct the Department of Defense to submit a report to Congress by February 15, 1996 and direct the Secretary of Defense to assign responsibility for the nonlethal weapons program to an existing office within the Office of the Secretary of Defense or designate an executive agent from the military services, to establish centralized responsibility for development and fielding of nonlethal weapons technology. The conferees authorize $37.2 million in a new defense program element for nonlethal weapons programs and nonlethal technologies programs.

The conferees believe that centralized responsibility for the nonlethal weapons program will ensure effective program management and expeditious development, acquisition, and fielding of nonlethal weapons and systems. The conferees further understand that both the Department of the Army and the Marine Corps are the primary users of these technologies and recommend the designation of either military service as the executive agent for this important program. Further, the conferees understand that the Department of the Army and the Marine Corps have closely coordinated their efforts in this area and expect this coordination to continue to ensure centralized management and improved budgetary focus for the nonlethal weapons program. The provision would also require the Department of report to Congress by February 15, 1996 on the designation of the executive agent for oversight of the program, the acquisition plan, the time frame for fielding systems, current and anticipated military requirements, and the Department of Defense policy regarding the nonlethal weapons program.

Federally-Funded Research and Development Centers (sec. 220)

The House bill contained a provision (sec. 257) that would require the Secretary of Defense and the Secretaries of the Army, Navy, and Air Force to reevaluate the functions of Federally-Funded Research and Development Centers (FFRDCs) and to achieve certain reductions, consolidations and management goals. The provision would limit FFRDC funding to $1.15 billion and reduce funding for FFRDCs and University-Affiliated Research Centers (UARC) by $90.1 million.

The Senate amendment contained a provision (sec. 219) that would require an undistributed reduction in FFRDC funding of $90.0 million, below the ceiling for fiscal year 1995, and would establish a statutory ceiling for FFRDCs of $1.2 billion in fiscal year 1996.

The Senate recedes with an amendment. The conferees agree to reduce the funding for FFRDCs and UARCs by $90.0 million in fiscal year 1996 and direct that not more than $9.0 million of this reduction be applied to funding for UARCs. The conferees have included language that would require the Secretary of Defense to manage the UARCs at the fiscal year 1995 level. The conferees direct the Secretary of Defense to ensure adequate funding in fiscal year 1996 for those FFRDCs that engage in studies and analysis for the Office of the Secretary of Defense and the services. The conferees also direct the Secretary to examine the possibility of increasing the use of the Software Engineering Institute in support of command, control, communications, computing, and intelligence programs managed by the Office of the Secretary of Defense.

Joint seismic program and global seismic network (sec. 221)

The Senate amendment contained a provision (sec. 224) that would authorize $9.5 million of unobligated fiscal year 1995 funds in Air Force research and development for the joint seismic program (JSP) and the global seismic network (GSN) to provide more robust monitoring research and expanded seismic monitoring of potential nuclear tests.

The House bill contained no similar provision.

The conferees agree to a provision that would authorize $9.5 million in fiscal year 1996 for the joint seismic and global seismic network programs. The conferees understand that no future year funds would be required for this program. Further, the conferees direct the Department of Defense Comptroller to release the funds in a timely manner so that the programs can be completed.

Hydra–70 rocket product improvement program (sec. 222)

The Senate amendment contained a provision (sec. 113) that would prohibit the obligation of funds to procure Hydra–70 rockets until the Secretary of the Army submitted certifications regarding: identification of causes and technical corrections of Hydra–70 rocket failures; comparative cost of correcting all Hydra–70 rockets versus the non-recurring costs of acquiring improved rockets; review and qualification of commercial, non-developmental systems to replace Hydra–70 rockets; the availability of training rockets to meet Army requirements; and the attainment of competition in future procurements of training rockets.

The House bill contained no similar provision.

The House recedes with an amendment.

The conferees agree to authorize up to $10.0 million for full qualification and operational platform certification of a Hydra-70 rocket with a 2.75-inch rocket motor with composite propellant, for use on the AH-64D Apache helicopter.

Limitation on obligation of funds until receipt of electronic combat consolidation master plan (sec. 223)

The conferees agree to a provision that limits the obligation of appropriations for PE 65896A, PE 65864N, PE 65807F, and PE 65804D until 14 days after the Department of Defense submits to the congressional defense committees its master plan for the consolidation of electronic combat test and evaluation assets.

The House report (H. Rept. 103-499) directed the Secretary of Defense to develop a master plan for future consolidation of all DOD electronic combat test and evaluation assets. Further, the House report directed that no fiscal year 1995 or prior year funds be used to transfer or consolidate electronic combat test and evaluation assets until 30 days after the submission of the master plan to the congressional defense committees. To date, the master plan has not been provided to the congressional defense committees and funds continue to be obligated for purposes that contravene the House report language.

Obligation of certain funds delayed until receipt of report on science and technology rescissions (sec. 224)

The conferees agree to a provision that limits the obligation of appropriations for Department of Defense research, development, test and evaluation until 14 days after the Under Secretary of Defense (Comptroller) submits a report to the congressional defense committees detailing the allocation of rescissions for science and technology required by the Emergency Supplemental Appropriations and Rescissions to Preserve and Enhance Military Readiness of the Department of Defense for Fiscal Year 1995 (Public Law 104-6).

Obligation of certain funds delayed until receipt of report on reductions in research, development, test, and evaluation (sec. 225)

The conferees agree to a provision that limits to 50 percent the obligation of appropriations in section 201(4) until 14 days after the Under Secretary of Defense (Comptroller) submits a report to the congressional defense committees detailing the allocation of the following reductions in research, development, test, and evaluation required by the Department of Defense Appropriations Act of 1996: (1) general reductions; (2) reductions to reflect savings from revised economic assumptions; (3) reductions to reflect the funding ceiling for federally funded research and development centers; and (4) reductions for savings through improved management of contractor automatic data processing cost charged through indirect rates on Department of Defense acquisition contracts.

Advanced field artillery system (Crusader) (sec. 226)

The House bill contained a provision (sec. 255) that would impose spending authority limitations on the Secretary of the Army, unless certain technical performance criteria are achieved in the Crusader program. The provision would permit the Secretary to significantly alter the Crusader acquisition plan for the cannon propellant, if it is required to achieve the objectives of the Advanced Field Artillery System, provided notification is given to the defense committees of the Senate and House of Representatives.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would terminate funding for the liquid propellant portion of the Crusader program in the event that the Secretary fails to provide a report to the congressional defense committees by August 1, 1996, documenting that significant progress has been made in the liquid propellant and regenerative liquid propellant gun, in accordance with the acquisition program baseline objectives.

Demilitarization of conventional munitions, rockets, and explosives (sec. 227)

The House bill contained a provision (sec. 263) that would authorize $15.0 million for the establishment of an integrated program for the development and demonstration of environmentally compliant technologies for the demilitarization of conventional munitions, explosives, and rocket motors, and indicated specific technologies that should be considered in the program.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would delete reference to specific technologies that should be considered in the program. The amendment reflects a conference agreement to authorize $15.0 million in PE 63104D for the Conventional Munitions, Rockets, and Explosives Demilitarization account.

The conferees are concerned about requirements for disposal by the military services and defense agencies of growing numbers of unserviceable, obsolete, or non-treaty compliant munitions, rocket motors and explosives. As environmental constraints increasingly restrict the traditional disposal methods of open burning or open detonation, development and demonstration of environmentally compliant technologies for this purpose become even more urgent.

The conferees believe that a centralized conventional munitions and explosives disposal program should be established for this purpose within the Department of Defense (DOD) under a single program element, and that consideration should be given to the model of the Large Rocket Motor Demilitarization program, centrally managed by the Army as executive agent, with the requirements of the military services integrated through the Joint Ordnance Commanders' Group. In such a program, the conferees encourage the consideration of a range of competitively selected potential resource recovery and alternative demilitarization technologies, including (but not limited to) cryogenic washout, supercritical water oxidation, molten metal pyrolysis, plasma arc, catalytic fluid bed oxidation, molten salt pyrolysis, plasma arc, catalytic fluid bed oxidation, molten salt oxidation, incineration, critical fluid extraction and ingredient recovery, and underground contained burning.

The conferees direct the Secretary of Defense to submit a report of the DOD plan for the establishment of such a program to the congressional defense committees by March 31, 1996.

Defense airborne reconnaissance program (sec. 228)

The budget request included $525.2 million for research and development for the Defense airborne reconnaissance program (DARP).

The House bill would add a total of $121.6 million to the requested amount. The Senate amendment would increase the request by $33.0 million. Details of the adjustments in the House bill and the Senate amendment, as well as the final conference agreement, are displayed in the table below:

	Budget request	House bill	Senate amendment	Conference agreement
Total	$525.2	+$121.6	+$33.0	+$114.8
UAV programs:				
Joint tactical maneuver		−36.8		−10.0
Hunter				
Navy variant (VTOL)				+12.5
Tier II		+25.9		+25.3
Tier II+		+60.0		
Tier III		+35.0		+18.0
U-2 upgrade programs:				
SYERS		+14.0		+14.0
Defensive systems			+13.0	+10.0
SIGINT			+20.0	+20.0
PGMs		−10		
Other programs:				
CIGGS		+16.0		+11.0
Common data link		+0.5		
EO framing sensors		+5.0		+7.0
MSAG		+12.0		+8.0

MANNED AND UNMANNED RECONNAISSANCE SYSTEMS

The conferees remain optimistic about the future contributions of unmanned aerial vehicle (UAV) systems to the Department of Defense's (DOD) reconnaissance missions. However, the conferees remain unwilling to sacrifice proven manned systems in the near-term for the promise of unproven future systems. Further, the conferees believe five major UAV programs are overly redundant. The conferees are aware of the Department's intent to reduce the number of UAVs to satisfy the tactical, theater, and strategic missions. The conferees agree that it is important for the Department to satisfy these three distinct missions.

Further, the conferees believe the Department's endurance UAV programs must be viewed in the larger context of the broad area search/wide area surveillance missions. The conferees are concerned that the current and projected array of sensors (including Tier II+ and Tier III- UAVs, SR-71, U-2, and national systems) are not simply "complementary", but are "duplicative". The conferees will, therefore, remain extremely interested in the Department's future directions with respect to high altitude endurance UAV efforts.

MANEUVER UAV

The budget request included $36.8 million for the maneuver UAV.

The House will would deny any authorization for the maneuver UAV because the Department had failed to provide either a joint operational requirements document (JORD) or a cost and operational effectiveness analysis (COEA) in a timely manner.

The Senate amendment would approve the budget request.

The conferees agree to authorize $26.8 million for the maneuver UAV. The conferees are disappointed that the Department took so long to complete the JORD and the COEA. The conferees hope that the results of the ongoing review of the various UAV programs will be provided to the congressional defense and intelligence committees in a more timely fashion.

JOINT TACTICAL UAV

The conferees remain particularly concerned about the Department's inability to develop and pursue a cohesive joint tactical UAV (JT-UAV) master plan for longer than a four month period. The conferees direct the Department not to use appropriated fiscal year 1996 funds to procure production Hunter UAV systems or additional low rate initial production units beyond those already ordered. The conferees intend that this prohibition remain in effect until the Department provides the congressional defense and intelligence committees with the results of its

UAV program review. Accordingly, if the Department's review results in the cancellation of one or more of the currently planned UAV programs, the conferees direct the Department to seek reprogramming actions to use those funds to satisfy other CINC near-term reconnaissance support requirements. Any funds made available as a result of Department decisions on UAVs will remain within the DARP account. Of any resources made available from UAV restructuring, the conferees direct that the Department use them to fully fund the U–2 sensor upgrades described later in this section. Any additional excess resources over those used for U–2 sensor upgrades may be used for the naval variant (VTOL). Further, the conferees specifically deny authorization of any fiscal year 1996 funds for marinization of the Hunter UAV.

NAVAL VARIANT UAV

The conferees agree that development and evaluation of a joint tactical UAV (JT–UAV) short or vertical take-off and landing (STOL/VTOL) variant for naval applications should be continued and structured on existing successful efforts. The conferees agree to authorize an additional $12.5 million to support continued development and evaluation of VTOL JT–UAV variants, as detailed in the Senate report (S. Rept. 104–112). The conferees intend that the Department limit its air vehicle evaluation to items that are low risk, currently available off-the-shelf, and have the demonstrated potential to meet joint tactical UAV interoperability and performance requirements.

MEDIUM ALTITUDE ENDURANCE UAV (PREDATOR)

The House bill would authorize an additional $25.9 million for the Tier II medium altitude endurance UAV (Predator).

The Senate amendment included a provision (sec. 131) that would deny funds for the Tier II system.

The Senate recedes.

The conferees agree to authorize an additional $25.3 million for another Predator system (air vehicles and ground station) and replacement air vehicles. The conferees are encouraged by the successes of the Predator advanced concept technology program, and particularly by the theater commanders' praise for its contributions in the Bosnia area. The conferees strongly support continuation of this ACTD, and encourage the Department to take the necessary steps to make a full production decision. The conferees believe this vehicle could satisfy multiple operational roles, including the theater and maritime roles. The conferees encourage the Department to develop plans for a maritime use of this vehicle. Such planning should include conducting an operational demonstration at sea. Finally, the conferees agree to authorize all prior year allocated funds.

HIGH ALTITUDE ENDURANCE UAVS

The House bill would authorize an additional $60.0 million for the Tier II+ and $35.0 million for the Tier III–.

The Senate amendment would authorize the budget request for both programs.

The House recedes on Tier II+. The Senate recedes on the Tier III–. The conferees agree to authorize an additional $18.0 million for Tier III–.

As with the JT–UAV, the conferees expect the Department to make acquisition decisions on this issue based on operational requirements. However, the conferees emphasize that the Department needs a more capable, low observable vehicle. The conferees agree that the Department should use the additional $18.0 million for Tier III– to buy the third air vehicle in fiscal year 1996, instead of fiscal year 1997. The conferees direct the Department to provide the congressional defense and intelligence committees with a report on the operational user needs for such a vehicle. If the current estimate of the Tier III– system capabilities fall short of those needs, the Department should outline its technical proposals to improve this vehicle, in response to those user requirements.

U–2 SENSOR UPGRADES

The House bill would authorize an additional $14.0 million to upgrade all Senior Year electro-optical reconnaissance sensors (SYERS) to the newest configuration, upgrade existing ground stations, and improve geolocational accuracy through various product improvements.

The Senate amendment would authorize an additional $20.0 million to initiate the remote airborne SIGINT system upgrade program.

The Senate report (S. Rept. 104–112) contained a technical error in the table for Research, Development, Test, and Evaluation (RDT&E), Defense-Wide, that shows an increase in the DARP PE 35154D, line 102, rather than in line 124. This error was facilitated by the Department's budget exhibit for RDT&E programs (R–1) in which both of these budget lines are associated with the same program element. The conferees encourage the Defense Airborne Reconaissance Office (DARO) to carry a single R–1 line for an individual program element in the future.

The conferees view with concern the DARO's lack of emphasis on manned reconnaissance upgrades, and include a provision that requires the Director of the DARO to expeditiously carry out those upgrades. The conferees agree to authorize $34.0 million to meet U–2 sensor upgrade requirements, and direct the Secretary of Defense to provide a report on the Department's plans to obligate funds for U–2 upgrades prior to February 1, 1996.

U–2 DEFENSIVE SYSTEMS

The conferees agree to authorize $10.0 million to upgrade U–2 defensive systems for the purposes specified in the Senate Report (S. Rept. 104–112).

COMMON IMAGERY GROUND/SURFACE SYSTEM (CIGSS)

The budget request included $161.8 million for the CIGSS effort.

The House bill would authorize an additional $16.0 million. This increase would be used to mitigate a near-term funding shortfall for DARO's "migration" of the various imagery ground stations to a common architecture.

The Senate amendment would approve the budget request.

The conferees agree to authorize an additional $11.0 million for this effort.

INTELLIGENCE DISSEMINATION

The budget request included funds for numerous intelligence dissemination systems and data links.

The House bill would restrict the use of funds pending the Department's development of a coherent, long-term intelligence dissemination architecture and a plan for development of a joint tactical transceiver (JTT).

The Senate amendment would authorize the requested amounts.

The House recedes.

The conferees are pleased with the Department's response to the House bill provision. The conferees believe that the Department is moving in the right direction to ensure service interoperability and to reduce the number of unique tactical intelligence transceivers. Additionally, the conferees are aware that the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence is monitoring efforts to develop advanced software reprogrammable radios. The conferees strongly encourage continued involvement in this technology development, as it appears to have great potential for future application in the JTT program. The conferees will continue to monitor the progress of the Department's approach.

ELECTRO-OPTICAL FRAMING SENSOR DEVELOPMENT

The House would authorize an additional $5.0 million to continue development and evaluation of airborne electro-optic framing senor and multi-spectral framing technologies with on-chip forward motion compensation. These improved capabilities could be used to support precision targeting.

The Senate amendment included no similar adjustment.

The conferees agree to authorize $7.0 million for this purpose.

The conferees are pleased with the results of the four million picture element (four mega-pixel) framing demonstration. The conferees encourage the Department to program funding to accelerate the four mega-pixel and the 25 mega-pixel sensor initiatives.

MULTI-FUNCTION SELF-ALIGNED GATE TECHNOLOGY

The conferees agree to authorize $8.0 million for multi-function self-aligned gate (MSAG) technology for the purposes specified in the House report (H. Rept. 104–131).

JOINT AIRBORNE SIGINT ARCHITECTURE

The budget request included $88.8 million for the joint airborne signals intelligence (SIGINT) architecture (JASA) program.

The House bill would restrict obligation of fiscal year 1996 funds for JASA to no more than 25 percent of available funds until the Department submits an analysis and report that includes a comparison of future years defense programs (FYDP) and life cycle costs for development and fielding of the joint airborne SIGINT system (JASS), and that address a more conventional, evolutionary, product-improvement approach.

The Senate amendment would authorize the requested amount.

The House recedes on the funding restrictions.

Despite their support for the evolving concept and development of JASA, the conferees remain concerned about several issues:

(1) the Department's ability to sustain current operational systems;

(2) elimination of the potential for airborne SIGINT modernization gaps prior to fielding JASA components;

(3) the projected costs of the JASS program; and

(4) the risk that current approaches may sacrifice near and mid-term operational requirements for promised long-term common solutions.

The conferees believe that there is a need to continue interim, affordable, incremental upgrades, and to provide quick reaction capability improvements to meet emerging requirements, while continuing the JASA architectural approach. The conferees encourage competitive evolutionary solutions to satisfy existing and projected SIGINT requirements, and urge the earliest delivery of architecturally compliant components for evolving current and future systems. The

conferees expect future budget requests for the DARO to include funding for these efforts. The conferees direct the DARO Director to certify to the congressional defense and intelligence committees that the individual SIGINT systems will be upgraded to incorporate these interim needs, as identified by the operational users.

The conferees direct the Department to provide an interim report by March 1, 1996, with a completed report by August 1, 1996, that includes:

(1) an independent cost and operational effectiveness analysis that compares the FYDP and life-cycle costs of the JASS program to an evolutionary product improvement approach, based on equivalent system performance;

(2) an evaluation of cost, technical and schedule risks, as well as a comparison of technical requirements and JASS performance; and

(3) the Department's assessment of its ability to predict both the future threat and technology environments necessary to determine whether a single approach is viable and in the nation's best interests.

Finally, to ensure that there are no airborne SIGINT capability gaps during the transition to JASA, DARO is directed to determine and implement necessary quick-reaction improvements to existing airborne systems. The conferees intend that the Department pursue a balanced approach to JASA development that allows the services to program funds for such evolutionary upgrades, provided there is compliance with an overall migration to the JASA architecture.

Subtitle C—Ballistic Missile Defense Act of 1995

Ballistic missile defense policy (secs. 231–253)

The House bill contained eight provisions (secs. 231–238) that collectively would be called the "Ballistic Missile Defense Act of 1995". The House bill contained four additional provisions (secs. 241–244) that would also deal with matters related to ballistic missile defense (BMD).

The Senate amendment contained eleven provisions (secs. 231–241) that collectively would be called the "Missile Defense Act of 1995". The Senate amendment contained two additional provisions (secs. 227 and 243) that would also deal with matters related to BMD.

The conference agreement combines the House and the Senate BMD provisions into two subtitles as described below.

Short title (sec. 231)

The House bill contained a provision (sec. 231) that would entitle this group of provisions the "Ballistic Missile Defense Act of 1995."

The Senate amendment contained a provision (sec. 231) that would use a different title—"Missile Defense Act of 1995"—reflecting the fact that the Senate version included a provision dealing with cruise missile defense.

The Senate recedes.

Findings (sec. 232)

The Senate amendment contained a provision (sec. 232) that would establish a series of congressional findings as the rationale for developing and deploying theater and national ballistic missile defenses.

The House bill contained a provision (sec. 242) that would make several similar findings.

The House recedes with an amendment merging the House and Senate findings.

Ballistic Missile Defense Policy (sec. 233)

The House bill contained a provision (sec. 232) that would establish a United States policy to: (1) deploy at the earliest practical date highly effective theater missile defenses; and (2) deploy at the earliest practical date a national missile defense (NMD) system that is capable of providing a highly effective defense of the United States against limited ballistic missile attacks.

The Senate amendment contained a similar provision (sec. 233) that would establish a United States policy to: (1) deploy as soon as possible affordable and operationally effective theater missile defenses; (2) develop for deployment a multiple-site national missile defense system (that can be augmented to a layered defense over time) while initiating negotiations to amend the Anti-Ballistic Missile (ABM) Treaty; (3) ensure congressional review prior to a decision to deploy the NMD system; (4) improve existing cruise missile defense systems and deploy as soon as practical defenses against advanced cruise missiles; (5) pursue a focused research and development program to provide follow-on ballistic missile defense options; (6) employ streamlined acquisitions procedures in developing and deploying missile defenses; (7) seek a cooperative transition to a regime that does not feature mutual assured destruction and an offense-only form of deterrence as the basis for strategic stability; and (8) carry out the policies, programs, and requirements of the Missile Defense Act through processes specified within, or consistent with, the ABM Treaty.

The House recedes with an amendment to establish a United States policy to: (1) deploy affordable and operationally effective theater missile defenses to protect forward-deployed and expeditionary elements of the armed forces of the United States and to complement and support the missile defense capabilities of the forces of coalition partners and allies of the United States; (2) deploy a National Missile Defense system that is affordable and operationally effective against limited, accidental, or unauthorized attacks on the territory of the United States and can be augmented over time as the threat changes to provide a layered defense; (3) initiate negotiations with the Russian Federation as necessary to provide for deployment of the NMD system required by this Act; (4) consider, if those negotiations fail, the option of withdrawing from the ABM Treaty in accordance with the provisions of Article XV of that treaty; (5) ensure congressional review, before deployment of an NMD system, of the affordability and operational effectiveness of such a system, the threat to be countered by such a system, and ABM Treaty considerations with respect to such a system; and (6) seek a cooperative transition to a regime that does not feature mutual assured destruction and an offense-only form of deterrence as the basis of strategic stability.

Theater Missile Defense Architecture (sec. 234)

The House bill contained a provision (sec. 233) that, in part, would direct the Secretary of Defense to develop and deploy at the earliest practical date advanced theater missile defense (TMD) systems. The House bill contained another provision (sec. 236) that would establish a ballistic missile defense program accountability report.

The Senate amendment contained a provision (sec. 234) that would provide detailed policy guidance related to theater missile defense. The provision would establish a core theater missile defense program (the Theater High Altitude Area Defense system, the Navy Upper Tier system, the Patriot PAC–3 system, and the Navy Lower Tier system) with programmatic milestones for each core system, require that the systems in the core program be interoperable and mutually supporting, establish guidelines for creating new core systems, and require the Secretary of Defense to provide the congressional defense committees a TMD Architecture report along with the fiscal year 1997 budget submission.

The House recedes with an amendment to integrate elements of the House's ballistic missile defense program accountability provision into a revised TMD reporting requirement, and to make technical and clarifying changes. Included is a requirement that the Secretary of Defense report on the following matters to the Senate Committee on Armed Services and the House Committee on National Security whenever the Secretary issues an ABM Treaty compliance certification for any TMD system: (1) the compliance policy applied in preparing such a certification; (2) how the policy applied differs from the policy stated in section 237(b)(1) of this Act (the so-called "demonstrated standard"); and (3) how the application of that compliance policy (rather than the "demonstrated standard") will affect the cost, schedule, and performance of the TMD system being considered.

National missile defense architecture (sec. 235)

The House bill contained a provision (sec. 233) that, in part, would direct the Secretary of Defense to develop for deployment at the earliest practical date a national missile defense system consisting of: (1) up to 100 ground-based interceptors at a single site or a greater number of interceptors at a number of sites, as determined necessary by the Secretary; (2) fixed, ground-based radars; (3) space based sensors, including those sensor systems that are capable of cuing ground-based interceptors and providing initial targeting vectors; and (4) battle management, command, control, and communications.

The Senate amendment contained a provision (sec. 235) that would direct the Secretary of Defense to take the following steps regarding NMD: (1) develop for deployment an affordable and operationally effective NMD system (consisting of ground-based interceptors capable of being deployed at multiple sites, ground-based radars, space-based sensors, and battle management, command, control, and communications) to counter a limited, accidental, or unauthorized ballistic missile attack, and which is capable of attaining initial operational capability by the end of 2003; (2) develop an interim operational capability plan that would give the United States the ability to field a limited NMD system by the end of 1999; (3) prescribe and use streamlined acquisition procedures; (4) employ additional cost saving measures; and (5) report on his plan for NMD deployment and an analysis of options for supplementing the initial NMD architecture to improve cost and operational effectiveness. The Senate amendment also contained a provision (sec. 235(d)(2)) that would prohibit the use of Minuteman boosters in any NMD architecture.

The House recedes with an amendment requiring the Secretary of Defense to take the following steps regarding NMD: (1) develop for deployment an NMD system which shall achieve an IOC by the end of 2003 and which shall include ground-based interceptors capable of being deployed at multiple-sites, ground-based radars, space-based sensors, and BM/C3; (2) begin preparatory and planning actions and take other actions necessary to achieve an IOC by the end of 2003; and (3) submit a report on NMD to the congressional defense committees.

The Senate recedes on its provision prohibiting the use of Minuteman boosters in any NMD architecture. The conferees support the development of a new optimized booster for the NMD mission. The conferees direct BMDO to consult with the Senate Committee on Armed Services and the House Committee on National Security prior to developing or implementing any plans to expend significant funds on any activities associated with the use of Minuteman boosters for NMD-related purposes.

Policy regarding the ABM Treaty (sec. 236)

The Senate amendment contained a provision (sec. 237) that would clarify that the policies, programs, and requirements of the "Missile Defense Act of 1995" (subtitle C of title II of the Senate amendment) can be accomplished through processes specified in the ABM Treaty, and that would express the Sense of Congress that the Senate should review the continuing value and validity of the ABM Treaty.

The House bill contained a provision (sec. 242(c)(2)) that would urge the President to pursue high-level discussions with Russia to amend the ABM Treaty.

The Senate recedes with an amendment urging the President to pursue high-level discussions with the Russian Federation to amend the ABM Treaty to allow: (1) deployment of multiple ground-based ABM sites; (2) the unrestricted exploitation of sensors; and (3) increased flexibility for development, testing, and deployment of follow-on NMD systems.

Prohibition on use of funds to implement an international agreement concerning theater missile defense systems (sec. 237)

The House bill contained a provision (sec. 235) that would establish a theater missile defense demarcation standard (the so-called "demonstrated standard" based on the range and speed of the target) and would prohibit the obligation or expenditure of funds appropriated for the Department of Defense to implement or employ any other standard.

The Senate amendment contained a related provision (sec. 238) that would: (1) express the sense of Congress that the "demonstrated standard" is the appropriate standard for defining a TMD demarcation; and (2) prohibit the use of funds appropriated for the Department of Defense in fiscal year 1996 to implement an international agreement that is inconsistent with this standard, unless such agreement receives Senate advice and consent to ratification, or is specifically approved in a subsequent Act.

The House recedes with a clarifying amendment.

Ballistic missile defense cooperation with allies (sec. 238)

The House bill contained a provision (sec. 242) that, in part, would endorse cooperation in the area of ballistic missile defense between the United States and its allies and coalition partners, and that would urge the President to: (1) pursue high-level discussions with allies of the United States and selected other states on the means and methods by which the parties can cooperate in the development, deployment, and operation of ballistic missile defenses; (2) take the initiative within the North Atlantic Treaty Organization to develop a consensus for deployment of BMD by the Alliance; and (3) seek agreement with U.S. allies and selected other states on steps the parties can take to reduce the risks posed by the threat of limited ballistic missile attacks.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment to include the House language on BMD cooperation with allies as a free-standing provision.

ABM Treaty Defined (sec. 239)

The House bill contained a provision (sec. 237) that would define the ABM Treaty.

The Senate amendment contained a similar provision.

The Senate recedes with a technical amendment.

Repeal of Missile Defense Act of 1991 (sec. 240)

The House bill contained a provision, (sec. 238) that would repeal the Missile Defense Act of 1991.

The Senate amendment contained a similar provision (sec. 241(1)).

The senate recedes.

Subtitle D—Other Ballistic Missile Defense Provisions

Ballistic Missile Defense Program Elements (sec. 251)

The Senate amendment contained a provision (sec. 239) that would establish seven program elements for the Ballistic Missile Defense Organization's budget.

The House bill contained no similar provision.

The House recedes with an amendment creating eight program elements.

Testing of theater missile defense interceptors (sec. 252)

The house bill contained a provision (sec. 243) that would amend subsection (a) of section 237 of Public Law 103–160, pertaining to the testing of theater missile defense interceptors.

The Senate amendment contained a similar provision (sec. 227) that also would relate to the testing of theater missile defense interceptors.

The Senate recedes.

Repeal of missile defense provisions (sec. 253)

The Senate amendment contained a provision (sec. 241) that would repeal ten outdated BMD-related provisions of law.

The House bill contained a similar provision (sec. 244) that would repeal six outdated BMD-related provisions of law.

The House recedes with an amendment. The Conferees agree to repeal nine outdated BMD-related provisions of law.

Subtitle E—Miscellaneous Reviews, Studies, and Reports

Precision guided munitions (sec. 261)

The Senate amendment contained a provision (sec. 215) that would require the Secretary of Defense, not later than February 1, 1996, to submit a report that contains an analysis of the full range of precision guided munitions (PGM) in production, and in research, development, test and evaluation. The analysis would address the following:

(1) The types of precision guided munitions needed to destroy various service target classes;

(2) The feasibility of joint development programs to meet the needs of various Services; and

(3) The economy and effectiveness of continued acquisition of "interim" PGMs.

The House bill contained no legislative provision on PGMs, but directed the Secretary to conduct a similar analysis in its report (H. Rept. 104–131) accompanying the bill.

The conferees agree to the Senate provision, with an amendment that would extend the reporting deadline to April 15, 1996.

Review of C4I by National Research Council (sec. 262)

The House bill contained a provision (sec. 256) that would direct the Secretary of Defense to enter into a contract with the National Research Council of the National Academy of Sciences to conduct a review of Department of Defense programs for command, control, communications, computers, and intelligence. The study would be conducted over a two-year period and $900.0 thousand would be available for the cost of the study.

The Senate amendment contained no similar provision.

The Senate recedes.

Analysis of consolidation of basic research accounts of military departments (sec. 263)

The House bill contained a provision (sec. 252) that would direct the Secretary of Defense to fund the equivalent of a cost and operational effectiveness study of the consolidation of the indivdiual services' basic research accounts to determine potential infrastructure savings.

The Senate amendment contained no similar provision.

The Senate recedes.

Change in the annual reporting period, from calendar to fiscal year, on certain contracts with colleges and universities. (sec. 264)

The House bill contained a provision (sec. 253) that would amend section 2361 of title 10, United States Code, to change the annual reporting period from the preceding "calendar" year to each preceding "fiscal" year on the use of competitive procedures for awards of research and development contracts, and the award of construction contracts to colleges and universities.

The Senate amendment contained no similar provision.

The Senate recedes.

Aeronautical research and test capabilities assessment (sec. 265)

The House bill contained a provision (sec. 260) that would require the Secretary of Defense to assess aeronautical research and test facilities and capabilities of the United States, and to provide a report to the congressional defense committees detailing the findings and recommendations of the assessment.

The Senate amendment contained no similar provision.

The Senate recedes.

Subtitle F—Other Matters

Advanced lithography program (sec. 271)

The House bill contained a provision (sec. 214) that would amend section 216 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337). The provision would permit the Director of the Advanced Research Projects Agency (ARPA) to consider Semiconductor Industry Association and Semiconductor Technology Council recommendations as advisory and would allow ARPA to establish priorities and funding levels for the program, consistent with the best interests of national security. The provision would also add a goal that the program ensure that the use of lithographic processes, being developed by American-owned manufacturers in the United States, would lead to superior performance electronics systems for the Department of Defense.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would clarify the term "American-owned manufacturer" to mean that it would be consistent with the definition of "United States-owned company" and "United States incorporated company" in section 278 (n) of title 15, United States Code.

Enhanced fiber optic guided missile system (sec. 272)

The House bill contained a provision (sec. 215) that would require the Secretary of the Army to certify whether there is a requirement for the enhanced fiber optic guided missile (EFOG–M) system, and whether there is a cost and effectiveness analysis supporting such requirement. The provision would also limit funding for the EFOG–M program if the test of operational missiles and associated fire units are not delivered on time and within current cost estimates.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the certification of the Secretary of the Army regarding a requirement and a cost and effectiveness analysis to support the requirement for the EFOG–M system to be provided following completion of the Advanced Concept Technology Demonstration (ACTD), instead of before the ACTD, as proposed by the House.

States eligible for assistance under Defense Experimental Program to Stimulate Competitive Research (DEPSCoR) (sec. 273)

The Senate amendment contained a provision (sec. 220) that would modify the graduation criteria for states participating in the Department of Defense EPSCoR program.

The House bill contained no similar provision.

The House recedes with an amendment that would provide for the use of a three year average to determine, on a state-by-state basis, whether a state institution of higher learning receives 60 percent of the average amounts for research and engineering obligated by the Department of Defense.

Cruise missile defense initiative (sec. 274)

The Senate amendment contained a provision (sec. 236) that would establish a cruise missile defense initiative. The provision would require the Secretary of Defense to strengthen and coordinate the cruise missile defense programs of the Department of Defense, and provide Congress with a report describing the Secretary's plans for implementing this provision.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

University research initiative support program (sec. 275)

The House bill contained a provision (sec. 254) that would amend Section 802 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160). The provision would change the university research initiative support program from a mandatory program to a voluntary program and provide for improved review procedures.

The Senate amendment contained no similar provision.

The Senate recedes.

Revisions of manufacturing of science and technology program (sec. 276)

The House bill contained a provision that would eliminate the technology-based focus for the manufacturing of science and technology program, and provide new emphasis on near-term cost reduction applications. The provision would also require a larger non-federal government cost share for 25 percent of the program appropriation, and eliminate cost share for academic institutions.

The Senate amendment contained a provision (sec. 222) that would amend section 2525 of title 10, United States Code, in two ways. The provision clarified the role of the Joint Directors of Laboratories in establishing the Manufacturing Science and Technology Program. The provision included a requirement that manufacturing equipment producers be more directly involved in projects funded under this program.

The conferees agree to an amendment that would combine the House and Senate provisions.

The conferees support the transfer of the MANTECH program from advanced development to a Research, Development, Test & Evaluation (RDT&E) production support account to ensure direct impact of manufacturing technology on reduction of production and repair costs for todays systems. However, the conferees direct that a balance be maintained between near-term manufacturing solutions for weapons systems and the long range manufacturing design needs, such as implementing Integrated Products and Process Development (IPPD) in future systems.

The conferees would include the House provision to set aside 25 percent of the funding for the manufacturing technology program for entering into contracts and cooperative agreements, on a cost-share basis, in which the ration of funding provided by non-federal and federal participants is 2 to 1. The conferees have included a provision that would allow the Under Secretary of Defense for Acquisition and Technology to waive the requirement after July 15 of each fiscal year. The conferees direct that contracts and cooperative agreements awarded to meet this requirement be on a project-by-project basis. The conferees direct that the Department maximize the number of contracts and cooperative agreements, to the extent practicable.

The conferees expect the Department of Defense and the services to request an aggressive fiscal year 1997 MANTECH budget that reflects program needs. As a goal, the Department should consider funding this program at approximately one percent of the services' RDT&E budgets. The conferees also believe that the Secretary of Defense should place the highest priority on addressing the management and budget process issues that have adversely affected the MANTECH program.

Five-year plan for consolidation of defense laboratories and test and evaluation centers (sec. 277)

The House bill contained a provision (sec. 259) that would require the Secretary of Defense to prepare a five year strategic plan to consolidate and restructure the Department's research and development laboratories and test and evaluation centers.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment to include additional study parameters and to adjust the limitation on funding obligations; from 40 percent to 75 percent for the central test and evaluation investment development program pending submission of the report to Congress.

Limitation on T–38 avionics upgrade program (sec. 278)

The House bill contained a provision (sec. 261) that would allow the Department of the Air Force to consider foreign companies for the award of the contract for the T–38 aircraft avionics upgrade program only if such companies are headquartered in countries that allow equal access to United States companies for such contracts.

The Senate amendment contained no similar provision.

The Senate recedes.

Global Positioning System (sec. 279)

The Senate amendment contained a provision (sec. 1081) that would require the Secretary of Defense to suspend use of the selective availability feature of the Global Positioning System (GPS) by May 1, 1996, unless the Secretary develops a plan for dealing with the challenges associated with GPS jamming and denial.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Army support for the National Science Center for Communications and Engineering (sec. 280)

The Senate amendment contained a provision (sec. 1085) that would modify the authority of the Army to provide support to the National Science Center outreach program.

The House bill contained no similar provision.

The House recedes.

LEGISLATIVE PROVISIONS NOT ADOPTED

Maneuver variant unmanned aerial vehicle

The House bill contained a provision (sec. 212) that would prohibit the obligation of funds appropriated or otherwise made available pursuant to authorizations in fiscal year 1996 for the Maneuver Variant Unmanned Aerial Vehicle.

The Senate amendment contained no similar provision.

The House recedes.

Ballistic missile defense follow-on technology research and development

The House bill contained a provision (sec. 234) that would provide guidance on follow-on technology development for theater and national ballistic missile defense programs.

The Senate amendment contained no similar provision.

The House recedes.

Ballistic missile defense funding

The House bill contained a provision (sec. 241) that would authorize $3.070 billion in Defensewide research, development, test, and evaluation (RDT&E) funds for ballistic missile defense programs.

The Senate amendment contained no similar provision.

The House recedes. The conferees discuss funding for ballistic missile defense programs elsewhere in this Statement of Managers.

Allocation of funds for medical counter-measures against biowarfare threats

The House bill contained a provision (sec. 251) that would amend section 2370a of title 10, United States Code, to permit the obligation or expenditure of up to 50 percent of funds authorized for the medical component of the Department of Defense Biological Defense Research program for product development, or for research, development, test, or evaluation of medical countermeasures related to mid-term or far-term validated biowarfare threat agents.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note with concern that the recent progress in bio-technology could potentially lead to the development of new biological warfare agents and capabilities among potential adversaries of the United States. The conferees direct that the Department report to the congressional defense committees by March 1, 1996 on the national

security threats posed by such potential developments of new agents through advances in bio-technology and genetic engineering. The report should also include recommendations related to reducing the impact of progress in these areas, examine the utility of increased emphasis on research and development of medical countermeasures related to mid-term or far-term biowarfare threat agents; and identify other measures that could reduce the threat of these technological advances and reduce the threat of biological agent and weapons proliferation.

Cross reference to congressional defense policy concerning national technology and industrial base, reinvestment, and conversion in operation of defense research and development programs

The House bill contained a provision (sec. 262) that would cross-reference sections 2358(a)(2)(B) and 2371(a) with section 2501 of title 10, United States Code, to encourage the use of dual-use technology programs in defense research and technology programs.

The Senate amendment contained no similar provision.

The House recedes.

Fiber optic acoustic sensor system

The budget request included $21.3 million in PE 63504N for the advanced submarine combat systems development program.

The House bill contained a provision (sec. 264) that would authorize $28.2 million for the advanced submarine combat systems development program in fiscal year 1996, including $6.9 million for research and development for a fiber optic acoustic sensor system and common optical towed array. The provision also reduced funding for the advanced submarine systems development program (PE 63561N) by $6.9 million.

The Senate amendment contained no similar provision.

The House recedes.

The conferees agree to the authorization of an additional $6.9 million above the budget request in PE 63504N for advanced development of fiber optic acoustic sensor systems, including the development of common optical towed arrays.

Joint targeting support system testbed

The budget request included $141.4 million in PE 24229N for the Tomahawk missile and the Tomahawk mission planning center programs.

The House bill contained a provision (sec. 265) that would reallocate project funding within PE 24229N. The provision would increase funding for Tomahawk theater mission planning by $10.0 million in order to establish a joint targeting support system testbed and would reduce funding for Tomahawk missile development by $10.0 million, as an offset.

The Senate amendment contained no similar provision.

The House recedes.

The conferees agree to an additional authorization of $4.0 million in PE 24229N to initiate development of a joint targeting support system testbed (JTSST) for demonstration of potential joint targeting operations. The conferees understand that an initial study would investigate the relative roles of the existing systems installed in the Tomahawk mission planning center and other mission planning systems that are being developed by the individual military services. It is recognized that these systems are projected to have embedded precision weapons planning capabilities.

The conferees expect that the results of the initial JTSST study and follow-on demonstrations will contribute to the definition of long-term objectives, guidelines, and schedule milestones for convergence of the Navy/Marine Corps tactical aircraft mission planning systems and the Air Force mission support system, and should lead to the development of a joint mission planning system architecture for the military services.

The conferees direct the Secretary of Defense to report to the congressional defense committees as soon as possible, but no later than the submission of the fiscal year 1998 budget request. This report shall describe the Secretary's plan for implementing the recommendations that result from the study.

Battlefield Integration Center

The Senate amendment contained a provision (sec. 201(4)(C)) that would authorize the use of up to $25.0 million in Defensewide research, development, test, and evaluation (RDT&E) funds made available for Other Theater Missile Defense activities for the Army's Battlefield Integration Center (BIC).

The House bill contained no similar provision.

The Senate recedes. The conferees agree to authorize an increase of $21.0 million in PE 63308A for the BIC.

Marine Corps shore fire support

The Senate amendment contained a provision (sec. 213) that would not allow more than fifty percent of the funds appropriated in fiscal year 1996 for the Tomahawk Baseline Improvement Program to be obligated until the Secretary of the Navy certifies that a program has been established and fully funded. That program would lead to a live fire test of an Army Extended Range Multiple Launch Rocket from an Army launcher on a Navy ship before October 1, 1997.

The House bill contained no similar provision.

The Senate recedes. Further guidance relative to the consideration of the Army Extended Range Multiple Launch Rocket System in the Navy Surface Fire Support program is contained elsewhere in the Statement of Managers.

Depressed altitude guided gun round (DAGGR)

The budget request contained no funds for the depressed altitude guided gun round (DAGGR).

The Senate amendment contained a provision (sec. 225) that would authorize $5.0 million for continued development of the DAGGR system.

The House bill contained no similar provision.

The Senate recedes. DAGGR technology has indicated potential capability which might be used to counter threats such as 122-millimeter rockets and cruise missiles. The conferees encourage the Secretary of the Army to include this program in the fiscal year 1997 budget request, and, if warranted, consider a reprogramming request to provide funding for DAGGR in fiscal year 1996.

Army echelon above corps communication

The budget request included $5.9 million for Army echelon above corps communications.

The House bill would authorize the budget request.

The Senate amendment included a provision (sec. 226) that would provide an increase of $40.0 million to procure additional communications equipment for the Army's echelons above corps.

The Senate recedes.

The conferees agree to authorize the increase of 40.0 million for the procurement of additional communications equipment for the Army's echelons above corps.

Sense of the Senate on the Director of Operational Test and Evaluation

The Senate amendment contained a provision (sec. 242) that would express a sense of the Senate that would discourage any attempt to diminish or eliminate the Office of the Director of Operational Test and Evaluation or its functions.

The House bill contained no similar provision.

The Senate recedes.

Ballistic missile defense technology center

The Senate amendment contained a provision (sec. 243) that would establish a ballistic missile defense technology center within the Space and Strategic Defense Command of the Army.

The House bill contained no similar provision.

The Senate recedes.

TITLE III—OPERATION AND MAINTENANCE

Overview

The budget request for fiscal year 1996 contained an authorization of $91,634.4 million for Operation and Maintenance in the Department of Defense and $1,852.9 for Working Capital Fund Accounts in fiscal year 1996. The House bill would authorize $94,420.2 million for Operation and Maintenance and $2,452.9 for Working Capital Fund Accounts. The Senate amendment would authorize $91,408.8 million for Operation and Maintenance and $1,962.9 for Working Capital Fund Accounts. The conferees recommended an authorization of $92,616.4 million for Operation and Maintenance and $1,902.9 for Working Capital Fund Accounts for fiscal year 1996. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FY 1996

(Dollars in Millions) Account Title	Authorization Request 1996	House Authorized	Senate Authorized	Conference Change	Conference Authorization
TITLE III					
Operation and Maintenance, Army	18,184.736	19,339.936	18,064.436	561.959	18,746.695
Operation and Maintenance, Navy	21,225.710	21,677.510	21,346.910	267.445	21,493.155
Operation and Maintenance, Marine Corps	2,269.722	2,603.622	2,405.722	252.100	2,521.822
Operation and Maintenance, Air Force	18,256.597	18,984.162	18,230.097	462.680	18,719.277
Operation and Maintenance, Defense-wide	10,366.782	10,680.371	10,035.867	(456.306)	9,910.476
Defense Health Program,O&M	9,865.525	9,876.525	9,943.825	11.000	9,876.525
Defense Health Program,PROC	-	-	-	-	-
Operation and Maintenance, Army Reserve	1,068.591	1,139.591	1,062.591	60.600	1,129.191
Operation and Maintenance, Navy Reserve	826.042	838.042	840.842	42.300	868.342
Operation and Maintenance, Marine Corps Reserve	90.283	91.783	90.283	10.000	100.283
Operation and Maintenance, Air Force Reserve	1,485.947	1,507.447	1,482.947	30.340	1,516.287
Operation and Maintenance, Army National Guard	2,304.108	2,394.108	2,304.108	57.700	2,361.808
Operation and Maintenance, Air National Guard	2,712.221	2,734.221	2,734.221	47.900	2,760.121
Office of the Inspector General, O&M	138.226	177.226	138.226		138.226
Office of the Inspector General, Proc					
United States Courts of Appeals for the Armed Forces	6.521	6.521	6.521		6.521
Environmental Restoration, Defense	1,622.200	1,422.200	1,601.800	(200.000)	1,422.200
Drug Interdiction and Counter-drug Activities, Defense	680.432	680.432	680.432		680.432
Former Soviet Union Threat Reduction Account	371.000	200.000	365.000	(71.000)	300.000
Summer Olympics	15.000	15.000	15.000	-	15.000
Contributions for International Peacekeeping and Peace E	65.000	-	-	(65.000)	-
Humanitarian Assistance	79.790	-	60.000	(79.790)	-
Disposal and Lease of DOD Real Property	-	-	-		-
DOD 50th Anniversary of World War II Commemoration	-	-	-		-
Overseas Humanitarian, Disaster, & Civic Aid	-	50.000	-	50.000	50.000
National Science Center, Army	-	-	-	-	-
Total Operation & Maintenance	91,634.433	94,418.697	91,408.828	981.928	92,616.361

ID	ACCOUNT/BA/AG/SAG	FY 1996	House Change	House Authorized	Senate Change	Senate Authorization	Change to Request	Conference Agreement
	OPERATION AND MAINTENANCE, ARMY							
	BUDGET ACTIVITY 1: OPERATING FORCES							
	LAND FORCES	9,069,646	300,000	9,369,646	25,000	9,094,646	191,270	9,260,916
10	COMBAT UNITS	1,882,069		1,882,069		1,882,069		1,882,069
20	TACTICAL SUPPORT	1,165,970		1,165,970		1,165,970		1,165,970
30	THEATER DEFENSE FORCES	178,670		178,670		178,670		178,670
40	FORCE RELATED TRAINING/SPECIAL ACTIVITIES	1,271,154		1,271,154		1,271,154		1,271,154
50	FORCE COMMUNICATIONS	73,584		73,584		73,584		73,584
60	DEPOT MAINTENANCE	861,426	100,000	961,426		861,426	89,270	950,696
70	JCS EXERCISES	54,467		54,467		54,467		54,467
80	BASE SUPPORT	3,582,306	200,000	3,782,306	25,000	3,607,306	100,000	3,684,306
	NTC INTERIM AIRHEAD						2,000	
85	REPROGRAMMING/CREDITS	0		0		0		0
	LAND OPERATIONS SUPPORT	251,301	0	251,301	0	251,301	0	251,301
90	COMBAT DEVELOPMENTS	214,364		214,364		214,364		214,364
100	UNIFIED COMMANDS	36,937		36,937		36,937		36,937
105	REPROGRAMMING/CREDITS	0		0		0		0
	TOTAL, BUDGET ACTIVITY 1:	9,320,947	300,000	9,620,947	25,000	9,345,947	191,270	9,512,217
	BUDGET ACTIVITY 2: MOBILIZATION							
	MOBILITY OPERATIONS	696,760	0	696,760	29,500	726,260	60,000	756,760
110	POMCUS	86,830		86,830		86,830		86,830
120	STRATEGIC MOBILIZATION	393,923		393,923		393,923		393,923
130	WAR RESERVE ACTIVITIES	72,166		72,166		101,666	60,000	132,166
	SWA AWR ACCELERATION	0		0	29,500			
140	INDUSTRIAL PREPAREDNESS	143,841		143,841		143,841		143,841
145	REPROGRAMMING/CREDITS	0		0		0		0
	TOTAL, BUDGET ACTIVITY 2:	696,760	0	696,760	29,500	726,260	60,000	756,760
	BUDGET ACTIVITY 3: TRAINING AND RECRUITING							

ID	ACCOUNT/BA/AG/SAG	FY 1996	House Change	House Authorized	Senate Change	Senate Authorization	Change to Request	Conference Agreement
	ACCESSION TRAINING	314,798	0	314,798	0	314,798	0	314,798
150	OFFICER ACQUISITION	58,328		58,328		58,328		58,328
160	RECRUIT TRAINING	11,228		11,228		11,228		11,228
170	ONE STATION UNIT TRAINING	17,008		17,008		17,008		17,008
180	RESERVE OFFICER TRAINING CORPS (ROTC)	109,789		109,789		109,789		109,789
190	BASE SUPPORT (ACADEMY ONLY)	118,445		118,445		118,445		118,445
195	REPROGRAMMING/CREDITS	0		0		0		0
	BASIC SKILL/ ADVANCE TRAINING	2,060,143	20,000	2,080,143	45,000	2,105,143	75,000	2,135,143
200	SPECIALIZED SKILL TRAINING	236,760		236,760		236,760		281,760
	CHEMICAL DEFENSE TRAINING	0	10,000	10,000		0	10,000	
	CHEMICAL DEFENSE MEDICAL TRAINING	0	10,000	10,000		0	10,000	
	TNET						4,000	
	SIMULATION ENHANCEMENTS						21,000	
210	FLIGHT TRAINING	218,514		218,514		218,514		218,514
220	PROFESSIONAL DEVELOPMENT EDUCATION	68,981		68,981		68,981		68,981
230	TRAINING SUPPORT	375,528		375,528		375,528		375,528
240	BASE SUPPORT (OTHER TRAINING)	1,160,360		1,160,360	45,000	1,205,360	30,000	1,190,360
245	REPROGRAMMING/CREDITS	0		0		0		0
	RECRUITING/OTHER TRAINING	691,154	0	691,154	4,000	695,154	5,000	696,154
250	RECRUITING AND ADVERTISING	211,375		211,375	4,000	215,375	5,000	216,375
260	EXAMINING	64,333		64,333		64,333		64,333
270	OFF-DUTY AND VOLUNTARY EDUCATION	103,812		103,812		103,812		103,812
280	CIVILIAN EDUCATION AND TRAINING	81,108		81,108		81,108		81,108
290	JUNIOR ROTC	74,506		74,506		74,506		74,506
300	BASE SUPPORT (RECRUITING LEASES)	156,020		156,020		156,020		156,020
305	REPROGRAMMING/CREDITS	0		0		0		0
	TOTAL, BUDGET ACTIVITY 3:	3,066,095	20,000	3,086,095	49,000	3,115,095	80,000	3,146,095
	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES							
	SECURITY PROGRAMS (ARMS CONTROL)	362,333	12,000	374,333	(6,000)	356,333	(6,000)	356,333
310	SECURITY PROGRAMS (ARMS CONTROL)	362,333		362,333	(6,000)	356,333	(6,000)	356,333
	CLASSIFIED PROGRAMS	0	12,000	12,000				
	LOGISTICS OPERATIONS	1,630,274	0	1,630,274	0	1,630,274	3,750	1,634,024

ID	ACCOUNT/BA/AG/SAG	FY 1996	House Change	House Authorized	Senate Change	Senate Authorization	Change to Request	Conference Agreement
320	SERVICEWIDE TRANSPORTATION	542,910		542,910		542,910		542,910
330	CENTRAL SUPPLY ACTIVITIES	487,281		487,281		487,281		491,031
	ACQUISITION WORKFORCE SAVINGS/ACQUISITION REFORM						(12,000)	
	DEPOT MAINTENANCE LOGISTICS TAIL						15,750	
340	LOGISTIC SUPPORT ACTIVITIES	299,230		299,230		299,230		299,230
350	AMMUNITION MANAGEMENT	300,853		300,853		300,853		300,853
355	REPROGRAMMING/CREDITS	0		0		0		0
	SERVICEWIDE SUPPORT	2,826,103	10,000	2,836,103	0	2,826,103	7,000	2,833,103
360	ADMINISTRATION	275,238		275,238		275,238		275,238
	WASTE WATER TREATMENT PLANNING							
370	SERVICEWIDE COMMUNICATIONS	686,446		686,446		686,446		686,446
380	MANPOWER MANAGEMENT	124,676		124,676		124,676		124,676
390	OTHER PERSONNEL SUPPORT	175,832		175,832		175,832		182,832
	PERSONNEL MANAGEMENT EFFICIENCIES						(3,000)	
	NEW PARENT SUPPORT	0	10,000	10,000		0	10,000	
400	OTHER SERVICE SUPPORT	568,225		568,225		568,225		568,225
	CONSERVATION AND ECOSYSTEM MANAGEMENT							
410	ARMY CLAIMS ACTIVITIES	173,290		173,290		173,290		173,290
420	REAL ESTATE MANAGEMENT	86,930		86,930		86,930		86,930
430	BASE SUPPORT	735,466		735,466		735,466		735,466
	PENTAGON RENOVATION TRANSFER							
432	ENVIRONMENTAL RESTORATION	0		0		0		0
435	PENTAGON RENOVATION TRANSFER	0		0		0		0
	SUPPORT OF OTHER NATIONS	282,224	0	282,224	0	282,224	0	282,224
440	INTERNATIONAL MILITARY HEADQUARTERS	252,778		252,778		252,778		252,778
450	MISC SUPPORT OF OTHER NATIONS	29,446		29,446		29,446		29,446
455	REPROGRAMMING/CREDITS	0		0		0		0
	TOTAL, BUDGET ACTIVITY 4:	5,100,934	22,000	5,122,934	(6,000)	5,094,934	4,750	5,105,684
	UNDISTRIBUTED		813,200	813,200	(217,800)	(217,800)	225,939	225,939
	CIVILIAN PAY				(233,000)	(116,000)	(116,000)	(116,000)
	HISTORICAL BLACK COLLEGES FELLOWSHIPS				(300)	(300)		
	REAL PROPERTY MAINTENANCE		350,000	350,000	110,000	167,000	235,000	235,000
	CLASSIFIED PROGRAMS				500	500	4,789	4,789
	FOREIGN CURRENCY FLUCATION		329,000				59,300	59,300

ID	ACCOUNT/BA/AG/SAG	FY 1996	House Change	House Authorized	Senate Change	Senate Authorization	Change to Request	Conference Agreement
	MILITARY/CIVILAIN CONVERSION		130,000				19,350	19,350
	PENTAGON RENOVATION				(13,000)	(13,000)	(13,000)	(13,000)
	UNDISTRIBUTED (DSATS)		0	0	(15,000)	(15,000)		
	CIVILIAN UNDEREXECUTION		(65,000)	(65,000)	(67,000)	(67,000)	(67,000)	(67,000)
	EXCHANGE TRANSPORT MANAGEMENT		35,000	35,000			35,000	35,000
	MWR PORTABILITY		25,000	25,000			0	0
	AAFESS DOWNSIZING COMPENSATION		70,000	70,000			70,000	70,000
	EDCARS/DSREDS		2,000	2,000			2,000	2,000
	ADVANCE BILLING RELIEF		62,000	62,000			0	0
	MILITARY END STRENGTH		54,400	54,400			54,400	54,400
	PRINTING EFFICIENCIES		(3,000)	(3,000)			(3,000)	(3,000)
	INSPECTOR GENERAL CONSOLIDATION		(12,500)	(12,500)				
	REDUCED AUDITS		(10,000)	(10,000)			(5,000)	(5,000)
	TRANSPORTATION IMPROVEMENTS		(26,200)	(26,200)			(26,200)	(26,200)
	INVENTORY REFORM		(60,000)	(60,000)			(60,000)	(60,000)
	FUEL SAVINGS		(50,000)	(50,000)				
	AAFES 2nd DESTIONATION TRANSPORTATION		(17,500)	(17,500)			(17,500)	(17,500)
	FAMILY HOUSING SURVEY & DEFICIT REDUCTION PROGRAM						3,500	3,500
	ADMINISTRATIVE TRAVEL SAVINGS						(28,500)	(28,500)
	PROVIDE COMFORT/ENHANCED SOUTHERN WATCH						87,300	87,300
	SUPPLY MANAGEMENT REFORMS						(8,500)	(8,500)
	TOTAL, OPERATION AND MAINTENANCE, ARMY	18,184,736	1,155,200	19,339,936	(120,300)	18,064,436	561,959	18,746,695
	OPERATION AND MAINTENANCE, NAVY							
	BUDGET ACTIVITY 1: OPERATING FORCES							
	AIR OPERATIONS	4,266,628	125,000	4,391,628	10,000	4,276,628	132,295	4,398,923
10	MISSION AND OTHER FLIGHT OPERATIONS	1,788,301		1,788,301		1,788,301		1,796,301
	P-3 FORCE STRUCTURE						8,000	
20	FLEET AIR TRAINING	627,871		627,871		627,871		642,166
	PACIFIC MISSILE RANGE FACILITY						14,295	
30	INTERMEDIATE MAINTENANCE	68,070		68,070		68,070		68,070
40	AIR OPERATIONS AND SAFETY SUPPORT	59,060		59,060		59,060		59,060
50	AIRCRAFT DEPOT MAINTENANCE	489,443	75,000	564,443		489,443	70,000	559,443

ID	ACCOUNT/BA/AG/SAG	FY 1996	House Change	House Authorized	Senate Change	Senate Authorization	Change to Request	Conference Agreement
60	AIRCRAFT DEPOT OPERATIONS SUPPORT	28,232		28,232		28,232		28,232
70	BASE SUPPORT	1,205,651	50,000	1,255,651	10,000	1,215,651	40,000	1,245,651
75	REPROGRAMMING/CREDITS	0		0		0		0
	SHIP OPERATIONS	6,879,010	175,000	7,054,010	25,400	6,904,410	190,400	7,069,410
80	MISSION AND OTHER SHIP OPERATIONS	1,885,234		1,885,234	400	1,885,634	400	1,885,634
90	SHIP OPERATIONAL SUPPORT AND TRAINING	462,396		462,396		462,396		462,396
100	INTERMEDIATE MAINTENANCE	401,812		401,812		401,812		401,812
110	SHIP DEPOT MAINTENANCE	2,261,190	125,000	2,386,190		2,261,190	150,000	2,411,190
120	SHIP DEPOT OPERATIONS SUPPORT	758,320		758,320		758,320		758,320
130	BASE SUPPORT	1,110,058	50,000	1,160,058	25,000	1,135,058	40,000	1,150,058
135	REPROGRAMMING/CREDITS	0		0		0		0
	COMBAT OPERATIONS/SUPPORT	1,581,800	0	1,581,800	11,900	1,593,700	11,900	1,593,700
140	COMBAT COMMUNICATIONS	198,415		198,415		198,415		198,415
150	ELECTRONIC WARFARE	7,396		7,396		7,396		7,396
160	SPACE SYSTEMS AND SURVEILLANCE	153,881		153,881		153,881		153,881
170	WARFARE TACTICS	138,256		138,256		138,256		138,256
180	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	198,719		198,719		198,719		198,719
190	COMBAT SUPPORT FORCES	339,888		339,888		336,788		336,788
	NIMITZ CENTER			0	(3,100)		(3,100)	
200	EQUIPMENT MAINTENANCE	145,820		145,820		145,820		145,820
210	DEPOT OPERATIONS SUPPORT	1,127		1,127		1,127		1,127
220	BASE SUPPORT	398,298		398,298	15,000	413,298	15,000	413,298
225	REPROGRAMMING/CREDITS	0		0		0		0
	WEAPONS SUPPORT	2,119,219	10,000	2,129,219	0	2,119,219	(80,000)	2,039,219
230	CRUISE MISSILE	96,656		96,656		96,656		96,656
240	FLEET BALLISTIC MISSILE	788,463		788,463		788,463		788,463
250	IN-SERVICE WEAPONS SYSTEMS SUPPORT	25,945		25,945		25,945		35,945
	INSTALLATION SUPPORT AN/UYQ-70						10,000	
260	WEAPONS MAINTENANCE	401,879		411,879		401,879		411,879
	NAVY ORDNANCE		10,000				10,000	
270	BASE SUPPORT	111,176		111,176		111,176		111,176
275	REPROGRAMMING/CREDITS	0		0		0		0
276	DBOF SUPPORT	695,100		695,100		695,100	(100,000)	595,100
277	BRAC IV PROJECTED SAVINGS	0		0		0		0

ID	ACCOUNT/BA/AG/SAG	FY 1996	House Change	House Authorized	Senate Change	Senate Authorization	Change to Request	Conference Agreement
	TOTAL, BUDGET ACTIVITY 1:	14,846,657	310,000	15,156,657	47,300	14,893,957	254,595	15,101,252
	BUDGET ACTIVITY 2: MOBILIZATION							
	READY RESERVE AND PREPOSITIONING FORCES	511,034	0	511,034	0	511,034	0	511,034
280	SHIP PREPOSITIONING AND SURGE	511,034		511,034		511,034		511,034
285	REPROGRAMMING/CREDITS	0		0		0		0
	ACTIVATIONS/INACTIVATIONS	479,601	0	479,601	0	479,601	0	479,601
290	AIRCRAFT ACTIVATIONS/INACTIVATIONS	7,215		7,215		7,215		7,215
300	SHIP ACTIVATIONS/INACTIVATIONS	472,386		472,386		472,386		472,386
305	REPROGRAMMING/CREDITS	0		0		0		0
	MOBILIZATION PREPAREDNESS	39,593	0	39,593	0	39,593	0	39,593
310	FLEET HOSPITAL PROGRAM	16,162		16,162		16,162		16,162
320	INDUSTRIAL READINESS	1,917		1,917		1,917		1,917
330	COAST GUARD SUPPORT	21,514		21,514		21,514		21,514
335	REPROGRAMMING/CREDITS	0		0		0		0
	TOTAL, BUDGET ACTIVITY 2:	1,030,228	0	1,030,228	0	1,030,228	0	1,030,228
	BUDGET ACTIVITY 3: TRAINING AND RECRUITING							
	ACCESSION TRAINING	249,069	0	249,069	0	249,069	0	249,069
340	OFFICER ACQUISITION	66,755		66,755		66,755		66,755
350	RECRUIT TRAINING	4,667		4,667		4,667		4,667
360	RESERVE OFFICERS TRAINING CORPS (ROTC)	64,836		64,836		64,836		64,836
370	BASE SUPPORT	112,811		112,811		112,811		112,811
375	REPROGRAMMING/CREDITS	0		0		0		0
	BASIC SKILLS AND ADVANCED TRAINING	1,087,406	10,000	1,097,406	0	1,087,406	10,000	1,097,406
380	SPECIALIZED SKILL TRAINING	212,121		212,121		212,121		222,121
	CHEMICAL DEFENSE TRAINING	0	5,000	5,000		0	5,000	
	CHEMICAL DEFENSE MEDICAL TRAINING	0	5,000	5,000		0	5,000	
390	FLIGHT TRAINING	273,004		273,004		273,004		273,004
400	PROFESSIONAL DEVELOPMENT EDUCATION	61,214		61,214		61,214		61,214
410	TRAINING SUPPORT	125,237		125,237		125,237		125,237
420	BASE SUPPORT	415,830		415,830		415,830		415,830

ID	ACCOUNT/BA/AG/SAG	FY 1996	House Change	House Authorized	Senate Change	Senate Authorization	Change to Request	Conference Agreement
425	REPROGRAMMING/CREDITS	0		0		0		0
	RECRUITING, AND OTHER TRAINING AND EDUCATION	225,217	0	225,217	0	225,217	5,000	230,217
430	RECRUITING AND ADVERTISING	122,820		122,820		122,820	5,000	127,820
440	OFF-DUTY AND VOLUNTARY EDUCATION	54,970		54,970		54,970		54,970
450	CIVILIAN EDUCATION AND TRAINING	22,223		22,223		22,223		22,223
460	JUNIOR ROTC	24,382		24,382		24,382		24,382
470	BASE SUPPORT	822		822		822		822
475	REPROGRAMMING/CREDITS	0		0		0		0
	TOTAL, BUDGET ACTIVITY 3:	1,561,692	10,000	1,571,692	0	1,561,692	15,000	1,576,692
	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES							
	SERVICEWIDE SUPPORT	1,758,993	5,600	1,764,593	27,000	1,785,993	32,000	1,790,993
480	ADMINISTRATION	605,287		605,287		605,287		605,287
490	EXTERNAL RELATIONS	21,684		21,684		21,684		21,684
500	CIVILIAN MANPOWER AND PERSON MANAGEMENT	63,166		63,166		63,166		61,166
	PERSONNEL MANAGEMENT EFFICIENCIES						(2,000)	
510	MILITARY MANPOWER AND PERSON MANAGEMENT	139,864		139,864		139,864		139,864
520	OTHER PERSONNEL SUPPORT	395,629		401,229		395,629		402,629
	NEW PARENT SUPPORT		5,600			0	7,000	
530	SERVICEWIDE COMMUNICATIONS	261,463		261,463		261,463		288,463
	CHALLENGE ATHENA	0			27,000	27,000	27,000	
540	BASE SUPPORT	271,900		271,900		271,900		271,900
542	MEDICAL ACTIVITIES (DRUG TESTING LABS)	0		0		0		0
545	REPROGRAMMING/CREDITS	0		0		0		0
	LOGISTICS OPERATIONS AND TECHNICAL SUPPORT	1,453,266	0	1,453,266	0	1,453,266	(13,500)	1,439,766
550	SERVICEWIDE TRANSPORTATION	147,132		147,132		147,132		147,132
560	PLANNING, ENGINEERING AND DESIGN	249,620		249,620		249,620		249,620
570	ACQUISITION AND PROGRAM MANAGEMENT	426,404		426,404		426,404		412,904
	ACQUISITION WORKFORCE SAVINGS/ACQUISITION REFORM						(17,000)	
	REVERSE OSMOSIS DESALINATIORS						3,500	
580	AIR SYSTEMS SUPPORT	302,011		302,011		302,011		302,011
590	HULL, MECHANICAL AND ELECTRICAL SUPPORT	60,022		60,022		60,022		60,022
600	COMBAT/WEAPONS SYSTEMS	41,632		41,632		41,632		41,632

ID	ACCOUNT/BA/AG/SAG	FY 1996	House Change	House Authorized	Senate Change	Senate Authorization	Change to Request	Conference Agreement
610	SPACE AND ELECTRONIC WARFARE SYSTEMS	68,111		68,111		68,111		68,111
620	BASE SUPPORT	158,334		158,334		158,334		158,334
625	PENTAGON RENOVATION TRANSFER	0		0		0		0
	SECURITY PROGRAMS	567,479	5,500	572,979	(7,000)	560,479	(2,000)	565,479
630	SECURITY PROGRAMS (ARMS CONTROL)	556,805		562,305	(7,000)	549,805	(2,000)	554,805
	CLASSIFIED PROGRAMS	0	5,500			0		
640	BASE SUPPORT	10,674		10,674		10,674		10,674
	SUPPORT OF OTHER NATIONS	7,395	0	7,395	0	7,395	0	7,395
650	INTERNATIONAL HEADQUARTERS AND AGENCIES	7,395		7,395		7,395		7,395
	TOTAL, BUDGET ACTIVITY 4:	3,787,133	11,100	3,798,233	20,000	3,807,133	16,500	3,803,633
	UNDISTRIBUTED		120,700	120,700	53,900	53,900	(18,650)	(18,650)
	REAL PROPERTY MAINTENANCE		150,000	150,000	110,000	110,000	155,000	155,000
	CLASSIFIED PROGRAMS				(10,100)	(10,100)	2,350	2,350
	PENATGON RENOVATION				(13,000)	(13,000)	(13,000)	(13,000)
	ALLEGANNY BALLASTICS LAB				2,000	2,000		
	UNDISTRIBUTED(ALLEGANNY BALLASTICS LAB)				(2,000)	(2,000)		
	CIVILIAN UNDEREXECUTION		(125,000)	(125,000)	(33,000)	(33,000)	(17,000)	(17,000)
	FOREIGN CURRENCY FLUCTUATION		77,000	77,000			5,000	5,000
	MILITARY/CIVILIAN CONVERSIONS		60,000	60,000			9,000	9,000
	MWR PORTABILITY		10,000	10,000			0	0
	ADVANCE BILLING RELIEF		87,000	87,000			0	0
	MILITARY END STRENGTH		20,400	20,400			20,400	20,400
	PRINTING EFFICIENCIES		(4,000)	(4,000)			(4,000)	(4,000)
	INSPECTOR GENERAL CONSOLIDATION		(20,000)	(20,000)				
	REDUCED AUDITS		(10,000)	(10,000)			(5,000)	(5,000)
	TRANSPORTATION IMPROVEMENTS		(7,200)	(7,200)			(7,200)	(7,200)
	INVENTORY REFORM		(60,000)	(60,000)			(60,000)	(60,000)
	FUEL SAVINGS		(50,000)	(50,000)			(100,000)	(100,000)
	NEXCOM 2nd DESTINATION TRANSPORTATION		(7,500)	(7,500)			(7,500)	(7,500)
	ADMINISTRATIVE TRAVEL SAVINGS						(28,500)	(28,500)
	NSIPS						2,500	2,500
	PROVIDE COMFORT/ENHANCED SOUTHERN WATCH						75,300	75,300
	TOMAHAWK MISSILE RECERTIFICATION						(9,000)	(9,000)
	SUPPLY MANAGEMENT REFORMS						(37,000)	(37,000)

ID	ACCOUNT/BA/AG/SAG	FY 1996	House Change	House Authorized	Senate Change	Senate Authorization	Change to Request	Conference Agreement
	TOTAL, OPERATION AND MAINTENANCE, NAVY	21,225,710	451,800	21,677,510	121,200	21,346,910	267,445	21,493,155
	OPERATION AND MAINTENANCE, MARINE CORPS							
	BUDGET ACTIVITY 1: OPERATING FORCES							
	EXPEDITIONARY FORCES	1,544,019	105,000	1,649,019	94,000	1,638,019	130,000	1,674,019
10	OPERATIONAL FORCES	334,133		334,133		334,133		344,133
	OPERATING TEMPO						10,000	
20	FIELD LOGISTICS	158,299		158,299		158,299		158,299
30	DEPOT MAINTENANCE	148,574	55,000	203,574	54,000	202,574	54,000	202,574
40	BASE SUPPORT	903,013	25,000	953,013	30,000	933,013	25,000	969,013
	PERSONNEL SUPPORT EQUIPMENT	0	25,000			0	25,000	
	EXTENDED COLD WEATHER CLOTHING/INITIAL ISSUE EQUIP	0		0	10,000	10,000	16,000	
45	REPROGRAMMING/CREDITS	0		0		0		0
	USMC PREPOSITIONING	85,435	0	85,435	(4,000)	81,435	(2,100)	83,335
50	MARITIME PREPOSITIONING	77,416		77,416		77,416		77,416
60	NORWAY PREPOSITIONING	8,019		8,019	(4,000)	4,019	(2,100)	5,919
65	REPROGRAMMING/CREDITS	0		0		0		0
	TOTAL, BUDGET ACTIVITY 1:	1,629,454	105,000	1,734,454	90,000	1,719,454	127,900	1,757,354
	BUDGET ACTIVITY 3: TRAINING AND RECRUITING							
	ACCESSION TRAINING	74,165	4,000	78,165	0	74,165	5,000	79,165
70	RECRUIT TRAINING	7,343		7,343		7,343		7,343
80	OFFICER ACQUISITION	268		268		268		268
90	BASE SUPPORT	66,554		70,554		66,554		71,554
	NEW PARENT SUPPORT	0	4,000			0	5,000	
95	REPROGRAMMING/CREDITS	0		0		0		0
	BASIC SKILLS AND ADVANCED TRAINING	175,769	10,000	185,769	0	175,769	10,000	185,769
100	SPECIALIZED SKILLS TRAINING	25,057		35,057		25,057		35,057
	CHEMICAL DEFENSE TRAINING	0	5,000			0	5,000	

ID	ACCOUNT/BA/AG/SAG	FY 1996	House Change	House Authorized	Senate Change	Senate Authorization	Change to Request	Conference Agreement
	CHEMICAL DEFENSE MEDICAL TRAINING	0	5,000			0	5,000	
110	FLIGHT TRAINING	165		165		165		165
120	PROFESSIONAL DEVELOPMENT EDUCATION	5,792		5,792		5,792		5,792
130	TRAINING SUPPORT	74,964		74,964		74,964		74,964
140	BASE SUPPORT	69,791		69,791		69,791		69,791
145	REPROGRAMMING/CREDITS	0		0		0		0
	RECRUITING AND OTHER TRAINING EDUCATION	93,176	6,800	99,976	5,000	98,176	4,000	97,176
150	RECRUITING AND ADVERTISING	61,037	6,800	67,837	5,000	66,037	4,000	65,037
160	OFF-DUTY AND VOLUNTARY EDUCATION	11,055		11,055		11,055		11,055
170	JUNIOR ROTC	7,588		7,588		7,588		7,588
180	BASE SUPPORT	13,496		13,496		13,496		13,496
185	REPROGRAMMING/CREDITS	0		0		0		0
	TOTAL, BUDGET ACTIVITY 3:	343,110	20,800	363,910	5,000	348,110	19,000	362,110
	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES							
	SERVICEWIDE SUPPORT	297,158	0	297,158	0	297,158	0	297,158
190	LOGISTICS SUPPORT	95,596		95,596		95,596		95,596
200	SPECIAL SUPPORT	131,023		131,023		131,023		131,023
210	SERVICEWIDE TRANSPORTATION	31,931		31,931		31,931		31,931
220	ADMINISTRATION	28,523		28,523		28,523		28,523
230	BASE SUPPORT	10,085		10,085		10,085		10,085
235	REPROGRAMMING/CREDITS	0		0		0		0
	TOTAL, BUDGET ACTIVITY 4:	297,158	0	297,158	0	297,158	0	297,158
	UNDISTRIBUTED		208,100	208,100	41,000	41,000	105,200	105,200
	REAL PROPERTY MAINTENANCE		100,000	100,000	40,000	40,000	100,000	100,000
	CLASSIFIED PROGRAMS				1,000	1,000	0	0
	FOREIGN CURRENCY FLUCTUATION		35,000	35,000			1,000	1,000
	MILITARY/CIVILIAN CONVERSIONS		20,000	20,000			10,000	10,000
	MWR PORTABILITY		2,000	2,000			0	0
	ADVANCED BILLING RELIEF		37,400	37,400			0	0
	MILITARY END STRENGTH		6,800	6,800			6,800	6,800
	TRANSPORTATION IMPROVEMENTS		(3,100)	(3,100)			(3,100)	(3,100)
	ADMINISTRTATIVE TRAVEL SAVINGS						(9,500)	(9,500)

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ID	ACCOUNT/BA/AG/SAG	FY 1996	House Change	House Authorized	Senate Change	Senate Authorization	Change to Request	Conference Agreement
	INCLEMENT WEATHER GEAR		10,000	10,000			0	0
	TOTAL, O&M, MARINE CORPS	2,269,722	333,900	2,603,622	136,000	2,405,722	252,100	2,521,822
	OPERATION AND MAINTENANCE, AIR FORCE							
	BUDGET ACTIVITY 1: OPERATING FORCES							
	AIR OPERATIONS	7,260,977	100,000	7,360,977	25,000	7,285,977	70,200	7,331,177
10	PRIMARY COMBAT FORCES	2,684,913		2,684,913		2,684,913		2,720,113
	EXCESS FUNDED CARRYOVER						(27,000)	
	MISSION READINESS TRAINING						25,200	
	PRECISION WEAPONS						1,000	
	SPARES FUNDING						36,000	
20	PRIMARY COMBAT WEAPONS	409,701		409,701		409,701	(20,000)	389,701
30	COMBAT ENHANCEMENT FORCES	257,139		257,139		257,139		257,139
40	AIR OPERATIONS TRAINING	647,570		647,570		647,570		655,470
	CARIBEAN BASIN RADARS						3,000	
	SIMULATION ENHANCEMENTS						4,900	
50	COMBAT COMMUNICATIONS	854,442		854,442		854,442	(7,900)	846,542
60	BASE SUPPORT	2,407,212	100,000	2,507,212	25,000	2,432,212	55,000	2,462,212
65	REPROGRAMMING/CREDITS	0		0		0		0
	COMBAT RELATED OPERATIONS	1,509,701	0	1,509,701	0	1,509,701	4,000	1,513,701
70	GLOBAL C3I AND EARLY WARNING	826,526		826,526		826,526		830,526
	RIVET JOINT						4,000	
80	NAVIGATION/WEATHER SUPPORT	128,374		128,374		128,374		128,374
90	OTHER COMBAT OPS SUPPORT PROGRAMS	210,481		210,481		210,481		210,481
100	JCS EXERCISES	41,793		41,793		41,793		41,793
110	MANAGEMENT/OPERATIONAL HEADQUARTERS	111,914		111,914		111,914		111,914
120	TACTICAL INTEL AND OTHER SPECIAL ACTIVITIES	190,613		190,613		190,613		190,613
				0				
	SPACE OPERATIONS	1,245,644	0	1,245,644	0	1,245,644	0	1,245,644
130	LAUNCH FACILITIES	254,590		254,590		254,590		254,590
140	LAUNGH VEHICLES	117,482		117,482		117,482		117,482
150	SPACE CONTROL SYSTEMS	341,862		341,862		341,862		341,862
160	SATELLITE SYSTEMS	49,132		49,132		49,132		49,132

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170	OTHER SPACE OPERATIONS	79,989		79,989		79,989		79,989
180	BASE SUPPORT	402,589		402,589		402,589		402,589
	TOTAL, BUDGET ACTIVITY 1:	10,016,322	100,000	10,116,322	25,000	10,041,322	74,200	10,090,522
	BUDGET ACTIVITY 2: MOBILIZATION							
	MOBILITY OPERATIONS	2,523,373	0	2,523,373	0	2,523,373	(31,000)	2,492,373
190	AIRLIFT OPERATIONS	1,544,785		1,544,785		1,544,785		1,533,785
	KC-135s						2,000	
	EXCESS FUNDING CARRYOVER						(13,000)	
200	AIRLIFT OPERATIONS C3I	10,961		10,961		10,961		10,961
210	MOBILIZATION PREPAREDNESS	160,110		160,110		160,110		160,110
220	PAYMENTS TO TRANSPORTATION BUSINESS AREA	293,027		293,027		293,027	(20,000)	273,027
230	BASE SUPPORT	514,490		514,490		514,490		514,490
	TOTAL, BUDGET ACTIVITY 2:	2,523,373	0	2,523,373	0	2,523,373	(31,000)	2,492,373
	BUDGET ACTIVITY 3: TRAINING AND RECRUITING							
	ACCESSION TRAINING	183,970	0	183,970	0	183,970	0	183,970
240	OFFICER ACQUISITION	49,197		49,197		49,197		49,197
250	RECRUIT TRAINING	3,881		3,881		3,881		3,881
260	RESERVE OFFICER TRAINING CORPS (ROTC)	39,226		39,226		39,226		39,226
270	BASE SUPPORT (ACADEMIES ONLY)	91,666		91,666		91,666		91,666
275	REPROGRAMMING/CREDITS	0		0		0		0
	BASIC SKILLS AND ADVANCED TRAINING	1,230,608	10,000	1,240,608	0	1,230,608	0	1,230,608
280	SPECIALIZED SKILL TRAINING	204,465		204,465		204,465		214,465
	CHEMICAL DEFENSE TRAINING	0	5,000	5,000		0	5,000	
	CHEMICAL DEFENSE MEDICAL TRAINING	0	5,000	5,000		0	5,000	
290	FLIGHT TRAINING	336,956		336,956		336,956		326,956
	UNDERGRADUATE PILOT TRAINING						(10,000)	
300	PROFESSIONAL DEVELOPMENT EDUCATION	78,688		78,688		78,688		78,688
310	TRAINING SUPPORT	65,048		65,048		65,048		65,048
320	BASE SUPPORT (OTHER TRAINING)	545,451		545,451		545,451		545,451
325	REPROGRAMMING/CREDITS	0		0		0		0

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	RECRUITING, AND OTHER TRAINING AND EDUCATION	226,182	16,700	242,882	5,000	231,182	9,000	235,182
330	RECRUITING AND ADVERTISING	44,827	6,000	50,827	5,000	49,827	5,000	49,827
340	EXAMINING	3,122		3,122		3,122		3,122
350	OFF DUTY AND VOLUNTARY EDUCATION	75,537		75,537		75,537		79,537
	TUITION ASSISTANCE	0	10,700	10,700		0	4,000	
360	CIVILIAN EDUCATION AND TRAINING	77,304		77,304		77,304		77,304
370	JUNIOR ROTC	25,392		25,392		25,392		25,392
375	REPROGRAMMING/CREDITS	0		0		0		0
	TOTAL, BUDGET ACTIVITY 3:	1,640,760	26,700	1,667,460	5,000	1,645,760	9,000	1,649,760
	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES							
	LOGISTICS OPERATIONS	2,280,043	97,680	2,377,723	0	2,280,043	(36,020)	2,244,023
380	LOGISTICS OPERATIONS	790,324	85,000	875,324		790,324		754,304
	ACQUISITION WORKFORCE SAVINGS	0		0		0	(40,000)	
	B-1 MAINTENANCE	0	3,980	3,980		0	3,980	
390	TECHNICAL SUPPORT ACTIVITIES	365,535		365,535		365,535		365,535
400	SERVICEWIDE TRANSPORTATION	234,836		234,836		234,836		234,836
410	BASE SUPPORT	889,348		898,048		889,348	(9,200)	889,348
	TICARRS	0	8,700				8,700	
	CAMS/REMIS						500	
415	REPROGRAMMING/CREDITS	0		0		0		0
	SERVICEWIDE ACTIVITIES	1,335,859	3,600	1,339,459	0	1,335,859	(500)	1,335,359
420	ADMINISTRATION	118,319		118,319		118,319		112,819
	ADMINISTRATIVE EFFICIENCIES						(8,000)	
	STRATCOM						2,500	
430	SERVICEWIDE COMMUNICATIONS	318,240		318,240		318,240		318,240
440	PERSONNEL PROGRAMS	84,766		84,766		84,766	(3,000)	81,766
450	RESCUE AND RECOVERY SERVICES	40,426		40,426		40,426	4,400	44,826
460	SUBSISTENCE-IN-KIND	48,429		48,429		48,429		48,429
470	ARMS CONTROL	34,645		34,645		34,645		34,645
480	OTHER SERVICEWIDE ACTIVITIES	396,155		396,155		396,155		396,155
490	OTHER PERSONNEL SUPPORT	32,080		32,080		32,080		32,080
500	CIVIL AIR PATROL CORPORATION	14,704		14,704		14,704		14,704

ID	ACCOUNT/BA/AG/SAG	FY 1996	House Change	House Authorized	Senate Change	Senate Authorization	Change to Request	Conference Agreement
510	BASE SUPPORT	248,095		248,095		248,095		251,695
	NEW PARENT SUPPORT	0	3,600	3,600		0	3,600	
515	PENTAGON RENOVATION TRANSFER	0		0		0		0
	SECURITY PROGRAMS	447,218	(18,515)	428,703	(8,000)	439,218	(2,000)	445,218
520	SECURITY PROGRAMS (ARMS CONTROL)	447,218		447,218	(8,000)	439,218	(2,000)	445,218
	CLASSIFIED PROGRAMS	0	(18,515)	(18,515)		0	0	0
	SUPPORT TO OTHER NATIONS	13,022	0	13,022	0	13,022	0	13,022
530	INTERNATIONAL SUPPORT	13,022		13,022		13,022		13,022
	TOTAL, BUDGET ACTIVITY 4:	4,076,142	82,765	4,158,907	(8,000)	4,068,142	(38,520)	4,037,622
	UNDISTRIBUTED		518,100	518,100	(48,500)	(48,500)	449,000	449,000
	REAL PROPERTY MAINTENANCE		320,000	320,000	15,000	15,000	205,000	205,000
	CLASSIFIED PROGRAMS				13,400	13,400	18,100	18,100
	REDUCTION(Civil Air Patrol)				(2,900)	(2,900)	0	0
	PENTAGON RENOVATION				(13,000)	(13,000)	(13,000)	(13,000)
	CIVILIAN UNDEREXECUTION		(65,000)	(65,000)	(61,000)	(61,000)	(72,000)	(72,000)
	FOREIGN CURRENCY FLUCTUATION		203,000	203,000			7,200	7,200
	MILITARY/CIVILIAN CONVERSIONS		90,000	90,000			13,500	13,500
	MWR PORTABILITY		13,000	13,000			0	0
	ADVANCE BILLING RELIEF		87,000	87,000			0	0
	MILITARY END STRENGTH		20,400	20,400			20,400	20,400
	EDCARS/DSREDS		2,000	2,000			2,000	2,000
	PRINTING EFFICIENCIES		(3,000)	(3,000)			(3,000)	(3,000)
	INSPECTOR GENERAL CONSOLIDATION		(11,000)	(11,000)				
	REDUCED AUDITS		(13,000)	(13,000)			(5,000)	(5,000)
	TRANSPORTATION IMPROVEMENTS		(15,300)	(15,300)			(15,300)	(15,300)
	INVENTORY REFORM		(60,000)	(60,000)			(60,000)	(60,000)
	FUEL SAVINGS		(50,000)	(50,000)				
	ADMINISTRATIVE TRAVEL SAVINGS						(28,500)	(28,500)
	PROVIDE COMFORT/ENHANCED SOUTHERN WATCH						393,200	393,200
	SUPPLY MANAGEMENT REFORMS						(13,600)	(13,600)
	TOTAL, O&M, AIR FORCE	18,256,597	727,565	18,984,162	(26,500)	18,230,097	462,680	18,719,277

ID	ACCOUNT/BA/AG/SAG	FY 1996	House Change	House Authorized	Senate Change	Senate Authorization	Change to Request	Conference Agreement
	OPERATION AND MAINTENANCE, DEFENSE-WIDE							
	BUDGET ACTIVITY 1: OPERATING FORCES	1,494,453	100,000	1,594,453	0	1,494,453	64,500	1,558,953
10	JOINT CHIEFS OF STAFF	475,977		475,977		475,977		530,977
	MOBILITY ENHANCEMENTS		100,000	100,000			50,000	
	NORTHERN EDGE						5,000	
20	SPECIAL OPERATIONS COMMAND	1,018,476		1,018,476		1,018,476		1,027,976
	SEAL DELIVERY VEHICLE TEAM ONE						1,000	
	PROVIDE COMFORT/ENHANCED SOUTHERN WATCH						8,500	
	TOTAL, BUDGET ACTIVITY 1:	1,494,453	100,000	1,594,453	0	1,494,453	64,500	1,558,953
	BUDGET ACTIVITY 2: MOBILIZATION	71,438	0	71,438	(45,438)	26,000	(45,438)	26,000
30	DEFENSE LOGISTICS AGENCY	26,000		26,000		26,000		26,000
35	OFFICE OF THE SECRETARY OF DEFENSE	0		0		0		0
40	WASHINGTON HQ SERVICES (DISASTER RELIEF)	45,438	0	45,438	(45,438)	0	(45,438)	0
	TOTAL, BUDGET ACTIVITY 2:	71,438	0	71,438	(45,438)	26,000	(45,438)	26,000
	BUDGET ACTIVITY 3: TRAINING AND RECRUITING		0					121,160
50	DEFENSE ACQUISITION UNIVERSITY	112,991		112,991	0	112,991	(11,500)	101,491
60	DEFENSE BUSINESS MANAGEMENT UNIVERSITY	19,669		19,669	0	19,669		19,669
	TOTAL, BUDGET ACTIVITY 3:	132,660	0	132,660	0	132,660	(11,500)	121,160
	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES	8,599,036	(36,678)	8,517,020	(245,982)	8,353,054	(372,806)	8,226,230
70	AMERICAN FORCES INFORMATION SERVICE	90,892	0	90,892		90,892		90,892
80	CORPORATE INFORMATION MANAGEMENT	127,967		127,967		127,967		139,167
	JOINT ANALYTIC MODEL IMPROVEMENT PLAN	0		0	11,200	11,200	11,200	
90	CLASSIFIED AND INTELLIGENCE	3,350,037	452	3,350,489		3,350,037		3,350,037
100	DEFENSE CIVILIAN PERSONNEL MANAGEMENT SERVICE	45,631		45,631		45,631	(2,400)	43,231
110	DEFENSE CONTRACT AUDIT AGENCY	342,926		342,926		342,926		332,126
	ACQUISITION WORK FORCE SAVINGS					0	(10,800)	
120	DEFENSE INVESTIGATIVE SERVICE	201,582		201,582		201,582	(2,000)	199,582
130	DEFENSE LOGISTICS AGENCY	1,055,996		1,070,996	(3,000)	1,052,996		1,059,296
	HOMELESS INITIATIVE						(3,000)	
	ACQUISITION WORK FORCE SAVINGS						(10,700)	
	PROCUREMENT TECHNICAL ASSISTANCE PROGRAM	0	10,000		12,000	12,000	12,000	

ID	ACCOUNT/BA/AG/SAG	FY 1996	House Change	House Authorized	Senate Change	Senate Authorization	Change to Request	Conference Agreement
	DEBT COLLECTION DEMONSTRATION	0	5,000			0	5,000	
140	DEFENSE LEGAL SERVICES AGENCY	6,540		6,540		6,540		6,540
150	DEFENSE MAPPING AGENCY	734,438		734,438		734,438		714,538
	MINOR EQUIPMENT						(13,800)	
	INTERNET ACCESS						(600)	
	PRODUCTIVITY IMPROVEMENTS						(4,500)	
	PERSONNEL REGIONALIZATION						(1,000)	
160	DEFENSE NUCLEAR AGENCY	96,105		96,105		96,105		96,105
170	DEFENSE POW/MIA OFFICE	13,486		13,486		13,486		13,486
180	FEDERAL ENERGY MANAGEMENT PROGRAM	234,682		234,682	(184,682)	50,000	(184,682)	50,000
190	DEPARTMENT OF DEFENSE DEPENDENTS EDUCATION	1,292,684		1,292,684		1,292,684		1,281,129
	OVERHEAD						(10,000)	
	RELOCATION ASSITANCE						(2,055)	
	DoDDS MATHMATICS TEACHERS LEADERSHIP PROJECT						500	
200	DEFENSE SUPPORT ACTIVITIES	82,562		82,562		82,562		82,562
210	DEFENSE TECHNOLOGY SECURITY ADMINISTRATION	10,858		10,858		10,858		10,858
220	JOINT CHIEFS OF STAFF	97,873		97,873		97,873		97,873
230	OFFICE OF ECONOMIC ADJUSTMENT	59,078	1,500	60,578		59,078	1,500	60,578
240	OFFICE OF THE SECRETARY OF DEFENSE	349,291		297,161		349,291		213,422
	ACQUISITION WORK FORCE SAVIINGS						(400)	
	DFAS SAVINGS						(20,000)	
	ACQUISITION PROGRAM GROWTH						(4,200)	
	MANAGEMENT EFFICIENCIES						(24,669)	
	CONSULTING SERVICIES						(20,700)	
	STAFFING REDUCTIONS						(6,400)	
	NG YOUTH & CIVIL/MILITARY COOPERATION PROGRAMS	0	(68,830)		(69,500)	(69,500)	(69,500)	
	JOINT RECRUITING ADVERTISING PROGRAM	0	16,700			0	10,000	
245	OFFICE OF THE SECRETARY OF DEFENSE (NO YEAR)	0		0		0		0
250	ON SITE INSPECTION AGENCY (ARMS CONTROL)	97,987		97,987	(12,000)	85,987	(12,000)	85,987
260	WASHINGTON HEADQUARTERS SERVICES	308,421		263,083		308,421		298,821
	INVENTORY GROWTH						(9,600)	
	PENTAGON RENOVATION TRANSFER							
	DISASTER RELIEF		(45,338)					
	TOTAL, BUDGET ACTIVITY 4:	8,599,036	(80,516)	8,518,520	(245,982)	8,353,054	(372,806)	8,226,230
	BUDGET ACTIVITY 5: INTEREST							
270	DEFENSE BUSINESS MANAGEMENT UNIVERSITY	0	0	0	0	0	0	0

ID	ACCOUNT/BA/AG/SAG	FY 1996	House Change	House Authorized	Senate Change	Senate Authorization	Change to Request	Conference Agreement
	TOTAL, BUDGET ACTIVITY 5:	0	0	0	0	0	0	0
	BUDGET ACTIVITY 6: CAPITAL LEASE							
280	DEFENSE BUSINESS MANAGEMENT UNIVERSITY	69,195	(69,195)	0	0	69,195	(69,195)	0
	TOTAL, BUDGET ACTIVITY 6:	69,195	(69,195)	0	0	69,195	(69,195)	0
	UNDISTRIBUTED	0	364,800	364,800	(39,495)	(39,495)	(21,867)	(21,867)
	CLASSIFEID PROGRAMS				(18,500)	(18,500)	(9,867)	(9,867)
	TROOPS TO TEACHERS				42,000	42,000	0	0
	TROOPS TO COPS				10,000	10,000	0	0
	UNDISTRIBUTED (JROTC)				(12,295)	(12,295)		
	PENTAGON RENOVATION				(14,000)	(14,000)	(14,000)	(14,000)
	UNDISTRIBUTED REDUCTION (Air Force Reserve)				(10,000)	(10,000)		
	UNDISTRIBUTED (OHDACA)				(40,000)	(40,000)		
	MULTI-TECH AUTO READER CARD				8,000	8,000	8,000	8,000
	CIVILIAN UNDEREXECUTION		(125,000)	(125,000)	(57,700)	(57,700)	(45,000)	(45,000)
	TRAVEL				(72,000)	(72,000)	(33,500)	(33,500)
	ONGOING OPERATION (Not Budgeted)				125,000	125,000	5,300	5,300
	JOINT MARKET RESEARCH PROGRAM		2,000	2,000			2,000	2,000
	FAMILY ADVOCACY		30,000	30,000			30,000	30,000
	FOREIGN CURRENCY FLUCTUATION		56,000	56,000			6,400	6,400
	INNOVATIVE PROCESSES		350,000	350,000			0	0
	EDUCATIONAL IMPACT AID		58,000	58,000			35,000	35,000
	CONTRACTOR OUTSOURCING TRAINING		10,000	10,000			0	0
	DIGITAL IMAGING I.D.		2,000	2,000			0	0
	TRANSPORTATION IMPROVEMENTS		(18,200)	(18,200)			(18,200)	(18,200)
	INFORMATION TECHNOLOGY						12,000	12,000
	TOTAL, O&M, DEFENSE-WIDE	10,366,782	315,089	10,681,871	(330,915)	10,035,867	(456,306)	9,910,476
	OPERATION AND MAINTENANCE, ARMY RESERVE							
	BUDGET ACTIVITY 1: OPERATING FORCES							
	MISSION OPERATIONS	958,790	44,000	1,002,790	0	958,790	44,000	1,002,790
10	BASE SUPPORT	284,036		284,036		284,036		284,036

ID	ACCOUNT/BA/AG/SAG	FY 1996	House Change	House Authorized	Senate Change	Senate Authorization	Change to Request	Conference Agreement
20	DEPOT MAINTENANCE	57,377		57,377		57,377		57,377
30	RECRUITING AND RETENTION	43,963	4,000	47,963		43,963	4,000	47,963
40	TRAINING OPERATIONS	573,414	40,000	613,414		573,414	40,000	613,414
	TOTAL, BUDGET ACTIVITY 1:	958,790	44,000	1,002,790	0	958,790	44,000	1,002,790
	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES							
	ADMINISTRATION AND SERVICEWIDE ACTIVITIES	109,801	0	109,801	0	109,801	0	109,801
50	INFORMATION MANAGEMENT	17,492		17,492		17,492		17,492
60	PUBLIC AFFAIRS	423		423		423		423
70	PERSONNEL ADMINISTRATION	61,941		61,941		61,941		61,941
80	STAFF MANAGEMENT	29,945		29,945		29,945		29,945
	TOTAL, BUDGET ACTIVITY 4:	109,801	0	109,801	0	109,801	0	109,801
	UNDISTRIBUTED		27,000	27,000	(6,000)	(6,000)	16,600	16,600
	CIVILIAN UNDEREXECUTION				(6,000)	(6,000)	(6,000)	(6,000)
	REAL PROPERTY MAINTENANCE		17,000	17,000			17,000	17,000
	RESERVE MILITARY/CIVILIAN TECHNICIAN RESTORATION		5,000	5,000			5,000	5,000
	MEDICAL/DENTAL COMPENSATION		5,000	5,000			5,000	5,000
	RESERVE COMPONENT AUTOMATION SYSTEM						(4,400)	(4,400)
	TOTAL, O&M, ARMY RESERVE	1,068,591	71,000	1,139,591	(6,000)	1,062,591	60,600	1,129,191
	OPERATION AND MAINTENANCE, NAVY RESERVE							
	BUDGET ACTIVITY 1: OPERATING FORCES							
	RESERVE AIR OPERATIONS	491,949	0	491,949	14,800	506,749	19,800	511,749
10	MISSION AND OTHER FLIGHT OPERATIONS	291,673		291,673		291,673		306,473
	P-3 SQUADRON OPERATIONS	0		0	14,800	14,800	14,800	
20	INTERMEDIATE MAINTENANCE	17,813		17,813		17,813		17,813
30	AIR OPERATION AND SAFETY SUPPORT	1,915		1,915		1,915		1,915
40	AIRCRAFT DEPOT MAINTENANCE	49,338		49,338		49,338	5,000	54,338
50	AIRCRAFT DEPOT OPS SUPPORT	356		356		356		356
60	BASE SUPPORT	130,854		130,854		130,854		130,854

ID	ACCOUNT/BA/AG/SAG	FY 1996	House Change	House Authorized	Senate Change	Senate Authorization	Change to Request	Conference Agreement
	RESERVE SHIP OPERATIONS	157,940	0	157,940	0	157,940	0	157,940
70	MISSION AND OTHER SHIP OPERATIONS	60,895		60,895		60,895		60,895
80	SHIP OPERATIONAL SUPPORT AND TRAINING	658		658		658		658
90	INTERMEDIATE MAINTENANCE	23,990		23,990		23,990		23,990
100	SHIP DEPOT MAINTENANCE	70,930		70,930		70,930		70,930
110	SHIP DEPOT OPERATIONS SUPPORT	1,467		1,467		1,467		1,467
	RESERVE COMBAT OPERATIONS SUPPORT	78,434	0	78,434	0	78,434	0	78,434
120	COMBAT COMMUNICATIONS	817		817		817		817
130	COMBAT SUPPORT FORCES	25,207		25,207		25,207		25,207
140	BASE SUPPORT	52,410		52,410		52,410		52,410
	RESERVE WEAPONS SUPPORT	5,641	0	5,641	0	5,641	0	5,641
150	WEAPONS MAINTENANCE	5,641		5,641		5,641		5,641
	TOTAL, BUDGET ACTIVITY 1:	733,964	0	733,964	14,800	748,764	19,800	753,764
	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES	92,078	0	92,078	0	92,078	0	92,078
160	ADMINISTRATION AND SERVICEWIDE ACTIVITIES			0				0
170	ADMINISTRATION	8,029		8,029		0		8,029
180	CIVILIAN MANPOWER AND PERSONNEL MANAGEMENT	3,222		3,222		8,029		3,222
190	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	31,209		31,209		3,222		31,209
200	OTHER PERSONNEL SUPPORT	21,247		21,247		31,209		21,247
210	SERVICEWIDE COMMUNICATIONS	25,723		25,723		21,247		25,723
220	BASE SUPPORT	2,648		2,648		25,723		2,648
	COMBAT/WEAPONS SYSTEMS					2,648		0
	TOTAL, BUDGET ACTIVITY 4:	92,078	0	92,078	0	92,078	0	92,078
	UNDISTRIBUTED	0	12,000	12,000	0	0	22,500	22,500
	REAL PROPERTY MAINTENANCE		12,000	12,000			20,000	20,000
	NSIPS						2,500	2,500
	TOTAL, O&M, NAVY RESERVE	826,042	12,000	838,042	14,800	840,842	42,300	868,342

ID	ACCOUNT/BA/AG/SAG	FY 1996	House Change	House Authorized	Senate Change	Senate Authorization	Change to Request	Conference Agreement
	OPERATION AND MAINTENANCE, MARINE CORPS RESERVE							
	BUDGET ACTIVITY 1: OPERATING FORCES							
	MISSION FORCES	55,235	0	55,235	0	55,235	6,300	61,535
10	TRAINING	13,617		13,617		13,617	900	14,517
20	OPERATING FORCES	21,237		21,237		21,237	4,400	25,637
30	BASE SUPPORT	18,059		18,059		18,059		18,059
40	DEPOT MAINTENANCE	2,322		2,322		2,322	1,000	3,322
45	REPROGRAMMING/CREDITS	0		0		0		0
	TOTAL, BUDGET ACTIVITY 1:	55,235	0	55,235	0	55,235	6,300	61,535
	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES							
	ADMINISTRATION AND SERVICEWIDE ACTIVITIES	35,048	0	35,048	0	35,048	2,200	37,248
50	RECRUITING AND ADVERTISING	7,609		7,609		7,609		7,609
60	SPECIAL SUPPORT	9,064		9,064		9,064		9,064
70	SERVICEWIDE TRANSPORTATION	5,381		5,381		5,381		5,381
80	ADMINISTRATION	6,274		6,274		6,274		6,274
90	BASE SUPPORT	6,720		6,720		6,720	2,200	8,920
	TOTAL, BUDGET ACTIVITY 4:	35,048	0	35,048	0	35,048	2,200	37,248
	UNDISTRIBUTED		1,500				1,500	1,500
	REAL PROPERTY MAINTENANCE	0	1,500	1,500	0	0	1,500	1,500
	OPERATIONAL SUPPORT AIRCRAFT							0
	TOTAL, O&M, MARINE CORPS RESERVE	90,283	1,500	91,783	0	90,283	10,000	100,283
	OPERATION AND MAINTENANCE, AIR FORCE RESERVE							
	BUDGET ACTIVITY 1: OPERATING FORCES							
	AIR OPERATIONS	1,420,914	0	1,420,914	0	1,420,914	11,840	1,432,754
10	AIRCRAFT OPERATIONS	1,103,593		1,103,593		1,103,593	11,840	1,115,433
20	MISSION SUPPORT OPERATIONS	35,073		35,073		35,073		35,073
30	BASE SUPPORT	282,248		282,248		282,248		282,248
33	DEPOT MAINTENANCE	0		0		0		0

ID	ACCOUNT/BA/AG/SAG	FY 1996	House Change	House Authorized	Senate Change	Senate Authorization	Change to Request	Conference Agreement
35	REPROGRAMMING/CREDITS	0		0		0		0
	TOTAL, BUDGET ACTIVITY 1:	1,420,914	0	1,420,914	0	1,420,914	11,840	1,432,754
	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES							
	ADMINISTRATION AND SERVICEWIDE ACTIVITIES	65,033	0	65,033	0	65,033	0	65,033
40	ADMINISTRATION	33,107		33,107		33,107		33,107
50	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	17,746		17,746		17,746		17,746
60	RECRUITING AND ADVERTISING	7,743		7,743		7,743		7,743
70	OTHER PERSONNEL SUPPORT	6,063		6,063		6,063		6,063
80	AUDIOVISUAL	374		374		374		374
85	REPROGRAMMING/CREDITS	0		0		0		0
	TOTAL, BUDGET ACTIVITY 4:	65,033	0	65,033	0	65,033	0	65,033
	UNDISTRIBUTED		21,500	21,500	(3,000)	(3,000)	18,500	18,500
	CIVILIAN UNDER EXECUTION				(3,000)	(3,000)	(3,000)	(3,000)
	REAL PROPERTY MAINTENANCE		13,500	13,500			13,500	13,500
	RESERVE MILITARY/CIVILIAN TECHICIAN RESTORATION		8,000	8,000			8,000	8,000
	TOTAL, O&M, AIR FORCE RESERVE	1,485,947	21,500	1,507,447	(3,000)	1,482,947	30,340	1,516,287
	OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD							
	BUDGET ACTIVITY 1: OPERATING FORCES							
	MISSION OPERATIONS	2,110,418	60,000	2,170,418	0	2,110,418	42,600	2,153,018
10	TRAINING OPERATIONS	1,720,134	60,000	1,780,134		1,720,134	40,000	1,760,134
20	RECRUITING AND RETENTION	20,110		20,110		20,110		20,110
30	MEDICAL SUPPORT	19,109		19,109		19,109		19,109
40	DEPOT MAINTENANCE	100,687		100,687		100,687		100,687
50	BASE SUPPORT	250,378		250,378		250,378	2,600	252,978
	TOTAL, BUDGET ACTIVITY 1:	2,110,418	60,000	2,170,418	0	2,110,418	42,600	2,153,018
	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES							

ID	ACCOUNT/BA/AG/SAG	FY 1996	House Change	House Authorized	Senate Change	Senate Authorization	Change to Request	Conference Agreement
	ADMINISTRATION AND SERVICEWIDE ACTIVITIES	193,690	0	193,690	0	193,690	(14,900)	178,790
60	INFORMATION MANAGEMENT	59,496		59,496		59,496	(14,900)	44,596
70	PUBLIC AFFAIRS	1,461		1,461		1,461		1,461
80	PERSONNEL ADMINISTRATION	89,665		89,665		89,665		89,665
90	STAFF MANAGEMENT	43,068		43,068		43,068		43,068
	TOTAL, BUDGET ACTIVITY 4:	193,690	0	193,690	0	193,690	(14,900)	178,790
	UNDISTRIBUTED		30,000	30,000	0	0	30,000	30,000
	REAL PROPERTY MAINTENANCE		21,000	21,000			21,000	21,000
	RESERVE MILITARY/CIVILIAN TECHNICIAN RESTORATION		9,000	9,000			9,000	9,000
	TOTAL, O&M, ARMY NATIONAL GUARD	2,304,108	90,000	2,394,108	0	2,304,108	57,700	2,361,808
	OPERATION AND MAINTENANCE, AIR NATIONAL GUARD							
	BUDGET ACTIVITY 1: OPERATING FORCES							
	AIR OPERATIONS	2,704,107	0	2,704,107	38,000	2,742,107	30,400	2,734,507
10	AIRCRAFT OPERATIONS	1,977,786		1,977,786		1,977,786	28,900	2,006,686
	ANG PAA STRUCTURE				38,000	38,000		
20	MISSION SUPPORT OPERATIONS	346,687		346,687		346,687		346,687
30	BASE SUPPORT	361,224		361,224		361,224		361,224
40	DEPOT MAINTENANCE	18,410		18,410		18,410	1,500	19,910
45	REPROGRAMMING/CREDITS	0		0		0		0
	TOTAL, BUDGET ACTIVITY 1:	2,704,107	0	2,704,107	38,000	2,742,107	30,400	2,734,507
	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES							
	SERVICEWIDE ACTIVITIES	8,114	0	8,114	0	8,114	0	8,114
50	ADMINISTRATION	3,127		3,127		3,127		3,127
60	RECRUITING AND ADVERTISING	4,987		4,987		4,987		4,987
	TOTAL, BUDGET ACTIVITY 4:	8,114	0	8,114	0	8,114	0	8,114
	UNDISTRIBUTED		22,000	22,000	(16,000)	(16,000)	17,500	17,500

ID	ACCOUNT/BA/AG/SAG	FY 1996	House Change	House Authorized	Senate Change	Senate Authorization	Change to Request	Conference Agreement
	REAL PROPERTY MAINTENANCE		15,000	15,000			15,000	15,000
	RESERVE MILITARY/CIVILIAN TECHNICIAN RESTORATION		7,000	7,000			18,500	18,500
	CIVILIAN UNDER EXECUTION				(16,000)		(16,000)	(16,000)
	TOTAL, O&M, AIR NATIONAL GUARD	2,712,221	22,000	2,734,221	22,000	2,734,221	47,900	2,760,121
	MISCELLANEOUS	12,843,694	(415,790)	12,427,904	(32,890)	12,810,804	(354,790)	12,488,904
				0				
10	INSPECTOR GENERAL	138,226	39,000	177,226		138,226		138,226
10	RIFLE PRACTICE, ARMY	0		0		0		0
10	COURT OF MILITARY APPEALS	6,521		6,521		6,521		6,521
10	SUMMER OLYMPICS	15,000		15,000		15,000		15,000
10	SPECIAL OLYMPICS	0		0		0		0
10	ENVIRONMENTAL RESTORATION	1,622,200	(200,000)	1,422,200	(20,400)	1,601,800	(186,600)	1,422,200
	DEFENSE AND STATE MOU				(15,900)		(10,900)	
	RESTORATION ADVISORY BOARDS				(3,500)		(1,500)	
	ENVIRONMENTAL MANAGEMENT				(1,000)		(1,000)	
10	HUMANITARIAN ASSISTANCE	79,790	(79,790)	0	(19,790)	60,000	(79,790)	
10	DRUG INTERDICTION	680,432		680,432		680,432		680,432
10	INTERNATIONAL PEACEKEEPING	65,000	(65,000)	0	(65,000)	0	(65,000)	0
10	PAYMENT TO KAHO'OLAWE ISLAND	0		0		0		0
10	WORLD UNIVERSITY GAMES	0		0		0		0
10	WORLD CUP	0		0		0		0
10	DEFENSE HEALTH PROGRAM	9,865,525	11,000	9,876,525	78,300	9,943,825	11,000	9,876,525
10	DISASTER RELIEF	0				0		
	OVERSEAS HUMAN , DISASTER & CIVIC AID	0	50,000	50,000			50,000	50,000
10	FORMER SOVIET UNION THREAT REDUCTION	371,000	(171,000)	200,000	(6,000)	365,000	(71,000)	300,000
	TOTALS	91,634,433	2,785,764	94,420,197	(225,605)	91,408,828	981,928	92,616,361

PACER COIN

The budget request included $5.5 million in procurement and $19.5 million in operations and maintenance funding for the PACER COIN aircraft.

The House bill would deny all funding, effectively terminating this program.

The Senate amendment would authorize the Department's request.

The House recedes.

The conferees are aware of the conflicting positions of responsible officials within the Department of Defense. Although the regional Commander in Chief has made a recent statement of need for continuing the PACER COIN mission, the conferees understand that the National Guard Bureau has requested that the Air Force terminate the PACER COIN program. The conferees also understand that the Air Force intends to phase out the PACER COIN aircraft and mission in fiscal year 1998, and that the National Guard Bureau intends to shift the mission of the Reno Air National Guard C-130 unit to flying air drop missions. Finally, the conferees understand there is current direction which restricts the Reno Guard from beginning air drop training until the PACER COIN mission is terminated.

The conferees agree to authorize the budget request. Nevertheless, the conferees remain unconvinced that the PACER COIN program, within its current mission tasking, provides such unique intelligence collection as to justify continued spending of limited resources on this mission. However, the conferees agree that:

(1) terminating the PACER COIN program immediately this fiscal year would place unacceptable stresses on the personnel system;

(2) the Department has already obligated fiscal year 1996 funds for this mission; and

(3) the Air Force would need funds to terminate the program and provide proper aircraft/equipment disposition.

The conferees direct the Department to determine whether or not the PACER COIN aircraft could be used in a dual use role. The conferees believe that the analysis should answer several questions, including at least the following:

(1) Could the aircraft be used, without certain PACER COIN systems, in an air drop role?

(2) Could the aircraft be configured to simultaneously perform the PACER COIN mission and carry the SENIOR SCOUT tactical intelligence system?

(3) What alternatives are there for filling the. . . .

ITEMS OF SPECIAL INTEREST

DBOF transfers

The conferees reduced the civilian personnel funding request by $226.0 million. Of this amount, the conferees expect that $96.0 million will be realized from projected savings from Defense Business Operations Fund (DBOF) activities. The conferees direct that $96.0 million be transferred from the DBOF to the accounts from which the reductions are taken.

The conferees also reduced the operation and maintenance (O&M) accounts of the services by $180.0 million, in anticipation of savings from efficiencies in the management of Department of Defense inventories. The conferees direct that $180.0 million be transferred from the DBOF to the following O&M accounts: Army, $60.0 million; Navy, $60.0 million; Air Force, $60.0 million.

Restriction on devolving the Defense Environmental Restoration Account to the military services

In a memorandum dated May 3, 1995, the Deputy Secretary of Defense announced a proposal to devolve the Defense Environmental Restoration Account (DERA), a single transfer account administered by the Department of Defense, to four separate transfer accounts administered by the individual military services. The execution of the Deputy Secretary of Defense's proposal would require modification of the DERA statutory framework.

The conferees are concerned the devolution of DERA would impede congressional oversight of the management and use of funds authorized for and appropriated to the account. In relation to development, the conferees desire a thorough description of the means by which the Department of Defense would ensure consistent funding and accountability for environmental restoration activities. Moreover, the Department of Defense needs to identify the monetary savings and administrative efficiencies associated with DERA development. The Department of Defense also must specify funding and staffing reductions for the office of the Deputy Under Secretary of Defense for Environmental Security that would result from DERA devolution.

The conferees agree that, in the event that the Department of Defense intends to pursue legislation to authorize devolvement for fiscal year 1997, the Secretary of Defense must submit a report to Congress, no later than March 31, 1996. The report should provide full justification for DERA devolvement and address the matters outlined above. In the absence of the requested information this year, the conferees decline to authorize a change to the existing statutory scheme for DERA at this time.

National defense sealift fund

SUMMARY

The budget request included $974.2 million in the national defense sealift fund (NDSF) for the procurement of two new strategic sealift ships, operations and maintenance of the national defense reserve fleet (NDRF), acquisition and modification of additional ships for the ready reserve force (RRF) of the NDRF, and research and development of mid-term sealift ship technologies.

The House bill would authorize $974.2 million for the NDSF, the budget request.

The Senate amendment would authorize $1.08 billion for the NDSF, an increase of $110.0 million. This increase would be for the purpose of purchasing and converting one additional ship for enhancement of the Marine Corps' maritime prepositioning ship (MPS) program.

The conferees agree to authorize $1.02 billion for the NDSF, an increase of $50.0 million. Items of special interest are discussed in the following sections.

NATIONAL DEFENSE FEATURES

The House bill did not authorize the $70.0 million included in the NDSF budget request for the procurement and modification of additional roll-on/roll-off (RO/RO) ships for the RRF. Instead, it would authorize $70.0 million for the procurement and installation of national defense features (NDF) on commercial vehicle carriers built in and documented under the laws of the United States, as required by section 2218, title 10, United States Code.

The Senate amendment dealt with the $70.0 million included in the NDSF budget request for the procurement and modification of RRF RO/RO vessels as follows:

(1) $20.0 million to modify RO/RO vessels purchased in fiscal year 1985; and

(2) $50.0 million to procure and install defense features on commercial RO/RO vessels that would be built in United States shipyards.

The conferees agree that, of the amount authorized for the NDSF, $50.0 million shall be for the procurement and installation of NDF and $20.0 million shall be for modification of the RRF RO/RO vessels purchased in fiscal year 1995. The conferees also restrict the obligation of the $20.0 million authorized for the modification of RRF RO/RO vessels until 30 days after the Secretary of Defense has notified the congressional defense committees that a NDF program has been formally established and that at least $50.0 million has been made available to fund it.

MARITIME PREPOSITIONING SHIP ENHANCEMENT

The budget request of $974.2 million for the national defense sealift fund (NDSF) did not include funding for any enhancements to the Marine Corps' maritime prepositioning force.

In order to continue a program initiated last year, the Senate amendment would authorize $110.0 million above the NDSF budget request to purchase and convert an additional MPS ship.

The House bill would authorize the budget request. It did not address the issue of MPS enhancement.

The conferees would not authorize funds for MPS enhancement in the conference agreement. However, the conferees reaffirm their strong support for the MPS enhancement program. This program will enable the marine Corps to add additional tanks, and expeditionary airfield, additional Navy construction battalion equipment, a fleet hospital, and other supplies to each MPS squadron, to better sustain the marine Corps as an expeditionary force.

The conferees believe that there are substantial benefits inherent in an MPS enhancement program. Consequently, the conferees are troubled by the department's failure to include funding for a second MPS enhancement ship in the fiscal year 1996 budget request, and by the lack of progress in acquiring and converting the MPS enhancement ship authorized and appropriated in fiscal year 1995.

The conferees note, however, that the Navy appears to have made some recent progress in developing a well-defined program. In view of the above, the conferees strongly encourage the Secretary of Defense to accelerate the pace at which additional sealift capability is acquired (to include funding for a second MPS enhancement ship in fiscal year 1997). However, the conferees expect the Secretary to adhere to the prepositioning, surge, and RRF priorities established by the Mobility Requirements Study (MRS) and validated by the MRS Bottom Up Review Update.

The conferees also expect the Navy to aggressively pursue all possible procurement options, including multi-ship and commercial procurement, to achieve the cost savings associated with the acquisition, conversion, and delivery of MPS enhancement vessels. The Secretary of Defense is directed to report on the progress made in meeting this goal when he submits the fiscal year 1997 budget request.

ADVANCED SUBMARINE TECHNOLOGY RESEARCH

The conferees agree that, of the amount appropriated for fiscal year 1996 for the NDSF, $50.0 million shall be available only for the Director of the Advanced Research Projects Agency for advanced submarine technology activities.

National Security Agency Oversight

The budget request included $5.0 million in operations and maintenance (O&M) funds

and 82 new personnel billets for National Security Agency (NSA) oversight of tactical signals intelligence (SIGINT) system development.

The House bill would not authorize the $5.0 million O&M request.

The Senate amendment would authorize the budget request.

The conferees question the necessity for 82 persons to perform a function that could be significantly facilitated by automation and improved electronic connectivity, but recognize both the importance of the program and the commitment of the Deputy Secretary of Defense and the Director of NSA to this effort. Accordingly, the conferees agree to authorize the budget request, but direct that the 82 billets be transferred from the Consolidated Cryptological Program (CCP) to the Defense Cryptological Program (DCP), resulting in no net gain in United States SIGINT System activities. The conferees understand that this billet transfer may temporarily force NSA to exceed its personnel ceilings. The conferees agree to authorize NSA to remain above its personnel ceiling through fiscal year 1997 for this purpose, but expect that, as of September 30, 1997, NSA will meet its congressionally mandated 17.5 percent reduction target. The conferees also urge NSA to review the requirements for each of these billets for validity and consistency.

Department of Defense next generation weather radar-doppler

The Department of the Air Force operates 21 next generation weather radar-doppler (NEXRAD) weather radar equipment in CONUS that primarily function to protect military locations. Additionally, Department of Defense (DOD) radar provides supplementary data to the National Weather Service (NWS) and its national radar network.

DOD NEXRADs are maintained at operational standards that meet military requirements. Due to increasing NWS reliance on the DOD NEXRADS for primary and back-up coverage, efforts have been made to increase the reliability of the DOD radar to meet NWS operating standards.

The conferees direct the Secretary of the Air Force to report by March 31, 1996, on the measures needed to conform the operation of the NEXRADS to the NWS operating standards. The report should address any resource requirements, including personnel and funds.

Reengineering household goods moves

The conferees commend the Department of Defense for initiating efforts to incorporate efficient business practices in its household goods moving operations. The objective of these efforts should be to procure commercial services at the lowest possible cost while ensuring service members and their families receive the best possible service.

Current procurement practices are cumbersome and inefficient, resulting in clearly unacceptable costs for both DOD and the moving industry. It is not apparent that the time and expense associated with processing redundant paperwork and administering a government-unique system are necessary to ensure a level of service for DOD customers that meets the industry standard.

Further, current practices are structured in such a way that service members and their families are subjected to unnecessary administrative burdens. Claims procedures and the evaluation system are outdated and seemingly disconnected from the concept of quality control, and can be frustrating to customers. Because military relocations account for a substantial share of moving industry work, DOD should be able to implement simple, cost-effective procedures which simultaneously assure first class service for customers.

However, current DOD practices do not reflect best industry practices, such that the DOD operation should be reengineered, rather than simply reorganized. The conferees direct the Secretary of Defense to initiate a pilot program to reengineer household goods moves. The Secretary should direct the incorporation of commercial practices, and report on the program not later than February 15, 1996, prior to implementation of any element of the pilot program. The report should be accompanied by comments from the industry.

The Secretary may not implement any element of the pilot program that could adversely affect small businesses, including extension or application of Federal Acquisition Regulations into this matter, until 90 days after the submission of the report.

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—Authorization of Appropriations

Armed Forces Retirement Home (sec. 303)

The House bill contained a provision (sec. 303) that would authorize an appropriation from the Armed Forces Retirement Home (AFRH) Trust Fund for operation of the AFRH in fiscal year 1996.

The Senate amendment contained a provision (sec. 303) that would authorize an identical appropriation from the trust fund, and authorize a new appropriation of $45.0 million to the trust fund. The recommendation for this new appropriation directly to the trust fund would address the problem of its potential insolvency due to unanticipated decreases in the long-established funding stream approved by Congress for operation of the AFRH.

The Senate recedes.

Congress established a funding program whereby the AFRH would be self-sustaining, and not dependent on public funds. The U.S. Soldiers' and Airmen's Home in Washington, DC, has operated successfully according to this program since its inception in 1851. The U.S. Naval Home (established in 1834 and located since 1976 in Gulfport, MS) had been funded differently, relying on public funds from 1935 until 1991, when both homes were incorporated into the AFRH (Armed Forces Retirement Home Act of 1991; P.L. 101-510). The Act brought both homes under the unified management of the Armed Forces Retirement Home Board and merged the trust funds of the two homes.

Subsequent to incorporation, the annual operating costs for both homes of the AFRH have been authorized by Congress, to be drawn (appropriated) from a single trust fund. Since the funding program provided that interest from the trust fund, fines and forfeitures, and a monthly assessment from the pay of active duty enlisted service members and warrant officers would maintain the solvency of the trust fund, no appropriation outside the fund was envisioned to be necessary.

However, Congress did not anticipate the magnitude of reductions in the armed forces prompted by the end of the Cold War. These reductions caused a decrease in the funding stream as the income derived from assessments decreased. The high quality of the force resulted in fewer disciplinary problems, which in turn resulted in less income from fines and forfeitures. This is significant because fines and forfeitures account for more than half the income.

The trust fund now has a negative cash flow because more money is required for operation of the AFRH than is available from income. The corpus of the trust fund is being depleted, and the conferees recognize the need to implement changes to prevent insolvency. The conferees believe it would be easier, preferable, and more advantageous to implement corrective measures in the next few years, rather than wait for the problem to become much more serious.

The conferees note that Congress addressed the funding problem in the National Defense Authorization Act for Fiscal Year 1995 by providing authority for an increase in the monthly assessment. The 1995 provision also established a schedule of increases for resident fees and required a comprehensive study by the Board on funding alternatives for the AFRH. However, the study will not be completed until December 1995, and the Department of Defense has declined to increase the assessment prior to completion of the study. The conferees note that an increase in the assessment, from 50 cents to one dollar per month, may not of itself resolve the cash flow problem. A combination of efficiencies and funding program changes may be appropriate.

The conferees strongly support the fine work of the Board, and agree to wait for the outcome of the study in order not to restrict the consideration of efficiencies. The conferees encourage the Secretary of Defense and the Board to continue their efforts to examine alternative methods of meeting the long-term financial requirements of the AFRH, while maintaining high quality service for the residents.

Transfer from National Defense Stockpile Transaction Fund (sec. 304)

The Senate amendment contained a provision (sec. 304) that would authorize the transfer of $150.0 million from the National Defense Stockpile Transition fund to the operation and maintenance accounts of the services.

The House bill contained no similar provision.

The House recedes.

Civil Air Patrol (sec. 305)

The Senate amendment contained a provision (sec. 305) that would reduce the level of Department of Defense support to the Civil Air Patrol (CAP) by $2.9 million from the budget request of $27.5 million.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

This reduction would realize savings by accelerating a CAP reorganization in which many of the functions performed by Air Force personnel in the past would then be performed by employees of the CAP. This reorganization, which was originally planned to be completed in fiscal year 1997, will not be completed during fiscal year 1996.

Subtitle B—Depot-Level Activities

Policy regarding performance of depot-level maintenance and repair for the Department of Defense (sec. 311)

The House bill contained a provision (sec. 395) that would amend current law to establish the importance to national security of maintaining a core depot-level maintenance and repair capability within Department of Defense (DOD) facilities. The provision would address core work determinations, interservicing, competition, and an exclusion from workload limitations for large individual maintenance projects. It would also repeal two limitations on the performance of

depot-level work (10 U.S.C. 2466 and 2469), effective December 31, 1996.

The Senate amendment contained a provision (sec. 311) that would require the Secretary of Defense to develop a comprehensive policy on the performance of depot-level maintenance and repair, and submit a report on the policy to the congressional defense committees by March 31, 1996. The provision would condition the repeal of the two current limitations on congressional approval of the recommended policy.

The House recedes with an amendment that would clarify both the content of the policy and considerations to be made by the Secretary. The amendment would also affirm that it is the sense of Congress that DOD must articulate core workload requirements as a necessary first step toward developing a policy.

The conferees believe that it would be extremely difficult for Congress to approve a policy that does not provide for the performance of core depot-level workload in public facilities.

Although the conferees do not wish to prescribe more than a broad outline of the areas to be addressed by the Secretary, the conferees believe it is useful to direct the Secretary to consider numerous matters in developing the policy, and to report on items of interest.

The conferees believe it is both preferable and entirely possible for DOD to develop an acceptable, comprehensive policy that will serve the best interests of national security. The conferees also believe that such a policy could achieve efficiencies, and result in resolving the constant debate over how to apportion work between the public and private sectors.

With respect to the exclusion for large individual maintenance projects contained in the House provision, the conferees note that certain projects may account for a large share of a military department's maintenance and repair budget. This is the case with respect to complex overhauls of naval vessels, particularly nuclear-powered aircraft carriers, whose overhaul and refueling can absorb a large percentage of the Navy's maintenance and repair budget in a given fiscal year. Amounts expended for such large projects could, if counted against the limitation prescribed under current law (10 U.S.C. 2466), affect the application of the formula for the apportionment of work between the public and private sectors.

The conferees note that the impact of large maintenance projects could have unintended consequences on the application of section 2466. Until the workload limitations are repealed, the conferees direct the Secretary of the Navy to monitor the assignment of large individual maintenance projects closely and continue to administer depot maintenance programs to avoid unintended imbalances in workload distribution insofar as practicable.

Management of depot employees (sec. 312)

The House bill contained a provision (sec. 332) that would prohibit the management of depot employees by endstrength constraints.

The Senate amendment contained no similar provision.

The Senate recedes.

Extension of authority for aviation depots and naval shipyards to engage in defense-related production and services (sec. 313)

The Senate amendment contained a provision (sec. 312) that would extend through fiscal year 1996 the authority provided by section 1425 of the National Defense Authorization Act of 1991, as amended, for naval shipyards and aviation depots of all the services to bid on defense-related production and services.

The House bill contained no similar provision.

The House recedes.

Modification of notification requirement regarding use of core logistics functions waiver (sec. 314)

The House bill contained a provision (sec. 374) that would modify section 2464(b) to title 10, United States Code, concerning notification to Congress regarding the effective date of the subject waiver.

The Senate amendment contained no similar provision.

The Senate recedes.

Subtitle C—Environmental Provisions

Revision of requirements for agreements for services under the defense environmental restoration program (sec. 321)

The Senate amendment contained a provision (sec. 321) that would amend section 2701(d) of title 10, United States Code, to ensure Department of Defense accountability for reimbursements provided to states or territories. The Senate amendment would limit the basis for state reimbursement. First, states or territories participating in agreements under the defense environmental restoration program would only receive reimbursement for providing technical and scientific services. Second, the provision would require the submission of a reprogramming request for amounts in excess of $5.0 million.

The House bill contained no similar provision.

The House recedes with an amendment that would increase the funding authorization to $10.0 million.

Addition of amounts creditable to the defense environmental remediation account (sec. 322)

The House bill contained a provision (sec. 322) that would provide for transfer account credit of amounts recovered under section 107 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) (42 U.S.C. 9601, et. seq.) or from other reimbursements to the Department of Defense for environmental restoration activities.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Sense of Congress on use of defense environmental restoration account (sec. 323)

The House bill contained a provision (sec. 326) that would express the sense of Congress that by the end of fiscal year 1997 no more than 20 percent of the annual funding for the Defense Environmental Restoration Account should be spent for administration, support, studies, and investigations.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would establish a goal that by the end of fiscal year 1997 no more than 20 percent of the annual funding for the Defense Environmental Restoration Account should be spent for administration, support, studies, and investigations. The amendment would also require the Department of Defense to submit a report to Congress by April 1, 1996. The report would specify issues related to attaining the 20 percent goal.

Revision of authorities relating to restoration advisory boards (sec. 324)

The Senate amendment contained a provision (sec. 323) that would amend section 2705 of title 10, United States Code, which authorizes establishment of restoration advisory boards (RABs) to assist the Department of Defense with environmental restoration activities at military installations. Section 2705 also provides a funding framework for local community members of RABs and existing technical review committees.

About 200 Restoration Advisory Boards have been established at operational and closing installations and formerly used defense sites. Under current law, the RAB funding sources for local community member participation and for technical assistance are the Defense Environmental Restoration Account (DERA) and the Base Realignment and Closure Account (BRAC). Section 2705(e)(3)(B) provides a $7.5 million limit on the use of DERA and BRAC funds to pay for RAB technical assistance and community participation in fiscal year 1995. Under section 2705(d)(3), routine administrative expenses for RABs may be paid out of funds available for the operation and maintenance of an installation, without any limit on the amount of funds that may be expended for that purpose.

The Senate amendment would amend section 2705 to limit funding sources to BRAC and DERA, not to exceed $4.0 million in fiscal year 1996. Funds would be made available only for routine administrative expenses and technical assistance. The installation commander could obtain technical assistance for a RAB to interpret scientific and engineering issues related to the environmental restoration activities at the installation where the RAB is functioning.

The House bill contained no similar provision.

The House recedes with an amendment that would increase the funding authorization to $6.0 million. As part of the amendment, the conferees have included language that would make funds unavailable after September 15, 1996, unless the Secretary of Defense publishes proposed final or interim final regulations. Based on section 2705(d)(2) of title 10, United States Code, the conferees anticipate that the Department would already have made some progress in the promulgation of regulations.

Funding for private sector sources of technical assistance would be contingent on the following: (1) a demonstration that the existing technical resources of the Federal, state, and local agencies responsible for overseeing environmental restoration at an installation could not serve the objective for which technical assistance is requested; or (2) outside assistance is likely to contribute to the efficiency, effectiveness, or timeliness of environmental restoration at an installation; and (3) outside assistance is likely to contribute to community acceptance of environmental restoration activities at an installation.

The conferees intend that the funds authorized pursuant to this section would be the primary funding source for technical assistance and administrative expenses associated with RABs. The conferees strongly encourage the Secretary of Defense to ensure that funds authorized for RABs are expended in a manner that is consistent with obtaining technical assistance and with payment of administrative expenses, and is dispensed in accordance with the funding mechanism established in this section. The RAB program should not serve as a drain on the Superfund.

Discharge from vessels of the Armed Forces (sec. 325)

The Senate amendment contained a provision (sec. 322) that would address incidental

discharges from vessels of the armed forces through the development of uniform national discharge standards. The Federal Water Pollution Control Act, 33 U.S.C. 1251 et seq., and implementing regulations currently exempt incidental vessel discharges from permitting requirements. Incidental discharges remain subject to varying state regulation. The lack of uniformity has presented operational problems for the Navy.

The Senate amendment is modeled after section 312 of the Federal Water Pollution Control Act, 33 U.S.C. 1322, which establishes uniform national discharge standards for sewage discharges from all vessels. The standards provision would extend this model to regulate non-sewage incidental discharges from vessels of the armed forces.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Subtitle D—Commissaries and Nonappropriated Fund Instrumentalities

Operation of commissary system (sec. 331)

The House bill contained a provision (sec. 341) that would revise the operation of the commissary store system, allow contracts with other agencies, and revise payments to vendor agents.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would eliminate the revision of payments to vendor agents.

The conferees are concerned about the high cost of the Defense Finance and Accounting Service procedures to process the 1.5 million annual commissary invoices. The conferees believe that innovative practices need to be pursued to reduce this burden. The administrative costs consume funding that could otherwise be used to improve patron services or reduce costs.

The conferees direct the Secretary of Defense to conduct a review of innovative practices to reduce this cost. Included in this review should be an examination of the relationship between the current distribution and invoicing practices. The Secretary of Defense should report to the Senate Committee on Armed Services and the House Committee on National Security by February 15, 1996 on the recommended actions, if any, to reduce these costs and how any savings will be used.

Additionally, the conferees note that the Defense Commissary Information System and the Point-of-Sale Modernization programs are essentially off-the-shelf commercial grocery systems designed to improve patron service and increase efficiency of commissary operations. As such, the conferees believe the Secretary of Defense should get these systems on line and operating with the minimum of review required to ensure interface with other government data systems and compliance with legislation and regulations essential to protect the interests of the government.

Limited release of commissary store sales information to manufacturers, distributors, and other vendors doing business with Defense Commissary Agency (sec. 332)

The House bill contained a provision (sec. 343) that would amend the procedures for the release of commissary stores sales information.

The Senate amendment contained no similar provision.

The Senate recedes.

Economical distribution of distilled spirits by nonappropriated fund instrumentalities (sec. 333)

The House bill contained a provision (sec. 344) that would amend the procedures for the determination of the most economical distribution of distilled spirits.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Transportation by commissaries and exchanges to overseas locations (sec. 334)

The House bill contained a provision (sec. 345) that would allow officials responsible for the operation of commissaries and military exchanges the authority to negotiate directly with private carriers for the most cost-effective transportation of supplies by sea, without relying on the Military Sealift Command or the Military Traffic Management Command.

The Senate amendment contained no similar provision.

The Senate recedes.

Demonstration project for uniform funding of morale, welfare, and recreation activities at certain military installations (sec. 335)

The House bill contained a provision (sec. 346) that would require the Secretary of Defense to conduct a demonstration program at six military installations under which funds appropriated for the support of morale, welfare, and recreation programs at the installations are combined with nonappropriated funds available for these programs and treated as nonappropriated funds.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment which would extend the test to two years.

Operation of combined exchange and commissary stores (sec. 336)

The House bill contained a provision (sec. 347) that would permit the continued operation of the base exchange mart at Fort Worth Naval Air Station, Texas, and would allow for the expansion of the Base Exchange Mart Program.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

The conferees approve this expansion with the understanding that they do not intend that exchange marts replace viable commissaries. When a commissary is identified for closure, the exchange system will be permitted to conduct a market survey to determine the viability of an exchange mart in the closing commissary facility. The conferees do not expect that an exchange mart would be in direct competition with a commissary operating in close proximity to a proposed exchange mart.

The conferees expect that exchange marts will operate in a manner in which nonappropriated funds are not required to sustain their operation. The conferees expect that every effort will be made to operate the exchange marts in a manner which requires only a minimal amount of appropriated fund support.

Deferred payment programs of military exchanges (sec. 337)

The House bill contained a provision (sec. 348) that would require the Secretary of Defense to establish a uniform exchange credit program that could use commercial banking institutions to fund and operate the deferred payment programs of the Army and Air Force Exchange Service and the Navy Exchange Service.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would clarify the provision by ensuring that any proposal be competitively awarded and that prior to entering into any commercial program the Secretary determine that it is in the best interests of the exchange systems.

Availability of funds to offset expenses incurred by Army and Air Force Exchange Service on account of troop reductions in Europe (sec. 338)

The House bill contained a provision (sec. 349) that would require that the Secretary of Defense transfer not more than $70 million to the Army and Air Force Exchange Service to offset expenses incurred by the Army and Air Force Exchange Service on account of reductions in the number of military personnel in Europe.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

In order to avoid disruption of operations associated with currency fluctuations and, in recognition of the unique direct appropriation nature of commissaries as an entity of the Defense Business Operations Fund, the conferees direct that the military exchanges, other nonappropriated fund instrumentalities, and commissaries be permitted to be included in the Department of Defense foreign currency fluctuation fund.

Associated with the drawdown in Europe was an initiative to transfer operations of the Stars and Stripes Bookstores to the military exchanges. This transfer has a residual impact upon certain employees. The conferees direct that the Army and Air Force Exchange Service accept responsibility for resolving the issue of employment, severance, and back pay for the 15 local national employees formerly employed by the Stars and Stripes. The conferees expect that the Army and Air Force Exchange Service can, in conjunction with the Army and Air Force headquarters in Europe, resolve the current job action concerning these 15 local national employees using funds provided in this section.

Study regarding improving efficiencies in operation of military exchanges and other morale, welfare, and recreation activities and commissary stores (sec. 339)

The House bill contained a provision (sec. 350) that would require the Secretary of Defense to conduct a study and submit a report to Congress regarding the manner in which greater efficiencies can be achieved in the operation of military exchanges, commissary stores, and other morale, welfare, and recreation activities.

The Senate amendment contained no similar provision.

The Senate recedes.

The conferees agree with the findings and scope of the study called for in the House report (H. Rept 104-131). The conferees believe that the Department of Defense should seek opportunities to reduce labor costs in resale activities and to reduce excessive overhead. Additionally, the conferees agree that significant economies and revenue potential can be realized in the area of management and oversight of overseas slot machine operations. The conferees direct the Secretary of Defense consider and, if appropriate, submit a plan to have one service serve as the executive agent for the consolidated management and operation of this function.

Repeal of requirement to convert ships' stores to nonappropriated fund instrumentalities (sec. 340)

The House bill contained a provision (sec. 351) that would extend, to December 31, 1996,

the deadline for the conversion of all Navy ships' stores to operate as nonappropriated fund activities.

The Senate amendment contained a provision (sec. 373) that would repeal section 371 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160) requiring the Navy to convert ships' stores operations to a Navy Exchange System agency.

The House recedes with an amendment that would require the Inspector General of the Department of Defense to complete a review of the Navy Audit Agency report regarding the conversion of the Ships Stores pursuant to section 374 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337).

Disposition of excess morale, welfare, and recreation (MWR) funds (sec. 341)

The Senate amendment contained a provision (sec. 371) that would amend section 373 of the National Defense Authorization Act for Fiscal Year 1995 to permit the Marine Corps to retain the MWR funds transferred from Marine Corps installations.

The House bill contained no similar provision.

The House recedes.

Clarification of entitlement to use of morale, welfare, and recreation facilities by members of Reserve components and dependents (sec. 342)

The Senate amendment contained a provision (sec. 633) that would amend section 1065 of title 10, United States Code, to give members of the retired reserve who would be eligible for retired pay but for the fact that they are under 60 years of age the same priority of use of morale, welfare, and recreation facilities of the military services as members who retired after active duty careers.

The House bill contained no similar provision.

The House recedes.

Subtitle E—Performance of Functions by Private-Sector Sources

Competitive procurement of printing and duplication services (sec. 351)

The House bill contained a provision (sec. 359) that would direct the Defense Printing Service to procure at least 70 percent of printing and duplication work competitively.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would exempt classified printing and duplication work from this calculation.

Direct vendor delivery system for consumable inventory items of Department of Defense (sec. 352)

The House bill contained a provision (sec. 360) that would require the Department of Defense (DOD) to arrange for delivery of consumable inventory items directly from vendors to military installations in the United States. Complete implementation of this system would be required by September 30, 1997.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require DOD to use direct vendor delivery of consumable inventory items whenever practicable.

Payroll, finance, and accounting functions of the Department of Defense (sec. 353)

The House bill contained a provision (sec. 362) that would require the Secretary of Defense to submit a plan to Congress for the privatization of the payroll functions for civilian employees of the Department of Defense and to implement the plan not later than October 1, 1996.

The House bill contained a provision (sec. 368) that would require the Secretary of Defense to conduct a pilot program to test and evaluate the cost savings and efficiencies of private operation of accounting and payroll functions of nonappropriated fund instrumentalities of the Department of Defense.

The Senate amendment contained a provision (sec. 352) that would require the department of Defense to conduct a review of the need for further expansion of Defense Finance and Accounting Service (DFAS) operating locations, and to report to the appropriate committees of the Congress prior to establishing any new DFAS operating locations.

The House recedes with an amendment that would combine and clarify the three provisions.

Demonstration program to identify overpayments made to vendors (sec. 354)

The House bill contained a provision (sec. 363) that would require the Secretary of Defense to conduct a demonstration program at the Defense Personnel Support Center, Philadelphia, Pennsylvania, to evaluate the feasibility of using private contractors to audit accounting and procurement records of the Department of Defense.

The Senate amendment contained no similar provision.

The Senate recedes.

Pilot program on private operation of defense dependents' schools (sec. 355)

The House bill contained a provision (sec. 364) that would allow the Secretary of Defense to conduct a pilot program to assess the feasibility of using private contractors to operate overseas dependents' schools and to report the results of the pilot program to Congress.

The Senate amendment contained no similar provision.

The Senate recedes.

Program for improved travel process for the Department of Defense (sec. 356)

The House bill contained a provision (sec. 365) that would require the Secretary of Defense to conduct a pilot program including two prototype tests of commercial travel applications to improve management of the Department of Defense Travel System.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would direct the Secretary to conduct a two-year test at a minimum of three sites and a maximum of six sites, and to report to the Senate Committee on Armed Services and the House Committee on National Security at the conclusion of the first year.

The conferees do not intend this provision to be viewed as authority for the Secretary of Defense to circumvent the requirement for civilians to use adequate government quarters where they are available.

Increases reliance on private-sector sources for commercial products and services (sec. 357)

The House bill contained a provision (sec. 367) that would require the Secretary of Defense to endeavor to obtain products and services from the private sector. The provision would require the Secretary of Defense to describe functions that can be performed by the private sector and specify impediments to outsourcing.

The Senate amendment contained no provision (sec 386) that would require the Secretary to report on the use of private sector contractors to perform functions not essential to the warfighting mission of the Department of Defense

The Senate recedes with an amendment.

The conferees agree that DOD should make a maximum effort to rely upon the private sector for commercial functions whenever the same level of service can be obtained at a reduced cost to the government, and the national security does not require the activity to be retained in-house. The conferees note with approval the many steps the Department has already taken in this direction and encourage the Department to continue in its efforts. The conferees urge the Department to maintain close coordination with the Committee on Armed Services of the Senate and the Committee on National Security of the House regarding its efforts to downsize the federal government while placing greater reliance upon the private sector.

Subtitle F—Miscellaneous Reviews, Studies, and Reports

Quarterly readiness reports (sec. 361)

The House bill contained a provision (sec. 371) that would require the Secretary of Defense to report quarterly to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives on the military readiness of the armed forces.

The Senate amendment contained no similar provision.

The Senate recedes.

Restatement of requirement for semiannual reports to Congress on transfers from high-priority readiness appropriations (sec. 362)

The House bill contained a provision (sec. 373) that would amend section 361 of the National Defense Authorization Act for Fiscal Year 1995 in order to provide more detailed guidance on the report required.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment. The conferees are disappointed that the Department of Defense has not been sufficiently thorough in reporting on transfers from high-priority readiness appropriations and expect future reports to be more substantive.

Report regarding reduction of costs associated with contract management oversight (sec. 363)

The House bill contained a provision (sec. 376) that would require the Comptroller General to submit a report to Congress that would identify methods to reduce the cost of Department of Defense management and oversight of contracts in connection with major defense acquisition programs.

The Senate amendment contained no similar provision.

The Senate recedes.

Reviews of management of inventory control points and Material Management Standard System (sec. 364)

The House bill contained a provision (sec. 391) that would direct the Secretary of Defense to conduct a review regarding consolidation of all inventory control points (ICP) under the Defense Logistics Agency. The provision would also prohibit implementation of the Materiel Management Standard System (MMSS) until submission of the Secretary's report to the Congressional defense committees.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary to report by March 31, 1996, on the advisability of consolidating all ICP. The General Accounting

Office would review the Secretary's report, and review the MMSS. The amendment would not impose a restriction on implementation of the MMSS.

Report on private performance of certain functions performed by military aircraft (sec. 365)

The Senate amendment contained a provision (sec. 390) that would require the Secretary of Defense to report on the feasibility of meeting requirements of VIP transportation, airlift, air cargo, in-flight refueling and other functions by using private contractors in lieu of military aircraft.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Strategy and report on automated information systems of Department of Defense (sec. 366)

The House bill contained a provision (sec. 375) that would prohibit the Secretary of Defense from obligating or expending amounts greater than $2.4 billion for the development and modernization of automated data processing programs pending a report by the Inspector General of the Department of Defense (DOD).

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would remove the restriction on obligation of funds. The conferees believe that off-the-shelf automated information systems can improve DOD property management. This includes software, laminate barcode printers, barcode readers, and storage devices.

The conferees also endorse the requirement contained in Title III of the House report (H. Rept. 104–131) in a paragraph of the Items of Special Interest section, entitled "Off-the-shelf systems". The conferees direct the Secretary to include in this report a discussion of functional processes that can use existing private sector technology.

Subtitle G—Other Matters

Codification of Defense Business Operations Fund (sec. 371)

The House bill contained several provisions pertaining to the Defense Business Operations Fund (DBOF).

Section 311 would modify DBOF by adding or precluding various DBOF activities. The provision would also require certain costs to be included in DBOF charges, and revise the capital purchase authority threshold from $50,000 to $15,000. Further, the provision would extend discretionary authority to the Secretary of Defense or the Secretary of a military department to purchase goods and services from non-DBOF activities, if they are available at a more competitive rate.

Section 312 would require the Secretary of Defense to manage DBOF under the immediate authority of the Under Secretary of Defense (Comptroller). This would include central management of cash balances. The provision would also prohibit further expansion of the DBOF by adding new functions, activities, funds or accounts to the DBOF.

Section 313 would require the inclusion of the costs of military personnel, who perform duty in industrial fund activities, in determining costs in DBOF activities. The provision would also terminate the practice of billing in advance for goods and services provided through the DBOF.

The Senate amendment contained no similar provisions.

The Senate recedes with a single amendment that would codify DBOF, but amend the activities listed in the House bill (sec. 312), not revise the capital purchase threshold, and retain the prohibition on further expansion.

The amendment also would direct the Comptroller General of the United States to determine the advisability of managing DBOF at the Department of Defense (DOD) level. The conferees recommend the defense committees review this matter in fiscal year 1996 and consider the advisability of central management in light of the Comptroller General's report and improvements in the condition of the DBOF.

The amendment would permit advance billing for compelling reasons, but require DOD to notify the defense committees of the Congress after September 30, 1996 in the event the aggregate total of advance billing exceeds $100.0 million subsequent to enactment of the National Defense Authorization Act for Fiscal Year 1996. Another report would be required each time the aggregate amount of advance billing increases by $100.0 million after the date of the preceding report.

The conferees previously expressed support for the DOD plan to eliminate advance billing in fiscal year 1995 in the conference report accompanying the National Defense Authorization Act for Fiscal Year 1995. The practice of advance billing appears to cause DBOF customers to refrain from purchasing goods and services and it appears to promote confusion, rather than good business, at the unit or installation level.

The conferees also support the effort to capture total costs in order to conduct business operations in accordance with generally accepted business practices. The conferees direct the Secretary of Defense to annotate the justification books accompanying subsequent budget submissions for DBOF activities, to reflect the total costs for both military and civilian personnel. These costs should include items such as salaries, benefits, and retirement plans. The conferees believe it is necessary for Congress to evaluate the consequences of including such costs in DBOF rates and pricing.

Clarification of services and property exchanged to benefit the historical collection of the armed forces (sec. 372)

The House bill contained a provision (sec. 321) that would clarify the law concerning the exchange of services and property for the benefit of the historical collection of the armed services.

The Senate amendment contained no similar provision.

The Senate recedes.

Prohibition on capital lease for Defense Business Management University (sec. 373)

The House bill contained a provision (sec. 381) that would prohibit the use of funds for any lease with respect to the Center for Financial Management Education and Training of the Defense Business Management University (DBMU) if the lease would be treated as a capital lease for budgetary purposes.

The Senate amendment contained a provision (sec. 351) that would require the Secretary of Defense to certify the need for the Center for Financial Management Education and Training of the DBMU, and report on Department of Defense financial management training, 90 days prior to obligating funds for a capital lease.

The Senate recedes.

Permanent authority for use of proceeds from the sale of certain lost, abandoned, or unclaimed property (sec. 374)

The House bill contained a provision (sec. 388) that would provide permanent authority for a successful demonstration program for the disposal of certain personal property.

The Senate amendment contained a provision (sec. 383) that would provide similar permanent authority, but would provide further authority to credit the operation and maintenance account of a relevant installation for the costs incurred to collect, transport, store, protect, or sell such property. Net proceeds from a sale would be covered into the Treasury. A mechanism for subsequent claims by an owner, heir, etc., would also be provided.

The House recedes with a clarifying amendment.

Sale of military clothing and subsistence and other supplies of the Navy and Marine Corps (sec. 375)

The House bill contained a provision (sec. 393) that would provide to Navy and Marine Corps personnel the same authority that Army an Air Force personnel currently have to purchase replacement subsistence and other supplies.

The Senate amendment contained a similar provision (sec. 384).

The House recedes with a technical amendment.

Personnel services and logistical support for certain activities held on military installations (sec. 376)

The House bill contained a provision (sec. 385) that would clarify the authority of the Secretary of Defense in regard to jamborees conducted by the Boy Scouts of America on military installations.

The Senate amendment contained no similar provision.

The Senate recedes.

Retention of Monetary awards (sec. 377)

The House bill contained a provision (sec. 386) that would permit the Secretary of Defense to accept any monetary award for excellence, given to the Department of Defense by a nongovernmental entity, as an award in a competition recognizing excellence or innovation in providing services or administering programs. Such an award would be credited to the appropriation of the command, installation, or activity that is recognized in the award, as provided in appropriation act. Not more than 50 percent of the monetary award may be disbursed to the persons who are responsible for earning the award, up to $10.0 thousand per person.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would permit the Secretary to accept such monetary awards and disburse the award to the morale, welfare, and recreation nonappropriated fund account of the command, installation, or activity involved in earning the award. Certain incidental expenses could be reimbursed from the award amount.

Provision of equipment and facilities to assist in emergency response actions (sec. 378)

The House bill contained a provision (sec. 383) that would amend section 372 of title 10, United States Code, to authorize the Department of Defense to provide assistance in the form of training facilities, sensors, protective clothing, antidotes, and other materials and expertise to appropriate federal, state, or local law enforcement agencies for responding to emergencies involving chemical or biological agents.

The Senate amendment did not contain a similar provision.

The Senate recedes with a technical amendment.

Department of Defense military and civil defense preparedness to respond to emergencies resulting from a chemical, biological, radiological, or nuclear attack (sec. 379)

The Senate amendment contained a provision (sec. 223) that would require the Secretaries of the Departments of Defense and Energy, in consultation with the Federal Emergency Management Agency (FEMA), to submit a report to Congress that would describe the military and civil defense plans and programs to respond to the use of chemical, biological, nuclear, and radiological agents or weapons against a civilian population located in the United States or near a U.S. military installation.

The House bill did not contain a similar provision.

The House recedes with an amendment.

LEGISLATIVE PROVISIONS NOT ADOPTED

Office of Economic Adjustment

The House bill contained a provision (sec. 304) that would increase the amount of funds available to the Office of Economic Adjustment by $1.5 million.

The Senate amendment contained no similar provision.

The House recedes.

Annual proposed budget for operation of defense business operations fund

The House bill contained a provision (sec. 314) that would require that the budget request for the Department of Defense include the amount of funds necessary to cover the operating losses of the Defense Business Operations Fund for the previous year.

The Senate amendment contained no similar provision.

The House recedes.

Reduction in requests for transportation funded through Defense Business Operations Fund

The House bill contained a provision (sec. 315) that would direct a reduction in requests for purchasing transportation through the Defense Business Operations Fund during fiscal year 1996 by $70.0 million from the amount purchased in fiscal year 1995. The provision would also require a report on achieving certain efficiencies.

The Senate amendment contained no similar provision.

The House recedes.

The conferees are concerned about the amount of overhead carried by the Department of Defense (DOD) to support its transportation infrastructure. The conferees direct the Secretary of Defense to submit a report to Congress by March 1, 1996. The Secretary should address changes to the transportation infrastructure and implementation of consolidation proposals, such as the elimination of duplication in component command structure. The Secretary should also address measures to reduce transportation overhead without adversely affecting operational and mobilization requirements. The conferees recommend a $70.0 million reduction in anticipation of savings from improvements and efficiencies.

Repeal of certain environmental education programs

The House bill contained a provision (sec. 323) that would repeal sections 1333 and 1334 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 2701, note).

The Senate amendment contained no similar provision.

The House recedes.

Repeal of limitation on obligation of amounts transferred from environmental restoration transfer account

The House bill contained a provision (sec. 324) that would eliminate the statutory's "fence" that precludes the transfer of funds from the Defense Environmental Restoration Account (DERA) for purposes unrelated to environmental remediation.

The Senate amendment contained no similar provision.

The House recedes.

Elimination of authority to transfer amounts for toxicological profiles

The House bill contained a provision (sec. 325) that would amend section 2704 of title 10, United States Code. The provision would eliminate authority for the Department of Defense to use Defense Environmental Restoration Account funds to reimburse the Agency for Toxic Substance and Disease Registry (ATSDR), a branch of the U.S. Public Health Service. Reimbursement is currently provided to ATSDR for performing statutorily required health assessments and health risk studies at Defense installations listed on the National Priorities List (NPL).

The Senate amendment contained no similar provision.

The House recedes.

Pricing policies for commissary store merchandise

The House bill contained a provision (sec. 342) that would reduce administrative costs in pricing commissary merchandise.

The Senate amendment contained no similar provision.

The House recedes.

The conferees recognize that there may be potential savings for the Defense Commissary Agency (DeCA) if variable pricing was permitted. Therefore, the conferees direct that the Secretary of Defense submit a report to the Senate Committee on Armed Services and the House Committee on National Security not later than May 1, 1996 describing how a variable pricing policy would be implemented; the estimated savings, if any; the impact on customers and suppliers; and a recommended legislative proposal, if appropriate.

Procurement of electricity from most economical source

The House bill contained a provision (sec. 357) that would require the Department of Defense (DOD) to procure electricity from the most economical source.

The Senate amendment contained no similar provision.

The House recedes.

The conferees direct the Department of Defense to consult with the Federal Energy Regulatory Commission (FERC) on methods to obtain lower prices for the electricity procured by the DOD, including procurement of such electricity through competitive sources. Decisions with regard to procurement of electricity by the DOD and the FERC should take into consideration the cost savings potential to the DOD and the recovery of the specific cost of utility investment that is directly attributable to existing arrangements and understandings with the DOD.

The conferees direct the Department of Defense to submit a report to Congress by March 1, 1996 on the feasibility of attaining the most economical price for electricity under existing statutes. In addition, the DOD shall report on all legislative or regulatory impediments to procuring electricity from the most economical source and the potential cost savings inherent to the elimination of such impediments. The report shall also identify those bases or facilities that are in the best position to use competitive sources of electricity.

Procurement of certain commodities from most economical source

The House bill contained a provision (sec. 358) that would enable the Department of Defense (DOD) to procure commodities from a source other than the General Services Administration (GSA) if the source can provide the commodities at a lower cost.

The Senate amendment contained no similar provision.

The House recedes.

The conferees are aware that the requirement for DOD to purchase commodities from GSA denies DOD the flexibility to pursue good business practices by preventing DOD from procuring items at the lowest cost. This inflexibility seems to run counter to the desire of Congress, and it does not promote good business practices within DOD. Encouraging managers at all levels to make sound business decisions is an underlying fundamental of the Defense Business Operations Fund concept.

The conferees direct the Secretary of Defense to report to the congressional defense committees by March 1, 1995, regarding the advisability of obtaining the authority to bypass GSA. The Secretary should identify any statutory relief necessary.

Private operation of functions of Defense Reutilization and Marketing Service

The House bill contained a provision (sec. 361) that would require the Secretary of Defense to solicit for performance, by commercial entities, of selected functions of the Defense Reutilization and Marketing Service (DRMS). The provision would require the Secretary to report on those functions that should continue to be performed by Department of Defense (DOD) civilian employees not later than July 1, 1996.

The Senate amendment contained no similar provision.

The House recedes.

The conferees expect the Secretary to address the privatization of DRMS functions as part of the DOD-wide review and report, regarding increased reliance on private sector sources for commercial products and services, required elsewhere in this bill.

Pilot program for private operation of consolidated information technology functions of Department of Defense

The House bill contained a provision (sec. 366) that would require the Secretary of Defense to enter into negotiations for contracting-out the workload of three Defense Megacenters. This effort would serve as a three-year pilot program to determine the advisability of having this type of work performed by the private sector. The goal of the program would be to achieve savings of at least 35 percent over current practices. Further consolidation of megacenters, to fewer than the 16 currently identified, would be prohibited until completion of the pilot program.

The Senate amendment contained no similar provision.

The House recedes.

The conferees believe there is significant potential to make improvements in the efficiency and effectiveness of the Department of Defense (DOD) data processing operations, to include the data megacenters. The conferees also believe there may be significant potential to achieve savings from contracting-out work that is not military-essential or otherwise unique to government. However, judgments on the advantages of contracting-out work should be based on economic and mission analyses, which the DOD has not performed.

The conferees direct the Secretary to submit a report on this matter to the defense committees by May 31, 1996. The report should include: the rationale for contracting-out work; an analysis of the costs and benefits of contracting-out a portion of the workload; a detailed description of information technology functions and services performed by megacenters that are not considered military essential; and the amount of savings anticipated to be achieved by contracting-out. The conferees note that functions considered to be military-essential, and those that pertain to information security, military readiness, certain aspects of training, and warfighting, are not required to be addressed in this report.

Authority of Inspector General over investigations of procurement fraud

The House bill contained a provision (sec. 382) that would consolidate responsibility for all investigations of procurement fraud within the Department of Defense under the Inspector General.

The Senate amendment contained no similar provision.

The House recedes. Under the Inspector General Act of 1978, as amended, the overall responsibility for investigations within the DOD, including procurement fraud investigations, rests with the Inspector General. The Inspector General has full authority to investigate any allegations of procurement fraud involving a DOD contractor. Day-to-day responsibility for the conduct of procurement fraud investigations is divided among the investigative organizations of the Department of Defense and each of the military departments. The Inspector General also has full authority to assume responsibility for any procurement fraud investigation initiated by one or more of the military departments.

The Defense Advisory Board on the Investigative Capabilities of the DOD unanimously recommended that fraud investigations be consolidated into the Office of the Inspector General. The recommendation was based on several objectives that would include eliminating joint investigations, eliminating confusion over joint investigations, and increasing the capability to identify multiple acts of fraud by the same contractors.

The conferees note that there have been continuing concerns about duplication and coordination between the Department of Defense Inspector General and the investigative components of the military departments with respect to major procurement fraud investigations. The conferees agree that the Department must endeavor to concentrate procurement fraud efforts on investigations rather than jurisdictional disputes. Therefore, the conferees believe that the Secretary of Defense should make every effort to ensure that this important function is performed in the most efficient and effective manner, avoiding the necessity for joint investigations to the maximum extent practicable.

The conferees are encouraged to note that the Department recently established a coordinating council, headed by the DOD Inspector General, to address some of the concerns raised by the Defense Advisory Board. To ensure the effectiveness of the new procedures, the conferees direct that the Secretary review the newly constituted Secretary's Board on Investigations, with a particular emphasis on maximizing the efficiency and effectiveness of major procurement fraud investigations. As part of this review, the Secretary should assess: (1) the optimal level of resources required to ensure a robust oversight function within the Department; (2) which DOD investigative components should conduct procurement fraud investigations; and (3) the optimal organization required to increase the DOD capability to maximize procurement fraud recoveries and indictments.

The conferees direct the Secretary to provide a report by May 1, 1996, to the congressional defense committees on the results of this review. The conferees will assess this report to ascertain whether further legislation is necessary to address remaining concerns over duplication and coordination problems among the DOD investigative components.

Transfer of excess personal property to support law enforcement activities

The House bill contained a provision (sec. 389) that would amend section 1208(a)(1)(A) of the National Defense Authorization Act for Fiscal Years 1990 and 1991, concerning the transfer of excess personal property. This provision would expand current authority to permit the Secretary of Defense to transfer excess property to state and other federal agencies for use in law enforcement activities. Current authority contained in the above section addresses only transfers to such agencies for their use in counter-drug activities.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that numerous avenues currently exist to transfer excess property to state and other federal agencies, including law enforcement agencies which do not have explicit counternarcotics responsibilities. However, there appears to be no coherent policy, priority, or central data base which allows such agencies to learn what is available at a given time, or to effect a transfer without inordinate administrative work.

The conferees direct the Secretary of Defense to review this matter and report to the defense committees of the Congress not later than March 30, 1996, on developing a comprehensive policy and establishing procedures which would assist state and federal law enforcement agencies in identifying and obtaining such equipment. The Secretary should consider Memoranda of Understanding as a means to effect transfers.

The Secretary should also give high priority consideration to state and federal law enforcement agencies that demonstrate their need for such equipment.

Development and implementation of innovative processes to improve operation and maintenance

The House bill contained a provision (sec. 390) that would direct that $350.0 million, of the funds authorized and appropriated for defense-wide operation and maintenance, be available for the development or acquisition of information technologies and reengineered functional processes.

The Senate amendment contained no similar provision.

The House recedes.

Sale of 50 percent of current war reserve fuel stocks and prepositioned war reserves

The House bill contained a provision (sec. 392) that would require the Secretary of Defense to reduce war reserve fuel stocks of the Department of Defense to a level equal to 50 percent of the level of such stocks on January 1, 1995.

The Senate amendment contained no similar provision.

The House recedes.

The conferees believe that the DOD has made considerable progress in identifying its fuel requirements necessary for wartime operations. This has led to a reduction in the required level of war reserves. The conferees urge the DOD to continue its efforts in this area in order to save money while maintaining military readiness.

The conferees further believe that there is considerable opportunity to address critical afloat and ashore war reserve deficiencies. The conferees agree to add $60 million for purchases of critical war reserve stocks. This funding is authorized in the operation and maintenance, defense-wide activities account for application to high priority war reserve requirements. 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 views of theater commanders-in-chief in determining the application of these resources.

Southwest border states anti-drug information system

The House bill included a provision (sec. 396) that indicated that the Southwest Border States Anti-Drug Information Systems program is an important element of the Department of Defense support of law enforcement agencies in the fight against illegal trafficking of narcotics.

The Senate amendment contained no similar provision.

The House recedes. The Southwest Border States Anti-Drug Information System is addressed elsewhere in this statement of managers.

Elimination of certain restrictions on purchases and sales of items by exchange stores and other morale, welfare, and recreation (MWR) facilities

The Senate amendment contained a provision (sec. 372) that would eliminate the cost, price, size, and country of origin limitations on purchases and sales of items sold in the military exchanges and morale, welfare, and recreation facilities.

The House bill contained no similar provision.

The Senate recedes.

Funding for Troops to Teachers and Troops to Cops Programs

The Senate amendment contained a provision (sec. 388) that would authorize $42.0 million for the Troops-to-Teachers program and $10.0 million for the Troops-to-Cops program from amounts authorized for military personnel for fiscal year 1996.

The House bill contained no similar provision.

The Senate recedes.

The conferees recognize that these programs address the economic dislocation among service members caused by the defense drawdown. Therefore, the conferees invite the Department of Defense to determine whether use of existing resources, if available, is appropriate to continue these programs.

Authorization of amounts requested in the budget for Junior ROTC

The Senate amendment contained a provision (sec. 389) that would restore the authorization to fund Junior Reserve Officer's Training Corps (JROTC) at the budget request.

The House bill authorized the JROTC program at the budget request.

The Senate recedes.

The conferees agree to authorize the JROTC program at the budget request.

Use of commissary stores by members of the ready reserve

The Senate amendment contained a provision (sec. 631) that would permit members of

the ready reserve to use commissaries on the same basis as members on active duty.

The House bill contained no similar provision.

The Senate recedes.

Use of commissary stores by retired reserves under age 60 and their survivors

The Senate amendment contained a provision (sec. 632) that would permit survivors of "gray area" retirees, members of the retired reserve who have not attained the age of 60 years, to use commissaries as if the sponsor had attained 60 years of age and was receiving retirement benefits.

The House bill contained no similar provision.

The Senate recedes.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

ITEMS OF SPECIAL INTEREST

Minimum force structure levels for Navy Light Airborne Multipurpose System helicopters

The conferees note that the Navy Light Airborne Multipurpose System (LAMPS) antisubmarine warfare helicopter fleet provides an essential element to the Nation's overall antisubmarine warfare capability. The conferees understand that the Navy has no plans to reduce the number of active or reserve LAMPS squadrons below the 14 currently in the force structure during fiscal years 1996 or 1997. The conferees believe that 14 LAMPS squadrons is the minimum structure necessary and fully expect the Navy to continue to support that level of force structure.

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—Active Forces

End strengths for active forces (sec. 401)

The House bill contained a provision (sec. 401) that would establish active duty end strengths for fiscal year 1996.

The Senate amendment contained a similar provision (sec. 401), but would include an increase of 340, of which 65 would be officers, in Navy end strength to permit the Navy to retain an active P–3 squadron scheduled for inactivation in fiscal year 1996.

The following table summarizes the authorized active duty end strengths for fiscal year 1996.

	Fiscal year		
	1995 Authorization	1996 Request	1996 Recommendation
Army:			
Total	510,000	495,000	495,000
Officer	.....	81,300	81,300
Navy:			
Total	441,641	428,000	428,340
Officer	.....	58,805	58,870
Marine Corps:			
Total	174,000	174,000	174,000
Officer	.....	17,978	17,978
Air Force:			
Total	400,051	388,200	388,200
Officer	.....	75,928	75,928
Total	1,525,692	1,485,200	1,485,540
Officer	.....	234,011	234,076

The House bill also contained a provision (sec. 521) that would establish permanent end strength levels beginning in fiscal year 1996.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would integrate the House bill provision (sec. 521) into this section.

Temporary variation in DOPMA authorized end strength limitations for active duty Air Force and Navy officers in certain grades (sec. 402)

The House bill contained a provision (sec. 402) that would authorize a temporary increase in the number of officers who can serve on active duty in the grade of major in the Air Force and in the grades of lieutenant commander, commander, and captain in the Navy until September 30, 1997.

The Senate amendment contained a similar provision (sec. 402).

The House recedes.

The conferees fully expect the Secretary of Defense to provide a comprehensive proposal to restructure the authorized strength tables for commissioned officers on active duty in time for the committee to address, in the National Defense Authorization Act for Fiscal Year 1997, a permanent solution to perceived recurring shortages of officers in controlled grades for each service.

Certain general and flag officers awaiting retirement not to be counted (sec. 403)

The Senate amendment contained a provision (sec. 403) that would exempt a retiring Chairman of the Joint Chiefs, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps from being included in the number of general and flag officers on active duty, authorized to be serving in the grade of general and admiral, during the period when they would complete those activities necessary to transition to the retired list after they have been relieved from their former position.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

The conferees agree that the five positions in this provision represent the totality of the critical positions for which an exemption of this type is appropriate. The conferees expect that the Department will not request exemptions for any additional general/flag officer positions.

The conferees intend that this authority would not be used for more than 60 calendar days.

Subtitle B—Reserve Forces

End Strengths for Selected Reserve (sec. 411)

The House bill contained a provision (sec. 411) that would authorize selected reserve end strength levels for fiscal year 1996.

The Senate amendment contained a similar provision (sec. 411).

The following table summarizes the authorized end strength levels for the selected reserve for fiscal year 1996.

	Fiscal year		
	1995 Authorization	1996 Request	1996 Recommendation
The Army National Guard of the United States	400,000	373,000	373,000
The Army Reserve	242,000	230,000	230,000
The Naval Reserve	102,960	98,602	98,894
The Marine Corps Reserve	42,000	42,000	42,274
The Air National Guard of the United States	115,581	109,458	112,707
The Air Force Reserve	78,706	73,969	73,969
The Coast Guard Reserve	8,000	8,000	8,000

The conferees have approved an increase in the Naval Reserve end strength, which reflects the recommendation that the Navy retain one reserve P–3 squadron currently scheduled for inactivation in fiscal year 1996.

The conferees have approved an increase in the Marine Corps Reserve end strength, which reflects the conferees' recommendation that the authorized number or reservists on active duty in support of the Marine Corps Reserve be increased.

The conferees have approved an increase in the Air National Guard end strength, which reflects the conferees' recommendation that the Air Force maintain the PAA squadrons at 15 aircraft per squadron in fiscal year 1996.

End strengths for the Reserves on active duty in support of the Reserves (sec. 412)

The House bill contained a provision (sec. 412) that would authorize reserve full-time support end strength levels for fiscal year 1996.

The Senate amendment contained a similar provision (sec. 412).

The following table summarizes the reserve full-time support end strength levels for fiscal year 1996.

	Fiscal year		
	1995 authorization	1996 request	1996 recommendation
The Army National Guard of the United States	23,650	23,390	23,390
The Army Reserve	11,940	11,575	11,575
The Naval Reserve	17,510	17,490	17,587
The Marine Corps Reserve	2,285	2,285	2,559
The Air National Guard of the United States	9,389	9,817	10,066
The Air Force Reserve	648	628	628

The conferees have approved an increase in the authorized number of reservists on active duty (AR's) in support of the Marine Corps Reserve. The conferees note that this increase is intended to complement existing active duty support, and is not a substitute for any portion of the active duty support that is part of the Inspector-Instructor system. Therefore, the conferees direct that the Inspector-Instructor support system not be reduced as a result of any AR increase. Further, the conferees direct that the AR increase of 274 personnel be utilized to the extent that it is supported by a specific appropriation. The conferees do not support increasing the AR program if it means reducing any other reserve programs.

The increases in the number of reservists on active duty in support of the Naval Reserve reflects the conferees' approval of additional selected reserve strength to enable the Navy to retain a reserve P–3 squadron.

The increase in the number of reservists on active duty in support of the Air National Guard reflects the conferees' approval of selected reserve strength to enable the Air National Guard to retain the PAA squadrons at 15 aircraft per squadron.

Counting of certain active component personnel assigned in support of Reserve component training (sec. 413)

The House bill contained a provision (sec. 413) that would permit active duty personnel assigned to active duty units, that have been and continue to be established for the principal purpose of providing dedicated training support to reserve component units, to be counted toward the number of advisers required by section 414(c) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190).

The Senate amendment contained no similar provision.

The Senate recedes.

Increase in the number of members in certain grades authorized to serve on active duty in support of the Reserves (sec. 414)

The Senate amendment contained a provision (sec. 413) that would temporarily increase the number of members of certain grades authorized to serve on active duty in support of the reserves.

The House bill contained no similar provision.

The House recedes.

Reserves on active duty in support of Cooperative Threat Reduction Programs not to be counted (sec. 415)

The Senate amendment contained a provision (sec. 414) that would exempt members of a reserve component who participate in Cooperative Threat Reduction Act programs from being counted against the authorized active duty end strength.

The House bill contained no similar provision.

The House recedes.

Reserves on active duty for military-to-military contacts and comparable activities not to be counted (sec. 416)

The Senate amendment contained a provision (sec. 415) that would amend section 168 of title 10 United States Code, to exempt members of a reserve component who participate in activities or programs specified in section 168, for over 180 days, from counting against the end strengths for members of the armed services on active duty, authorized by section 115(a)(1) of title 10, United States Code.

The House bill contained no similar provision.

The House recedes.

Subtitle C—Military Training Student Loads

Authorization of training student loads (sec. 421)

The House bill contained a provision (sec. 421) that would approve the training students loads contained in the President's budget.

The Senate amendment contained an identical provision (sec. 421).

The conference agreement includes this provision.

Subtitle D—Authorization of Appropriations

Authorization for increase in active duty end strengths (sec. 432)

The House bill contained a provision (sec. 432) that would authorize $112.0 million in additional funds available for increasing military personnel end strengths within the Department of Defense above those levels requested by the President's budget.

The Senate amendment contained no similar provision.

The Senate recedes.

TITLE V—MILITARY PERSONNEL POLICY

ITEMS OF SPECIAL INTEREST

Funding for the Family Advocacy Program and the New Parent Support Program

The conferees are concerned about the adequacy of funding requested by the Department of Defense for the Family Advocacy Program (FAP) and the lack of funding for the New Parent Support Program (NPSP). The conferees agree to provide an increase of $30.0 million for the FAP and $25.6 for the NPSP. The conferees direct that the NPSP increase be allocated as follows: Army—$10.0 million; Navy—$7.0 million; Marine Corps—$5.0 million; Air Force—$3.6 million. The conferees take this action in response to the significant strains placed on military families as a result of the high operations tempo in all services. The conferees consider the FAP and the NPSP critical to the readiness and retention of quality people.

The conferees recognize that there is fierce competition within the Department of Defense, and among the services, for scarce operations and maintenance funds. The conferees are concerned that the FAP and NPSP funding may be used for other purposes. If the Department or a service attempt to reduce, divert, or reprogram the FAP or NPSP funding for some other purpose, the conferees would consider such an action to be in direct contravention of congressional intent.

LEGISLATIVE PROVISIONS

Legislative provisions adopted

Subtitle A—Officer Personnel Policy

Joint officer management (sec. 501)

The Senate amendment contained a provision (sec. 501) that would amend joint officer management policies in four areas: (1) the number of required critical joint duty assignment positions; (2) joint duty assignment credit for certain qualifying joint task force positions; (3) the education and experience sequencing requirement for the award of the joint specialty to general and flag officers; and (4) tour length requirements for certain officers on a second joint tour.

The House bill contained no similar amendment.

The House recedes with a clarifying amendment.

The conferees note that this amendment is intended to provide to the civilian and military leadership of the Department of Defense some flexibility to manage the various joint officer programs, without undermining the fundamental tenets and goals of the Goldwater-Nichols Department of Defense Reorganization Act of 1986. Therefore, none of the changes included in the conference agreement should be perceived as diminishing the importance of joint duty assignments or the importance of rigorous preparation before the award of the joint specialty or the need for judicious management of those officers to whom that designator has been awarded. The conferees revised the Department's original proposal to preclude the Department from rapidly rotating officers through joint task force assignments and thereby circumventing the fundamental intent of the Goldwater-Nichols Department of Defense Reorganization Act of 1986.

Regarding credit for service in joint task force and multinational force positions, the conferees recognize that certain positions will provide real-world joint experience equal to or greater than that provided by some positions on the Joint Duty Assignment List. Additionally, the conferees believe that authorizing the Secretary of Defense to award joint duty credit for certain officers serving in joint task force positions will permit deserving in-service assignments to receive joint duty assignment credit. The conferees fully expect the Secretary of Defense to closely manage the award of joint duty credit for such positions.

Retired grade for officers in grades above major general and rear admiral (sec. 502)

The Senate amendment contained a provision (sec. 505) that would permit the retirement of three- and four-star generals and flag officers to be considered under the same standards and procedures as general and flag officer retirements at the one- and two-star level.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Wearing of insignia for higher grade before promotion (sec. 503)

The Senate amendment contained a provision (sec. 507) that would define "frocking" and limit the numbers of officers that could be frocked to grades 0–4 through 0–7.

Frocking is the practice of allowing an officer to wear the insignia of a higher grade prior to appointment to that higher grade. While the Department of Defense has attempted to control the extent of frocking through regulation, the practice remains a means by which the services routinely circumvent the statutory limits on the number of officers authorized to serve in certain grades.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Authority to extend transition period for officers selected for early retirement (sec. 504)

The House bill contained a provision (sec. 501) that would authorize the secretaries of the military departments to defer the date of retirement for officers selected for early retirement for up to 90 days, to avoid personal hardship or for other humanitarian reasons.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the service secretary to make the decision on a case-by-case basis and would prohibit any delegation of this authority.

The conferees expect the Secretary of Defense and the service secretaries to modify the instructions, regulations, and policies pertaining to enlisted personnel in order to provide an equivalent benefit for enlisted personnel.

Army officer manning levels (sec. 505)

The House bill contained a provision (sec. 522) that would require that, beginning in fiscal year 1999 and thereafter, the annual Army end strength be sufficient to meet at least 90 percent of active Army officer manpower requirements.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Authority for medical department officers other than physicians to be appointed as Surgeon General (sec. 506)

The Senate amendment contained a provision (sec. 503) that would amend sections 3036, 5137, and 8036 of title 10, United States Code, to permit educationally and professionally qualified officers, such as dentists, nurses, and clinical psychologists, as well as doctors, to be appointed as surgeon general of an armed force.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Deputy Judge Advocate General of the Air Force (sec. 507)

The Senate amendment contained a provision (sec. 504) that would amend section 8037 of title 10, United States Code, to adjust the tenure of the Deputy Judge Advocate General of the Air Force from two years to four years and authorize the grade of major general for that position.

The House bill contained no similar provision.

The House recedes.

Authority for temporary promotions for certain Navy lieutenants with critical skills (sec. 508)

The House bill contained a provision (sec. 552(d)) that would extend the authority for the Navy to "spot promote" certain lieutenants serving in positions involving critical skills.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would extend the authority until September 30, 1996 and limit the number of positions to which an officer could be promoted under this authority.

Retirement for years of service of Directors of Admissions of Military and Air Force Academies (sec. 509)

The Senate amendment contained a provision (sec. 508) that would authorize the Secretary of the Army to involuntarily retire the Director of Admissions, United States Military Academy, after 30 years of service as a commissioned officer.

The House bill contained no similar provision.

The House recedes with an amendment that would make the Air Force Academy subject to the application of the provision.

Subtitle B—Matters Relating to Reserve Components

Extension of certain reserve officer management authorities (sec. 511)

The House bill contained a provision (sec. 552) that would extend authorities that provide for the appointment, promotion, and retirement of reserve officers (sec. 552a–c), and the promotion of certain officers on active duty in the Navy (sec. 552d).

The Senate amendment contained an identical provision (sec. 506), except for the authority to provide for the promotion of certain officers on active duty in the Navy.

The conference agreement includes the identical provisions.

The promotion of certain officers on active duty in the Navy is addressed elsewhere in the conference report.

Mobilization Income Insurance Program for members of Ready Reserve (sec. 512)

The House bill contained a provision (sec. 517) that would authorize an income protection insurance plan for members of the Ready Reserve.

The Senate amendment contained a similar provision (sec. 511).

The conference agreement includes this provision.

Military technician full-time support program for Army and Air Force Reserve components (sec. 513)

The House bill contained a provision (sec. 511) that would restore military technician end strength to nearly the fiscal year 1995 level and require that the Secretary of Defense, in the future, manage military technicians by annual end strength. This section would also prohibit military technicians in certain high priority units and activities, but not those at management-level headquarters, from being subject to broad civilian personnel reductions. In addition, this section would require the Secretary of Defense, within six months of enactment, to initiate measures to consolidate and streamline management-level headquarters at the National, regional, and state level in the Air Force and Army Reserve and National Guard. This section would also require that, after the date of enactment, only dual-status technicians be hired.

The Senate amendment contained a provision (sec. 331) that would establish a floor for military technicians in the Army and Air Force Reserve and National Guard for fiscal years 1996 and 1997.

The Senate recedes with an amendment that would establish a floor for military technicians in the Army and Air Force Reserve and National Guard at the House level.

The conferees recognize the critical importance of military technicians to reserve component readiness, and direct the use of end-strength floors to manage this special category of personnel. The conferees urge the Secretary of Defense and the Secretaries of the military departments to provide the requisite funding to ensure that the correct number of qualified military technicians are available to ensure a significant contribution to operational readiness.

Revisions to Army Guard combat reform initiative to include Army reserve under certain provisions and to make certain revisions (sec. 514)

The House bill contained a provision (sec. 513) that would change the requirement of section 1111 of the Army National Guard Combat Readiness Reform Act of 1992 (title XI, Public Law 102–484). As revised, the section would require the Army to annually provide at least 150 officers and 1,000 soldiers, with at least two years prior active duty experience, to national guard units.

This section would also expand the Army selected reserve requirements of sections 1112(b), 1113, 1115, 1116, and 1120 of the Army National Guard Combat Readiness Reform Act of 1992 (title XI, Public Law 102–484).

The Senate amendment contained no similar provision.

The Senate recedes.

Active duty associate unit responsibility (sec. 515)

The House bill contained a provision (sec. 519) that would amend section 1131 of the Army National Guard Combat Readiness Reform Act of 1992 (title XI, Public Law 102–484). As revised, the provision would require that each Army National Guard brigade and Army Selected Reserve unit, considered essential for execution of the national strategy, be associated with an active duty unit.

The Senate amendment contained no similar provision.

The Senate recedes.

Leave for members of reserve components performing public safety duty (sec. 516)

The Senate amendment contained a provision (sec. 513) that would amend section 6323(b) of title 5, United States Code, that would permit employees who elect, when performing public safety duty, to use either military leave, annual leave, or compensatory time, to which they are otherwise entitled.

The House bill contained no similar provision.

The House recedes.

Department of Defense funding for National Guard participation in joint disaster and emergency assistance exercises (sec. 517)

The Senate amendment contained a provision (sec. 361) that would provide funding authority for National Guard units to participate in joint exercises to prepare them to respond to civil emergencies or disasters.

The House bill contained no similar provision.

The House recedes.

Subtitle C—Decorations and Awards

Award of Purple Heart to persons wounded while held as prisoners of war before April 25, 1962 (sec. 521)

The Senate amendment contained a provision (sec. 541) that would authorize award of the Purple Heart to prisoners of war captured before April 1962 who were injured or wounded in conjunction with their capture or imprisonment.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Authority to award decorations recognized acts of valor performed in combat during the Vietnam conflict (sec. 522)

The Senate amendment contained a provision (sec. 542) that would authorize the Secretary of Defense or the secretaries of the military departments to award a decoration for an act, achievement, or service performed during the Vietnam era for which there was no award provided. The provision would establish a one-year period in which award recommendations could be submitted for consideration and existing award review procedures would be used. At the end of one year, the Secretary would be required to report to the Congress on the results on this review.

The House bill contained no similar provision.

The House recedes with an amendment to limit consideration of decorations for acts of valor.

Military intelligence personnel prevented by secrecy from being considered for decorations and awards (sec. 523)

The Senate amendment contained a provision (sec. 543) that would require the secretaries of the military departments, upon application, to review the records of personnel who performed military intelligence duties during the Cold War period.

The House bill contained no similar provision.

The House recedes.

The conferees expect the secretaries of the military departments to take reasonable actions to widely publicize the opportunity to submit requests for consideration of awards and decorations under this provision.

Review regarding upgrading of Distinguished Service Crosses and Navy Crosses awarded to Asian Americans and Native American Pacific Islanders for World War II Service (sec. 524)

The Senate amendment contained a provision (sec. 544) that would require the Secretary of Defense to review that records of Asian Americans who received the Distinguished Service Cross during World War II to determine if, except for racial prejudice, the act(s) would have merited award of the Medal of Honor.

The House bill contained no similar provision.

The House recedes with an amendment which would make all the services subject to the application of the provision.

Eligibility for Armed Forces Expeditionary Medal based upon service in El Salvador (sec. 525)

The House bill contained a provision (sec. 559) that would designate the country of El Salvador, during the period beginning on January 1, 1981, and ending on February 1, 1992, as an area and a period of time in which members of the Armed forces participated in operations in significant numbers and otherwise met the general requirements for award of the Armed Forces Expeditionary Medal.

The Senate amendment contained no similar provision.

The Senate recedes.

Procedure for consideration of military decorations not previously submitted in timely fashion (sec. 526)

The conference agreement includes a provision that would establish procedures under which Members of Congress can forward to the secretary of a military department a recommendation for a military award or decoration, including an upgrade of a previously approved award or decoration, for consideration by the Secretary, without regard to time limits established in law or policy. The secretary concerned will make a recommendation concerning the merits of the request to the Senate Committee on Armed

Services and the House Committee on National Security.

In accordance with established standards, the conferees believe that the burden and costs for researching and assembling documentation to support approval of requested awards and decorations should rest with the requestor and should not cause an undue administrative burden within the Legislative or Executive Branch.

The conferees note that the Department of Defense has traditionally avoided consideration of requests for review of military awards on the merits by citing the expiration of various time limits. The conferees, in general, do not support the provision of military awards or decorations through private relief bills. The conferees intend that the secretaries' recommendations would be the basis for consideration of a waiver of time limits, if appropriate.

Subtitle D—Officer Education Programs

Revision of service obligation for graduates of the services academies (sec. 531)

The Senate amendment contained a provision (sec. 502) that would reduce the service obligation for graduates of the service academies from six years to five years.

The House bill contained no similar provision.

The House recedes.

Nomination to service academies from Commonwealth of the Northern Marianas Islands (sec. 532)

The House bill contained a provision (sec. 564) that would authorize the Resident Representative of the Commonwealth of the Northern Marianas Islands to nominate one cadet for attendance at each of the service academies.

The Senate amendment contained no similar provision.

The Senate recedes.

Repeal of requirement for athletic director and nonappropriated fund account for the athletics programs at the service academies (sec. 533)

The Senate amendment contained a provision (sec. 557) that would repeal sections 4357 and 9356 of title 10, United States Code, and subsections (b), (d) and (e) of sections 556 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337).

The House bill contained a similar provision (sec. 1032r).

The conference report includes this provision.

Repeal of requirement for program to test privatization of service academy preparatory schools (sec. 534)

The Senate amendment contained a provision (sec. 558) that would terminate any test program for determining the cost effectiveness of transferring, in whole or in part, the mission of the military academy preparatory schools to the private sector.

The House bill contained no similar provision.

The House recedes with a technical amendment.

ROTC access to campuses (sec. 541)

The House bill contained a provision (sec. 1034) that would deny Department of Defense grants and contracts to any institution that has an anti-ROTC policy, as determined by the Secretary of Defense.

The Senate amendment contained no similar provision.

The Senate recedes.

ROTC scholarships for the National Guard (sec. 542)

The House bill contained a provision (sec. 514) that would authorize the Secretary of the Army, with the agreement of the ROTC cadet involved, to redesignate ongoing scholarships as scholarships leading toward service in the Army National Guard and to make other technical changes.

The Senate amendment contained no similar provision.

The Senate recedes.

Delay in reorganization of Army ROTC regional headquarters structure (sec. 543)

The House bill contained a provision (sec. 518) that would delay the closure of an Army ROTC regional headquarters until the Secretary of the Army determines whether such closure is in the best interests of the Army.

The Senate amendment contained a similar provision (sec. 560).

The conference agreement includes this provision.

Duration of field training or practice cruise required under the Senior ROTC program (sec. 544)

The Senate amendment contained a provision (sec. 554) that would permit the secretary of a military department to prescribe the length of the field training portion or practice cruise that must be completed for enrollment in the Reserve Officers' Training Corps Advance Course by persons who have not participated in the first two years of Reserve Officers' Training Corps.

The House bill contained no similar provision.

The House recedes.

Active duty officers detailed to ROTC duty at senior military colleges to serve as commandant and assistant commandant of cadets and as tactical officers (sec. 545)

The House bill contained a provision (sec. 516) that would require that, upon the request of any of the six senior military colleges, the Secretary of Defense shall detail active duty officers to serve as the commandant or assistant commandant of cadets, and as tactical officers at the institution.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would provide the Secretary discretion in responding to a request from a senior military college.

The conferees expect that the service secretaries will respond positively to any request, from a senior military college, to provide an officer to serve as the commandant or assistant commandant, or as a tactical officer.

Subtitle E—Miscellaneous Reviews, Studies, and Reports

Report concerning appropriate forum for judicial review of Department of Defense personnel actions (sec. 551)

The Senate amendment contained a provision (sec. 559) that would establish a panel to examine whether the existing practices with regard to judicial review of DOD administrative personnel actions are appropriate and adequate, whether a centralized judicial review of administrative personnel actions should be established, and whether the United States Court of Appeals for the Armed Forces should conduct such reviews. This approach has been recommended by the American Bar Association.

The House bill contained no similar provision.

The House recedes with an amendment that would require the panel to examine whether a single federal court should conduct such reviews, and, if so, which federal court should be assigned that responsibility. The amendment would provide the Secretary of Defense with the responsibility to establish the panel. The conference agreement required that the Secretary consult with the Attorney General and the Chief Justice of the United States concerning appointments to the panel. The conferees also required that the Secretary consult with the Attorney General prior to sending the report to Congress.

Comptroller General review of proposed Army end strength allocations (sec. 552)

The House bill contained a provision (sec. 523) that would require the Comptroller General of the United States to determine the extent to which the Army is able to fully man the combat and support forces required to carry out the national security strategy and operations other than war for fiscal years 1996 through 2001.

The Senate amendment contained no similar provision.

The Senate recedes.

Report on manning status of highly deployable support units (sec. 553)

The House bill contained a provision (sec. 524) that would direct each of the secretaries of the military departments to conduct a study to determine whether high-priority support units, that would deploy early in a crisis, are, as a matter of policy, manned at less than 100 percent of authorized strengths. The provision would further require the secretaries of the military departments to report the findings of their studies not later than September 30, 1996.

The Senate amendment contained no similar provision.

The Senate recedes.

Review of system for correction of military records (sec. 554)

The Senate amendment contained a provision (sec. 555) that would require the secretaries of the military departments to review the composition of the Boards for the Correction of Military Records and the procedures used by those boards. The provision would require the submission of a report to the appropriate committees of the Senate and the House of Representatives by April 1, 1996.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

The conferees are concerned that the Boards for the Correction of Military Records are perceived to be unresponsive, bureaucratic extensions of the uniformed services.

Report of the consistency of reporting of fingerprint cards and final disposition forms to the Federal Bureau of Investigation (sec. 555)

The House bill contained a provision (sec. 565) that would require the Secretary of Defense to submit a report on the consistency with which fingerprint cards and final disposition forms are reported by the Defense Criminal Investigation Organizations to the Federal Bureau of Investigation.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Subtitle F—Other Matters

Equalization of accrual of service credit for officers and enlisted members (sec. 561)

The House bill contained a provision (sec. 551) that would make the criteria for accrual of service credit for officers consistent with the criteria established for enlisted members.

The Senate amendment contained a similar provision (sec. 552).

The conference agreement includes this provision.

Army ranger training (sec. 562)

The House bill contained a provision (sec. 557) that would establish a baseline number of officers and enlisted personnel that would have to be assigned to the Army Ranger Training Brigade and would give the Secretary of the Army one year to achieve that level. This provision would also require that training safety cells be established in each of the three major phases of the Ranger training course.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment which would require the Ranger Training Brigade to be manned at 90 percent of the requirements for two years, at which time the statutory requirement would expire. The amendment would also require the Comptroller General to assess the effectiveness of corrective actions taken by the Army as a result of the February 1995 accident at the Florida Ranger Training Camp. The amendment also expresses the sense of the Congress that the Secretary of Defense review and enhance, if necessary, oversight of all high-risk training and consider establishment of safety cells similar to those prescribed in the Ranger Training Brigade.

The conferees direct the secretary of defense to undertake a comprehensive analysis of high-risk training activities, to include, but not limited to the following: Army-Ranger; Navy SEAL; Navy and Air Force Survival, Evasion, Resistance, and Escape; and Airborne training. The study should identify key contributing factors prejudicial to personnel safety. This study shall include sensitivity analysis for each high-risk training program, with particular emphasis on officer-enlisted ratios and instructor-student ratios. The conferees direct the Secretary to submit the study results to the Senate Committee on Armed Services and the House Committee on National Security not later than December 31, 1996.

Separation in cases involving extended confinement (sec. 563)

The Senate amendment contained a provision (sec. 553) that would authorize the administrative separation of a service member who is sentenced by court-martial to a period of confinement for one year or more.

The House bill contained no similar provision.

The House recedes with an amendment that would authorize such a separation if the member has been sentenced to a period of confinement for more than six months.

Limitations on reductions in medical personnel (sec. 564)

The Senate amendment contained a provision (sec. 556) that would amend section 711 of the National Defense Authorization Act for Fiscal Year 1991, section 718 of the National Defense Authorization Act for Fiscal Years 1992 and 1993, and section 518 of the National Defense Authorization Act for Fiscal Year 1993 to modify the limitations on reductions in medical personnel.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Sense of Congress concerning personnel tempo rates (sec. 565)

The House bill contained a provision (sec. 525) that would express the sense of Congress that the Secretary of Defense should continue to improve the Department's personnel tempo management techniques so that all personnel can expect a reasonable personnel tempo rate.

The Senate amendment contained no similar provision.

The Senate recedes.

Separation benefits during force reduction for officers of the commissioned corps of National Oceanic and Atmospheric Administration (sec. 566)

The House bill contained a provision (sec. 566) that would, at the discretion of the Secretary of Commerce, authorize for officers of the Commissioned Corps of the National Oceanic and Atmospheric Administration, the separation benefits available to the other uniformed services.

The Senate amendment contained no similar provision.

The Senate recedes.

Discharge of members of the armed forces who have the HIV–1 virus (sec. 567)

The House bill contained a provision (sec. 561) that would require the Secretary of Defense to separate or retire service members who are identified as HIV-positive.

The Senate amendment contained no similar provision

The Senate recedes with an amendment that would provide the discharged member with an entitlement to medical and dental care within the Military Health Care System, to the same extent and under the same conditions as a military retiree.

Revision and codification of Military Family Act and Military Child Care Act (sec. 568)

The House bill contained a provision (sec. 560) that would codify in title 10, United States Code, updated provisions of The Military Family Act of 1985 (title VII, Public Law 99–145), and The Military Child Care Act of 1989 (title XV, Public Law 101–189), which were instrumental in focusing Department of Defense attention on the needs of military families and on the importance of effective child care programs.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would eliminate a reporting requirement.

Determination of whereabouts and status of missing persons (sec. 569)

The House bill contained a provision (sec. 563) that would require the Secretary of Defense to centralize at the Department of Defense level, the oversight and policy responsibility for accounting for missing persons.

The Senate amendment contained a similar provision (sec. 551).

The Senate recedes with an amendment that would clarify and integrate the two provisions.

The conferees' intention in requiring the creation of the Office for Missing Persons (section 1501) is that this office will have a broad range of responsibilities that include those of all the individual offices that currently have responsibilities for POW/MIA matters.

The conferees expect that the Secretary of Defense will organize this new office to serve as the single focal point in the Department of Defense for POW/MIA matters and consolidate the formulation and oversight of search, rescue, escape and evasion and accountability policies. The conferees further expect that the Secretary of Defense will make every effort to ensure a close working relationship with the national intelligence agencies.

In relation to the Special Rule for Persons Classified as KIA/BNR, the conferees believe that the evidence referred to in section 1509(c) should be compelling evidence, such as post-incident letters written by the supposedly-dead person while in captivity or United States or other archival evidence that directly contradicts earlier United States Government determinations.

Associate Director of Central Intelligence for Military Support (sec. 570)

The Senate amendment contained a provision (sec. 1096) that would exempt the position of Associate Director of Central Intelligence for Military Support from counting against the numbers and percentages of officers authorized to be serving in the rank and grade of such officer for the armed force of which such officer is a member when neither the Director for Central Intelligence or the Deputy Director for Central Intelligence is a military officer.

The House bill contained no similar provision.

The House recedes.

Subtitle G—Support for Non-Department of Defense Activities

Repeal and revision of certain Civil-Military Programs (secs. 571, 572, 573 and 574)

The House bill contained a provision (sec. 558) that would repeal the authority for three programs established by the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484): the Civil-Military Cooperative Action Program; the National Guard Youth Opportunities Program; and the Pilot Outreach Program to Reduce the Demand for Illegal Drugs. Additionally, this provision would preclude Department of Defense support to the Civilian Conservation Corps.

The Senate amendment contained several provisions that would address Civil-Military Programs as follows: (1) prohibit the use of funds for the Office of Civil-Military Programs within the Office of the Assistant Secretary of Defense for Reserve Affairs (sec. 362); (2) revise section 410 of title 10, United States Code, the Civil-Military Cooperative Action Program (sec. 363); (3) extend the authorization for the National Guard Youth Opportunities Program through Fiscal Year 1997 (sec. 1083); and (4) extend the duration of the Pilot Outreach Program to Reduce the Demand for Illegal Drugs for two additional years (sec. 1099A).

The conference agreement includes several provisions (secs. 571, 572, 573, and 574) that would: (1) replace section 410 of title 10, United States Code, with a new section, that would authorize support and services for certain eligible organizations and activities outside of the Department of Defense (sec. 2012); (2) prohibit the use of funds for the Office of Civil-Military Programs within the Office of the Assistant Secretary of Defense for Reserve Affairs or for any other entity within the Office of the Secretary of Defense that has an exclusive or principal mission of providing centralized direction for activities under section 572 of this Act; (3) extend that authorization for the National Guard Youth Opportunities Program for 18 months from enactment and limit the number of programs to the number in effect on September 30, 1995. The Conference Agreement did not extend the duration of the Pilot Outreach Program to Reduce Demand for Illegal Drugs.

Regarding the repeal of specific authority for the Civil-Military Cooperative Program and the absence of an extension of the Pilot Outreach Program to Reduce the Demand for Illegal Drugs, the conferees note that the

Young Marines, the Seaborne Conservation Corps, and other programs operated under Department of Defense and service policy prior to the October 1992 enactment of the statutory authorities for the various civil-military programs. The conferees expect that the Young Marines, the Seaborne Conservation Corps and other similar programs should be able to continue operations in accordance with the pre-October 1992 authorities.

The conferees intend that the 18-month extension of the National Guard Youth Opportunities Program would permit these programs to develop non-Department of Defense sources of funding in order to continue operation after the authority in this extension expires.

Regarding support and services for eligible organizations and activities outside of the Department of Defense, the conferees intend that the "custody community relations and public affairs activities", referred to in section 572(b)(1), provide for the use of Department of Defense resources to support public events, including such activities as the honor guards, static displays of equipment, bands, and demonstrations, and rely heavily on volunteer support. Department of Defense resources should be considered available for community relations support only after all military needs have been met. Additionally, the conferees expect that, concerning the exception to the relationship to military training, referred to in section 572(d)(2), most manpower requests for assistance under this exception will be met by volunteers, and that any assistance other than manpower will be extremely limited. With respect to such exception, Government vehicles may be used, but only to provide transportation of military manpower to and from the work site. The use of government aircraft in assistance under this exception is prohibited.

LEGISLATIVE PROVISIONS NOT ADOPTED

Report on feasibility of providing education benefits protection insurance for service academy and ROTC scholarship students who become medically unable to serve

The House bill contained a provision (sec. 515) that would require the Secretary of Defense to conduct a study on the need and feasibility of establishing a no cost to the government disability insurance plan for service academy and Reserve Officers' Training Corps scholarship students.

The Senate amendment contained no similar provision.

The House recedes.

The conferees believe that private insurance companies could provide the needed coverage without requiring further study by the Secretary of Defense. Accordingly, the conferees direct the Secretary to cooperate with private insurers and to make insurance information available to students in a manner that the Secretary determines to be essentially consistent with the way private insurance information is handled elsewhere within the Department of Defense.

Authority to appoint Brigadier General Charles E. Yeager, United States Air Force (retired) to the grade of major general on the retired list

The House bill contained a provision (sec. 562) that would authorize the President to advance Brigadier General Charles E. Yeager (retired) to the grade of major general on the retired list.

The Senate amendment contained no similar provision.

The House recedes.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—Pay and Allowances

Military pay raise for fiscal year 1996 (sec. 601)

The House bill contained a provision (sec. 601) that would provide a 2.4 percent military pay raise for all the uniformed services, except the National Oceanic and Atmospheric Administration. Additionally, the provision would increase by 5.2 percent the rates of the basic allowance for quarters for members of the uniformed services. These increases would be effective January 1, 1996.

The Senate amendment contained a similar provision that would apply to all uniformed services (sec. 601).

The House recedes.

Limitation on basic allowance for subsistence for members residing without dependents in government quarters (sec. 602)

The House bill contained a provision (sec. 602) that would require the secretaries of the military departments to allow no more than 12 percent of the service members without dependents who reside in government quarters to receive basic allowance for subsistence (BAS). The provision would also require the Secretary of Defense to submit a report to confirm the current number of service members in this category and to establish a standard for the appropriate percentage of personnel who are eligible to receive BAS.

The Senate amendment contained no similar provision.

The Senate recedes.

Election of basic allowance for quarters instead of assignment to inadequate quarters (sec. 603)

The Senate amendment contained a provision (sec. 602) that would authorize payment of the basic allowance for quarters (BAQ) and variable housing allowance (VHA) (and overseas housing allowance (OHA) if assigned overseas) to single members in the paygrade E–6 and above who have been assigned to quarters that do not meet minimum adequacy standards established by the Department of Defense.

The House bill contained no similar provision.

The House recedes.

Payment of basic allowance for quarters to members in pay grade E–6 who are assigned to sea duty (sec. 604)

The House bill contained a provision (sec. 603) that would authorize payment of basic allowance for quarters and variable housing allowance to single E–6 personnel assigned to shipboard sea duty.

The Senate amendment contained a similar provision (sec. 603).

The conference agreement includes this provision.

Limitation on reduction of variable housing allowance for certain members (sec. 605)

The House bill contained a provision (sec. 604) that would authorize the Secretary of Defense to establish a minimum amount of variable housing allowance (VHA) to meet the cost of adequate housing in high cost areas. The provision would also prevent the reduction of the amount of VHA paid to an individual, as long as the member retains uninterrupted eligibility to receive VHA in the housing area and the member's housing costs are not reduced.

The Senate amendment contained a provision (sec. 604) that would prevent reduction of the amount of variable housing allowance (VHA) paid to an individual, as long as the service member retains uninterrupted eligibility to receive VHA in the housing area and the service member's housing costs are not reduced.

The House recedes with a technical amendment.

The conferees believe that, if the current mechanism for determining VHA rates is inadequate, the Secretary of Defense should notify the Committee on Armed Services of the Senate and the Committee on National Security of the House. Such notification should include a recommended solution and all appropriate justification.

Clarification of limitation on eligibility for Family Separation Allowance (sec. 606)

The House bill contained a provision (sec. 605) that would authorize the payment of family separation allowance to service members on board a ship that is away from homeport, even though the service member elected to remain unaccompanied by dependents at the permanent duty station.

The Senate amendment contained a similar provision (sec. 605) that also authorized payment of family separation allowance when members are on temporary duty away from permanent duty station.

The House recedes.

Subtitle B—Bonuses and Special and Incentive Pays

Extension of certain bonuses for reserve forces (sec. 611)

The House bill contained a provision (sec. 611) that would extend until September 30, 1998 the authority for the selected reserve reenlistment bonus, the selected reserve enlistment bonus, the selected reserve affiliation bonus, the ready reserve enlistment and reenlistment bonus, and the prior service enlistment bonus.

The Senate amendment contained a similar provision (sec. 611) that would provide for extensions to September 30, 1997.

THe House recedes.

Extension of certain bonuses and special pay for nurse officer candidates, registered nurses, and nurse anesthetists (sec. 612)

The House bill contained a provision (sec. 612) that would extend until September 30, 1998 the authority for the nurse officer candidate accession program, the accession bonus for registered nurses, and the incentive special pay for nurse anesthetists.

The Senate amendment contained a similar provision (sec. 612) that would provide for extensions to September 30, 1997.

The House recedes.

Extension of authority relating to payment of other bonuses and special pays (sec. 613)

The House bill contained a provision (sec. 613) that would extend until September 30, 1998 the authority for the aviation officer retention bonus, the reenlistment bonus for active members, enlistment bonuses for critical skills, special pay for enlisted members of the selected reserve assigned to certain high-priority units, special pay for nuclear-qualified officers extending the period of active service, and the nuclear career accession bonus. The provision would also extend the authority for repayment of education loans for certain health professionals who serve in the selected reserve and the nuclear career annual incentive bonus to October 1, 1998.

The Senate amendment contained a similar provision (sec. 613) that would provide for extensions to September 30 and October 1, 1997.

The House recedes with a clarifying amendment.

Codification and extension of special pay for critically short wartime health specialists in the selected reserves (sec. 614)

The House bill contained a provision (sec. 614) that would amend title 37, United States Code, to include authorization of special pay for critically short wartime health specialists in the selected reserves and extend the authority for the special pay to September 30, 1998.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment to limit the extension of authority to September 30, 1997.

Hazardous duty incentive pay for warrant officers and enlisted members serving as air weapons controllers (sec. 615)

The Senate amendment contained a provision (sec. 614) that would authorize special hazardous duty incentive pay for enlisted members serving as air weapons controllers aboard airborne warning and control systems.

The House bill contained no similar provision.

The House recedes.

Aviation career incentive pay (sec. 616)

The House bill contained a provision (sec. 615) that would reduce the initial operational flying requirement for Aviation Career Incentive Pay from 9 of the first 12 years to 8 of te first 12 years of aviation service.

The Senate amendment contained a similar provision (sec. 615) that would also restrict to the service secretary the authority to grant waivers of the number of years.

The House recedes.

Clarification of authority to provide special pay for nurses (sec. 617)

The Senate amendment contained a provision (sec. 616) that would add military nurses to the list of health care professionals who are eligible to receive a special pay for being board certified in their specialty.

The House bill contained no similar provision.

The House recedes.

Continuous entitlement to career sea pay for crew members of ships designated as tenders (sec. 618)

The House bill contained a provision (sec. 616) that would authorize personnel assigned to tenders to receive career sea pay.

The Senate amendment contained a similar provision (sec. 617).

The conference agreement includes this provision.

Increase in maximum rate of special duty assignment pay for enlisted members serving as recruiters (sec. 619)

The House bill contained a provision (sec. 617) that would authorize payment of a maximum monthly rate of $375 of additional special duty assignment pay to recruiters.

The Senate amendment contained an identical provision (sec. 618).

The conference agreement includes this provision.

Subtitle C—Travel and Transportation Allowances

Repeal of requirement regarding calculation of allowances on basis of mileage tables (sec. 621)

The Senate amendment contained a provision (sec. 621) that would amend section 104(d)(1)(A) of title 37, United States Code, to repeal the requirement that travel mileage tables be prepared under the direction of the Secretary of Defense.

The House bill contained no similar provision.

The House recedes.

Departure allowances (sec. 622)

The Senate amendment contained a provision (sec. 622) that would equalize evacuation allowances to ensure equitable treatment of military dependents, civilians and their dependents, when officially authorized or ordered to evacuate an overseas area.

The House bill contained no similar provision.

The House recedes.

Transportation of nondependent child from member's station overseas after loss of dependent status while overseas (sec. 623)

The House bill contained a provision (sec. 621) that would authorize dependent children, who lose eligibility as dependents for any reason while overseas, to return to the United States one time at government expense prior to the sponsor receiving permanent-change-of-station orders.

The Senate amendment contained a similar provision (sec. 624).

The conference agreement includes this provision.

Authorization of dislocation allowance for moves in connection with base realignments and closures (sec. 624)

The House bill contained a provision (sec. 622) that would authorize the payment of dislocation allowance for service members directed to move as a result of the closure or realignment of an installation.

The Senate amendment contained a similar provision (sec. 623).

The conference agreement includes this provision.

Subtitle D—Retired Pay, Survivor Benefits, and Related Matters

Effective date for military retiree cost-of-living adjustments for fiscal years 1996, 1997 and 1998 (sec. 631)

The House bill contained a provision (sec. 633) that would conform the military retired pay cost-of-living adjustment (COLA) payment date with the payment date established for Federal civilian retirees by making the military retired pay COLA first payable during March 1996, rather than September 1996.

The Senate amendment contained a provision (sec. 641) that would provide that the 1996 military retired pay cost-of-living adjustment be effective the first day of March 1996. In subsequent years, the cost-of-living adjustment would be effective the first day of December of each year.

The House recedes with an amendment that would provide that the military retired pay COLAs for fiscal years 1996 and 1997 be effective the first day of March, 1996, and the first day of December, 1996, respectively. The provision would also require that the effective date for COLAs during fiscal year 1998 conform to the date prescribed for Federal civilian retirees.

The conferees acknowledge that restoring equity to the payment of COLAs to military retirees has been a priority concern since passage of the Omnibus Budget Reconciliation Act of 1993 which caused military retirees to receive their COLAs later than their civilian counterparts. The solution specified in this provision is a welcome end to the inequity between the two groups of retirees.

Denial of non-regular service retired pay for reserves receiving certain court-martial sentences (sec. 632)

The Senate amendment contained a provision (sec. 642) that would authorize the Secretaries of the military departments to deny retired pay to non-regular service members who are convicted of an offense under the Uniform Code of Military Justice and whose sentence includes death, a dishonorable discharge, a bad conduct discharge, or dismissal. The provision would treat both regular and non-regular service members equitably.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Report on payment of annuities for certain military surviving spouses (sec. 633)

The Senate amendment contained a provision (sec. 648) that would require the Secretary of Defense to determine the number of surviving spouses of retired careerists who died before March 21, 1974 and retired pay eligible reserve retirees under age 60 who died before September 30, 1978, and report to the Senate Committee on Armed Services and the House Committee on National Security. These groups of surviving spouses have become known as "Forgotten Widows" since they were widowed before provisions of the Survivor Benefit Plan were applicable to them.

The House bill contained no similar provision.

The House recedes.

Payment of back quarters and subsistence allowances to World War II veterans who served as guerrilla fighters in the Philippines (sec. 634)

The conference agreement includes a provision that would require the service secretaries, on request, to pay the quarters and subsistence allowance that was not paid to certain guerrilla fighters in the Philippines during World War II.

Authority for relief from previous overpayments under minimum income widows program (sec. 635)

The conference agreement includes a provision that would permit the Secretary of Defense to waive the recovery of any overpayment made before enactment of the conference report and that is attributable to a failure by the Department of Defense to apply eligibility requirements correctly.

The conferees expect the Secretary of Defense to direct the Defense Finance and Accounting Service to stop sending collection letters to widows expected to be covered under this provision.

Transitional compensation for dependents of members of the armed forces separated for dependent abuse (sec. 636)

The House bill contained a provision (sec. 556) that would require the Secretary of Defense to retroactively provide compensation to certain eligible dependents inadvertently excluded from the program.

The Senate amendment contained a provision (sec. 649) that would amend section 1059(d) of title 10, United States Code, to include transitional compensation for dependents whose sponsor forfeited all pay and allowances, but was not separated from the service.

The Senate recedes with a clarifying amendment.

Subtitle E—Other Matters

Payment to survivors of deceased members for all leave accrued (sec. 641)

The Senate amendment contained a provision (sec. 647) that would permit survivors of deceased members of the uniformed services to be paid for all leave accrued. This provision will enable survivors to be paid for leave accrued above the 60 day limit.

The House bill contained no similar provision.

The House recedes.

Repeal of reporting requirements regarding compensation matters (sec. 642)

The House bill contained a provision (sec. 631) that would eliminate a report on dependents accompanying members on assignments to overseas locations and simplify the requirement for the President to submit to the Congress recommendations on military pay matters.

The Senate amendment contained a similar provision (sec. 1072(d)).

The Senate recedes with an amendment that would combine the two provisions.

Recoupment of administrative expenses in garnishment actions (sec. 643)

The Senate amendment contained a provision (sec. 643) that would amend section 5502 of title 5, United States Code, to shift the burden for payment of administrative costs, incurred incident to garnishment actions, from the employee to the creditor.

The House bill contained no similar provision.

The House recedes.

Report on extending to junior noncommissioned officers privileges provided for senior noncommissioned officers (sec. 644)

The Senate amendment contained a provision (sec. 646) that would require the Secretary of Defense to study and report to the Congress on methods of improving the working conditions of noncommissioned officers in pay grades E–5 and E–6. This report, and the accompanying legislative recommendations, should provide the committee a road map to continue quality of life improvements.

The House bill contained no similar provision.

The House recedes.

Study regarding joint process for determining location of recruiting stations (sec. 645)

The House bill contained a provision (sec. 632) that would require the Secretary of Defense to conduct a study of the process for determining the location and manning of recruiting stations. The study would be based on market research and analysis conducted jointly by the military departments.

The Senate amendment contained no similar provision.

The Senate recedes.

Automatic maximum coverage under Servicemen's Group Life Insurance (sec. 646)

The Senate amendment contained a provision (sec. 644) that would automatically enroll service members at the maximum insurance level of $200,000, instead of the $100,000 level currently in law.

The House bill contained no similar provision.

The House recedes with an amendment that would delay implementation until April 1, 1996.

Termination of servicemen's group life insurance for members of the Ready Reserve who fail to pay premiums (sec. 647)

The Senate amendment contained a provision (sec. 645) that would authorize the Secretary of Defense to terminate coverage under the Servicemen's Group Life Insurance for members of the ready reserve who fail to make premium payments for 120 days.

The House bill contained no similar provision.

The House recedes with an amendment that would delay implementation until April 1, 1996.

LEGISLATIVE PROVISIONS NOT ADOPTED

Repeal of prohibition on payment of lodging expenses when adequate Government quarters are available

The House bill contained a provision (sec. 623) that would repeal the prohibition on payment of lodging expenses when adequate government quarters are available.

The Senate amendment contained no similar provision.

The House recedes.

TITLE VII—HEALTH CARE PROVISIONS

ITEMS OF SPECIAL INTEREST

Follow-on medical care for certain members of former members of the Armed Forces and their dependents

The conferees note that same service members, as a result of receiving transfusions at military hospitals were placed at risk of contracting a serious communicable disease and subsequently transmitting it to their dependents.

The case of Douglas Simon of Eden Prairie, Minnesota, and his family, is an example of the very tragic situation that can arise following a transfusion of contaminated blood. In 1983, while serving in the Army National Guard, Mr. Simon was infected with the AIDS virus after undergoing a blood transfusion at Fort Benning, Georgia. Subsequently, he unknowingly transmitted the virus to his spouse, Nancy, who in turn, transmitted the virus to their daughter Candace. Candace became ill and died of AIDs in 1993 at the age of five. Both Mr. and Mrs. Simon are now in the terminal stages of AIDS and their two remaining children Brian, 11, and Eric, 9, will be orphaned. To date, the Department of Defense has not accepted any financial responsibility for the treatment of Mr. or Mrs. Simon, or the future of the two children. The conferees direct the Secretary of Defense to review the Department's role in this case and to determine whether the Department of Defense should provide fair compensation to these and other similarly affected persons.

LEGISLATIVE PROVISIONS

Legislative provisions adopted

Subtitle A—Health Care Services

Modifications of requirements regarding routine physical examinations and immunizations under CHAMPUS (sec. 701)

The House bill contained a provision (sec. 701) that would amend section 1079(a) of title 10, United States Code, by expanding "well-baby visits" and immunizations to dependents under the age of six, by authorizing immunizations at age six and above and by adding coverage of health promotion and disease prevention visits associated with immunizations, pap smears and mammograms.

The Senate amendment contained a similar provision (sec. 703).

The conference agreement includes this provision.

Correction of inequities in medical and dental care and death and disability benefits for certain reservists (sec. 702)

The House bill contained a provision (sec. 702) that would authorize reservists the same death and disability benefits as active duty members, during off-duty periods between successive inactive duty training periods performed at locations outside the reasonable commuting distance from the member's residence.

The Senate amendment contained no similar provision.

The Senate recedes.

Medical care for surviving dependents of retired Reserves who die before age 60 (sec. 703)

The Senate amendment contained a provision (sec. 701) that would permit survivors of "gray area" retirees, members of the retired reserve who have not attained the age of 60 years, to receive medical care as if the sponsor had attained 60 years of age and was receiving retirement benefits.

The House bill contained no similar provision.

The House recedes.

Medical and dental care for members of the Selected Reserve assigned to early deploying units of the Army Selected Reserve (sec. 704) and dental insurance for members of the Selected Reserve (sec. 705)

The House bill contained a provision (sec. 703) that would require the Secretary of the Army to provide medical and dental screenings, physical exams for members over 40, and the dental care required to meet dental readiness standards for units scheduled for deployment within 75 days of mobilization.

The provision would also require the Secretary of Defense to conduct a demonstration program to offer members of the selected reserve dental readiness insurance on a voluntary basis, at no cost to the Department of Defense.

The Senate amendment contained a provision (sec. 702) that would require the Secretary of Defense to establish a dental insurance plan for members of the selected reserve. The provision would require a plan, similar to the active duty dependent dental insurance plan, with voluntary enrollment and premium sharing by the member.

The House recedes with two amendments. One requires the Secretary of Defense to establish a dental insurance plan for members of the selected reserve in fiscal year 1997. The amendment also provides authority for the Secretary to conduct the necessary surveys, preparation work, and a test of the plan in fiscal year 1996. The other amendment requires the Secretary of the Army to provide medical and dental care to members of early deploying units of the selective reserve.

Permanent authority to carry out Specialized Treatment Facility Program (sec. 706)

The Senate amendment contained a provision (sec. 704) that would amend section 1105 of title 10, United States Code, by repealing subsection (h), the sunset provision, to make the Specialized Treatment Facility Program permanent.

The House bill contained no similar provision.

The House recedes.

Subtitle B—TRICARE Program

Definition of TRICARE Program (sec. 711)

The Senate amendment contained a provision (sec. 711) that would define the TRICARE program and other terms of art in the statute.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Priority use of military treatment facilities for persons enrolled in managed care initiatives (sec. 712)

The House bill contained a provision (sec. 711) that would amend title 10, United States Code, to require the Secretary of Defense, as an incentive for enrollment, to establish reasonable priorities for services provided at military treatment facilities for TRICARE-enrolled beneficiaries.

The Senate amendment contained no similar provision.

The Senate recedes.

Staggered payment of enrollment fees for TRICARE program (sec. 713)

The House bill contained a provision (sec. 712) that would amend section 1097(e) of title

10, United States Code, to require the Secretary of Defense to allow beneficiaries to pay any required enrollment fees on a monthly or quarterly basis, at no additional cost to the beneficiary.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment limiting the payments to a quarterly basis.

The conferees direct the Secretary of Defense to establish procedures for retired service members to pay enrollment fees by allotment.

Requirement of budget neutrality for TRICARE program to be based on entire program (sec. 714)

The House bill contained a provision (sec. 713) that would clarify the requirement for the TRICARE HMO option to be budget neutral by requiring that the combined effect of all three TRICARE options be budget neutral.

The Senate amendment contained no similar provision.

The Senate recedes.

Training in health care management and administration for TRICARE lead agents (sec. 715)

The House bill contained a provision (sec. 714) that would direct the Secretary of Defense to ensure that military medical treatment facility commanders, selected to serve as lead agents for the Department's managed health-care program, TRICARE, receive appropriate training in health-care management and administration.

the Senate amendment contained no similar provision.

The Senate recedes with an amendment that would add key subordinates to the training requirement.

Pilot program of individualized residential mental health services (sec. 716)

The House bill contained a provision (sec. 746) that would direct the Secretary of Defense to study the feasibility of expanding mental health services to include "wraparound" services, and to include the requirement that providers share financial risk through case-rate reimbursement, and then to report the results of the study to Congress by March 1, 1996.

The Senate amendment contained a provision (sec. 714) that would direct the Secretary of Defense to implement a program of residential treatment for seriously emotionally disturbed and complex-needs adolescents. This treatment would incorporate the concept of "wraparound services" in one TRICARE region. The Secretary would be required to report on the evaluation of this program not later than eighteen months after the program is implemented.

The House recedes with a clarifying amendment.

Evaluation and report on TRICARE program effectiveness (sec. 717)

The House bill contained a provision (sec. 715) that would require the Secretary of Defense to obtain an ongoing independent evaluation of the TRICARE program and to provide an annual report to Congress on the results of the evaluation. The evaluation should report on efforts to make TRICARE Prime, the HMO option, available in noncatchment and rural areas.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Sense of Congress regarding access to health care under TRICARE program for covered beneficiaries who are Medicare eligible (sec. 718)

The Senate amendment contained a provision (sec. 713) that would express the sense of the Senate that the Secretary of Defense should develop a program to ensure that covered beneficiaries who are eligible for Medicare and who reside in a region in which TRICARE has been implemented have access to health care services under TRICARE and that the Department of Defense be reimbursed for those services.

The house bill contained no similar provision.

The House recedes with an amendment that makes the provision a sense of Congress.

Subtitle C—Uniformed Services Treatment Facilities

Delay of termination of status of certain facilities as Uniformed Services Treatment Facilities (sec. 721)

The Senate amendment contained a provision (sec. 721) that would extend until September 30, 1997, the designation of Uniformed Services Treatment Facilities (USTF) as military treatment facilities (MTF).

The House bill amendment contained no similar provision.

The House recedes.

Limitation on expenditures to support Uniformed Services Treatment Facilities (sec. 722)

The House bill contained a provision (sec. 721) that would amend the National Defense Authorization Act for Fiscal Year 1984 (Public Law 98–94) to limit the amount authorized to $300.0 million for the Department of Defense Uniformed Services Treatment Facilities (USTFs) managed care plan. This section would limit beneficiary enrollment in the USTF program to the number enrolled as of September 30, 1995.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would eliminate the limit on the number of enrollees.

Application of CHAMPUS payment rules in certain cases (sec. 723)

The Senate amendment contained a provision (sec. 723) that would amend section 1074 of title 10, United States Code, to include the Uniformed Services Treatment Facilities (USTF) in the authority under which a USTF could be reimbursed for care provided to a Department of Defense eligible enrollee who receives care out of the local area of the USTF in which they are enrolled.

The House bill contained no similar provision.

The House recedes.

Application of federal acquisition regulation to participation agreements with Uniformed Services Treatment Facilities (sec. 724)

The House bill contained a provision (sec. 722) that would amend the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510) by repealing the Federal Acquisition Regulation (FAR) exemption granted to the Uniformed Services Treatment Facilities (USTFs).

The Senate amendment contained a similar provision (sec. 722).

The Senate recedes.

Development of plan for integrating Uniformed Services Treatment Facilities in managed care programs of Department of Defense (sec. 725)

The House bill contained a provision (sec. 723) that would amend section 718(c) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510) to require the Secretary of Defense to submit to Congress a plan under which the 10 Uniformed Services Treatment Facilities (USTFs) would be integrated into the Department of Defense's managed health-care program by September 30, 1997. In addition, this section would require the Secretary to assess the feasibility of implementing a modified version of USTF option II.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Equitable implementation of uniform cost sharing requirements for Uniformed Services Treatment Facilities (sec. 726)

The House bill contained a provision (sec. 724) that would direct the Secretary of Defense to apply uniform cost shares to each of the 10 Uniformed Services Treatment Facilities (USTFs) only upon regional implementation of the TRICARE managed health care program in the USTF's service area. It would also direct the GAO to evaluate the effect of TRICARE cost shares on USTFs.

The Senate amendment contained a provision (sec. 712) that would require the Uniformed Services Treatment Facilities to implement the TRICARE uniform benefit concurrent with the implementation of TRICARE in that region. The recommended provision would exempt a covered beneficiary who has been continuously enrolled on and after January 1, 1995.

The Senate recedes.

Elimination of unnecessary annual reporting requirements regarding Uniformed Services Treatment Facilities (sec. 727)

The House bill contained a provision (sec. 736) that would eliminate unnecessary annual reporting requirements regarding military health care.

The Senate amendment contained no similar provision.

The Senate recedes.

Subtitle D—Other Changes to Existing Laws Regarding Health Care Management

Maximum allowable payments to individual health-care providers under CHAMPUS (sec. 731)

The House bill contained a provision (sec. 731) that would amend title 10, United States Code, to codify a provision of the Department of Defense Appropriations Act for Fiscal Year 1995 (Public Law 103–335) that establishes a process for gradually reducing CHAMPUS maximum payment amounts to those limits for similar services under Medicare.

The Senate amendment contained a similar provision (sec. 732).

The conference agreement includes this provision.

Notification of certain CHAMPUS covered beneficiaries of loss of CHAMPUS eligibility (sec. 732)

The House bill contained a provision (sec. 743) that would direct the administering secretaries to develop a mechanism for notifying beneficiaries of their ineligibility for CHAMPUS health benefits when the loss of CHAMPUS eligibility is due to disability status.

The Senate amendment contained no similar provision.

The Senate recedes.

Personal services contracts for medical treatment facilities of the Coast Guard (sec. 733)

The Senate amendment contained a provision (sec. 733) that would authorize the Secretary of Transportation to use the personal

services contract authority, currently available to the Secretary of Defense, to contract for health care providers in support of the Coast Guard.

The House bill contained no similar provision.

The House recedes.

Identification of third-party payer situations (sec. 734)

The House bill contained a provision (sec. 733) that would authorize the Secretary of Defense to prescribe regulations for the collection of information from covered beneficiaries regarding insurance, medical service, or health plans of third-party payers.

The Senate amendment contained no similar provision.

The Senate recedes.

Redesignation of Military Health Care Account as Defense health Program Account and two-year availability of certain account funds (sec. 735)

The House bill contained a provision (sec. 734) that would amend section 1100 of title 10, United States Code, to allow the Secretary of Defense to carry over three percent of the defense health plan annual operation and maintenance appropriations to the end of the next fiscal year.

The Senate amendment contained a similar provision (sec. 731).

The conference agreement includes this provision.

Expansion of financial assistance program for health care professionals in reserve components, to include dental specialties (sec. 736)

The House bill contained a provision (sec. 735) that would authorize financial assistance for qualified dentists engaged in training for a dental specialty which is critically needed in wartime.

The Senate amendment contained a similar provision (sec. 512).

The conference agreement includes this provision.

Applicability of limitation on prices of pharmaceuticals procured for Coast Guard (sec. 737)

The Senate amendment contained in provision (sec. 743) that would include the Coast Guard in the pharmaceutical purchase program administered by the Department of Veterans Affairs.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Expansion of existing restriction on use of defense funds for abortions (sec. 738)

The House bill contained a provision (sec. 732) that would amend section 1093 of title 10, United States Code, to restrict the Department of Defense (DOD) from using medical treatment facilities or other DOD facilities, as well as DOD funds, to perform abortions, unless necessary to save the life of the mother.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would prohibit the use of Department of Defense facilities to perform abortions except in cases where the pregnancy is the result of rape or incest or in cases when the life of the mother is endangered. The amendment would retain the prohibition on the use of Department of Defense funds for abortions except in cases when the life of the mother in endangered.

Subtitle E—Other Matters

Tri-service nursing research (sec. 741)

The Senate amendment contained a provision (sec. 741) that would authorize establishment of a tri-service research program at the Uniformed Services University of the Health Sciences.

The House bill contained no similar provision.

The House recedes.

Termination of program to train military psychologists to prescribe psychotropic medications (sec. 742)

The House bill contained a provision (sec. 741) that would direct the Department of Defense to terminate the pilot demonstration program and to withdraw the authority to prescribe psychotropic drugs from psychologists who participated in the demonstration program.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would prohibit any new enrollments, permit current students to complete the training, and require a General Accounting Office evaluation of the program.

Waiver of collection of payments due from certain persons unaware of loss of CHAMPUS eligibility (sec. 743)

The House bill contained a provision (sec. 742) that would authorize the Secretaries of Defense, Transportation and Health and Human Services to waive the collection of certain payments described for beneficiaries of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS). This waiver would apply to CHAMPUS beneficiaries who lost their CHAMPUS eligibility prior to Medicare entitlement because of a disability or end-stage renal disease.

The Senate amendment contained no similar provision.

The Senate recedes.

Demonstration program to train military medical personnel in civilian shock trauma units (sec. 744)

The House bill contained a provision (sec. 744) that would require the Secretary of Defense to conduct a demonstration program, through arrangements with civilian hospitals, to evaluate the feasibility of providing additional shock trauma training for military medical personnel.

The Senate amendment contained no similar provision.

The Senate recedes.

The conferees expect the Secretary of Defense to ensure that the program would be budget neutral and that the Department would receive compensation, payment in kind, or services of equivalent value to the government costs for providing services to the non-DOD agencies. The conferees further direct the Comptroller General to evaluate the costs and value of services or reimbursements to the government.

Study regarding Department of Defense efforts to determine appropriate force levels of wartime medical personnel (sec. 745)

The House bill contained a provision (sec. 745) that would direct the Comptroller General of the United States to evaluate the effectiveness of the modeling efforts of each of the three service surgeons general related to determination of the appropriate wartime military medical force-level requirements, and then to submit to Congress a report on this evaluation, not later than March 1, 1996.

The Senate amendment contained no similar provision.

The Senate recedes.

Report on improved access to military health care for covered beneficiaries entitled to Medicare (sec. 746)

The House bill contained a provision (sec. 747) that would require the Secretary of Defense to report on possible alternatives to improving access to the military health care system for those beneficiaries who are Medicare eligible and ineligible for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS).

The Senate amendment contained no similar provision.

The Senate recedes.

Report on effect of closure of Fitzsimons Army Medical Center, Colorado, on provision of care to military personnel, retired military personnel, and their dependents (sec. 747)

The Senate amendment contained a provision (sec. 744) that would require the Secretary of Defense to report to the Congress on the effect of the closure of Fitzsimons Army Medical Center, Colorado, on the capability of the Department of Defense to provide health care for members and former members of the armed services, and their dependents who suffer from undiagnosed illness as a result of service in the Persian Gulf War.

The House bill contained no similar provision.

The House recedes with an amendment that would expand the requirement to include a report on the effect of the closure of Fitzsimons Army Medical Center on the capability of the Department of Defense to provide health care for all military members, retired military personnel, and their dependents.

Sense of Congress on continuity of health care services for covered beneficiaries adversely affected by closures of military medical treatment facilities (sec. 748)

The House bill contained a provision (sec. 748) that would express the sense of Congress that the Secretary of Defense should take all appropriate steps to ensure the continuation of medical and pharmaceutical benefits for covered beneficiaries adversely affected by the closure of military facilities.

The Senate amendment contained no similar provision.

The Senate recedes.

State recognition of military advance medical directives (sec. 749)

The House bill contained a provision (sec. 555) that would ensure advanced medical directives, prepared by members of the armed forces, their spouses, or other persons eligible for legal assistance, are recognized as valid by all states and possessions of the United States.

The Senate amendment contained a similar provision (sec. 1092).

The Senate recedes with a clarifying amendment.

LEGISLATIVE PROVISIONS NOT ADOPTED

Waiver of Medicare Part B late enrollment penalty and establishment of special enrollment period for certain military retirees and dependents

The Senate amendment contained a provision (sec. 705) that would amend the Social Security Act to authorize a waiver of the penalty for late enrollment in Medicare Part B for Medicare-eligible Department of Defense beneficiaries who reside in geographic areas affected by the closure of military hospitals under the Base Realignment and Closure process.

The House bill contained no similar provision.

The Senate recedes.

Disclosure of information in Medicare and Medicaid coverage data bank to improve collection from responsible parties for health care services furnished under CHAMPUS

The Senate amendment contained a provision (sec. 734) that would amend section 1144

of the Social Security Act to extend to the Department of Defense access to information in the data bank to enhance the effectiveness of the Department of Defense third party collection program.

The House bill contained no similar provision.

The Senate recedes.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

ITEMS OF SPECIAL INTEREST

Ship repair contracts

The conferees are concerned with continued reports that Navy ship repair contractors are not being paid by the prime contractor in a timely manner. The House report accompanying H.R. 1530 (H. Rept. 104–131) addressed this issue by asking the Navy to pursue remedies necessary to ensure that the subcontractor community will be able to support the United States Navy fleet properly. The conferees support this language and urge the Navy to monitor this problem carefully and explore available remedies to ensure that Navy ship repair subcontractors are properly and promptly compensated for their services.

The conferees are similarly concerned with the Navy's practice of bundling ship repair contracts that include only a small number of drydocking requirements within several ship repair availabilities. The conferees are concerned that this may unnecessarily preclude competition for repair work that does not require a drydock. The conferees believe that if the Navy continues to bundle multiyear ship repair contracts that would in part require the use of a drydock, the Navy should give strong consideration to making available, at a reasonable cost, a public drydock, to ensure adequate competition.

Workers compensation coverage on overseas contracts

The conferees agree with the requirement contained in the Senate report (S. Rept. 104–112) that would direct the Secretary of Defense to review the efforts of the State Department and the Agency for International Development to consolidate worker's compensation insurance coverage on overseas contracts. The conferees note that chapter 12 of title 42, United States Code, mandates that all United States citizens and legal permanent residents, employed for any duration by a defense contractor, be covered by uniform worker's compensation insurance.

LEGISLATIVE PROVISIONS

Legislative provisions adopted

Subtitle A—Acquisition Reform

Limitation on expenditure of appropriations (sec. 801)

The House bill contained a provision (sec. 821(b)) that would repeal section 2207 of title 10, United States Code.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would apply section 2207 of title 10, United States Code, solely to contracts valued above the simplified acquisition threshold.

Delegation authority (sec. 802)

The Senate amendment contained a provision (sec. 806) that would repeal section 2356 of title 10, United States Code, which unnessarily duplicates inherent authority of the Secretary of Defense to delegate research contracting authorities.

The House bill contained an identical provision.

The conference agreement includes this provision.

Critical spare parts (sec. 803)

The House bill contained a provision (sec. 821(d)) that would repeal section 2383 of title 10, United States Code, regarding quality requirements for critical spare parts of ships or aircraft. The provision was intended to assist the Department of Defense in shifting from reliance on outdated military specifications and standards to the use of modern industrial manufacturing methods that would ensure quality in critical spare parts.

The Senate amendment contained an identical provision (sec. 809).

The conference agreement includes this provision.

Fees for certain testing services (sec. 804)

The House bill contained a provision (sec. 822) that would provide flexibility for the Secretary of Defense to require reimbursement of indirect, as well as direct costs, from private sector uses of Department of Defense testing facilities.

The Senate amendment contained an identical provision (sec. 812).

The conference agreement includes this provision.

Coordination and communication of defense research activities (sec. 805)

The House bill contained a provision (sec. 824) that would amend section 2364 of title 10, United States Code, to require that papers prepared by a defense research facility on a technological issue relating to a major weapon system be available for consideration at all decision reviews.

The Senate amendment contained an identical provision (sec. 807).

The conference agreement includes this provision.

Addition of certain items to domestic source limitation (sec. 806)

The House bill contained a provision (sec. 825) that would add certain named vessel components to domestic source limitations, as provided in section 2534(a) of title 10, United States Code. The provision would also extend, through October 1, 2000, current limitations related to anti-friction bearings and would require that these limitations be applicable to contracts and subcontracts below the simplified acquisition threshold, as well as for commercial subcontracts.

The Senate contained no similar provision.

The Senate recedes with an amendment that would modify the list of vessel components to be added to the domestic source limitations in section 2534 of title 10, United States Code. The provision includes language that would restrict the application of the domestic source limitations to the additional vessel components for contracts entered into after March 31, 1996. The provision would allow the Secretary of the navy additional waiver authority for the application of such limitations based on a determination that such application would result in retaliatory trade action by a foreign country against the United States.

The conferees have included language that would require, for a two-year period beginning on the date of enactment of this Act, a similar limitation on the purchase of propellers with a diameter of six feet or more. The conferees direct the Secretary of the Navy to provide the congressional defense committees by March 1, 1996 with an assessment of the impact on the Navy's ability to maintain and modernize the fleet, and address the impact of the limitation on the purchase of and the castings for such propellers. The conferees also remain concerned over the pressing need to sustain a robust ship propeller repair and maintenance commercial base. Therefore, the conferees strongly urge the Navy to take this critical objective fully into account in allocating propeller repair work in the future.

Encouragement of use of leasing authority for commercial vehicles (sec. 807)

The House bill contained a provision (sec. 827) that would direct the Secretary of Defense to use lease agreements for acquisition of equipment, whenever practicable and otherwise authorized by law. The House provision would also direct the Secretary to submit to Congress, within 90 days after enactment of this bill, a report indicating changes in legislation required to facilitate the Department of Defense use of leases for the acquisition of equipment.

The Senate amendment contained a provision (sec. 392), similar to the House provision, that would also provide authority for the Secretary of Defense to conduct a pilot program for lease of commercial utility cargo vehicles under certain prescribed conditions.

The House recedes with a clarifying amendment.

Cost reimbursement rules for indirect costs attributable to private sector work of defense contractors (sec. 808)

The House bill contained a provision (sec. 844) that would authorize the Secretary of Defense to enter into agreements with contractors performing or seeking to perform private sector work. The House provision would apply modified accounting rules with respect to the allocation of indirect costs associated with a contractor's private sector work.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would clarify the method for allocation of indirect costs to contractor private sector work and would require the Secretary of Defense to report on the use of the authority contained in this provision. The conferees expect the Secretary to act expeditiously on each defense contractor application for an agreement under this section.

Subcontracts for ocean transportation services (sec. 809)

The Senate amendment contained a provision (sec. 802(b)) that would delay, until May 1, 1996, the inclusion of section 1241(b) of title 46, United States Code, or section 2631 of title 10, United States Code, on a list promulgated under section 430(b) of title 41, United States Code.

The House bill contained no similar provision.

The House recedes.

Prompt resolution of audit recommendations (sec. 820)

The Senate amendment contained a provision (sec. 803) that would conform section 6009 of the Federal Acquisition Streamlining Act of 1994 to the reporting requirements of the Inspector General Act of 1978.

The House bill contained no similar provision.

The House recedes.

Test programs for negotiation of comprehensive subcontracting plans (sec. 811)

The Senate amendment contained a provision (sec. 804) that would amend the test authority to remove the limitation on the activities that may be included in a test. The provision would also reduce the number of contracts and the aggregate dollar value of those contracts required to establish a condition for a contractor's participation in the test program.

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The House bill contained no similar provision.

The House recedes.

Authority to procure for test or experimental purposes (sec. 812)

The Senate amendment contained a provision (sec. 808) that would amend section 2373 of title 10, United States Code, to conform the newly-codified section to the scope of the service-specific statutes it replaced.

The House bill contained no similar provision.

The House recedes.

Use of funds for acquisition of rights to use designs, processes, technical data and computer software (sec. 813)

The Senate amendment contained a provision (sec. 810) that would clarify section 2386 of title 10, United States Code, regarding the types of information the Secretary of Defense may acquire from Department of Defense contractors.

The House bill contained no similar provision.

The House recedes.

Independent cost estimates for major defense acquisition programs (sec. 814)

The Senate amendment contained a provision (sec. 811) that would permit the military departments or defense agencies, independent of their respective acquisition executives, to prepare independent cost estimates for major defense acquisitions assigned to individual components for oversight. The provision would align the responsibility for independent cost estimates with the level of the decision authority.

The House bill contained no similar provision.

The House recedes.

Construction, repair, alteration, furnishing, and equipping of naval vessels (sec. 815)

The Senate amendment contained a provision (sec. 813) that would restore the policy regarding the application of the Walsh-Healey Act, repealed by the Federal Acquisition Streamlining Act 1994, to contracts for the construction, alteration, furnishing, or equipping of naval vessels.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Subtitle B—Other Matters

Procurement technical assistance programs (sec. 821)

The Senate amendment contained a provision (sec. 821) that would add $12.0 million to continue the procurement technical assistance center program in fiscal year 1996.

The House bill contained no similar provision, but authorized $10.0 million to continue the program in fiscal year 1996.

The House recedes.

Additional Department of Defense pilot programs (sec. 822)

The conferees have adopted a provision that would set forth criteria for designating a facility to participate in a Department of Defense pilot program and require that the Congress approve the designation in legislation enacted after the enactment of the National Defense Authorization Act for Fiscal Year 1996. The conferees intended that the pilot program be used to test, among other initiatives, the expansion of commercial practices throughout a facility in which work is being performed under contracts with the Department of Defense. Nothing in this provision is intended to authorize or award a contract, or to exempt a facility from competition requirements in the award of a contract.

Treatment of Department of Defense cable television franchise agreements (sec. 823)

The Senate amendment included a provision (sec. 822) that would require cable television franchise agreements between cable television operators and the Department of Defense to be considered contracts for the telecommunications services under Part 49 of the Federal Acquisition Regulation (FAR).

The House bill contained no similar provision.

The House recedes with an amendment. The amendment would require the United States Court of Federal Claims to render an advisory opinion to Congress on the power of the executive branch to treat cable franchise agreements as contracts under the FAR and, if so, whether the executive branch is required by law to treat these agreements as contracts under the FAR. If the answer to both questions is affirmative, the conferees expect the Department of Defense to implement regulations treating cable franchise agreements as contracts for purposes of the FAR. If the Court renders an affirmative answer to the first question, the conferees will regard that as significant basis for enacting a provision similar to that in the Senate amendment.

Mentor-protege program authority (sec. 824)

The conferees have adopted a provision that would extend for one year the authority for eligible businesses under the Mentor-Protege program to enter into new agreements. The conferees agree that this extension does not prejudge the outcome of ongoing reviews of programs with similar objectives.

LEGISLATIVE PROVISIONS NOT ADOPTED

Testing of defense acquisition programs

The House bill contained a provision (sec. 823) that would amend section 2366 of title 10, United States Code, regarding requirements for operational testing in defense acquisition programs.

The Senate amendment contained no similar provision.

The House recedes.

Waivers from cancellation of funds

The Senate amendment contained a provision (sec. 801) that would make funds available for satellite on-orbit incentive fees until such fees would be earned.

The House bill contained no similar provision

The Senate recedes.

Repeal of duplicative authority for simplified acquisition purchases

The Senate amendment contained a provision (sec. 817) that would repeal the authority for simplified acquisition purchases in section 427 of title 41, United States Code.

The House bill contained no similar provision.

The Senate recedes.

Restriction on reimbursement of costs

The Senate amendment contained a provision (sec. 819) that would prohibit reimbursement of allowable costs above $250,000 for individual compensation in fiscal year 1996. The provision also expressed the sense of the Senate that Congress should consider making such prohibition permanent.

The House bill contained no similar provision.

The Senate recedes.

The conferees question the appropriateness of the level of industry executive compensation reimbursement as an allowable expense under government contracts. The conferees direct the Secretary of Defense to conduct a thorough assessment of its current policies and procedures regarding standards of allowability, allocability, and reasonableness of compensation reimbursement by the Department of Defense. In carrying out such assessment, the Secretary should conduct a survey of the executive compensation practices of comparable non-defense firms involved with similar industries, taking into consideration size and geographic location.

The conferees direct the Secretary to submit a report to the congressional defense committees not later than March 31, 1996. The report should detail the results of the Secretary's assessment and any changes to current policies and procedures, implemented as a result of the assessment.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISION ADOPTED

SUBTITLE A—GENERAL MATTERS

Reorganization of the Office of the Secretary of Defense (sec. 901–903 and 905)

The House bill contained a provision (sec. 901) that would require that direct support activities and similar functions be included in the mandated personnel reduction. This provision would also reduce the number of authorized assistant secretaries of defense by two and require that the Secretary of Defense provide Congress with a comprehensive reorganization plan for the office. Additionally, it would repeal a number of the current statutorily mandated offices and positions within OSD.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to conduct a detailed review of the organization and functions of the Office of the Secretary of Defense, including the Washington Headquarters Service and the Defense Support Agencies. The amendment would also direct the following: a 25 percent reduction of the Office of the Secretary of Defense over five years; reduction of the number of Assistant Secretaries of Defense by one, from eleven to ten; and, on January 31, 1997, repeal certain statutory mandated offices and positions within the Office of the Secretary of Defense. Additionally, the amendment would establish a charter for the Joint Requirements Oversight Council (JROC) effective January 31, 1997.

Redesignation of the position of Assistant to the Secretary of Defense for Atomic Energy (sec. 904)

The Senate amendment contained a provision (sec. 901) that would change the name of the Assistant to the Secretary of Defense for Atomic Energy to be the Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs.

The House bill contained no similar provision.

The House recedes.

Restructuring of Department of Defense acquisition organization and workforce (sec. 906)

The House bill contained a provision (sec. 902) that would require the Secretary of Defense to submit a report to Congress including a plan for restructuring the current acquisition organizations in the Department of Defense as well as an assessment of specified restructuring options. The provision would also mandate a reduction of the acquisition workforce by 25 percent from October 1, 1995 to October 1, 1998, and require a reduction of 30,000 acquisition workforce positions in the Department of Defense in fiscal year 1996.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment requiring the Secretary to submit the report on a plan to reduce by October 1, 1998 the acquisition workforce, as defined by the Secretary, 25 percent below the baseline of October 1, 1994. The provision would also require the Secretary to reduce the number of acquisition personnel by 15,000 in fiscal year 1996.

Report on nuclear posture review and on plans for nuclear weapons management in event of abolition of Department of Energy (sec. 907)

The House bill contained a provision (sec. 903) that would require the Secretary of Defense to prepare and submit a report to Congress that describes the Secretary's plan to incorporate the national security programs of the Department of Energy (DOE) into the Department of Defense. In developing the plan the Secretary would be required to make every effort to preserve the integrity, mission, and functions of these programs. The Senate amendment contained a provision (sec. 3151) that would require the Secretary of Defense to provide the congressional defense committees with an assessment of the effectiveness of the DOE. The assessment should include: (1) maintaining the nuclear weapons stockpile; (2) management of its environmental, health, and safety requirements, and national security research and development, as compared with similar DoD operations; and (3) the fulfillment of DOE's Nuclear Posture Review requirements.

The Senate recedes with an amendment that combines both provisions.

Redesignation of Advanced Research Projects Agency (sec. 908)

The House bill contained a provision (sec. 908) that would change the designation of the Advanced Research Projects Agency to the Defense Advanced Research Projects Agency.

The Senate amendment contained no similar provision.

The Senate recedes.

Naval nuclear propulsion program (sec. 909)

The House bill contained a provision (sec. 909) that would establish that no department or agency may regulate or direct any change in function for facilities under the Naval Nuclear Propulsion Program unless otherwise permitted or specified by law. It contained a second provision (sec. 1032(m)) that would repeal section 1634 of the National Defense Authorization Act for Fiscal Year 1985 (Public Law 98-525, 42 U.S.C. 7158 note). Section 1634 stipulates that the provisions of Executive Order 12344, dated February 1, 1982, pertaining to the Naval Nuclear Propulsion Program, shall remain in force until changed by law.

The Senate amendment contained no similar provision.

The conferees agree to a new provision that would provide that:

(1) Effective October 1, 1998, section 1634 of the National Defense Authorization Act for Fiscal Year 1985 is repealed.

(2) An Executive order that includes a provision that, after October 1, 1998, would amend, modify, or repeal Executive Order 12344 (42 U.S.C. 7158 note) may not be issued until 60 days after notification of an intent to modify Executive Order 12344 has been submitted in writing to the congressional defense committees.

Subtitle B—Financial Management

Transfer authority regarding funds available for foreign currency fluctuation (sec. 911)

The Senate amendment contained a provision (sec. 1006) that would authorize a foreign currency fluctuation account for the military personnel appropriation. This authorization would be limited to fiscal year 1996 and subsequent appropriations.

The House bill contained no similar provision.

The House recedes.

Defense Modernization Account (sec. 912)

The Senate amendment contained a provision (sec. 1003) that would establish a Defense Modernization Account to encourage savings within the Department of Defense and to make those savings available to address the serious shortfall in funding for modernization.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Under the conference agreement, the Secretary of Defense could place in the Defense Modernization Account funds saved from achieving economies and efficiencies in: (1) investment programs; and (2) installation management (to the extent that unobligated balances in installation management are available during the last 30 days of the fiscal year). The conferees fully expect the Department to protect current readiness of the forces, particularly in regard to funds for budget activities one and two in the operation and maintenance appropriations accounts.

In order to encourages savings by the military departments and the Department of Defense, funds placed in the account would be reserved for use by the department or component that generated the savings. No funds could be made available from the account by the department of defense except through established reprogramming procedures. Reprogramming procedures could not be used to exceed the statutory funding authorization or statutory quantity ceiling applicable to a given program. The amount of funds that could be reprogrammed by the Department of Defense could not exceed $500.0 million in any one fiscal year.

Disbursing and certifying officials (sec. 913)

The House bill contained a provision (sec. 1004) that would provide for the designation and appointment of disbursing and certifying officials within the Department of Defense.

The Senate bill contained a similar provision (sec. 1002) that would authorize the designation and appointment of disbursing and certifying officials, and would grant relief from liability in certain specific circumstances. Relief from liability would be based on demonstrated accountability for the loss is determined and diligent efforts to collect money owed to the government has been made.

The House recedes.

Fisher House Trust Funds (sec. 914)

The Senate amendment contained a provision (sec. 742) that would establish trust funds on the books of the Treasury for Fisher Houses. The interest earned by these trust funds would be used for the administration, operation, and maintenance of Fisher Houses within the Army and Air Force.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Limitation on use of authority to pay for emergency and extraordinary expenses (sec. 915)

The House bill contained a provision (sec. 372) that would require the Secretary of Defense to submit to Congress a quarterly report of expenditures for emergency and extraordinary expenses. The provision would also require the Secretary of Defense to provide congressional notification prior to an obligation or expenditure of $1.0 million or more.

The Senate amendment included a provision (sec. 1005) that would require the Secretary of Defense to notify Congress five days prior to an obligation or expenditure of emergency and extraordinary expenses authority in excess of $500,000 and 15 days prior to an obligation or expenditure of $1.0 million. The provision would allow the Secretary of Defense to waive the time period required for notification prior to obligation or expenditure of funds if a determination were made that such prior notification would compromise national security objectives. In the event the Secretary uses the authority to waive notification for national security reasons, notification would be required 30 days after the expenditure of funds or on the date the activity is completed.

The House recedes with an amendment that would require the Secretary of Defense to notify the congressional defense committees five days in advance of obligation or expenditure of funds in excess of $500,000 or 15 days in advance of obligation or expenditure of funds in excess of $1.0 million. In the event the Secretary determines that prior notification of the obligation or expenditure of funds would compromise national security objectives, the provision would allow the Secretary to waive the waiting period. In the event a national security waiver is necessary, the Secretary shall immediately notify the congressional defense committees of the need to expend funds, and provide the chairman and ranking member, or their designees, with any relevant information, including the amount and purposes for the obligation or expenditure.

The conferees remain concerned about the use of Department of Defense funds for purposes that are more appropriately funded through the international affairs budget. The conferees urge the administration to refrain recommending the use of the Department of Defense emergency and extraordinary expenses authority for non-defense purposes. The conferees also caution the Department to exercise minimal and judicious use of the national security waiver.

LEGISLATIVE PROVISIONS NOT ADOPTED

Change in titles of certain Marine Corps general officer billets resulting from reorganization of the Headquarters, Marine Corps

The House bill contained a provision (sec. 904) that would change references in current law to reflect the reorganization of Headquarters, Marine Corps.

The Senate amendment contained no similar provision.

The House recedes.

Inclusion of Information Resources Management College in the National Defense University

The House bill contained a provision (sec. 905) that would authorize the Secretary of Defense to establish a personnel system for the Information Resources Management College that is consistent with the personnel system for other institutions within the National Defense University.

The Senate amendment contained no similar provision.

The House recedes.

Employment of civilians at the Asia-Pacific Center for Security Studies

The House bill contained a provision (sec. 906) that would authorize the Secretary of Defense to establish a personnel system for the Asia-Pacific Center for Security Studies.

The Senate amendment contained no similar provision.

The House recedes.

Aviation testing consolidation

The House bill contained a provision (sec. 910) that would prevent the Secretary of the Army from consolidating the Aviation Technical Test Center, Fort Rucker, Alabama, with any other aviation testing facility until 60 days after the date on which a report was received.

The Senate amendment contained no similar provision.

The House recedes.

Office of Humanitarian and Refugee Affairs

The Senate amendment contained a provision (sec. 364) that would eliminate the Office of Humanitarian and Refugee Affairs within the Office of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict.

The House bill contained no similar provision.

The Senate recedes.

TITLE X—GENERAL PROVISIONS

ITEMS OF SPECIAL INTEREST

Assistance to local educational agencies when installation housing is located on leased land

The conferees note that the Secretary of Education has declined to recognize military connected students as residing on Federal property if the government owned housing in which they reside is located on leased land. In one case, recognition of on-installation residency was denied even though the housing is located within the security perimeter of the installation and is managed in the same manner as government housing located on government owned land.

The conferees believe that, for purposes of assistance to local educational agencies, residents of government owned housing, located on land leased by the government and managed in the same manner as government housing on government owned land, shall be considered residents of federal property.

Authority to conduct personnel demonstration projects

The National Defense Authorization Act for Fiscal Year 1995 made permanent the authority of the Secretary of the Navy to continue personnel demonstration projects at the Naval Air Warfare Center Weapons Division, China Lake, California, and the Naval Command, Control, and Ocean Center, San Diego, California, and at successor organizations resulting from the reorganization of Naval Air Warfare Center Weapons Division or the Naval Command, Control, and Ocean Center. Additionally, the National Defense Authorization Act for Fiscal Year 1995 provided expanded authority for the Secretary of Defense to conduct personnel demonstration projects at Science and Technology Reinvention Laboratories.

The conferees are concerned about what appears to be a lack of real progress in this area over the past year. Therefore, the conferees direct the Department of Defense to report to the Senate Committee on Armed Services and the House Committee on National Security, not later than February 1, 1996, the extent to which these expanded authorities have been used in each of the military departments. As a minimum, this report should include those demonstration projects proposed by the military departments, the status of each such proposal, and the projected date for final action on each proposal.

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—Financial Matters

Transfer Authority (sec. 1001)

The House bill contained a provision (sec. 1001) that would allow the Department of Defense to transfer up to $2.0 billion between accounts using normal reprogramming procedures.

The Senate amendment contained a similar provision (sec. 1001).

The House recedes.

Incorporation of classified annex (sec. 1002)

The House bill contained a provision (sec. 1002) that would incorporate by reference the classified annex to the bill. In addition, the provision would authorize the expenditure of funds made available for programs, projects, and activities referred to in the classified annex according to the terms, conditions, limitations, restrictions, and requirements of those programs, projects, and activities.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Improved funding mechanisms for unbudgeted operations (sec. 1003), Operation Provide Comfort (sec. 1004), and Operation Enhanced Southern Watch (sec. 1005)

The House Bill contained a provision (sec. 1003) that would establish a procedure for the funding of contingency operations out of accounts other than those which are normally known as operational readiness accounts. This provision would also require the President to budget for any operations that are ongoing in the first quarter of a fiscal year and are expected to continue into the next fiscal year. If the President were to fail to request the necessary funds in his annual budget, then funding for these operations would be denied at the start of the next fiscal year.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would include three separate provisions that would: (1) modify the funding mechanism proposed by the House for contingency operations; (2) authorize $503.8 million for Enhanced Southern Watch and require that semi-permanent elements of this operation be designated as forward presence operations; and (3) authorize $143.3 million for Provide Comfort and require the Secretary of Defense to provide a report on this operation. The authorization includes both military personnel and operations and maintenance funding.

The conferees have observed with concern, the continuing growth of the Department of Defense involvement in unbudgeted peacekeeping and humanitarian contingency operations that negatively impact upon military readiness. The Secretary of Defense initially estimated the unbudgeted fiscal year 1996 costs to the Department for ongoing operations in Iraq, Haiti and Bosnia to be $1.2 billion. This amount excludes the estimated $1.5 billion incremental cost of the proposed deployment of U.S. ground forces to Bosnia. Lacking the budgeted resources, the Department has resorted to the practice of financing the cost of these operations from the military services' operational readiness accounts. This practice has resulted in the cancellation or deferral of some training exercises, necessary equipment maintenance, and other routine activities that degrade the readiness of the force. Depending on what activities are foregone, this adverse impact could be significant.

In recognition of this problem, the Administration's fiscal year 1996 legislative proposal contained a request to grant the Secretary of Defense extraordinary authority to transfer funds between accounts. The conferees instead recommend a provision that would more fully address this mater by providing new funding mechanisms for unforeseen and unbudgeted contingency operations.

To address unforeseen and unbudgeted operations, the provision would revise existing provisions of law to require the Secretary of Defense to draw upon the Defense Business Operating Fund (DBOF) to provide much of the funding for these operations. In addition, the provision authorizes a targeted transfer authority of $200.0 million from non-readiness accounts. These accounts are intended to serve as interim funding mechanisms until Congress approves a supplemental appropriations package to replenish the DBOF cash balances or other accounts from which funds were transferred.

To address ongoing operations in southern Iraq, the conferees recommend a provision that would authorize $503.8 million for Enhanced Southern Watch during fiscal year 1996 and would require that before obligating more than $250 million of this amount, the Secretary of Defense shall provide the Congressional Defense Committees with a report designating any elements of Operation Enhanced Southern Watch that are semi-permanent in nature as forward presence operations that should be budgeted in the future in the same manner as other forward present operations routinely budgeted as part of the annual defense budget. The conferees believe that the aftermath of the Persian Gulf War has fundamentally altered the security situation in the region in a manner that will require a significant U.S. presence for years to come.

To address the operation designated as Provide Comfort, the conferees recommend a provision that would authorize $143.3 million in fiscal year 1996. This provision would also require the Secretary of Defense to submit a report that details the expected fiscal year 1996 costs of that operation, and the missions and functions expected to be performed by the Department of Defense and other agencies of the Federal Government. In addition, this report should discuss the options related to reduction of the level of the military involvement in the operation, and include an exit strategy for the United States.

Finally, the conferees express the view that costs borne by the Department of Defense in conducting contingency operations in support of another agency's mission, such as humanitarian relief, law enforcement and immigration control, should not be assessed against the defense budget topline. The conferees are concerned with the increasing cost of these operations at a time of declining defense budgets and the negative impact this has had upon military readiness. The conferees endorse the historical principle of maintaining a peacetime defense budget designed to adequately fund the activities of the Department of Defense to organize, train and equip military forces in a manner sufficient to meet national security requirements.

In addition, the conferees note that the five year defense program remains underfunded relative to the national security strategy and recommended military force structure. The negative impact of these shortfalls will grow in the years ahead and threaten our ability to maintain adequate levels of short and long-term readiness, including sorely needed equipment modernization. Therefore, the conferees believe that

funding for contingency operations should be provided in addition to what would have otherwise been made available for the Department of Defense for its normal peacetime activities.

Unauthorized appropriations for fiscal year 1995 (sec. 1006)

The House bill contained a provision (sec. 1005) that would allow the Department of Defense to obligate funds for all fiscal year 1995 programs, projects, and activities for which the amount appropriated exceeded the amount authorized.

The Senate amendment contained no such provision.

The Senate recedes with an amendment that provides exceptions as specifically cited in this section.

Authorization of prior year emergency supplemental appropriations for fiscal year 1995 (sec. 1007)

The House bill contained a provision (sec. 1006) that would authorize the emergency supplemental appropriations enacted in the Emergency Supplemental Appropriations and Rescissions for the Department of Defense to Preserve and Enhance Military Readiness Act of 1995 (Public Law 104–6). This Act provided funding for fiscal year 1995 expenses related to military operations in Southwest Asia, Haiti, Cuba, Somalia, Bosnia, and Korea.

The Senate amendment contained a similar provision (sec. 1004).

The Senate recedes.

Authorization reductions to reflect savings from revised economic assumptions (sec. 1008).

The conferees agree to a provision that would reflect revised economic assumptions that were not available prior to the conference report.

Subtitle B—Naval Vessels and Shipyards

Iowa class battleships (sec. 1011)

In February 1995 the Secretary of the Navy made a decision to strike the Navy's four inactive *Iowa* class battleships from the naval register. The Senate amendment contained a provision (sec. 1011) that would direct the Secretary of the Navy to restore at least two *Iowa* class battleships to the naval register in an inactive status. The Secretary would be required to retain them on the register until he is prepared to certify that the Navy has within the fleet an operational surface fire support capability that equals or exceeds the fire support capability that the battleships could provide if returned to active service.

The Senate provision would recognize the fact that battleships could provide a surface fire support capability unmatched by any other Navy weapons system and that there is an ongoing concern regarding the Department of the Navy's apparent lack of commitment to provide for the surface fire support capability necessary for amphibious assaults. The ability of the Marine Corps and the Navy to conduct forcible entry by amphibious assault is an essential element of the Department of the Navy's strategic concept for littoral warfare.

The House bill contained no similar provision.

The House recedes with an amendment.

The conferees believe that the Department of the Navy's future years defense program, presented with the fiscal year 1996 budget, could not produce a replacement fire support capability comparable to the battleships until well into the next century. The conferees consider retention of two battleships in the fleet's strategic reserve a prudent measure.

Transfer of naval vessels to certain foreign countries (sec. 1012)

The Senate amendment included a provision (sec. 1012) that would authorize the Secretary of the Navy to transfer eight FFG–7 class guided missile frigates to various countries. Seven of the frigates would be transferred by grant, and one by lease.

The House bill contained no similar provision.

The House recedes with an amendment that would:

(1) reduce the number of grant transfers from seven to four, and the remaining frigates would be transferred by lease or sale;

(2) require that, as a condition of the transfer of the eight frigates, any repair or refurbishment needed before the transfer, be performed at a shipyard located in the United States;

(3) amend section 2763 of title 22, United States Code, to permit foreign countries to use foreign assistance funds to lease vessels;

(4) amend section 2321j of title 22, United States Code, to prohibit future grant transfers of any vessel that is in excess of 3,000 tons or that is less than 20 years old.

The conferees are aware that in some cases U.S. national security will be best served by a grant transfer, particularly when the recipient is an important coalition defense partner that is making valuable contributions to U.S. security or lacks the resources to obtain a vessel by lease or sale. Accordingly, the amendment to section 2321j would permit the President to request a future grant transfer if it is determined that it is in the national security interest of the United States.

Contract options for LMSR vessels (sec. 1013)

The House bill contained a provision (sec. 1021) that would recommend that the Secretary of the Navy negotiate a contract option price for a seventh large medium speed roll-on/roll-off (LMSR) strategic sealift ship at each of the two shipyards that currently have construction contracts.

The Senate amendment contained no similar provision.

The Senate recedes.

National Defense Reserve Fleet (sec. 1014)

The Senate amendment contained a provision (sec. 381) that would permit the use of the National Defense Sealift Fund (NDSF) to budget for expenses of the national defense reserve fleet (NDRF). Beginning with the fiscal year 1996 request, funds for NDRF expenses would be included in the NDSF budget request within budget function 051.

The House bill contained no similar provision.

The House recedes with an amendment that would:

(1) clarify that NDRF vessels would not require retrofit to a double hull configuration as a consequence of this change in budgeting procedure;

(2) clarify that NDSF funds shall not be used for the acquisition of ships for the NDRF that are built in foreign shipyards; and

(3) permit the use of NDSF funds to complete the modifications needed to prepare two roll-on/roll-off ships that were purchased in fiscal year 1995 for incorporation into the ready reserve force of the NDRF.

The conferees intend that the Department of Defense seek and obtain specific legislative authorization prior to obligating and expending any funds for the acquisition of any vessels for the NDRF.

Naval salvage facilities (sec. 1015)

The Senate amendment contained a provision (sec. 805) that would consolidate all sections in chapter 637 of title 10, United States Code, relating to naval salvage facilities.

The House bill contained no similar provision.

The House recedes with an amendment.

Vessels subject to repair under phased maintenance contracts (sec. 1016)

The House bill contained a provision (sec. 1022) that would require the Secretary of the Navy to ensure that vessels or classes of vessels, covered by phased maintenance contracts while in active Navy service, would continue to be covered by those contracts after being transferred to other operating commands, such as the Military Sealift Command.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would restrict this requirement to type AE ships covered by phased maintenance contracts as of the date of enactment of the National Defense Authorization Act for Fiscal Year 1996.

Clarification of requirements relating to repairs of vessels (sec. 1017)

Section 7310 of title 10, United States Code, places limits on the type of repairs that can be performed by foreign shipyards on Navy ships that are homeported in the United States. The House bill contained a provision (sec. 1023) that would amend section 7310 by designating Guam a United States homeport for purposes of that section.

The Senate recedes.

Naming amphibious ships (sec. 1018)

The Senate amendment contained a provision (sec. 1013) that would make the following findings:

(1) this is the fiftieth anniversary of the battle of Iwo Jima, one of the greatest victories in the Marine Corps' illustrious history;

(2) the Navy has recently retired the ship that honored that battle, U.S.S. *Iwo Jima* (LPH–2), the first ship in a class of amphibious assault ships;

(3) this Act authorizes the LHD–7, the final ship of the *Wasp* class of amphibious assault ships, to replace the *Iwo Jima* class of ships;

(4) the Navy is planning to start building a new class of amphibious transport docks, now called the LPD–17 class, and this Act also authorizes funds that will lead to procurement of these vessels;

(5) there has been some confusion in the rationale behind naming new naval vessels, with traditional naming conventions frequently violated; and

(6) although there have been good and sufficient reasons to depart from naming conventions in the past, the rationale for such departures has not always been clear.

The Senate amendment would also express the sense of the Senate that:

(1) the LHD–7, authorized in the Senate amendment, should be named the U.S.S. *Iwo Jima*; and

(2) the ships of the LPD–17 class amphibious ships should be named after a Marine Corps battle or a member of the Marine Corps.

The House bill contained no similar provision.

The House recedes with an amendment. The conferees agree to endorse the sense of the Senate expressed as a sense of Congress.

Naming of naval vessel (sec. 1019)

The House bill contained a provision (sec. 1024) that would express the sense of Congress that the Secretary of the Navy should name an appropriate naval vessel the U.S.S. Joseph Vittori.

The Senate amendment contained no similar provision.

The Senate recedes.

Transfer of riverine patrol craft (sec. 1020)

The House bill contained a provision (sec. 1025) that would authorize the Secretary of the Navy to transfer one Swift class riverine patrol craft to the Tidewater Community College, Portsmouth, Virginia, for scientific and educational purposes.

The Senate amendment contained no similar provision.

The Senate recedes.

Subtitle C—Counter Drug Activities

Counter-drug activities

The budget request for drug interdiction and counterdrug activities totals $680.4 million, plus $131.5 million for operational tempo which is included within the operating budgets of the military services.

Both the House bill and the Senate amendment would authorize the budget request of $680.4 million, with marginal differences in the allocation of these funds.

Both the House bill and the Senate amendment would delete funding for the Community Outreach Programs ($8.2 million). In addition, the Senate amendment included a provision (sec. 1022) that would prohibit continued Department of Defense (DOD) funding of the National Drug Intelligence Center (NDIC) ($34.0 million).

The House bill would authorize increased funding for the Tethered Aerostat Radar System ($1.5 million), Counterdrug Analysis ($1.2 million), Southcom Radars ($1.5 million), Special Operations Forces (SOF) Counterdrug Support ($2.5 million), and CARIBROC Communications ($1.5 million).

The Senate amendment would authorize an increase in funding for procurement of non-intrusive inspection devices for the Customs Service ($25.0 million), Source Nation Support Initiatives ($15.2 million) and the Gulf States Counterdrug Initiative ($2.0 million).

The conferees agree to delete DOD funding for the Community Outreach Programs and the National Drug Intelligence Center.

The conferees agree to authorize additional funding for Law Enforcement Agency Support, with a $4.0 million increase to expand the intelligence activities of the Gulf States Coast Initiative and a $2.5 million increase for the Southwest Border States Information System. The conferees support continued DOD assistance for the Southwest Border States Anti-Drug Information System and urge the Secretary of Defense to continue to monitor and support this system through completion of the current program.

The conferees further agree to authorize an additional increase of $28.0 million for other Law Enforcement Agency Support. The conferees urge the Secretary of Defense, through normal reprogramming procedures, to use up to $25.0 million of these funds to procure low-energy/backscatter x-ray equipment for use as non-intrusive inspection devices. The conferees are aware that 70 percent of the illegal drugs that enter the United States come, primarily by air, into Mexico and then across the southwest border by truck and automobile. The conferees believe that the fielding of non-intrusive detection devices at the southwest border would significantly contribute to the fight against illegal drug trafficking across the United States-Mexican border. The conferees also urge the Secretary of Defense, through normal reprogramming procedures, to consider using available funds for improvements and extension of the existing fence along the San Diego Border Patrol Sector.

The conferees agree to authorize an additional $7.7 million for other Source Nation Initiatives. These funds could be used for refurbishment and relocation of U.S. ground-based radars, high frequency secure communications among allied (Andean Ridge) nations, night vision goggles and global positioning systems, flight plan computers, podded radars, direction-finding capability, secure tactical field and aircraft radios, and other critical requirements associated with source nations.

Allocation of funds for counterdrug activities are indicated below:

Drug interdiction and counterdrug activities, operations and maintenance

	Thousands
Fiscal year 1996 drug and counterdrug request	$680,400
Source nation support	127,300
Dismantling cartels	64,300
Detection and monitoring	111,700
Law enforcement agency support	279,300
Demand reduction	97,800
Reductions:	
Community outreach programs	8,236
National Drug Intelligence Center	34,000
Increases, law enforcement agency support:	
Gulf States counterdrug initiative	4,000
Southwest border States information system	2,500
Other	28,000
Increases, source nation support	7,736
Total	680,400

Revision and clarification of authority for Federal support of drug interdiction and counter-drug activities of the National Guard (sec. 1021)

The Senate amendment contained a provision (sec. 1021) that would revise and clarify authority for federal support of drug interdiction and counter-drug activities of the National Guard.

The House bill contained no similar provision.

The House recedes with an amendment which would further clarify the legal status of National Guard personnel participating in these programs.

National Drug Intelligence Center (sec. 1022)

The Senate amendment included a provision (sec. 1022) that would prohibit further Department of Defense (DOD) funding of the National Drug Intelligence Center (NDIC), but would allow the Secretary of Defense to continue to provide DOD intelligence personnel to support intelligence activities at NDIC, as long as the number of personnel provided by DOD does not exceed the number used to support intelligence activities at NDIC as of the date of enactment of this bill.

The House bill contained no similar provision.

The House recedes.

Subtitle D—Civilian Personnel

Management of Department of Defense civilian personnel (sec. 1031)

The House bill contained a provision (sec. 331) that would prohibit the use of full-time equivalent personnel ceilings in the management of the Department of Defense's civilian workforce.

The Senate amendment contained a similar provision (sec. 332).

The Senate recedes with a clarifying amendment.

The conferees direct the Secretary of Defense to report to the Senate Committee on Armed Services and the House Committee on National Security by February 15, 1996, on plans to manage civilian personnel in consideration of this provision.

Conversion of military positions to civilian positions (sec. 1032)

The House bill contained a provision (sec. 333) that would require the Secretary of Defense to convert not less than 10,000 military positions to performance by civilian employees of the Department of Defense.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would permit the conversion to be phased over two fiscal years.

Elimination of 120-day limitation on details of certain employees (sec. 1033)

The Senate amendment contained a provision (sec. 338) that would amend section 3341 of title 5, United States Code, to eliminate the requirement that the administration of details for civilian employees be managed in 120-day increments.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Authority of civilian employees of the Department of Defense to participate voluntarily in reductions in force (sec. 1034)

The Senate amendment contained a provision (sec. 340) that would allow employees who are not affected by a reduction-in-force (RIF) to volunteer to be RIF separated in place of other employees who are scheduled for RIF separation.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Authority to pay severance payments in lump sums (sec. 1035)

The Senate amendment contained a provision (sec. 341) that would amend section 5595 of title 5, United States Code, to permit the lump-sum payment of severance pay.

The House bill contained no similar provision.

The House recedes.

Continued health insurance coverage (sec. 1036)

The House bill contained a provision (sec. 337) that would extend continued health insurance coverage for certain employees affected by a force reduction or a base realignment and closure action.

The Senate amendment contained a similar provision (sec. 337).

The Senate recedes.

Revision of authority for appointments of involuntarily separated military reserve technicians (sec. 1037)

The Senate amendment contained a provision (sec. 336) that would amend section 3329 of title 5, United States Code, to eliminate the requirement regarding separated technicians.

The House bill amendment contained no similar provision.

The House recedes.

Wearing of uniform by National Guard technicians (sec. 1038)

The Senate amendment contained a provision (sec. 333) that would require military technicians to wear military uniforms in their jobs. The provision would also place technician officers on the same footing as Active Guard and Reserve officers for purposes of qualifying for a uniform allowance.

The House bill contained no similar provision.

The House recedes.

Military leave for military reserve technicians for certain duty overseas (sec. 1039)

The House bill contained a provision (sec. 512) that would authorize military technicians an additional 44 workdays of leave, without loss of pay and other benefits, for periods the technician would serve on active duty, without pay, while in support of noncombat operations outside the United States.

The Senate amendment contained no similar provision.

The Senate recedes.

Personnel actions involving employees of nonappropriated fund instrumentalities (sec. 1040)

The House bill contained a provision (sec. 334) that would clarify the definition of nonappropriated fund instrumentality employees and permit the direct reporting of violations by nonappropriated fund employees to the Department of Defense Inspector General.

The Senate amendment contained no similar provision.

The Senate recedes.

Coverage of nonappropriated fund employees under authority for flexible and compressed work schedules (sec. 1041)

The House bill contained a provision (sec. 336) that would provide the same overtime exemption for nonappropriated fund employees as applies to other civilian employees of the Department of Defense.

The Senate amendment contained a similar provision (sec. 343).

The House recedes.

Limitation on provision of overseas living quarters allowances for nonappropriated fund instrumentality employees (sec. 1042)

The House bill contained a provision (sec. 335) that would, as of September 30, 1997, conform the allowance for overseas living quarters for nonappropriated fund employees to that provided for civilian employees of the Department of Defense paid from appropriate funds.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Elections relating to retirement coverage (sec. 1043)

The House bill contained a provision (sec. 338) that would increase the number of employees eligible to transfer between nonappropriated fund and appropriated fund morale, welfare, recreation programs without significant loss of benefits.

he Senate amendment contained no similar provision.

The Senate recedes with an amendment that would provide for portability of retirement benefits by allowing: (1) election by employees of the nonappropriated fund or the Federal Employees Retirement System; (2) credit for years of service either as a nonappropriated fund employee or a civil service employee; (3) government-wide eligibility; and (4) creditability of nonappropriated fund service for reduction-in-force purposes.

Extension of temporary authority to pay civilian employees with respect to the evacuation from Guantanamo, Cuba (sec. 1044)

The Senate amendment contained a provision (sec. 334) that would extend the authorization for the Navy to continue to pay evacuation allowances until January 31, 1996 to civilian employees whose dependents were evacuated from Guantanamo, Cuba, in August and September 1994. The provision would also require a monthly report which would include the actions that the Secretary of the Navy is taking to eliminate the conditions making the payments necessary.

The House bill contained no similar provision.

The House recedes.

Subtitle E—Miscellaneous Reporting Requirements

Report on budget submission regarding reserve components (sec. 1051)

The Senate amendment contained a provision (sec. 1007) that would require the Secretary of Defense to submit a report that describes measures taken within the Department of Defense to ensure that the reserve components are appropriately funded, and, for fiscal year 1997, lists the major weapons and items of equipment, as well as, the military construction projects provided for the National Guard and Reserves.

The House bill included no similar provision.

The House recedes with an amendment.

The conferees agree to a provision that would require the report included in the original Senate provision, and would require the Secretary of Defense to display in all future-years defense programs the amounts requested for procurement of equipment and military construction for each of the reserve components.

Report on desirability and feasibility of providing authority for use of funds derived from recovered losses resulting from contractor fraud (sec. 1052)

The Senate amendment contained a provision (sec. 382) that would allow the secretary of a military department to receive an allocation from funds recovered in contractor fraud cases, for use by installations that carried out or supported investigations or litigation involving contractor fraud.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense to report on the desirability and feasibility of authorizing the retention and use of a portion of such recovered amounts.

Review of national policy on protecting the national information infrastructure against strategic attack (sec. 1053)

The Senate amendment contained a provision (sec. 1097) that would require the President to submit a report that would set forth the national policy and architecture governing plans to protect the national information infrastructure against strategic attack.

The House bill contained no similar provision.

The House recedes.

The conferees intend that the President rely, to the maximum extent practicable, on the executive agent for the national communications system in the preparation and submission of the report.

Report on Department of Defense boards and commissions (see 1054)

The Senate amendment contained a provision (sec. 1084) that would require the Department of Defense to prepare a report listing certain boards and commissions. The Department would be required to indicate whether each board or commission merits continued support.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Change in reporting date (sec. 1055)

The Senate amendment contained a provision in its classified annex that would change the date that the Department of Defense is required to submit annually its budget materials for Special Access Programs, from February 1 to March 1.

The House bill contained no similar provision.

The House recedes.

Subtitle F—Repeal of Certain Reporting and Other Requirements and Authorities

Miscellaneous provisions of law (sec. 1061)

The House bill contained a provision (sec. 1032) that would repeal numerous provisions of law that have expired or are obsolete, or that were inconsistent with other provisions recommended by the House.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would retain portions of the suggested deletions.

Reports required by Title 10, United States Code (sec. 1062)

The Senate amendment contained seven provisions (secs. 1071–1077) that would delete a total of 67 reports currently required of the Department of Defense.

The House bill contained no similar provision.

The House recedes with an amendment that would retain several of the reporting requirements.

Subtitle G—Department of Defense Education Programs

Continuation of the Uniformed Services University of the Health Sciences (sec. 1071)

The House bill contained a provision (sec. 907) that would require the Secretary of Defense to budget for ongoing operations at the Uniformed Services University of the Health Sciences.

The Senate amendment contained a similar provision (sec. 1031) that would reaffirm the prohibition of the closure of the University, and establish minimum staffing levels.

The House recedes with a clarifying amendment.

Additional graduate schools and programs at the Uniformed Services University of the Health Sciences (sec. 1072)

The Senate amendment contained a provision (sec. 1032) that would authorize additional graduate schools and programs at the Uniformed Services University of the Health Sciences. This provision would permit the Board of Regents to establish a graduate school of nursing at the University.

The House bill contained no similar provision.

The House recedes.

Funding for adult education programs for military personnel and dependents outside the United States (sec. 1073)

The Senate amendment contained a provision (sec. 1033) that would authorize appropriations for the military continuing education programs of the armed services, and for adult members of military families stationed or residing outside the United States.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Assistance to local educational agencies that benefit dependents of members of the armed forces and Department of Defense civilian employees (sec. 1074)

The House bill contained a provision (sec. 394) that would authorize the appropriation of $58.0 million for assistance to local educational agencies in areas where there is an impact to school systems caused by dependents of members of the armed forces and Department of Defense (DOD) civilians.

The Senate amendment contained a provision (sec. 387) that would prohibit the Secretary of Education from considering payments to a local educational agency from DOD funds when determining the amount of impact aid to be paid from Department of Education funds. Additionally, the recommended provision would make technical changes to the previous year authorizations of impact aid.

The conferees agree to combine and clarify the two provisions and to change the authorized funding to $35.0 million.

Sharing of personnel of Department of Defense domestic dependent schools and defense dependents' education system (sec. 1075)

The Senate amendment contained a provision (sec. 335) that would authorize the Secretary of Defense to direct the sharing of personnel resources between the Department of Defense Overseas School System and the Defense Dependents' Education System, and to provide other support services to either system, for a period to be prescribed by the Secretary.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Increase in reserve component Montgomery GI Bill educational assistance allowance with respect to skills or specialities for which there is a critical shortage of personnel (sec. 1076)

The House bill contained a provision (sec. 553) that would authorize increased rates of educational assistance allowance for reserve members with specialities or skills in which there are critical shortages.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would expand the authority to include certain former active duty personnel with critical specialities or skills who become members of a selected reserve unit.

Date for annual report on reserve component Montgomery GI Bill educational assistance program (sec. 1077)

The Senate amendment contained a provision (sec. 1035) that would change the date on which the annual report on selected reserve educational assistance program is due to the Congress, from December 15 to March 1 of each year.

The House bill contained no similar provision.

The House recedes.

Scope of the education programs of Community College of the Air Force (sec. 1078)

The Senate amendment contained a provision (sec. 1034) that would amend section 9315 of title 10, United States Code, to limit the scope of the Community College of the Air Force (CCAF) to Air Force personnel.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

The conferees do not consider expanding the CCAF as an appropriate means of establishing a defense-wide community college. If the Secretary of Defense believes that establishment of a defense-wide community college is appropriate, he should forward such a recommendation, complete with justification, to the Congress.

Amendments to education loan repayment programs (sec. 1079)

The House bill contained a provision (sec. 554) that would authorize the repayment of loans that were made under the William D. Ford Federal Direct Loan Program.

The Senate amendment contained no similar provision.

The Senate recedes.

Subtitle H—Other Matters

Termination and modification of authorities regarding national defense technology and industrial base, defense reinvestment, and defense conversion programs (sec. 1081)

The House bill contained a provision (sec. 1031) that would repeal portions of chapter 148 of title 10, United States Code, that would establish authorities similar to those provided elsewhere in law.

The Senate amendment contained a similar provision (sec. 221).

The conferees agree to a provision that would adopt both House and Senate provisions, with an amendment. The conferees have included a provision that would repeal subsection 2501 (b) and sections 2512, 2513, 2516, 2520, 2521, 2522, 2523, and 2524 of title 10, United States Code. The provision would also amend section 2525 of title 10, United States Code, by adding a series of guidelines to the requirement for the preparation of the manufacturing science and technology master plan. Finally, the conferees have included language that would modify the defense dual-use critical technology program authorized by section 2511 of title 10, United States Code. In using the authority under this section, the conferees expect the Secretary of Defense to give equal consideration to the development of both product and process technologies.

Ammunition industrial base (sec. 1082)

The Senate amendment contained a provision (sec. 823) that would require the Secretary of Defense to review ammunition procurement and management programs and report the findings to the congressional defense committees by April 1, 1996.

The House bill contained no similar provision.

The House recedes.

Policy concerning excess defense industrial capacity (sec. 1083)

The House bill contained a provision (sec. 1033) that would prohibit the use of appropriated funds for capital investment in, or the development and construction of, a government-owned, government-operated defense industrial facility unless the Secretary of Defense certifies to Congress that no similar capability or minimally used capability exists in another similar facility.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment.

Sense of Congress concerning access to secondary school student information for recruiting purposes (sec. 1084)

The Senate amendment contained a provision (sec. 1091) that would express the sense of the Senate that educational institutions, including secondary schools, should not deny military recruiters the same access to their campuses and directory information that is allowed other employers.

The House bill contained no similar provision.

The House recedes with an amendment expressing the sense of Congress.

Disclosure of information concerning unaccounted for United States personnel from the Korean Conflict, the Vietnam Era and the Cold War (sec. 1085)

The conference agreement includes a provision that would modify section 1082 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190) to change the criteria under which limitations to disclosure of information concerning United States personnel classified as prisoner of war or missing in action during the Vietnam conflict would not apply and to change the date by which a report is required to be delivered to the Congress.

Operational support airlift aircraft fleet (sec. 1086)

The Senate amendment contained a provision (sec. 1099E) that would require the Secretary of Defense to submit a Joint Chiefs of Staff report on operational support aircraft (OSA) to the congressional defense committees, and to reduce the flying hours of such aircraft in fiscal year 1996.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary to examine central scheduling and management of such aircraft in the report.

The conferees believe that the review of OSA operations should focus on savings and scheduling rationalization. The conferees believe that the Department of Defense can achieve efficiencies by revamping the current OSA program, and have included a reduction in OSA flying hours for fiscal year 1996 in this provision.

While prior studies of OSA organization have recommended realigning OSA management, the conferees refrain from directing the Department to make specific organizational changes at this time.

Civil Reserve Air Fleet (sec. 1087)

The House bill contained a provision (sec. 387) that would clarify the conditions under which a contractor under the Civil Reserve Air fleet program is required to commit aircraft for use by the Department of Defense.

The Senate amendment contained a similar provision (sec. 814).

The House recedes.

Damage or loss to personal property due to emergency evacuation or extraordinary circumstances (sec. 1088)

The Senate amendment contained a provision (sec. 1087) that would provide for an increased level of reimbursement for claims that arise from emergency evacuations or extraordinary circumstances. The new limits would be retroactive to June 1, 1991.

The House contained no similar provision.

The House recedes with an amendment that would provide for retroactive application of the increased level of reimbursement when certain conditions are met.

Authority to suspend or terminate collection actions against decreased members (sec. 1089)

The Senate amendment contained a provision (sec. 1086) that would amend section 3711 of title 31, United States Code, to authorize the Secretary of Defense to suspend or terminate collection action against the estates of service members who die on active duty while indebted to the government.

The House bill contained no similar provision.

The House recedes.

Check cashing and exchange transactions for dependents of United States Government personnel (sec. 1090)

The Senate amendment contained a provision (sec. 1088) that would authorize United States disbursing personnel to extend check-cashing and currency exchange services to the dependents of military and civilian personnel at government installations that do not have adequate banking facilities.

The House bill contained no similar provision.

The House recedes with a technical amendment.

National Maritime Center (sec. 1091)

The Senate amendment contained a provision (sec. 1099D) that would designate the Nauticus building, located at one Waterside Drive, Norfolk, Virginia, as the National Maritime Center.

The House bill contained no similar provision.

The House recedes.

Sense of Congress regarding historic preservation of Midway Islands (sec. 1092)

The Senate amendment contained a provision (sec. 1099b) that would express the sense of the Senate that Midway Island be memorialized and the historic structures relating to the Battle of Midway be maintained in accordance with the National Historic Preservation Act.

The House bill contained no similar provision.

The House recedes with an amendment that would make the provision a Sense of the Congress.

Sense of the Senate regarding federal spending (sec. 1093)

The Senate amendment contained a provision (sec. 1095) that would express a sense of the Senate regarding federal spending.

The House bill contained no similar provision.

The House recedes.

Extension of authority for vessel war risk insurance (sec. 1094)

The conferees agree to a new provision that would amend section 1214 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1294) to extend the Secretary of Transportation's authority to provide insurance against loss or damage as a result of marine war risks from June 30, 1995 to June 30, 2000. The conferees acknowledge the cooperation of the Committee on Commerce, Science, and Transportation of the Senate, the committee of jurisdiction in the Senate, for permitting inclusion of this important authority in the National Defense Authorization Act for Fiscal Year 1996.

LEGISLATIVE PROVISIONS NOT ADOPTED

Application of Buy America Act principles

The House bill contained a provision (sec. 1035) that would apply Buy American principles to reciprocal defense procurement memoranda of understanding with other countries.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that section 849 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160) contains identical language that is the operative law in this area.

Repeal of requirements for part-time career opportunity employment reports

The Senate amendment contained a provision (sec. 339) that would eliminate the requirement in section 3407 of title 5, United States Code, that agencies provide progress reports on the part-time career employment program.

The House bill contained no similar provision.

The Senate recedes.

Holidays for employees whose basic work week is other than Monday through Friday

The Senate amendment contained a provision (sec. 342) that would amend section 6103(b)(2) of title 5, United States Code, to authorize agencies some discretion in designating holidays for employees whose basic work week is other than Monday through Friday.

The House bill contained no similar provision.

The Senate recedes.

Assistance to Customs Service

The Senate amendment included a provision (sec. 1023) that would authorize the Department of Defense to procure or transfer funds to the Customs Service for procurement of non-intrusive inspection devices for use at the ports of entry on the southwest border of the United States.

The House bill contained no similar provision.

The Senate recedes. The conferees agree, as stated elsewhere in this statement of managers, to urge the Secretary of Defense to procure non-intrusive inspection devices with funds available through reprogramming procedures.

Establishment of Junior ROTC units in Indian reservation schools

The Senate amendment contained a provision (sec. 1036) that would express the Sense of the Congress that secondary schools on Indian reservations be afforded full opportunity to be selected as locations for establishing new Junior Reserve Officers' Training Corps units.

The House bill contained no similar provision.

The Senate recedes.

The conferees agree that current law affords full opportunity for secondary schools on Indian reservations to be selected as locations for establishing new Junior Reserve Officers' Training Corps units.

Defense Cooperation Between the United States and Israel

The Senate amendment contained a provision (sec. 1055) that would express the Sense of Congress for continued cooperation between the United States and Israel in military and technical areas.

The House bill contained no similar provision.

The Senate recedes. The conferees note that a provision virtually identical to that contained in the Senate amendment exists in the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337). The conferees recognize the numerous benefits to the United States resulting from our strategic relationship with Israel. The conferees strongly commend the United States' continuing commitment to maintaining Israel's qualitative edge over any combination of adversaries. Despite the great progress made in the Middle East peace process, Israel continues to face an unstable and highly dangerous environment, compounded by the proliferation of weapons of mass destruction and ballistic missiles.

International military education and training

The Senate amendment contained a provision (sec. 1058) that would, subject to the provisions of the Foreign Assistance Act of 1961, grant discretionary authority to the Secretary of Defense to provide up to $20.0 million for the provision of international military education and training (IMET) for countries allied and friendly with the United States.

The House bill contained no similar provision.

The Senate recedes.

The conferees strongly support Department of Defense funding for and management of the IMET program. IMET is a unique military program that fosters military-to-military relationships and contributes to greater inter-operability and coalition-building with the military organizations of allied and friendly nations. IMET has suffered in recent years from being part of the State Department's budget which has become increasingly unpopular with the American public and their elected representatives. The conferees are pleased to note, however, that the Foreign Operations Appropriations Conference Report for Fiscal Year 1996 fully funds the administration's IMET request.

The conferees intend to address this matter next year with a view towards transferring budgetary and execution responsibility for IMET to the Department of Defense. Accordingly, the conferees encourage the Secretary of Defense and the Secretary of State to work out a process for such a transfer to ensure smooth and effective functioning with robust future funding.

Sense of the Senate on protection of United States from ballistic missile attack

The Senate amendment contained a provision (sec. 1062) that would express the Sense of the Senate that all Americans should be protected from accidental, intentional, or limited ballistic missile attack, and that front line troops of the United States should be protected from missile attacks. The Senate provision would also provide funding for the Corps surface-to-air missile (SAM) program.

The House bill contained no similar provision.

The Senate recedes. Although the conferees fully support the views expressed in the Senate provision, they believe that such views are adequately represented elsewhere in the conference report. The conferees also address the Corps SAM issue elsewhere in the conference report.

Travel of disabled veterans on military aircraft

The Senate amendment contained a provision (sec. 1089) that would permit veterans eligible for compensation for a service-connected disability the same entitlement to space-available transportation as retired members of the Armed Forces.

The House bill contained no similar provision.

The Senate recedes.

The conferees note the unreliable nature of space-available flight, and that such flights would normally involve cargo-type aircraft, which are not equipped for handicapped access, seating and care. The conferees agree that concerns for the safety of disabled veterans were overriding in this decision.

Transportation of crippled children in the Pacific Rim region to Hawaii for medical care

The Senate amendment contained a provision (sec. 1090) that would authorize the Secretary of Defense to permit space-available transportation of crippled children in the Pacific Rim region to Hawaii for medical care in non-military medical facilities.

The House bill contained no similar provision.

The Senate recedes.

The conferees direct the Secretary of Defense to conduct a study, consulting with the Shriners Hospitals in the Pacific region, to determine the viability and potential liabilities of such a program. The report should be provided to the Senate Committee on Armed Services and the House Committee on National Security not later than May 1, 1996.

Sense of Senate regarding Ethics Committee investigations

The Senate amendment contained a provision (sec. 1094) expressing the Sense of the Senate concerning proceedings before the Senate Ethics Committee with respect to Senator Packwood.

The House bill contained no similar provision.

The Senate recedes.

TITLE XI—UNIFORM CODE OF MILITARY JUSTICE

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

References to Uniform Code of Military Justice (sec. 1102)

The House bill contained a provision (sec. 541) that would clarify references to the Uniform Code of Military Justice in the bill.

The Senate amendment contained an identical provision (sec. 521).

The conference agreement includes this provision.

Subtitle A—Offenses

Refusal to testify before courts-martial (sec. 1111)

The Senate amendment contained a provision (sec. 524) that would provide Federal District Courts the same power to punish individuals who fail to appear at courts-martial as they currently have to punish individuals who do not appear in civilian cases.

The House bill contained no similar provision.

The House recedes.

Flight from apprehension (sec. 1112)

The House bill contained a provision (sec. 544) that would make it clear that the offense of "resisting apprehension" under Article 95 of the Uniform Code of Military Justice includes flight from apprehension.

The Senate amendment contained an identical provision (sec. 531).

The conference agreement includes this provision.

Carnal knowledge (sec. 1113)

The Senate amendment contained a provision (sec. 532) that would amend Article 120(b) of the Uniform Code of Military Justice (10 U.S.C. 920 (b)) by making the crime of carnal knowledge gender neutral, bringing Article 120 into conformance with the Sexual Abuse Act of 1986. The provision also would add an affirmative defense of mistake of fact to conform Article 120 to federal civilian law (18 U.S.C. 2243).

The House bill contained a similar provision (sec. 545).

The House recedes.

Subtitle B—Sentences

Effective date for forfeitures of pay and allowances and reductions in grade by sentence of court-martial (secs. 1121 and 1122)

The Senate amendment contained provisions (secs. 526(a) and 526(b)) that would require those portions of a court-martial sentence extending to forfeiture of pay and allowances or reduction in grade to be effective 14 days after the date the sentence is adjudged or upon approval by the convening authority, whichever occurs earlier. The amendment would also require that sentences containing a punitive discharge, death, or more than 6 months confinement, result in total forfeitures of pay and allowances. If an accused were to make application to the convening authority, the forfeitures of pay and allowances, or reduction in grade or both could be deferred until the date on which the sentence is approved. Also under this provision, when convening authorities take action on sentences, any or all of the forfeitures of pay and allowances to be forfeited could be used to provide transitional compensation for the dependents of the accused.

The House bill contained a similar provision (sec. 542).

The House recedes with an amendment which would apply the automatic forfeitures to a sentence of death, punitive discharge, or confinement in excess of six months. The forfeiture in the case of a special court-martial would be limited to two-thirds of the pay due, which is the maximum punishment limitation of a special court-martial.

Deferment of confinement (sec. 1123)

The Senate amendment contained a provision (sec. 527) that would allow for the deferment of confinement adjudged by courts-martial in two situations beyond those authorized under current law. One would permit deferment of confinement while the case is being reviewed by the United States Court of Appeals for the Armed Forces under Article 67(a)(2). The other circumstance that would lead to deferment concerns individuals who are serving civilian confinement while they have a sentence pending that has been adjudged by a court-martial. The Senate amendment would defer the running of the court-martial sentence until completion of the civilian sentence, if the convening authority so directs.

The House bill contained no similar amendment.

The House recedes.

Subtitle C—Pretrial and Post-Trial Actions

Article 32 investigations (sec. 1131)

The Senate amendment contained a provision (sec. 523) that would revise the procedures for authorizing investigation of misconduct uncovered during a pretrial investigation under Article 32 of the Uniform Code of Military Justice.

The House bill contained no similar provision.

The House recedes. Under Article 32 of the Uniform Code of Military Justice, a formal pretrial investigation is conducted when a court-martial convening authority refers charges to an Article 32 investigating officer. Under current law, if the Article 32 officer uncovers evidence of additional misconduct in the course of the investigation, the information must be provided to the convening authority and then referred back to the Article 32 officer before it can be investigated by the Article 32 investigating officer.

The conferees agree that current law should be changed to permit the investigating officer to investigate new misconduct uncovered during the Article 32 investigation without requiring further administrative action by the convening authority. This change should reduce the time, delay, and administrative burden associated with obtaining the convening authority's approval for investigation of additional misconduct. The conferees emphasize, however, that the additional misconduct may not be investigated under Article 32 unless the accused is afforded the same rights as under current law with respect to investigation of the charges, presentation of evidence in defense or mitigation, and cross-examination as apply to the charges that were the basis of the Article 32 investigation.

Submission of matters to the convening authority for consideration (sec. 1132)

The Senate amendment contained a provision (sec. 528) that would require all post-trial material submitted to the convening authority by the accused to be in writing. Current law does not specify the medium for such submissions.

The House bill contained no similar provision.

The House recedes. The conferees agree that the intent of this section is not to restrict the accused's communications with the convening authority, but to ensure that formal submissions under Article 60(b) are made through a standard medium. The convening authority, in his or her discretion, may take into consideration other communications by the accused, such as a personal appearance or a videotape. The convening authority, however, is not required to review such other matters under Article 60, and a convening authority's decision to refuse consideration of matters other than written submissions is not subject to review. The conferees direct the Secretary of Defense to ensure that the explanatory "Discussion" accompanying the Manual for Courts-Martial reflect that this amendment does not restrict the ability of the convening authority to consider communications from the accused that are not written submissions.

Commitment of accused to treatment facility by reason of lack of mental capacity or mental reponsibility (sec. 1133)

The Senate amendment contained a provision (sec. 525) that would establish procedures for handling individuals who are mentally incompetent to stand trial or found not guilty by reason of lack of mental responsibility.

The House bill contained no similar provision.

The House recedes.

This provision is in no way intended to conflict with Rule 706 of the Rules for Courts-Martial. To the extent that there is a provisions overlap, section 706 should be reviewed to make certain that it conforms with the new provision.

Subtitle D—Appellate Matters

Appeals by the United States (sec. 1141)

The Senate amendment contained a provision (sec. 530) that would apply to courts-martial the same protections with regard to classified information as apply to orders or rulings issued in Federal District Courts under the Classified Information Procedures Act (18 U.S.C. App. 7). This section incorporates Senate amendment section 522 concerning certain definitions.

The House bill contained no similar provision.

The House recedes with an amendment.

Repeal of termination of authority for Chief Justice of United States to designate Article III judges for temporary service on Court of Appeals for the Armed Forces (sec. 1142)

The House bill contained a provision (sec. 549) that would make permanent the authority of the Chief Justice of the United States to fill temporary vacancies on the United States Court of Appeals for the Armed Forces. Section 1301 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 authorized the Chief Judge of the United States Court of Appeals for the Armed Forces to request the Chief Justice to make such appointments through September 30, 1995. This provision would eliminate the "sunset" provision.

The Senate amendment contained a similar provision (sec. 535).

The Senate recedes.

Subtitle E—Other matters

Advisory committee on criminal law jurisdiction over civilians accompanying the Armed Forces in time of armed conflict (sec. 1151)

The Senate amendment contained a provision (sec. 536) that would create an advisory panel to determine which courts should have criminal jurisdiction over civilians accompanying the military outside the United States during times of armed conflict, including conflicts other than a declared war.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Time after accession for initial instruction in the Uniform Code of Military Justice (sec. 1152)

The House bill contained a provision (sec. 546) that would increase the time after accession for initial instruction in the Uniform Code of Military Justice.

The Senate amendment (sec. 533) contained an identical provision.

The conference agreement includes this provision.

Technical amendment (sec. 1153)

The House bill contained a provision (sec. 550) that would amend article 66(f) of the Uniform Code of Military Justice (10 U.S.C. 866) by striking out "Courts of Military Review" in both places it appears, and inserting in lieu thereof "Courts of Criminal Appeals".

The Senate amendment contained an identical provision (sec. 534).

The conference agreement includes this provision.

LEGISLATIVE PROVISIONS NOT ADOPTED

Persons who may appear before the United States Court of Appeals for the Armed Forces

The House bill contained a provision (sec. 547) that would provide that only attorneys and properly certified law students could practice and appear before the United States Court of Appeals for the Armed Forces.

The Senate amendment contained no similar provision.

The House recedes. The conferees believe that the question of who should be authorized to appear before the Court of Appeals for the Armed Forces normally should be addressed through the rules promulgated by the court, rather than through legislation. The conferees are concerned, however, that the Court has permitted undergraduate students to appear before the Court as amicus curiae. However laudable it may be to afford such students practical experience appearing before a federal court, the conferees believe such considerations are outweighed by the requirement that the Court of Appeals for the Armed Forces maintain the highest standards of judicial practice and procedure. The conferees are aware that the Court presently has this matter under review and look forward to a change in the Court's rules of procedure that will obviate the need for legislation on this subject.

Discretionary representation by government appellate defense counsel in petitioning the Supreme Court for writ of certiorari

The House bill contained a provision (sec. 548) that would amend section 870 of title 10, United States Code, to provide that representations of an accused, in the preparation of a petition for a writ of certiorari before the United States Supreme Court, shall be at the discretion of military appellate defense counsel. Current law requires appellate defense counsel to represent the accused before the Supreme Court when requested by the accused.

The Senate amendment contained no similar provision.

The House recedes.

Proceedings in revision

The Senate amendment contained a provision (sec. 529) that would authorize a proceeding in revision at courts-martial prior to authentication of the record under certain conditions.

The House bill contained no similar provision.

The Senate recedes.

TITLE XII—COOPERATIVE THREAT REDUCTION WITH STATES OF FORMER SOVIET UNION

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Cooperative threat reduction program (secs. 1201–1209)

The budget request included $371.0 million in defense operation and maintenance for the Cooperative Threat Reduction (CTR) Program.

The House bill contained provisions (secs. 1101–1108) related to the CTR program that would include the following: authorize $200.0 million for the CTR program, a $171.0 million reduction to the budget request (sec. 1101); place specific limitations on all CTR programs for fiscal year 1996 (sec. 1102); repeal authority for the Demilitarization Enterprise Fund (DEF) (sec. 1103); prohibit the use of CTR funds for peacekeeping exercises and related activities with Russia (sec. 1104); revise authority for assistance for weapons destruction (sec. 1105); require prior notice of obligation of funds (sec. 1106); require an annual accountability report to ensure that assistance is being used for its intended purpose (sec. 1107); and prohibit the obligation or expenditure of fiscal year 1996 funds until the President provides written certification to Congress that Russia has terminated its offensive biological weapons program.

The Senate amendment included several provisions (sec. 1041–1044) related to the CTR program that would include the following: authorize $365.0 million for the CTR program, a $6.0 million reduction to the budget request (sec. 1041); limit the obligation of CTR funds that would assist nuclear weapons scientists in the former Soviet Union, pending a written certification from the Secretary of Defense that funds would not contribute to the modernization of strategic nuclear forces or for research, development or production of weapons of mass destruction (sec. 1042); limit the obligation of $50.0 million, pending a written certification from the President that Russia is in compliance with its obligations under the Biological Weapons Convention (BWC); and limit the use of more than $52.0 million of fiscal year 1996 funds available for CTR, pending a presidential certification that a joint laboratory study to evaluate the Russian neutralization proposal has been completed and the United States agrees with that proposal, that Russia is in the process of preparing a comprehensive destruction and dismantlement plan for its chemical weapons stockpile, and that Russia is committed to resolving outstanding issues under the 1989 Wyoming Memorandum of Understanding and the 1990 Bilateral Destruction Agreement.

The conferees agree to the CTR provisions, as follows: authorize $300.0 million in fiscal year 1996 for CTR and place limitations on the CTR projects in fiscal year 1996; provide authority for individual limitations to be exceeded by a specified percentage; authorize use of CTR funds to reimburse pay accounts for U.S. military reserve members participating in CTR activities; prohibit the use of CTR funds for peacekeeping activities and related activities with Russia; require a presidential determination that each recipient country is observing the criteria for assistance provided under the CTR program; require the Secretary of Defense to provide congressional defense committees with advance notification of obligation of funds; require an annual audit and examination report; limit assistance to nuclear weapons scientists; and limit the obligation of $60.0 million in fiscal year 1996 CTR funds for Russia, pending presidential certification that Russia is complying with its BWC obligations and that Russia has agreed to, and implemented, agreements and visits per the September 14, 1992 Joint Statement on Biological Weapons and that visits to the four declared military biological facilities of Russia by officials of the U.S. and United Kingdom have occurred. If the President is unable to certify Russian compliance with its BWC obligations, or that visits agreed to under the Joint Statement have not occurred, he may certify that fact and related funds would then be available for strategic offensive weapons elimination in Ukraine, Kazakhstan or Belarus. The provision would also prohibit obligation of more than half the funds authorized for chemical weapons destruction-related activities in Russia, pending a presidential certification.

The conferees direct that none of the funds authorized for CTR in fiscal year 1996 may be used to reimburse other departments and agencies for the travel and other expenses incurred by employees of those departments and agencies, even if those employees are engaged in CTR-related activities.

The Conventional Forces in Europe (CFE) Treaty requires signatories to be in full compliance with their obligations to reduce treaty limited equipment by November 16, 1995. The Russian government has generally been in overall compliance with its obligations since the treaty has been in force provisionally. Russia's compliance with the limits in the northern and southern flank zones has caused concern for a number of the signatories. Russian officials have indicated that they will not be in compliance with the flank limits in these zones because of the instability along their southern borders.

If Russia refuses to honor its legal and political obligations under the CFE Treaty, the conferees question the ability of the President to certify Russia's commitment to complying with its arms control obligations, necessary to make it eligible to receive CTR assistance. Further, the conferees believe that the President would only be in a position to certify Russia's commitment to comply with its arms control obligations under the following circumstances: (1) through an agreement to comply with a NATO-endorsed flank limit proposal and substantial progress toward withdrawing any excess equipment by the May 1996 Treaty Review Conference; (2) demonstrated fulfillment of obligations to meet agreed-upon reductions in levels of military equipment in the naval infantry and coastal defense forces, and in holdings east of the Ural mountains; and (3) through an agreement on an offset package that would add to the flank limit proposal additional verification measures, additional information sharing arrangements on the flank areas, and additional constraints on Treaty-limited equipment contained in areas formerly defined as flank areas.

TITLE XIII—MATTERS RELATING TO OTHER NATIONS

ITEMS OF SPECIAL INTEREST

Waiver of foreign assistance reimbursement requirements to the Department of Defense and the armed forces

The conferees are concerned about the inadequate funding in the fiscal year 1996 international affairs budget for activities identified by the administration as presidential priorities, such as drawdown authority for defense articles and services for Jordan and the transfer of non-lethal defense articles to Central European countries.

While the conferees are generally supportive of both activities, the conferees do not support efforts to waive requirements under Sections 519(f) and 632(d) of the Foreign Assistance Act of 1961. Those provisions of the Foreign Assistance Act require reimbursement of the Department of Defense and military services for costs to transport defense articles, or replace defense items that are not excess to the military services.

The conferees appreciate the role that Jordan played in the Middle East peace process and believe that the Government of Jordan should have the defense items, services, and military training, that would enable them to protect their borders and respond to terrorist threats. However, the conferees are concerned by the use of defense funds to pay for this authority.

In a letter supporting the special drawdown authority for Jordan, the Secretary of Defense stated that military readiness would suffer unless the non-excess defense items are replaced and the military services are reimbursed for transportation and other costs. The conferees direct the Secretary of Defense to provide a report to the congressional defense committees 60 days after enactment of this Act that would address the cost to replace non-excess defense items provided to Jordan and an identification of funds included in the President's fiscal year 1997 budget for this purpose.

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—Peacekeeping Provisions

Placement of United States forces under United Nations operational or tactical control (sec. 1301)

The House bill contained a provision (sec. 1201) that would limit the use of Department of Defense funds and the circumstances under which the President could commit U.S. armed forces to United Nations (UN) command and control, and provide exceptions under which armed forces could be placed under UN command and control. The President would be required to certify to the Congress, prior to the placement of U.S. armed forces under UN command and control, the following: that U.S. national security interests require the placement of Armed Forces under UN command and control; that U.S. armed forces commander would retain the right to report independently to U.S. military authorities and decline orders that are illegal, militarily imprudent, or beyond the scope of the mission; that U.S. forces would remain under U.S. administrative command; and that U.S. forces involved would retain the authority to withdraw and take necessary protective actions, if engaged by hostile forces.

The Senate amendment contained a provision (sec. 1061) that would express the sense of Congress that: U.S. armed forces should not be placed under the operational control of the UN without close and prior consultation with Congress; U.S. armed forces should only be placed under UN command and control when clearly in the national interest; U.S. armed forces should only be placed under qualified commanders with clear and effective command and control; and that U.S. armed forces should only be placed under operational control of foreign commanders in peace enforcement missions, except in the most extraordinary circumstances.

The conferees agree to consolidate the significant elements of both the House bill and the Senate amendment. In comparison to the provision contained in the House bill, the new provision would narrow the required Presidential certification standard to one that would establish: the existence of U.S. national security interests and narrow the definition for UN command and control to exclude conditions where the senior U.S. commander does not have adequate independent authority over subordinate U.S. forces; drop the required report on the constitutionality of placing U.S. forces under UN command and control and the certification requirement that U.S. commanders retain the right to decline to obey orders deemed to be "militarily imprudent".

The conferees remain gravely concerned over the administration's stated willingness, as articulated by Presidential Decision Directive 25, to place U.S. forces under UN operational control during peacekeeping operations. The conferees are pleased to note that the administration's planning assumption for a proposed peacekeeping deployment to Bosnia does not contemplate any such arrangement. The conferees strongly urge the Secretary of Defense to ensure that clearly defined and effective command and control relationships are established for any planned U.S. forces participation in such deployments.

Limitation on use of Department of Defense funds for international peacekeeping assessments and drawdown of Department of Defense articles (sec. 1302)

The House bill contained a provision (sec. 1202) that would amend chapter 20 of title 10, United States Code, to prohibit the use of Department of Defense funds for voluntary or assessed financial contributions to the United Nations for the United States share of peacekeeping costs, effective October 1, 1995.

The Senate amendment contained no similar provision.

The Senate recedes.

Subtitle B—Humanitarian Assistance Programs

Overseas humanitarian, disaster, and civic aid (secs. 1311–1312)

The House bill contained a provision (sec. 1211) that would specify five programs operated by the Department of Defense to be funded through the budget account known as Overseas Humanitarian, Disaster, and Civic Aid (OHDACA).

The House bill also contained a provision (sec. 1212) that would eliminate the current authority to transfer funds from DOD to the Department of State to provide for the administrative costs associated with the transportation of humanitarian supplies. In addition, this provision would remove the Secretary of State's authority over the DOD's program for the transportation of humanitarian relief, and it would provide for technical changes to the existing reporting requirements for the DOD's humanitarian programs.

The Senate amendment contained a provision (sec. 365) that would require the General Accounting Office (GAO) to submit a report to Congress on existing funding mechanisms that would facilitate the funding of programs within the OHDACA account through the Department of State or the Agency for International Development. If such mechanisms do not currently exist, the GAO would be required to identify those actions necessary to institute such mechanisms.

The conference agreement includes these provisions.

The conferees agree that although the DOD is uniquely capable of performing some humanitarian or disaster relief operations, these operations are fundamentally the responsibility of the Department of State and the Agency for International Development and, in general, are more appropriately funded through these agencies. Therefore, the conferees have reduced the amount of DOD funds available to the OHDACA account for fiscal year 1996 and have requested that the GAO provide a report that would identify necessary changes in existing law or regulations to transfer the funding responsibility for these programs, where appropriate, to other federal agencies, beginning in fiscal year 1997.

Landmine clearance program (sec. 1313)

The House bill contained a provision (sec. 1213) that would amend humanitarian and civic assistance authorities in section 401 of title 10 United States Code to include humanitarian demining activities.

The Senate amendment contained a provision (sec. 1054) that would amend section 1413 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337) to include the following: require the Secretary of Defense to certify to the Congress that humanitarian activities satisfy military training requirements for the personnel involved; authorize $20.0 million in fiscal year 1996 for the humanitarian landmine clearing assistance program; terminate authority for the Department of Defense to provide funds for the humanitarian landmine clearing assistance program after fiscal year 1996; and revise the definition of a landmine.

The conferees agree to a provision that would amend section 401 of title 10 United States Code to include humanitarian demining activities; limit activities of United States military personnel participating in humanitarian landmine clearing activities; and, repeal section 1413 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337).

Unlike other types of humanitarian and civic assistance activities, the conferees realize that the activities of detection and clearing of landmines will often be the sole or primary focus of the military operation in question. In such cases, the approving authority would have to determine that the specific operational readiness skills of the participating United States forces—usually special operations forces whose skills are based upon the activities listed in section 167(j) of title 10, United States Code—will be promoted by participation in those activities.

Subtitle C—Arms Export and Military Assistance

Defense export loan guarantees (sec. 1321)

The House bill contained a provision (sec. 1224) that would require the Secretary of Defense to create a defense export loan guarantee program for certain eligible countries.

The Senate amendment contained a similar provision (sec. 1053) with different criteria for eligible countries.

The House recedes with an amendment that would authorize use of fees generated under the program for payment of start-up costs for administration of the program and for payment of ongoing administrative expenses. The conferees intend to monitor the administration of this program closely to ensure that the method of funding the administrative fees does not impact the process of approval of the loan guarantees.

National security implications of United States export control policy (secs. 1322–1323)

The Senate amendment contained a provision (sec. 1052) that would express the sense of Congress regarding the national security

implications of maintaining effective export controls on dual-use items and technologies that are critical to the military capabilities of the United States. This provision would require the Department to review export licenses for class 2, 3, and 4 biological pathogens with a potential use in biological warfare programs and to determine if export would be contrary to U.S. national security interests.

The House bill did not contain a similar provision.

The House recedes. The conferees concur with concerns identified in the Senate report (S. Rept 104–112) that the lowering of export controls on dual-use items and technologies may place current U.S. technologies and defense capabilities at risk. The conferees continue to be concerned with administration support for admittance of nations into the Missile Technology Control Regime (MTCR) and the New Forum absent a record of compliance with the spirit of these regimes prior to their inclusion.

Two years ago in the House report (H. Rept. 103–357), the conferees expressed concern that ". . . loosening the restrictions on space launch vehicle technology within the MTCR could, over time, result in the proliferation of offensive ballistic missiles . . ." and expressed particular concern about the new MTCR members being permitted to retain space launch vehicle programs. Despite written administration assurances that Congress would be consulted on MTCR-related issues, to include the addition of new members, the conferees were disappointed to learn in the summer of 1995 that new countries would be admitted to the MTCR, despite retention of a SLV program and a history of evading program controls. The conferees believe that the current administration approach facilitates a growing and perhaps irreversible danger that the MTCR, despite its auspicious early history, will increasingly become an avenue for technology proliferation.

The conferees strongly encourage the administration to emphasize the use of controls on sensitive technologies in any new administration proposals to reauthorize the Export Administration Act, and that no attempts be made to repeal or substantially alter the missile sanction provisions in Title XVII of the National Defense Authorization Act for Fiscal Year 1991, as was the case in the administration proposal submitted in the last Congress.

American firms are conducting discussions and negotiations with a number of foreign governments, or other entities, on the purchase of high-resolution U.S. commercial reconnaissance and imaging satellites and high-resolution imagery or imagery distribution systems. The conferees understand that the Secretary of Defense is authorized under Presidential Directive/National Security Council-23 and the Remote Sensing Act of 1992 to determine when national security interests call for controls on such satellite imagery. The Secretary of State is similarly empowered to determine when international obligations would require imagery controls. The conferees emphasize the following: that determinations on national security and international obligations should be communicated to U.S. firms in discussions regarding issuance of operating licenses to U.S. firms, to the extent such determinations can be made in advance of the actual operation of the satellites; that the Secretary of Defense or the Secretary of State should ensure that license agreements and distribution agreements include adequate provisions to ensure that the sharing of imagery or procurement of U.S. commercial imagery systems or products with foreign governments or foreign entities would not be used against U.S. military forces deployed overseas; and that provisions in the license agreements should deny terrorist governments and entities controlled by these governments access to imagery of neighboring countries. The conferees continue to be concerned that the national security issues involved in the proliferation of high-resolution satellites and satellite imagery have not been adequately thought through by the executive branch and hope that the report mandated by this section will serve to clarify DoD policy on these issues.

The conferees also note the recent decision to relax export restrictions on supercomputers and are concerned about the potential impact of this decision on the United States' nonproliferation efforts and the maintenance of the U.S. military technological edge. The conferees direct the Secretary of Defense to submit a report, not later than December 31, 1995, that describes the impact of the export decision on the ability of nations to acquire and use high-performance computing capabilities to develop advanced conventional weaponry, weapons of mass destruction, and delivery vehicles, including missiles.

Reports on arms export control and military assistance (sec. 1324)

The Senate amendment contained a provision (sec. 1064) that would require the following reports to be submitted to Congress: (1) a report by the Secretary of State on the firms that are on the Department of State watch list for export of sensitive or dual use technologies, and a description of the measures taken to strengthen United States export controls; (2) an evaluation of the watch list screening process by the Department of State Inspector General; and (3) an annual report on the aggregate dollar value and quantity of defense articles, services, and military education and training furnished by the United States to each foreign country and international organization.

The House bill did not contain a similar provision.

The conferees agree to a provision that would require the Department of State and the Department of Commerce, in consultation with the Department of Defense, to report jointly to the Congress on United States export control mechanisms and measures taken to strengthen export controls. The provision would also require the President to submit a report to Congress on military assistance and military exports authorized or furnished to foreign countries and international organizations.

Report on personnel requirements for control of transfer of certain weapons (sec. 1325)

The Senate amendment contained a provision (sec. 1093) that would require the Secretary of Defense and the Secretary of Energy to report to the Congress on the personnel resources necessary to implement nonproliferation policy responsibilities of both departments and would require both Secretaries to explain the failure to provide the report, as previously required by legislation.

The House bill did not contain a similar provision.

The House recedes.

Subtitle D—Burdensharing and Other Cooperative Activities Involving Allies and Nato

Accounting for burdensharing contributions (sec. 1331)

The House bill contained a provision (sec. 1225) that would authorize the United States to accept burdensharing contributions in the currency of the host nation or in United States dollars. This provision would maintain this funding in a separate account that would be available until expended.

The Senate bill contained no similar provision.

The Senate recedes.

Authority to accept contributions for expenses of relocation within host nations of United States armed forces overseas (sec. 1332)

The House bill contained a provision (sec. 1226) that would establish authorization and procedures to accept contributions from host nations for the purpose of relocating United States armed forces within the host nation.

The Senate amendment contained no similar provision.

The Senate recedes.

Revised goal for allied share of costs for United States installations in Europe (sec. 1333)

The House bill contained a provision (sec. 1228) that would require the Department of Defense to reduce United States military personnel assigned in European North Atlantic Treaty Organization (NATO) countries during fiscal years 1996–1999. Military personnel would be reduced by 1,000 for each scheduled percentage point that allied contributions in cash and in-kind payments fail to offset U.S. non-personnel costs of operating military installations in Europe.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment.

The conferees agree to a provision that would amend section 1304 of the National Defense Authorization Act of 1995 (Public Law 103–337) to require the President to seek an agreement with European member states of NATO to increase to 42.5 percent by September 30, 1997 their share of the nonpersonnel costs for United States military installations in those nations.

Exclusion of certain forces from European end strength limitation (sec. 1334)

The conference agreement includes a provision that would exclude personnel performing duties in Europe for more than 179 days under a military-to-military contact program.

Cooperative research and development agreements with NATO organizations (sec. 1335)

The Senate bill contained a provision (sec. 1051) that would make a technical and conforming amendment to section 2350b of title 10, United States Code, to make it consistent with section 2350a, which was amended in the National Defense Authorization Act for Fiscal Year 1995.

The House bill did not contain a similar provision.

The House recedes.

Support services for the Navy at the Port of Haifa (sec. 1336)

The Senate amendment contained a provision (sec. 1056) that would express the sense of Congress that the Secretary of the Navy should promptly undertake actions to:

(1) improve the services available to the Navy at the Port of Haifa; and

(2) ensure that the continuing increase in commercial activities at the Port of Haifa does not have an adverse impact on the services required by the Navy at Haifa.

The House bill contained no similar provision.

The House recedes with an amendment.

SUBTITLE E—OTHER MATTERS

Prohibition on financial assistance to terrorist countries (sec. 1341)

The Senate amendment contained a provision (sec. 1057) that would prohibit the use of

any Department of Defense funds to assist nations that support acts of terrorism. A determination to prohibit funds may be based on a determination by the Secretary of State under section 6(j)(1)(A) of the Export Administration Act of 1979; or that a nation provided significant support for international terrorism, as identified in a report to Congress, pursuant to section 140 of the Foreign Relations Authorization Act, Fiscal Year 1988 and 1989; or a determination by the President that a nation has supported international terrorism or has granted sanctuary from prosecution to a group or individual that has committed an act of international terrorism.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Judicial assistance to the International Tribunal for Yugoslavia and to the International Tribunal for Rwanda (sec. 1342)

The Senate amendment contained a provision (sec. 1098) that would provide authority for the United States to surrender persons and provide judicial assistance to the International Tribunals for Yugoslavia and Rwanda, pursuant to the agreement between the Government of the United States and the International Tribunals.

The House bill did not contain a similar provision.

The House recedes with a technical amendment.

United States-China Joint Defense Conversion Commission (sec. 1343)

The House bill included a provision (sec. 1223) that would prohibit the use of funds authorized in fiscal year 1996 for the Department of Defense activities associated with the United States-People's Republic of China Joint Defense Conversion Commission.

The Senate bill did not include a similar provision.

The House recedes with an amendment.

The conferees agree to a provision that would require the Secretary of Defense to submit semi-annual reports to Congress on the United States-People's Republic of China (PRC) Joint Defense Conversion Commission. The report shall include: a description of activities that could directly, or indirectly, assist the military modernization efforts of the PRC; information on the activities and operations of the Commission; a discussion of the relationship of PRC defense conversion activities and PRC defense modernization efforts; steps taken by the United States to safeguard against use of western technology to modernize the PRC military industrial base; and an assessment of U.S. benefits derived from participation in the commission, to include an increase in the transparency of the military budget and doctrine of the PRC. In preparing the reports required by this section, the Secretary shall seek and obtain the views of appropriate U.S. intelligence agencies and shall be consulted on the matters assessed in the reports and those views shall be included as an annex to the reports.

The conferees agree that a continued dialogue on security matters between the United States and the PRC can promote stability in the region, and help protect American interests and the interests of America's Asian allies. The conferees note that the Senate Armed Services Committee and the House National Security Committee intend to review the status of the U.S.-PRC security dialogue on a regular basis to determine the extent to which the dialogue has produced tangible results in the areas of human rights, transparency in military spending and doctrine, missile and nuclear nonproliferation, and other important security issues.

TITLE XIV—ARMS CONTROL MATTERS

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Revision of definition of landmine for purposes of landmine export moratorium (sec. 1401)

The House bill contained a provision (sec. 1221) that would amend the definition of "anti-personnel landmine", contained in section 1423(d)(3) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160), by deleting "remote controlled, manually-emplaced munitions or devices".

The Senate amendment contained a provision (sec. 1054) that would include a subsection to redefine the definition of an anti-personnel landmine.

The conferees agree to an amendment that would amend section 1423(d) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160), to redefine an anti-personnel landmine to exclude command detonated anti-personnel landmines, such as M18A1 "Claymore" mines, from the definition.

Reports on and certification requirement concerning moratorium on use by Armed Forces of antipersonnel landmines (sec. 1402)

The Senate amendment contained a provision (sec. 1099) that would express the sense of Congress that the President should actively support proposals to modify protocol II on landmines in the 1980 Conventional Weapons Convention at the United Nations Conference, to immediately implement the United States goal of eventual elimination of antipersonnel landmines, and place a one year moratorium on the use of antipersonnel landmines by the United States military, except along internationally recognized borders and demilitarized zones. Consistent with the provision, the President should also encourage governments of other nations to implement a moratorium on the use of antipersonnel landmines.

The House bill did not contain a similar provision.

The House recedes with an amendment.

The conferees agree to a provision that would require the Chairman of the Joint Chiefs of Staff to provide an annual report to Congress on the projected effects of a moratorium on the defensive use of antipersonnel landmines and antitank mines by the United States military forces. The provision would also require a certification by the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, prior to implementation of a legislated moratorium, that the moratorium will not adversely affect United States military forces defensive capabilities, and that effective substitutes for antipersonnel landmines are available to the U.S. military forces.

Extension and amendment of counterproliferation authorities (sec. 1403)

The House bill contained a provision (sec. 1222) that would extend, through fiscal year 1996, the authorities in section 1505 of title XV of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484). The provision would authorize the Department of Defense to provide up to $15.0 million to support international nonproliferation activities, such as, the United Nations Special Commission on Iraq (UNSCOM). Authority for the Secretary of Defense to provide assistance under this section would terminate at the end of fiscal year 1996.

The Senate bill contained no similar provision.

The Senate recedes.

The conferees understand that the extension of authority in fiscal year 1996 for the Department of Defense support of international nonproliferation activities would be used primarily to support the United Nations Special Commission on Iraq (UNSCOM). The conferees do not intend to provide the Department of Defense with authority to use defense funds to support chemical weapons and ballistic missile dismantlement, nuclear materials control and removal, or to destroy weapons of mass destruction and their delivery systems in foreign countries, such as Brazil, South Africa, or countries in Africa or the Middle East generally. These disarmament activities are more appropriately funded from the international affairs budget. Authorities for dismantlement of weapons of mass destruction in the former Soviet Union are provided elsewhere in this Act.

In accordance with the conference report to accompany the National Defense Authorization Act for Fiscal Year 1994, the conferees direct the Secretary of Defense to provide to the congressional defense committees, 30 days in advance of any U.S. commitment to support international nonproliferation activities, a report on the international nonproliferation activities which the Department seeks to support. The report should identify potential future funding for this support, the extent to which the United States is obligated to provide such support, the extent to which funds are provided for in the international affairs budget, and the national security objective for providing the support.

Limitation on retirement or dismantlement of strategic nuclear delivery systems (sec. 1404)

The Senate amendment contained a provision (sec. 1082) that would express the sense of Congress that until the START II Treaty enters into force, the Secretary of Defense should not retire or dismantle any B-52H bombers, Trident ballistic missile submarines, Minuteman III intercontinental ballistic missiles (ICBMs), or Peacekeeper ICBMs. The provision would also prohibit the use of funds appropriated to the Department of Defense during fiscal year 1996 for retiring or dismantling any such systems.

The House bill contained a similar provision (sec. 1229) that would express the sense of Congress that the Secretary of Defense should not implement any reduction in strategic forces that is called for in the START II Treaty unless and until that treaty enters into force.

The House recedes.

The conferees reiterate the importance of not having the United States unilaterally and prematurely begin to implement reductions under the START II Treaty. Until it is clear that the treaty will actually enter into force, the United States must retain options for maintaining a larger force of strategic nuclear delivery systems, to include 500 Minuteman III ICBMs, 50 Peacekeeper ICBM's 18 Trident II ballistic missile submarines, and 94 B-52H bombers. The conferees believe that by retaining such options, the United States increases Russia's incentives to ratify and fully implement the START II Treaty.

Additionally, the conferees believe that it is prudent to delay, beyond fiscal year 1996, the decision to retire or dismantle 28 B-52H bombers, as currently planned by the Department of Defense. At the same time, the conferees do not believe that the Air Force should take any action that prejudge a decision in fiscal year 1997 to retire or dismantle

those 28 B–52H bombers. Therefore, the conferees direct the Secretary of Defense to retain 94 B–52H bombers during fiscal year 1996, while minimizing additional expenditures on the 28 aircraft that may be retired in the near future.

The conferees understood that the Air Force would require $17.4 million in procurement funds, $45.3 million in operations and maintenance funds, and $4.3 million in military personnel funds to retain the 28 B–52H bombers in a fully operational status and to provide them with system updates and modifications. The conferees believe that with system updates and modifications. The conferees believe that this level of funding may not be required merely to preserve the option of retaining the 28 aircraft for one more year. In particular, it may not be necessary to expand procurement funds on aircraft that may be retired in fiscal year 1997. Therefore, the conferees agree to authorize the use of up to $17.4 million in Air Force procurement funds, up to $45.3 million in Air Force operations and maintenance funds, and up to $4.3 million in Air Force personnel funds to retain in an attrition reserve status the 28 B–52H bombers that would otherwise be retired in fiscal year 1996.

Congressional findings and Sense of Congress concerning treaty violations (sec. 1405)

The House bill contained a provision (sec. 1227) that would express a sense of Congress that the government of the former Soviet Union intentionally violated its legal obligation under the 1972 Anti-Ballistic Missile Treaty in order to advance its national security interests, and that the United States should remain vigilant to ensure compliance with arms control obligations.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment that would outline the legislative history behind the provision.

Sense of Congress on ratification of the Chemical Weapons Convention and the Strategic Arms Reduction Talks (sec. 1406)

The House bill contained a provision (sec. 1230) that would express the sense of Congress that the United States should ratify the Chemical Weapons Convention (CWC) as a signal of its commitment to reduce the threat posed by chemical weapons.

The Senate amendment contained a provision (sec. 1099F) that would express the sense of Congress that it is in the national security interests of the United States and Russia, as signatories of the Strategic Arms Reduction Talks (START II), and the United States and all parties to the Chemical Weapons Convention (CWC), to ratify and fully implement the agreements, as negotiated.

The conferees agree to a provision that would express the sense of Congress that it is in the national security interests of the United States, that the United States and Russia, as parties to START II and the CWC, and all other signatories to the CWC, to ratify and fully implement these arms control agreements, as negotiated.

The conferees note that a full Senate debate on the ratification of START and the CWC treaties has not taken place. It is not the intention of the Congress, through this provision, to predetermine the outcome of the Senate debate on the advice and consent to ratification of the two arms control treaties.

Implementation of arms control agreements (sec. 1407)

The budget request included $261.9 million in procurement, operation and maintenance, and research and development in the defense and military service accounts for the implementation of arms control agreements.

The Senate amendment contained a provision (sec. 1060) that would authorize $228.9 million for implementing arms control agreements, a $33.0 million reduction to the budget request. The provision would also prohibit the use of defense funds to reimburse expenses of signatories to arms control treaties, other than the United States, pursuant to treaties or agreements with the United States that have entered into force, if the Congress has not received 30-day notice prior to agreement between the parties.

The House bill did not contain a similar provision, but would provide $261.9 million for implementation of arms control agreements.

The House recedes with an amendment that would make available up to $239.9 million for implementing arms control agreements, a $22.0 million reduction to the budget request. The reductions are reflected in the following table. The conferees endorse the views stated in the Senate report (S.Rept. 104–112), that reiterate the concern expressed in the conference report accompanying the National Defense Authorization Act for Fiscal Year 1994 (H.Rept. 103–357). That conference report required the Congress to be notified 30 days in advance of a U.S. agreement to accept the recommendations of any consultative commissions that result in either technical changes to a treaty or agreement affecting inspections and monitoring provisions, or that result in increased U.S. implementation costs.

The conferees limit the expenditure of funds to provide reimbursement for arms control implementation inspections costs borne by the inspected party to a treaty or agreement. Funds may only be expended if the Congress has been notified 30 days in advance of an agreement by the President to a policy or policy agreement, and that policy or policy agreement does not modify any obligation imposed by the arms control agreement.

The provision would not prohibit the use of funds to implement two policy agreements under the Intermediate-Range Nuclear Forces (INF) Treaty and strategic Arms Reductions Treaty (START), concluded in May 1994 and February 1995. The conferees understand that the Department of Defense agreed to reimburse Belarus, Kazakhstan, and Ukraine for the costs of U.S. inspections conducted within those territories for each six-month period, expenses for which those countries are obligated under the treaties, if Belarus, Kazakhstan, and Ukraine do not conduct inspections in the United States. Further, the conferees understand that if Belarus, Kazakhstan, or Ukraine conduct an inspection of a U.S. facility, the U.S. will not provide reimbursement during the applicable six-month time period.

The Intermediate Range Nuclear Forces Treaty and Strategic Arms Reduction Treaty permit the United States to conduct inspections to verify compliance with the treaties within the territories of Belarus, Kazakhstan, and Ukraine. The conferees are concerned about assertions by the administration that failure to reimburse Belarus, Kazakhstan, and Ukraine would prevent the United States from conducting INF and START inspections in these countries in the future. The Senate provided its advice and consent to ratification of INF and START based on the ability of the United States to fully exercise its inspection rights.

In a September 21, 1994 letter from the Secretary of Defense to Congress, the Secretary emphasized that the policy statements exchanged between the United States and the three Parties expressed ". . . strictly a policy understanding." He also stated "that they are not legally binding" and that no treaty provisions would be changed. Further, the Secretary stated "[T]he Administration would not consider this to be a precedent for any other area of START implementation."

The conferees express their continuing concern that arms control consultative commissions are being used to facilitate changes or modifications to arms control treaties and agreements that should be brought to the Senate for its review and subsequent advice and consent. There may be very good reasons for changes in implementation of specific arms control treaties or agreements. However, if a change or modification to the treaty or agreement would result in a change to the understanding under which the Senate provided its advice and consent to ratification, the Congress must be consulted about the recommended change or modification in advance of any agreement in the consultative commissions, and must provide its subsequent agreement to the change or modification.

FISCAL YEAR 1996 ARMS CONTROL IMPLEMENTATION BUDGET

Account	Program	Request	Recomm	Rec Auth
WPN	Arms control compliance.	14.800	0.000	14.800
OPAF	Spares & repairs	0.467	0.000	0.467
PDA	OSIA	2.941	0.000	2.941
RDT&E, AF	Arms control implementation.	0.998	0.000	0.998
RDT&E, DA	Ver tech dem, DNA (603711).	33.971	0.000	33.971
O&M, Army		40.778	−6.000	34.778
O&M, Navy		35.354	−2.000	33.354
O&M, AF		34.645	−2.000	32.645
O&M, DA	OSIA	97.987	−12.000	85.987
Total		261.941	−22.000	239.941

Iran and Iraq arms nonproliferation (sec. 1408)

The Senate amendment included a provision (sec. 1063) that would amend sections 1604(a) and 1605(a) of Title XVI of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484), to apply sanctions and controls to persons or countries who transfer or retransfer goods or technology that would contribute to the Iran or Iraq efforts to acquire chemical, biological, or nuclear weapons, in addition to sanctions and controls on the acquisition of destabilizing advanced conventional weapons. The provision would also amend section 1608(7) to clarify the meaning of "United States assistance" to conform to the definition of such term in the Foreign Assistance Act of 1961 (section 2151 et seq. of Title 10, United States Code).

The House bill did not contain a similar provision.

The House recedes with an amendment.

The conferees also agree to an amendment to section 73(e)(2) of the Arms Export Control Act (section 2797b(e)(2) of title 22, United States Code) that would require that the notification of certain waivers under the Missile Technology Control Regime procedures be submitted to the congressional defense committees and the congressional foreign relations committees, not less than 45 working days before issuance of the waiver.

TITLE XV—TECHNICAL AND CLERICAL AMENDMENTS

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Technical and clerical amendment (sec. 1501–1506)

The Senate amendment contained eight sections (secs. 1101 through 1108) that made

numerous technical and clerical amendments to existing laws.

The House bill contained no similar provision.

The House recedes.

TITLE XVI—CORPORATION FOR THE PROMOTION OF RIFLE PRACTICE AND FIREARMS SAFETY

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Corporation for the Promotion of Rifle Practice and Firearms Safety (secs. 1601–1624)

The House bill contained a provision (sec. 384) that would convert the Civilian Marksmanship Program (CMP) to a federally chartered nonprofit corporation.

The Senate amendment contained a similar provision (sec. 385) that would convert the CMP to a nonappropriated fund instrumentality.

The Senate recedes with an amendment that would convert the CMP to a private, nonprofit corporation. The provision would require the Secretary of the Army to provide for the transition of the CMP from an appropriated fund activity of the Department of Defense to a viable nonprofit corporation.

The conferees recognize the value of the CMP, and believe the program should continue as a non-federal government entity.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

OVERVIEW

The budget request for fiscal year 1996 included $10,697,955,000 for military construction and family housing.

The House bill would authorize $11,197,995,000 for military construction and family housing.

The Senate amendment would provide $10,902,988,000 for this purpose.

The conferees recommend authorization of appropriations of $11,177,009,000 for military construction and family housing, including general reductions and termination of prior year projects.

The conferees are deeply concerned about the current quality of facilities at military installations and the condition of the housing stock for military families and unaccompanied personnel. The conferees are concerned about the possible long-term deleterious effects of deteriorating military infrastructure and military housing on the readiness of the armed forces and the retention of personnel. The conferees are especially concerned about the backlog of construction, repair, and maintenance required to resolve serious problems affecting the quality of life for personnel and their families. The increases in funding recommended by the conferees is targeted at enhancing quality of life programs, particularly housing and needed operational requirements for the military services.

The conferees are pleased with the attention the Secretary of Defense has devoted to improving family housing, housing for unaccompanied personnel, and other quality of life improvements. The conferees note the Secretary's proposal to establish new authorities for alternative means to construct or improve military housing. The conferees have worked closely with the Secretary in the development of the proposal and have agreed to include these authorities in this Act.

The conferees have also included a provision to expand the authority previously granted to the Department of the Navy to enter into limited partnerships with the private sector to acquire family housing. The conferees note the efforts of the Navy to utilize existing authority to provide critically needed housing in Corpus Christi, Texas and Everett, Washington. The conferees understand that agreements to provide housing in those two locations may be ready for contract execution in fiscal year 1996.

In addition to these new initiatives, the conferees also support a pilot program that provides qualified junior enlisted and junior officer personnel with greater access to private home ownership opportunities through an interest rate buydown program managed by the Department of Veterans' Affairs. The conferees encourage the Secretary of Defense to promote this program and to continue exploring creative ways to stimulate interest in and availability of home ownership among servicemembers.

The conferees recognize that these authorities have the long-term potential to produce critically needed housing for the armed forces. To rectify immediate problems, the conferees recommend $417,169,000 above the Administration's budget request for family housing, unaccompanied personnel housing, child development centers, health care facilities, and other projects to enhance the quality of life for currently serving personnel.

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FY 1996

(Dollars in Millions) Account Title	Authorization Request 1996	House Authorized	Senate Authorized	Conference Authorization
DIVISION B				
Military Construction, Army	472.724	631.608	547.877	617.589
Military Construction, Navy	488.086	588.243	542.885	548.289
Military Construction, Air Force	495.655	586.841	587.517	587.570
Military Construction, Defense-wide	857.405	728.332	601.450	622.226
North Atlantic Treaty Organization Infrastructure	179.000	161.000	179.000	161.000
Military Construction, Army Reserve	42.963	42.963	79.895	73.516
Military Construction, Naval Reserve	7.920	19.655	7.920	19.055
Military Construction, Air Force Reserve	27.002	31.502	35.132	36.232
Military Construction, Army National Guard	18.480	72.537	148.586	134.802
Military Construction, Air National Guard	85.647	118.267	160.807	164.217
Foreign Currency Fluctuations, Construction	-	-	-	-
Base Realignment and Closure Account	3,897.892	3,897.892	3,799.192	3,897.892
Total Military Construction	6,572.774	6,878.840	6,690.261	6,862.388
Family Housing, Army	43.500	126.400	66.552	116.656
Family Housing Support, Army	1,337.596	1,333.596	1,337.596	1,337.596
Family Housing, Navy and Marine Corps	465.755	531.289	486.247	522.699
Family Housing Support, Navy and Marine Corps	1,048.329	1,045.329	1,048.329	1,048.329
Family Housing, Air Force	249.003	294.503	287.965	298.303

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FY 1996

(Dollars in Millions)	Authorization Request	House	Senate	Conference
Account Title	1996	Authorized	Authorized	Authorization
Family Housing Support, Air Force	849.213	846.213	849.213	849.213
Family Housing, Defense-wide	25.772	25.772	25.772	25.772
Family Housing Support, Defense-wide	30.467	40.467	30.467	40.467
Homeowners Assistance Fund, Defense	75.586	75.586	75.586	75.586
Sec 2809-Authority to convey Family Housing	-		5.000	-
Total Family Housing	4,125.221	4,319.155	4,212.727	4,314.621

FISCAL YEAR 1996 MILITARY CONSTRUCTION AUTHORIZATION OF APPROPIATIONS

(Dollars in Thousands)

	Location	Service	Installation	Project Title	FY 1996 Request	House Authorized	Senate Authorized	Conference Agreement
1	Alabama	Army	Ft. Rucker	Ammunition Supply Point	0	5,900	0	5,900
2	Alabama	Army	Redstone Arsenal	Hypervelocity Ballistic Range Facility	0	5,000	0	5,000
3	Alabama	Air Force	Maxwell AFB	Child Development Center Complex	3,700	3,700	3,700	3,700
4	Alabama	Air Force	Maxwell AFB	Computer Software Facility	0	0	1,500	1,500
5	Alabama	Section 6 Schools	Maxwell AFB	Add/Alter Maxwell Elementary School	5,479	5,479	5,479	5,479
6	Alabama	Defense Medical Facilities Office	Maxwell AFB	Ambulatory Healthcare Center (Phase I)	0	0	10,000	10,000
7	Alabama	Defense Logistics Agency	Defense Dist Anniston	Vehicle Storage Shelter	3,550	3,550	3,550	3,550
8	Alabama	Air National Guard	Birmingham Mun Airport (ANG)	Alter KC-135 Aircraft Shops	4,400	4,400	4,400	4,400
9	Alabama	Air National Guard	Dannelly Field (ANG)	Fire Station	1,445	1,445	1,445	1,445
10	Alabama	Army Reserve	USARC Jasper	Add/Alter USARC/OMS/AMSA	2,500	2,500	2,500	2,500
11	Alabama	Air Force Reserve	Maxwell AFB	Composite Maintenance Shops	3,608	3,608	3,608	3,608
12	Alaska	Air Force	Eielson AFB	Alter Dormitory	3,850	3,850	3,850	3,850
13	Alaska	Air Force	Eielson AFB	Boiler Rehabilitation	0	0	4,000	4,000
14	Alaska	Air Force	Elmendorf AFB	Visiting Officers Quarters	7,350	7,350	7,350	7,350
15	Alaska	Air Force	Elmendorf AFB	MILSTAR Communications Ground Terminal	850	850	850	850
16	Alaska	Air Force	Elmendorf AFB	Repair Airfield Taxiway	900	900	900	900
17	Alaska	Air Force	Tin City LRRS	Aboveground Fuel Tanks	2,500	2,500	2,500	2,500
18	Alaska	Defense Medical Facilities Office	Elmendorf AFB	Hospital Replacement (Phase IV)	28,100	28,100	28,100	28,100
19	Alaska	Air National Guard	Eielson AFB	Aircraft Engine Shop	0	0	2,550	2,550
20	Alaska	Air National Guard	Eielson AFB	Base Engineering Maintenance Facility	0	0	4,400	4,400
21	Alaska	Army Reserve	Ft. Wainwright	USARS/OMS/STORAGE	4,779	4,779	4,779	4,779
22	Arizona	Army	Ft. Huachuca	Whole Barracks Complex Renewal	16,000	16,000	16,000	16,000
23	Arizona	Army	Ft. Huachuca	Child Development Center	0	2,550	0	0
24	Arizona	Air Force	Davis-Monthan AFB	Dormitory	3,800	3,800	3,800	3,800
25	Arizona	Air Force	Davis-Monthan AFB	Alter Aircraft Corrosion Control Facility	1,000	1,000	1,000	1,000
26	Arizona	Air Force	Luke AFB	Dormitory	5,200	5,200	5,200	5,200
27	Arizona	Defense Medical Facilities Office	Luke AFB	Add/Alter Hospital Life Safety Upgrade	8,100	8,100	8,100	8,100
28	Arizona	Air National Guard	Tucson IAP	Add/Alter Aircraft Spt. Equipment Shop	600	600	600	600
29	Arizona	Army National Guard	Papago Military Reservation (Phoenix)	Medical Facility	0	1,084	0	1,084
30	Arkansas	Air Force	Little Rock AFB	Upgrade Sanitary Sewer System	2,500	2,500	2,500	2,500
31	Arkansas	Chemical Demilitarization	Pine Bluff Arsenal	Ammunition Demilitarization Fac (Phase II)	40,000	40,000	0	0
32	Arkansas	Army National Guard	Camp Robinson	Military Ops in Urban Terrain Facility	0	0	2,853	0
33	Arkansas	Air National Guard	Little Rock AFB	Base Supply Complex	0	0	4,800	4,800
34	California	Army	Ft. Irwin	Consolidated Maintenance Facility	15,500	15,500	15,500	15,500
35	California	Army	Ft. Irwin	National Training Center Airfield (Phase II)	0	10,000	0	10,000
36	California	Army	Presidio, San Francisco	Regional Sewer System	3,000	3,000	3,000	3,000
37	California	Navy	MCB Camp Pendleton	Sensitive Compartmented Info Facility Add	2,246	2,246	2,246	2,246
38	California	Navy	MCB Camp Pendleton	Child Development Center	3,000	3,000	3,000	3,000

FISCAL YEAR 1996 MILITARY CONSTRUCTION AUTHORIZATION OF APPROPIATIONS

(Dollars in Thousands)

	Location	Service	Installation	Project Title	FY 1996 Request	House Authorized	Senate Authorized	Conference Agreement
39	California	Navy	MCB Camp Pendleton	Bachelor Enlisted Quarters	11,940	11,940	11,940	11,940
40	California	Navy	MCB Camp Pendleton	Water Distribution System	1,410	1,410	1,410	1,410
41	California	Navy	MCB Camp Pendleton	Tactical Vehicle Maintenance Facility	1,088	1,088	1,088	1,088
42	California	Navy	MCB Camp Pendleton	Multi-Purpose Machine Gun Range	3,800	3,800	3,800	3,800
43	California	Navy	MCB Camp Pendleton	Physical Fitness Center	4,100	4,100	4,100	4,100
44	California	Navy	NCCOSC RDT&E Div, San Diego	Test Facility Demolition	3,170	3,170	3,170	3,170
45	California	Navy	MCAGCC Twentynine Palms	Infantry Squad Battle Course	2,490	2,490	2,490	2,490
46	California	Navy	NAWCWD Point Mugu	Child Development Center	1,300	1,300	1,300	1,300
47	California	Navy	NAWCWD China Lake	Industrial Wastewater Collect /Treatment Fac	3,700	3,700	3,700	3,700
48	California	Navy	Naval Station, San Diego	Oily Waste Collection and Treatment Facility	19,960	19,960	19,960	19,960
49	California	Navy	NAS North Island	Controlled Industrial Facility	42,500	42,500	42,500	42,500
50	California	Navy	NAS North Island	Berthing Wharf	56,650	56,650	56,650	56,650
51	California	Navy	NAS Lemoore	Jet Engine Test Cell	7,600	7,600	7,600	7,600
52	California	Navy	Port Hueneme NCBC	Bachelor Enlisted Quarters (Phase I)	0	16,700	0	9,000
53	California	Air Force	Beale AFB	Landfill Closure	7,500	7,500	7,500	7,500
54	California	Air Force	Edwards AFB	Dormitory	10,600	10,600	10,600	10,600
55	California	Air Force	Edwards AFB	Add/Alter F-22 Engineering Test Facility	12,100	12,100	12,100	12,100
56	California	Air Force	Edwards AFB	Add/Alter Anechoic Chamber	11,100	11,100	11,100	11,100
57	California	Air Force	Travis AFB	Dormitories	10,500	10,500	10,500	10,500
58	California	Air Force	Travis AFB	Dormitory	6,400	6,400	6,400	6,400
59	California	Air Force	Travis AFB	Squadron Operations/Aircraft Maintenance Unit	7,400	7,400	7,400	7,400
60	California	Air Force	Travis AFB	KC-10 Add to Flight Simulator Facility	2,400	2,400	2,400	2,400
61	California	Air Force	Vandenberg AFB	Fire Station	2,000	2,000	2,000	2,000
62	California	Air Force	Vandenberg AFB	SLFI - Chemical Test and Analysis Lab	4,000	4,000	4,000	4,000
63	California	Defense Logistics Agency	DFSC, Point Mugu	Fuel Storage	750	750	750	750
64	California	Defense Logistics Agency	Defense Dist Stockton	General Purpose Whse Replacement	15,000	15,000	15,000	15,000
65	California	Defense Medical Facilities Office	MCB Camp Pendleton	Environmental Health/Industrial Hygiene	1,700	1,700	1,700	1,700
66	California	Defense Medical Facilities Office	Vandenberg AFB	Life Safety/Seismic/Utility Upgrade	5,700	5,700	5,700	5,700
67	California	Defense Medical Facilities Office	Ft. Irwin	Ambulatory Healthcare Clinic	6,900	6,900	6,900	6,900
68	California	Special Operations	Camp Pendleton	SOF Training Complex	5,200	5,200	5,200	5,200
69	California	Air National Guard	Sepulveda ANG Station	Replace Underground Fuel Storage Tanks	320	320	320	320
70	California	Air National Guard	Sepulveda ANG Annex (Van Nuys)	Supply and Civil Engineer Complex	0	1,800	0	1,800
71	California	Army Reserve	Parks RFTA	Battle Projection Center	5,868	5,868	5,868	5,868
72	California	Air Force Reserve	March ARB	Fire Training Facility	1,550	1,550	1,550	1,550
73	Colorado	Army	Ft. Carson	Sanitary Sewer Line	1,750	1,750	1,750	1,750
74	Colorado	Army	Ft. Carson	Whole Barracks Renewal (Phase I)	0	20,000	0	20,000
75	Colorado	Army	Ft. Carson	Sewer Treatment Plant	9,100	9,100	9,100	9,100
76	Colorado	Air Force	Peterson AFB	Add/Alter Dormitory	3,000	3,000	3,000	3,000
77	Colorado	Air Force	Peterson AFB	Fire Station	1,390	1,390	1,390	1,390

FISCAL YEAR 1996 MILITARY CONSTRUCTION AUTHORIZATION OF APPROPIATIONS

(Dollars in Thousands)

	Location	Service	Installation	Project Title	FY 1996 Request	House Authorized	Senate Authorized	Conference Agreement
78	Colorado	Air Force	USAF Academy	Upgrade Facilities Heating System	4,950	4,950	4,950	4,950
79	Colorado	Air Force	USAF Academy	Child Development Center	4,200	4,200	4,200	4,200
80	Colorado	Air Force	USAF Academy	Sailplane Hangar	3,724	3,724	0	3,724
81	Colorado	Air Force	Buckley ANGB	Troop Support Facilities	5,500	5,500	5,500	5,500
82	Colorado	Air National Guard	Buckley ANGB	Upgrade Heating Systems	950	950	950	950
83	Colorado	Air National Guard	Buckley ANGB	Base Engineer Pavements and Grounds Facility	450	450	450	450
84	Colorado	Air Force Reserve	Peterson AFB	Composite Maintenance Facility	0	0	3,150	0
85	Delaware	Air Force	Dover AFB	C-5 Sqd Operations/ACFT Maint	5,500	5,500	5,500	5,500
86	Delaware	Defense Logistics Agency	DFSC, Dover AFB	Replace Hydrant Fuel System	15,554	15,554	15,554	15,554
87	Delaware	Defense Medical Facilities Office	Dover AFB	Life Safety Upgrade	4,400	4,400	4,400	4,400
88	Delaware	Air National Guard	New Castle County AP	Fire Station	0	0	2,300	0
89	District of Columbia	Army	Ft. McNair	Whole Barracks Complex Renewal	5,500	5,500	5,500	5,500
90	District of Columbia	Army	Ft. McNair	National Defense Univ Fac Renovation (Phase I)	8,000	8,000	8,000	8,000
91	District of Columbia	Army	Walter Reed Medical Center	Fitness Center	0	0	4,300	0
92	District of Columbia	Air Force	Bolling AFB	Alter Dormitory	6,500	6,500	6,500	6,500
93	District of Columbia	Air Force	Bolling AFB	Honor Guard Dormitory	5,600	5,600	5,600	5,600
94	District of Columbia	Defense Intelligence Agency	Bolling AFB	Boiler DIAC	498	498	498	498
95	District of Columbia	Defense Intelligence Agency	Bolling AFB	Parking DIAC	1,245	1,245	1,245	0
96	Florida	Navy	NTTC Corry Station	Child Development Center	2,565	2,565	2,565	2,565
97	Florida	Navy	Naval School EOD, Eglin AFB	Explosive Ordnance Disposal Trng Complex	14,200	14,200	14,200	14,200
98	Florida	Navy	Naval School EOD, Eglin AFB	Underwater Ordnance Disposal Trng Fac	1,950	1,950	1,950	1,950
99	Florida	Air Force	Eglin AFB	Repair Runway	6,200	6,200	6,200	6,200
100	Florida	Air Force	Eglin AFB	Upgrade Dormitory	0	7,300	8,300	7,300
101	Florida	Air Force	Tyndall AFB	Fire Training Facility	1,200	1,200	1,200	1,200
102	Florida	Air Force	Cape Canaveral AFS	Fire Training Facility	1,600	1,600	1,600	1,600
103	Florida	Defense Logistics Agency	DFSC, Eglin AFB	SOF Fuel Storage	2,400	2,400	2,400	2,400
104	Florida	Special Operations	Eglin AFB	SOF Squadron Operations/AMU	2,400	2,400	2,400	2,400
105	Florida	Special Operations	Eglin Aux Field 9	SOF Benson Tanks Storage Facility	1,550	1,550	1,550	1,550
106	Florida	Special Operations	Eglin Aux Field 9	SOF Squadron Ops/AMU MH-53	7,100	7,100	7,100	7,100
107	Florida	Special Operations	Eglin Aux Field 9	SOF Helicopter Hangar	5,500	5,500	5,500	5,500
108	Florida	Army National Guard	Camp Blanding	Water Distribution System Upgrade	0	4,200	4,200	4,200
109	Florida	Army National Guard	Camp Blanding	Wastewater Treatment Plant (Phase II)	0	5,300	5,300	5,300
110	Georgia	Army	Ft. Benning	Whole Barracks Complex Renewal	33,000	33,000	33,000	33,000
111	Georgia	Army	Ft. Benning	Close Combat Tactical Trainer Building	4,900	4,900	4,900	4,900
112	Georgia	Army	Ft. Gordon	Battalion Headquarters	3,150	3,150	3,150	3,150
113	Georgia	Army	Ft. Gordon	General Purpose Warehouse	2,600	2,600	2,600	2,600
114	Georgia	Army	Ft. Stewart	Deployment Staging Area	8,400	8,400	8,400	8,400
115	Georgia	Navy	Marine Corps Logistics Base, Albany	Child Development Center (Phase II)	0	1,300	0	0
116	Georgia	Navy	Strategic Weapons Facility, LANT	Security Force Facility	2,450	2,450	2,450	2,450

FISCAL YEAR 1996 MILITARY CONSTRUCTION AUTHORIZATION OF APPROPIATIONS

(Dollars in Thousands)

	Location	Service	Installation	Project Title	FY 1996 Request	House Authorized	Senate Authorized	Conference Agreement
117	Georgia	Air Force	Moody AFB	Upgrade Storm Drainage System	690	690	690	690.
118	Georgia	Air Force	Moody AFB	Child Development Center	0	3,800	0	0
119	Georgia	Air Force	Moody AFB	C-130 Squadron Operations/AMU	3,200	3,200	3,200	3,200
120	Georgia	Air Force	Moody AFB	Alter Dormitory	0	2,500	0	0
121	Georgia	Air Force	Moody AFB	C-130 Aerial Delivery Facility	4,600	4,600	4,600	4,600
122	Georgia	Air Force	Moody AFB	C-130 Aircraft Washrack Facility	1,700	1,700	1,700	1,700
123	Georgia	Air Force	Moody AFB	Control Tower	2,700	2,700	2,700	2,700
124	Georgia	Air Force	Moody AFB	Repair and Extend Runway	0	0	12,300	12,300
125	Georgia	Air Force	Robins AFB	JSTARS Aircraft Fuel System Maintenance Dock	6,900	6,900	6,900	6,900
126	Georgia	Air Force	Robins AFB	Upgrade Dormitory (Phase I)	0	0	11,000	5,500
127	Georgia	Defense Medical Facilities Office	Ft. Benning	Life Safety Upgrade	5,600	5,600	5,600	5,600
128	Georgia	Section 6 Schools	Ft. Benning	Faith Middle School Addition	1,116	1,116	1,116	1,116
129	Georgia	Air National Guard	Savannah IAP	Alter Aircraft Maintenance Shops	1,300	1,300	1,300	1,300
130	Georgia	Air National Guard	Glynn County ANGS (Brunswick)	Upgrade Communication Squadron Complex	0	5,000	0	3,000
131	Georgia	Air National Guard	Glynn County ANGS (Brunswick)	Replace Underground Fuel Storage Tanks	320	320	320	320
132	Georgia	Air National Guard	Hunter ANG Station No. 2	Replace Underground Fuel Storage Tanks	400	400	400	400
133	Hawaii	Army	Schofield Barracks	Whole Barracks Complex Renewal (Phase I)	0	15,000	35,000	30,000
134	Hawaii	Navy	Naval SUBASE Pearl Harbor	Berthing Pier	22,500	22,500	22,500	22,500
135	Hawaii	Navy	NAVCAMS EASTPAC, Honolulu	Fire Protection System	1,980	1,980	1,980	1,980
136	Hawaii	Navy	Intel Center Pacific, Pearl Harbor	Operations Building Alterations	2,200	2,200	2,200	2,200
137	Hawaii	Air Force	Hickam AFB	Repair Airfield Pavements	4,550	4,550	4,550	4,550
138	Hawaii	Air Force	Hickam AFB	Alter Dormitory	3,100	3,100	3,100	3,100
139	Hawaii	Air Force	Hickam AFB	Alter Transient Dormitory	3,050	3,050	3,050	3,050
140	Idaho	Air Force	Mountain Home AFB	Idaho Training Range (North Site)	8,000	8,000	0	0
141	Idaho	Air Force	Mountain Home AFB	Large Aircraft Maintenance Hangar	0	0	8,000	8,000
142	Idaho	Air Force	Mountain Home AFB	Upgrade Storm Drainage System	800	800	800	800
143	Idaho	Air Force	Mountain Home AFB	Wastewater Treatment and Disposal Plant	9,850	9,850	9,850	9,850
144	Idaho	Air Force	Mountain Home AFB	Avionics Shop	0	0	4,900	0
145	Idaho	Air Force	Mountain Home AFB	Base Civil Engineering Warehouse	0	0	1,800	0
146	Idaho	Air National Guard	Boise Air Term (Gowen Field)	Remove Underground Fuel Storage Tanks	320	320	320	320
147	Idaho	Air National Guard	Boise Air Term (Gowen Field)	Maint Hangar Upgrade	0	0	4,000	4,000
148	Illinois	Navy	NTC Great Lakes	Uniform Issue Building	12,440	12,440	12,440	12,440
149	Illinois	Air Force	Scott AFB	Dormitory	8,000	8,000	8,000	8,000
150	Illinois	Air Force	Scott AFB	Global Reach Planning Center Visiting Quarters	4,700	4,700	4,700	4,700
151	Illinois	Army National Guard	ARNG Marseilles Training Area	TRNG Site, Util Upgrade	1,350	1,350	1,350	1,350
152	Illinois	Air National Guard	Greater Peoria Airport (ANG)	Add to Aircraft Parking Apron	630	630	630	630
153	Illinois	Air National Guard	Greater Peoria Airport (ANG)	Add/Alter Squadron Operations Facility	970	970	970	970
154	Illinois	Air National Guard	Greater Peoria Airport (ANG)	Add to Aircraft Maintenance Hangar	1,200	1,200	1,200	1,200
155	Illinois	Air National Guard	Greater Peoria Airport (ANG)	Alter Aerial Port Training Facility	710	710	710	710

FISCAL YEAR 1996 MILITARY CONSTRUCTION AUTHORIZATION OF APPROPIATIONS

(Dollars in Thousands)

	Location	Service	Installation	Project Title	FY 1996 Request	House Authorized	Senate Authorized	Conference Agreement
156	Illinois	Air National Guard	Greater Peoria Airport (ANG)	Aircraft Deicing Facility	400	400	400	400
157	Illinois	Air National Guard	Greater Peoria Airport (ANG)	Alter Aircraft Maintenance Shops	1,450	1,450	1,450	1,450
158	Illinois	Army Reserve	Ft Sheridan	Add/Alter RTS-Intelligence	3,300	3,300	3,300	3,300
159	Illinois	Army Reserve	USARC Arlington Heights	Battle Projection Center	4,860	4,860	4,860	4,860
160	Indiana	Navy	Crane Naval Surface Warfare Center	Hydroacoustics Test Complex	0	3,300	0	3,300
161	Indiana	Army National Guard	Stout Field (Indianapolis)	Combined Support Maintenance Shop	0	10,846	10,846	10,846
162	Indiana	Air National Guard	Hulman Field (Terre Haute)	Base Civil Engineer Maintenance Complex	0	4,100	0	4,100
163	Indiana	Air Force Reserve	Grissom AF Reserve Base	Fire Station	0	4,250	0	4,250
164	Indiana	Air Force Reserve	Grissom AF Reserve Base	Fire Training Facility	1,500	1,500	1,500	1,500
165	Iowa	Air National Guard	Sioux City Airport (185th ANG)	Runway Upgrade	0	4,050	4,000	4,000
166	Iowa	Air National Guard	Sioux City Gateway AP	Access Taxiway	0	0	750	0
167	Kansas	Army	Ft Riley	Whole Barracks Renewal (Phase I)	0	0	15,300	7,000
168	Kansas	Air Force	McConnell AFB	Dormitory	0	6,500	0	0
169	Kansas	Air Force	McConnell AFB	Alter Dormitory	2,200	2,200	2,200	2,200
170	Kansas	Air Force	McConnell AFB	Deicing Pad	1,150	1,150	1,150	1,150
171	Kansas	Air Force	McConnell AFB	KC-135 Squadron Operations/AMU	6,100	6,100	6,100	6,100
172	Kansas	Army National Guard	Ft. Leavenworth	Corps Sim Center (Phase II)	4,400	4,400	4,400	4,400
173	Kansas	Air National Guard	McConnell AFB	Alter B-1 Squadron Operations Facility	800	800	800	800
174	Kansas	Air National Guard	McConnell AFB	B-1 Fuel Maintenance Hangar	0	0	7,900	7,900
175	Kansas	Air National Guard	Forbes Field	Medical Training Communications Facility	0	0	5,200	5,200
176	Kansas	Army Reserve	Olathe	Land Acquisition	539	539	539	539
177	Kansas	Army Reserve	USARC Topeka	USARC/OMS/AMSA	6,487	6,487	6,487	6,487
178	Kansas	Army Reserve	Wichita ARNG	HQ 89th ARCOM (Phase I)	0	0	8,389	8,389
179	Kansas	Air Force Reserve	McConnell AFB	KC-135 Operation/Training	0	0	4,980	4,980
180	Kentucky	Army	Ft. Campbell	Whole Barracks Renewal (Phase I)	0	0	10,000	10,000
181	Kentucky	Army	Ft. Knox	Close Combat Tactical Trainer Building	5,600	5,600	5,600	5,600
182	Kentucky	Army National Guard	W. Kentucky Training Range	Training Complex	0	0	4,656	4,656
183	Louisiana	Air Force	Barksdale AFB	B-52 Training Complex	2,500	2,500	2,500	2,500
184	Louisiana	Defense Agencies	Naval Support Activity, New Orleans	SOF Small Craft Breakwater	0	730	0	0
185	Louisiana	Defense Logistics Agency	DFSC, Barksdale AFB	Replace Hydrant Fuel System	13,100	13,100	13,100	13,100
186	Louisiana	Defense Medical Facilities Office	Barksdale AFB	Life Safety Upgrade	4,100	4,100	4,100	4,100
187	Louisiana	Army National Guard	Plaquemine	OMS (Reheb/Renovation)	0	0	776	0
188	Louisiana	Army National Guard	Ruston	OMS #2	0	0	1,638	1,638
189	Louisiana	Naval Reserve	Joint Reserve Base, NAS New Orleans	Bachelor Enlisted Quarters Addition	0	5,035	0	5,035
190	Louisiana	Naval Reserve	Naval Support Activity New Orleans	Bachelor Enlisted Quarters	0	6,100	0	6,100
191	Maryland	Navy	Naval Academy, Annapolis	Bachelor Enlisted Quarters	3,600	3,600	3,600	3,600
192	Maryland	Air Force	Andrews AFB	Dormitory	6,000	6,000	6,000	6,000
193	Maryland	Air Force	Andrews AFB	Underground Fuel Storage Tanks	6,886	6,886	6,886	6,886
194	Maryland	Defense Medical Facilities Office	WRAIR, Forest Glen	Armed Forces Inst of Path Repository Add	1,550	1,550	1,550	1,550

FISCAL YEAR 1996 MILITARY CONSTRUCTION AUTHORIZATION OF APPROPIATIONS

(Dollars in Thousands)

	Location	Service	Installation	Project Title	FY 1996 Request	House Authorized	Senate Authorized	Conference Agreement
195	Maryland	Defense Medical Facilities Office	WRAIR, Forest Glen	Army Institute of Research (Phase III)	119,000	27,000	27,000	27,000
196	Maryland	Defense Medical Facilities Office	Bethesda NNMC	Potable Water Line Replacement	1,300	1,300	1,300	1,300
197	Maryland	National Security Agency	Ft. Meade	SPL Steam Generation Plant	632	632	632	632
198	Maryland	National Security Agency	Ft. Meade	Friendship Airport Annex II Purchase	14,800	14,800	14,800	14,800
199	Maryland	National Security Agency	Ft. Meade	Critical Utilities Control (Phase I)	3,301	3,301	3,301	3,301
200	Maryland	Army National Guard	Camp Frettard	OMS	0	0	2,700	2,700
201	Massachusetts	Air National Guard	Barnes Mun Airport (ANG)	Vehicle Maintenance Complex	2,000	2,000	2,000	2,000
202	Massachusetts	Air National Guard	Worcester ANG Station	Paint and Refueling Vehicle Maint Bays	350	350	350	350
203	Massachusetts	Naval Reserve	MCRTC Camp Edwards	Recon/Combat Vehicle Maintenance Fac Addition	3,130	3,130	3,130	3,130
204	Michigan	Air National Guard	Alpena City RAP	Airfield Pavements Additions	0	0	6,400	6,400
205	Michigan	Air National Guard	Selfridge ANGB	Upgrade Heating Systems	2,900	2,900	2,900	2,900
206	Michigan	Air National Guard	Selfridge ANGB	Sanitary Sewer Upgrade	0	0	520	0
207	Minnesota	Air National Guard	Minneapolis St. Paul IAP	Upgrade Heating System	780	780	780	780
208	Minnesota	Air National Guard	Minneapolis St. Paul IAP	Aircraft Deicing Facility	400	400	400	400
209	Minnesota	Air National Guard	Camp Ripley	CSMS (Phase II)	0	0	8,150	0
210	Mississippi	Air Force	Columbus AFB	Fire Training Facility	1,150	1,150	1,150	1,150
211	Mississippi	Air Force	Keesler AFB	Dormitory	0	8,300	0	0
212	Mississippi	Air Force	Keesler AFB	Upgrade Student Dormitory	6,500	6,500	6,500	6,500
213	Mississippi	Army National Guard	Camp Shelby	Multipurpose Range Complex (Phase I)	0	0	5,000	5,000
214	Mississippi	Army National Guard	Gulfport	AVCRAD Equipment Electronic Test Facility	1,100	1,100	1,100	1,100
215	Mississippi	Air National Guard	Gulfport-Biloxi RAP	Road Relocation	0	0	10,200	5,100
216	Mississippi	Air National Guard	Thompson Field	Add/Alter Communications Facility	0	2,400	0	2,400
217	Mississippi	Air National Guard	Key Field ANGB	Add/Alter Base Communications Facility	0	1,500	0	1,500
218	Missouri	Army	Ft. Leonard Wood	Child Development Center	0	3,900	0	0
219	Missouri	Air Force	Whiteman AFB	B-2 Aircraft Maintenance Docks/Hydrant Fuel Sys	15,500	15,500	15,500	15,500
220	Missouri	Air Force	Whiteman AFB	B-2 Add to ACFT Apron/Convoy Road/Taxiway	1,500	1,500	1,500	1,500
221	Missouri	Air Force	Whiteman AFB	B-2 Add to Flight Simulator Training Facility	4,100	4,100	4,100	4,100
222	Missouri	Air Force	Whiteman AFB	B-2 Add/Alter Dock Fire Protection	3,500	3,500	3,500	3,500
223	Missouri	Defense Mapping Agency	DMA Aerospace Center	Replace Destroyed/Damaged Fac w/Land Acq	40,300	40,300	40,300	40,300
224	Missouri	Army National Guard	Jefferson City	Multipurpose Baffle Range	0	0	2,236	2,236
225	Missouri	Air National Guard	Jefferson Barracks	Upgrade Sewer Systems	0	0	2,700	2,700
226	Montana	Army National Guard	Ft. Harrison	Training Site Improvements	0	0	681	681
227	Montana	Army National Guard	Ft. Harrison	Training Site Support Facility	0	0	7,854	7,854
228	Montana	Army National Guard	Regional Airport Helena	Army Aviation Support Facility	0	0	12,506	12,506
229	Nebraska	Army National Guard	Camp Ashland	Admin/Education/Medical/Supply Facility	0	0	1,408	1,408
230	Nebraska	Army National Guard	Hastings Training Range	Instructional Facility	0	0	761	0
231	Nevada	Air Force	Nellis AFB	Upgrade Storm Drainage System	600	600	600	600
232	Nevada	Air Force	Nellis AFB	Visiting Quarters	9,900	9,900	9,900	9,900
233	Nevada	Air Force	Nellis AFB	Transient Housing	0	0	9,550	7,000

FISCAL YEAR 1996 MILITARY CONSTRUCTION AUTHORIZATION OF APPROPIATIONS

(Dollars in Thousands)

	Location	Service	Installation	Project Title	FY 1996 Request	House Authorized	Senate Authorized	Conference Agreement
234	Nevada	Army Reserve	Las Vegas	Armed Forces Reserve Center/OMS (Phase II)	0	0	9,000	9,000
235	New Hampshire	Army Reserve	Manchester	AMSA/OMS	0	0	17,893	12,376
236	New Jersey	Army	Picatinny Arsenal	Upgrade Electrical System (Phase II)	0	5,500	0	5,500
237	New Jersey	Navy	NAWCAD Lakehurst	Child Development Center	1,700	1,700	1,700	1,700
238	New Jersey	Air Force	McGuire AFB	Fire Training Facility	1,600	1,600	1,600	1,600
239	New Jersey	Air Force	McGuire AFB	Dining Facility	0	5,000	0	0
240	New Jersey	Air Force	McGuire AFB	KC-10 Squadron Operations/AMU	7,600	7,600	7,600	7,600
241	New Jersey	Air Force	McGuire AFB	Dormitory	0	7,300	7,300	7,300
242	New Jersey	Defense Logistics Agency	DFSC, McGuire AFB	Replace Hydrant Fuel System	12,000	12,000	12,000	12,000
243	New Jersey	Air National Guard	McGuire AFB	Fuel Cell and Corrosion Control Facility	5,700	5,700	5,700	5,700
244	New Jersey	Air National Guard	Warren Grove Range	Composite Range Operations Facility	1,100	1,100	1,100	1,100
245	New Jersey	Air National Guard	Atlantic City Airport (ANG)	Upgrade Sanitary and Water System	650	650	650	650
246	New Mexico	Army	WSMR - Stallion Range Center	Stallion Range Center Water Development	0	2,050	0	2,050
247	New Mexico	Air Force	Cannon AFB	Upgrade Storm Drainage System	620	620	620	620
248	New Mexico	Air Force	Cannon AFB	Wastewater Treatment and Disposal Plant	9,800	9,800	9,800	9,800
249	New Mexico	Air Force	Cannon AFB	Add/Alter Dormitory	0	3,000	0	3,000
250	New Mexico	Air Force	Holloman AFB	Academic Center	0	0	6,000	6,000
251	New Mexico	Air Force	Kirtland AFB	Upgrade Storm Drainage System	1,500	1,500	1,500	1,500
252	New Mexico	Air Force	Kirtland AFB	Upgrade Electrical Distribution System	7,656	7,656	7,656	7,656
253	New Mexico	Air National Guard	Kirtland AFB	Composite Engine and NDI Shop	2,700	2,700	2,700	2,700
254	New Mexico	Air National Guard	Kirtland AFB	LANTIRN Maintenance Facility	620	620	620	620
255	New Mexico	Air National Guard	Kirtland AFB	Aircraft Corrosion Control Facility	1,800	1,800	1,800	1,800
256	New Mexico	Air National Guard	Kirtland AFB	Alter Aircraft Maint Hangar and Shops	900	900	900	900
257	New York	Army	Ft. Drum	Shipping and Receiving Building	0	2,650	0	0
258	New York	Army	Ft. Drum	Anti-Armor Tracking and Live-Fire Range	0	5,000	0	5,000
259	New York	Army	Ft. Drum	Infantry Platoon Battle Course	0	3,800	0	3,800
260	New York	Army	USMA	Child Development Center	0	8,300	0	8,300
261	New York	Army	Watervliet ARS	Oil Runoff Containment Facility	680	680	680	680
262	New York	Air National Guard	Hancock Field (ANG)	Composite Medical Training Facility	1,990	1,990	1,990	1,990
263	New York	Air National Guard	Niagara Falls IAP	Upgrade Storm Water and Sanitary Sewer System	400	400	400	400
264	New York	Air National Guard	Niagara Falls IAP	Upgrade Runway Overrun	1,950	1,950	1,950	1,950
265	New York	Air National Guard	Stratton ANGB (Schenectady)	Maintenance Hangar and Shops	0	10,000	0	10,000
266	New York	Naval Reserve	NMCRC Buffalo	Reserve Training Building Addition	3,836	3,836	3,836	3,836
267	New York	Air Force Reserve	Niagara Falls ARS	Fuel System Maintenance Hangar	4,895	4,895	4,895	4,895
268	North Carolina	Army	Ft. Bragg	Staging Area Complex	11,200	11,200	11,200	11,200
269	North Carolina	Army	Ft. Bragg	Whole Barracks Complex Renewal	18,500	18,500	18,500	18,500
270	North Carolina	Navy	MCAS Cherry Point	Jet Engine Test Cell	7,730	7,730	7,730	7,730
271	North Carolina	Navy	MCAS Cherry Point	Missile Magazine	1,650	1,650	1,650	1,650
272	North Carolina	Navy	MCAS Cherry Point	Enclose Water Survival Training Tank	2,050	2,050	2,050	2,050

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(Dollars in Thousands)

	Location	Service	Installation	Project Title	FY 1996 Request	House Authorized	Senate Authorized	Conference Agreement
273	North Carolina	Navy	MCAS New River	Bachelor Enlisted Quarters	14,650	14,650	14,650	14,650
274	North Carolina	Navy	MCB Camp LeJeune	Bachelor Enlisted Quarters	8,300	8,300	8,300	8,300
275	North Carolina	Navy	MCB Camp LeJeune	Infantry Platoon Battle Course	5,500	5,500	5,500	5,500
276	North Carolina	Navy	MCB Camp LeJeune	Wastewater Treatment Plant (Phase II)	45,500	45,500	45,500	45,500
277	North Carolina	Air Force	Pope AFB	Underground Fuel Storage Tanks	2,150	2,150	2,150	2,150
278	North Carolina	Air Force	Pope AFB	C-130 Squadron Ops/AMU and Audiovisual Svs Ctr	6,100	6,100	6,100	6,100
279	North Carolina	Air Force	Seymour Johnson AFB	Upgrade Storm Drainage System	830	830	830	830
280	North Carolina	Air Force	Seymour-Johnson AFB	Visiting Officers Quarters	0	2,000	0	0
281	North Carolina	Air Force	Seymour-Johnson AFB	Dining Hall and Troop Issue Warehouse	0	4,700	0	4,700
282	North Carolina	Special Operations	Ft. Bragg	SOF Group Headquarters Building	2,600	2,600	3,900	2,600
283	North Carolina	Defense Agencies	Ft. Bragg	COSCOM Health Clinic	0	13,200	0	13,200
284	North Carolina	Defense Agencies	Ft. Bragg	SOF Barracks	0	8,000	0	8,000
285	North Carolina	Defense Agencies	Ft. Bragg	SOF Barracks	0	0	5,500	0
286	North Carolina	Air National Guard	Charlotte ANGB	Aeromedical Evacuation Training Facility	0	1,900	0	1,900
287	North Carolina	Army Reserve	Hickory	USARC	2,713	2,713	2,713	2,713
288	North Dakota	Air Force	Grand Forks AFB	Dormitory	8,500	8,500	8,500	8,500
289	North Dakota	Air Force	Grand Forks AFB	KC-135 Squadron Operations/AMU	6,300	6,300	6,300	6,300
290	North Dakota	Air Force	Minot AFB	Underground Fuel Storage Tanks	1,550	1,550	1,550	1,550
291	North Dakota	Army National Guard	Camp Grafton (Devils Lake)	Combined Support Maintenance and Paint Shop	0	2,050	2,050	2,050
292	Ohio	Air Force	Wright-Patterson AFB	Upgrade Electrical Distribution System	4,100	4,100	4,100	4,100
293	Ohio	Defense Finance & Accounting Svc	Columbus Center	DFAS Operations Facility (Phase I)	72,403	37,400	37,400	37,400
294	Ohio	Army National Guard	Rickenbacker ANGB	Barracks	0	1,750	0	1,750
295	Ohio	Air National Guard	Blue Ash ANG Station	Replace Underground Fuel Storage Tanks	380	380	380	380
296	Ohio	Air National Guard	Camp Perry ANG Station	Replace Underground Fuel Storage Tanks	320	320	320	320
297	Ohio	Air National Guard	Rickenbacker ANGB	Replace Underground Fuel Storage Tanks	310	310	310	310
298	Ohio	Air National Guard	Rickenbacker ANGB	Squadron Operations Building	0	0	6,100	0
299	Ohio	Air Force Reserve	Youngstown ARS	Add/Alter Electric Substation	4,230	4,230	4,230	4,230
300	Ohio	Air Force Reserve	Youngstown ARS	Upgrade Base Water Distribution System	1,000	1,000	1,000	1,000
301	Ohio	Air Force Reserve	Youngstown ARS	Construct Aircraft Parking Apron	3,350	3,350	3,350	3,350
302	Oklahoma	Army	Ft. Sill	Whole Barracks Complex Renewal	0	8,000	0	8,000
303	Oklahoma	Army	Ft. Sill	Central Vehicle Wash Facility	6,300	6,300	6,300	6,300
304	Oklahoma	Air Force	Altus AFB	Fire Training Facility	1,200	1,200	1,200	1,200
305	Oklahoma	Air Force	Altus AFB	Child Development Center	0	4,000	3,600	3,600
306	Oklahoma	Air Force	Tinker AFB	Add/Alter Dormitories	5,100	5,100	5,100	5,100
307	Oklahoma	Air Force	Tinker AFB	Corrosion Control Facility (B-2) (Phase I)	0	0	11,400	6,000
308	Oklahoma	Army National Guard	Ft. Sill	Organizational Maintenance Shop (MLRS)	2,400	2,400	2,400	2,400
309	Oklahoma	Air National Guard	Tulsa IAP	Composite Communications Facility	1,900	1,900	1,900	1,900
310	Oklahoma	Air National Guard	Will Rogers World Airport	Composite Fire Station	1,950	1,950	1,950	1,950
311	Oklahoma	Air National Guard	Will Rogers World Airport	Aerial Port Training Facility	2,550	2,550	2,550	2,550

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(Dollars in Thousands)

	Location	Service	Installation	Project Title	FY 1996 Request	House Authorized	Senate Authorized	Conference Agreement
312	Oklahoma	Air National Guard	Will Rogers World Airport	Petroleum Operations Facility	400	400	400	400
313	Oregon	Chemical Demilitarization	Umatilla Depot	Ammunition Demilitarization Facility (Phase II)	55,000	55,000	0	0
314	Oregon	Army National Guard	Camp Withycombe	CSMS	0	0	4,769	4,769
315	Oregon	Army National Guard	Salem	Airfield Operations Building	0	0	2,972	2,972
316	Oregon	Air National Guard	Klamath Falls	Operations/Training Facility	0	0	4,600	4,600
317	Pennsylvania	Navy	Philadelphia Naval Shipyard	Foundry Renovation and Modernization (Phase III)	0	6,000	0	6,000
318	Pennsylvania	Defense Logistics Agency	Def Dist New Cumberland - DDSP	Transport Control Facility	4,600	4,600	4,600	4,600
319	Pennsylvania	Special Operations	Olmstead Field, Harrisburg IAP	SOF Mobility Storage Warehouse	1,200	1,200	1,200	1,200
320	Pennsylvania	Special Operations	Olmstead Field, Harrisburg IAP	SOF Refueling Vehicle Shop	443	443	443	443
321	Pennsylvania	Army National Guard	Indiantown Gap Annville	Military Training/Barracks/Dining (Phase III)	0	0	9,877	9,877
322	Pennsylvania	Army National Guard	Scranton Regional Maintenance Facility	Regional Maintenance Shop	0	3,320	0	3,320
323	Pennsylvania	Air National Guard	Greater Pittsburgh IAP (ANG)	Fuel Systems Maintenance Facility	5,332	5,332	5,332	5,332
324	Rhode Island	Navy	Naval War College, Newport	Strategic Maritime Center (Phase II)	0	0	18,000	0
325	South Carolina	Army	Ft. Jackson	Whole Barracks Complex Renewal	32,000	32,000	32,000	32,000
326	South Carolina	Army	NWS Charleston	Army Strategic Maint Complex (Phase II)	16,500	16,500	16,500	16,500
327	South Carolina	Army	NWS Charleston	Wharf Additions	9,200	9,200	9,200	9,200
328	South Carolina	Navy	Beaufort MCAS	Bachelor Enlisted Quarters	0	15,000	15,000	15,000
329	South Carolina	Air Force	Shaw AFB	Upgrade Storm Drainage System	1,300	1,300	1,300	1,300
330	South Carolina	Air Force	Charleston AFB	Dormitory	5,600	5,600	5,600	5,600
331	South Carolina	Air Force	Charleston AFB	C-17 Squadron Operations/AMU	5,600	5,600	5,600	5,600
332	South Carolina	Air Force	Charleston AFB	C-17 Add to Flight Simulator Facility	1,300	1,300	1,300	1,300
333	South Carolina	Section 6 Schools	Ft. Jackson	Pierce Terrace Elem School Addition	576	576	576	576
334	South Carolina	Army National Guard	Eastover	Region C Leadership Brigade Facility	0	0	15,229	15,229
335	South Dakota	Air Force	Ellsworth AFB	Consolidated Admin. Support Complex	0	0	7,800	7,800
336	South Dakota	Army National Guard	Camp Rapid (Rapid City)	Combined Battalion Barracks/Mess/Admin. Area	0	2,650	2,631	2,631
337	South Dakota	Army National Guard	Rapid City	AASF Ramp	0	0	3,100	0
338	South Dakota	Air National Guard	Joe Foss Field (ANG)	Base Supply Complex	4,000	4,000	4,000	4,000
339	South Dakota	Air National Guard	Joe Foss Field (ANG)	Vehicle Maintenance and Storage Complex	0	0	4,400	0
340	Tennessee	Air Force	Arnold AFB	Upgrade Fire Protection Systems	2,700	2,700	2,700	2,700
341	Tennessee	Air Force	Arnold AFB	Upgrade Engine Test Facilities Refrigeration	2,300	2,300	2,300	2,300
342	Tennessee	Army National Guard	Johnson City	OMS/AMSA/VMF	0	1,937	1,937	1,937
343	Tennessee	Army National Guard	Tullahoma Training Site	Modified Record Fire Range	0	2,623	0	2,623
344	Tennessee	Air National Guard	McGhee Tyson Airport	PMEC School Training Quarters	4,400	4,400	4,400	4,400
345	Tennessee	Air National Guard	McGhee Tyson Airport	Squadron Operations Facility	0	0	4,400	4,400
346	Tennessee	Air National Guard	Memphis IAP	Add/Alter Security Police Operations Facility	1,100	1,100	1,100	1,100
347	Tennessee	Air National Guard	Memphis IAP	Add/Alter Base Engineer Maintenance Complex	990	990	990	990
348	Texas	Army	Ft. Bliss	Dining Facility	0	4,900	0	4,900
349	Texas	Army	Ft. Bliss	Child Development Center	0	4,000	0	4,000
350	Texas	Army	Ft. Bliss	Whole Barracks Complex Renewal	48,000	48,000	48,000	48,000

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(Dollars in Thousands)

	Location	Service	Installation	Project Title	FY 1996 Request	House Authorized	Senate Authorized	Conference Agreement
351	Texas	Army	Ft. Hood	Whole Barracks Complex Renewal	17,500	17,500	17,500	17,500
352	Texas	Army	Ft. Hood	Whole Barracks Renewal (Phase I)	0	15,000	15,000	15,000
353	Texas	Army	Ft. Sam Houston	IH-35 Overpass	0	7,000	0	7,000
354	Texas	Navy	Corpus Christi NAS	Bachelor Enlisted Quarters Expansion and Upgrade	0	4,400	0	4,400
355	Texas	Navy	Ingleside NS	Small Craft Berthing Pier	0	2,640	0	2,640
356	Texas	Navy	Kingsville NAS	Land Acquisition for Airfield Safety Clear Zones	0	2,710	0	2,710
357	Texas	Air Force	Dyess AFB	Add/Alter Dormitories	0	5,400	5,400	5,400
358	Texas	Air Force	Goodfellow AFB	Child Development Center Addition	0	1,000	0	1,000
359	Texas	Air Force	Kelly AFB	Wing Headquarters Facility	3,244	3,244	3,244	3,244
360	Texas	Air Force	Laughlin AFB	Fire Training Facility	1,400	1,400	1,400	1,400
361	Texas	Air Force	Randolph AFB	Fire Training Facility	1,200	1,200	1,200	1,200
362	Texas	Air Force	Randolph AFB	Upgrade Airfield Lighting	1,900	1,900	1,900	1,900
363	Texas	Air Force	Reese AFB	Fire Training Facility	1,200	1,200	1,200	0
364	Texas	Air Force	Sheppard AFB	Upgrade Airfield Lighting	1,500	1,500	1,500	1,500
365	Texas	Ballistic Missile Defense Org.	Ft. Bliss	Theater Area Defense Facilities	13,600	13,600	13,600	13,600
366	Texas	Defense Medical Facilities Office	Ft. Hood	Consolidated Troop Medical Clinic	5,500	5,500	5,500	5,500
367	Texas	Defense Medical Facilities Office	Lackland AFB	Add/Alter Emergency Department	6,100	6,100	6,100	6,100
368	Texas	Defense Medical Facilities Office	Reese AFB	Life Safety/Utility Upgrade	1,000	1,000	1,000	0
369	Texas	Air National Guard	Kelly AFB	Upgrade Heating and Cooling Systems	1,400	1,400	1,400	1,400
370	Utah	Air Force	Hill AFB	Consolidated Range/Dormitory/Operations Facility	0	0	8,900	8,900
371	Utah	Air Force	Hill AFB	Depot Fire Protection	0	0	3,700	0
372	Utah	Army National Guard	Camp Williams (Lehi)	Training Site, Storage Facility	340	340	340	340
373	Utah	Army National Guard	Camp Williams (Lehi)	Region V Barracks	0	5,197	0	0
374	Utah	Army National Guard	Camp Williams (Lehi)	Replace/Upgrade Potable Water Distribution Sys	0	800	800	800
375	Vermont	Air National Guard	Burlington IAP	Add/Alter Operations/Training Facility	0	0	2,650	2,650
376	Virginia	Army	Ft. Eustis	Deployment Training Facility	5,400	5,400	5,400	5,400
377	Virginia	Army	Ft. Eustis	Whole Barracks Complex Renewal	0	11,000	11,000	11,000
378	Virginia	Army	Ft. Myer	Army Museum Land Acquisition	17,000	17,000	0	0
379	Virginia	Navy	Fleet & Indus Supply Cen, Williamsburg	Bachelor Enlisted Quarters	6,140	6,140	6,140	6,140
380	Virginia	Navy	Fleet & Indus Supply Cen, Williamsburg	Electrical Distribution Sys Alterations	2,250	2,250	2,250	2,250
381	Virginia	Navy	Henderson Hall, Arlington	Land Acquisition	0	0	1,900	1,900
382	Virginia	Navy	MCCDC Quantico	Ammunition Storage Facility	3,500	3,500	3,500	3,500
383	Virginia	Navy	Naval Hospital, Portsmouth	Bachelor Enlisted Quarters	9,500	9,500	9,500	9,500
384	Virginia	Navy	Naval Station, Norfolk	Oily Waste Collection System (Phase I)	10,580	10,580	10,580	10,580
385	Virginia	Navy	NWS Yorktown	Explosive Ordnance Disposal Ops Fac	1,300	1,300	1,300	1,300
386	Virginia	Navy	Norfolk Naval Station	Bachelor Enlisted Quarters	0	18,000	0	0
387	Virginia	Air Force	Langley AFB	Upgrade Storm Drainage System	1,000	1,000	1,000	1,000
388	Virginia	Defense Logistics Agency	Defense Dist Depot - DDNV	General Purpose Whse Replacement	10,400	10,400	10,400	10,400
389	Virginia	Defense Medical Facilities Office	Portsmouth Naval Hospital	Hospital Replacement (Phase VII)	71,900	47,900	47,900	47,900

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(Dollars in Thousands)

	Location	Service	Installation	Project Title	FY 1996 Request	House Authorized	Senate Authorized	Conference Agreement
390	Virginia	Defense Medical Facilities Office	Northwest NAVSECGRUACT	Medical/Dental Clinic	4,300	4,300	4,300	4,300
391	Virginia	Special Operations	Dam Neck	SOF Amphibious Operations Support Building	4,500	4,500	4,500	4,500
392	Virginia	Special Operations	Little Creek	SOF Operations Support Facility	6,100	6,100	6,100	6,100
393	Virginia	Army National Guard	Danville	Expand Squire Armory	0	0	1,789	0
394	Virginia	Air National Guard	Camp Pendleton Mil Res	Vehicle Maintenance Complex	2,000	2,000	2,000	2,000
395	Virginia	Air National Guard	Richmond IAP (Byrd Field)	Add/Alter F-16 AC Maintenance Complex	2,700	2,700	2,700	2,700
396	Washington	Army	Ft Lewis	Tank Trail Erosion Mitigation (Yakima)	2,000	2,000	2,000	2,000
397	Washington	Army	Ft Lewis	Consolidated Fuel Station	3,400	3,400	3,400	3,400
398	Washington	Army	Ft Lewis	Multi-Purpose Training Range (Yakima)	8,500	8,500	8,500	8,500
399	Washington	Army	Ft Lewis	Tactical Equipment Shop	15,000	15,000	15,000	15,000
400	Washington	Army	Ft Lewis	Rail Spur and Tank Trails (Yakima)	3,200	3,200	3,200	3,200
404	Washington	Navy	NUWC Division, Keyport	Metal Treatment Facility	5,300	5,300	5,300	5,300
401	Washington	Navy	Puget Sound NSY Bremerton	Fleet Support Facilities	6,870	6,870	6,870	6,870
402	Washington	Navy	Puget Sound Naval Shipyard	Physical Fitness Center	0	10,400	10,400	10,400
403	Washington	Navy	Puget Sound NSY Bremerton	Metal Preparation Fac Improvements	2,600	2,600	2,600	2,600
405	Washington	Air Force	Fairchild AFB	Alter Dormitories	7,500	7,500	7,500	7,500
406	Washington	Air Force	Fairchild AFB	Dormitory	0	8,200	0	8,200
407	Washington	Air Force	McChord AFB	Squadron Operations/AMU	5,600	5,600	5,600	5,600
408	Washington	Air Force	McChord AFB	Dormitory	4,300	4,300	4,300	4,300
409	West Virginia	Navy	NSGD Sugar Grove	Bachelor Enlisted Quarters	0	0	7,200	7,200
410	Wisconsin	Army National Guard	West Bend	Army Aviation Complex	0	0	5,235	0
411	Wisconsin	Air National Guard	Truax Field	Alter Munitions Facility	670	670	670	670
412	Wisconsin	Army Reserve	USARC Green Bay	USARC/OMS/AMSA	6,523	6,523	6,523	6,523
413	Wyoming	Air Force	F E Warren AFB	Upgrade Central Heat Plant	3,500	3,500	3,500	3,500
414	Wyoming	Air Force	F E Warren AFB	Alter Dormitories	5,500	5,500	5,500	5,500
415	Wyoming	Air Force	F.E. Warren AFB	Child Development Center	0	4,000	0	0
416	Wyoming	Army National Guard	Camp Guernsey	Utility Upgrade	0	0	6,055	6,055
417	Wyoming	Army National Guard	Cody	Organizational Maintenance Subshop	342	342	342	342
418	Wyoming	Army National Guard	Newcastle	Organizational Maintenance Subshop	348	348	348	348
419	CONUS Classified	Army	CONUS Classified	Classified Project	1,900	1,900	1,900	1,900
420	CONUS Classified	Air Force	Classified Location	Special Tactical Unit Detachment Facility	700	700	700	700
421	CONUS Classified	OSD	Classified Location	Classified Location	11,500	11,500	11,500	11,500
422	CONUS Various Loc	Navy	Various Locations	Supply Warehouse	1,200	1,200	1,200	1,200
423	Germany	Air Force	Vogelweh Annex	Child Development Center	2,600	2,600	2,600	2,600
424	Germany	Air Force	Spangdahlem AB	Dormitory	5,900	5,900	5,900	5,900
425	Germany	Air Force	Spangdahlem AB	Add to Missile Maintenance Facility	930	930	930	930
426	Germany	Air Force	Spangdahlem AB	Sound Suppressor Foundation	950	950	950	950
427	Germany	Air Force	Spangdahlem AB	Sound Suppressor Foundation	600	600	600	600
428	Germany	DODDS	Ramstein AFB	Elementary/Junior High School Additions	19,205	19,205	19,205	19,205

FISCAL YEAR 1996 MILITARY CONSTRUCTION AUTHORIZATION OF APPROPIATIONS

(Dollars in Thousands)

	Location	Service	Installation	Project Title	FY 1996 Request	House Authorized	Senate Authorized	Conference Agreement
429	Greece	Air Force	Araxos RRS	Dormitory	1,950	1,950	1,950	1,950
430	Guam	Navy	NPWC Guam	Wastewater Treatment Plant Upgrades	16,180	16,180	16,180	16,180
431	Guam	Navy	NAVCAMS WESTPAC	Bachelor Enlisted Quarters Modernization	2,250	2,250	2,250	2,250
432	Guam	Special Operations	Naval Station, Guam	SOF Operations Support Facility	8,800	8,800	8,800	8,800
433	Italy	Navy	Naval Support Activity, Naples	Quality of Life Facilities (Phase III)	14,950	14,950	14,950	14,950
434	Italy	Navy	Naval Support Activity, Naples	Operations Support Center	10,000	10,000	10,000	10,000
435	Italy	Navy	NAS Sigonella	Fire Protection System	870	870	870	870
436	Italy	Navy	NAS Sigonella	Bachelor Enlisted Quarters	11,300	11,300	11,300	11,300
437	Italy	Air Force	Aviano AB	Communications Maintenance Facility	1,400	1,400	1,400	1,400
438	Italy	Air Force	Ghedi RRS	Dormitory	1,450	1,450	1,450	1,450
439	Italy	Air Force	Aviano AB	Squadron Operations Facility	950	950	950	950
440	Italy	Defense Medical Facilities Office	Naval Support Activity, Naples	Dispensary (Capodichino)	5,000	5,000	5,000	5,000
441	Italy	DODDS	NAS Sigonella	Elementary/High School Additions	7,595	7,595	7,595	7,595
442	Korea	Army	Camp Casey	Dining Facility	4,150	4,150	4,150	4,150
443	Korea	Army	Camp Hovey	Whole Barracks Complex Renewal	7,300	7,300	7,300	7,300
444	Korea	Army	Camp Hovey	Whole Barracks Complex Renewal	6,200	6,200	6,200	6,200
445	Korea	Army	Camp Pelham	Whole Barracks Complex Renewal	5,600	5,600	5,600	5,600
446	Korea	Army	Camp Stanley	Whole Barracks Complex Renewal	6,800	6,800	6,800	6,800
447	Korea	Army	Yongsan	Child Development Center	0	1,450	4,500	4,500
448	Puerto Rico	Navy	NAVSECGRUACT Sabana Seca	Road Improvements	2,200	2,200	2,200	2,200
449	Puerto Rico	Navy	Naval Station, Roosevelt Roads	Sanitary Landfill	11,500	11,500	11,500	11,500
450	Puerto Rico	Defense Logistics Agency	DFSP, Roosevelt Roads	Fuel Storage	6,200	6,200	6,200	6,200
451	Puerto Rico	Air National Guard	Puerto Rico IAP	Munitions Maintenance and Storage Complex	3,800	3,800	3,800	3,800
452	Puerto Rico	Air National Guard	Puerto Rico IAP	Add/Alter Composite Support Facility	510	510	510	510
453	Puerto Rico	Air National Guard	Puerto Rico IAP	Upgrade Security System	1,350	1,350	1,350	1,350
454	Spain	Defense Logistics Agency	DFSC Rota	Hydrant Fuel System	7,400	7,400	7,400	7,400
455	Turkey	Air Force	Incirlik AB	Child Development Center	1,600	1,600	1,600	1,600
456	Turkey	Air Force	Incirlik AB	Upgrade Sewage Treatment Plant	2,900	2,900	2,900	2,900
457	Turkey	Air Force	Ankara AS	Long Period Seismic Array	3,000	3,000	3,000	3,000
458	Turkey	Air Force	Ankara AS	Short Period Seismic Array	4,000	4,000	4,000	4,000
459	United Kingdom	Air Force	RAF Mildenhall	Add/Alter Child Development Center	2,250	2,250	2,250	2,250
460	United Kingdom	Air Force	RAF Lakenheath	Add to Missile Maintenance Facility	1,820	1,820	1,820	1,820
461	United Kingdom	National Security Agency	Menwith Hill Station	Warehouse Sprinklers	677	677	677	677
462	Overseas Classified	Army	Classified Location - Outside U.S.	Strategic Logistical Prepo Complex (Phase I)	48,000	48,000	48,000	48,000
463	Overseas Classified	Air Force	Classified Location - Outside U.S.	Vehicle Maintenance Facility	1,600	1,600	1,600	1,600
464	Overseas Classified	Air Force	Classified Location - Outside U.S.	War Readiness Material Warehouses	15,500	15,500	15,500	15,500
465	Unspecified Worldwide	Army	Unspecified Worldwide Locations	Host Nation Support	20,000	20,000	20,000	20,000
466	Unspecified Worldwide	Army	Unspecified Worldwide Locations	Unspecified Minor Construction - Army	9,000	9,000	9,000	9,000
467	Unspecified Worldwide	Army	Unspecified Worldwide Locations	Planning and Design - Army	32,894	50,778	36,194	34,194

FISCAL YEAR 1996 MILITARY CONSTRUCTION AUTHORIZATION OF APPROPIATIONS

(Dollars in Thousands)

	Location	Service	Installation	Project Title	FY 1996 Request	House Authorized	Senate Authorized	Conference Agreement
468	Unspecified Worldwide	Army	Unspecified Worldwide Locations	Termination Fiscal Year 1992 Projects	0	0	(6,245)	0
469	Unspecified Worldwide	Army	Unspecified Worldwide Locations	General Reductions	0	0	0	(6,385)
470	Unspecified Worldwide	Special Operations	Unspecified Worldwide Locations	Planning and Design - Special Operations	5,407	5,407	5,407	5,407
471	Unspecified Worldwide	Navy	Unspecified Worldwide Locations	Unspecified Minor Construction - Navy	7,200	7,200	7,200	7,200
472	Unspecified Worldwide	Navy	Unspecified Worldwide Locations	Planning and Design - Navy	46,477	66,184	48,774	50,515
473	Unspecified Worldwide	Navy	Unspecified Worldwide Locations	General Reductions	0	0	0	(6,385)
474	Unspecified Worldwide	Air Force	Unspecified Worldwide Locations	Planning and Design - Air Force	30,835	49,021	34,980	30,835
475	Unspecified Worldwide	Air Force	Unspecified Worldwide Locations	Unspecified Minor Construction - Air Force	9,030	9,030	9,030	9,030
476	Unspecified Worldwide	Air Force	Unspecified Worldwide Locations	Termination Fiscal Year 1992 Projects	0	0	(16,005)	0
477	Unspecified Worldwide	Air Force	Unspecified Worldwide Locations	General Reductions	0	0	0	(6,385)
478	Unspecified Worldwide	OSD	Unspecified Worldwide Locations	Unspecified Minor Construction - OSD	23,007	23,007	23,007	23,007
479	Unspecified Worldwide	OSD	Unspecified Worldwide Locations	Contingency Construction Projects - OSD	11,037	11,037	11,037	11,037
480	Unspecified Worldwide	OSD	Unspecified Worldwide Locations	Energy Conservation	50,000	50,000	50,000	40,000
481	Unspecified Worldwide	OSD	Unspecified Worldwide Locations	Planning and Design - OSD	13,000	13,000	13,000	13,000
482	Unspecified Worldwide	Ballistic Missile Defense Office	Unspecified Worldwide Locations	Planning and Design - BMDO	500	500	500	500
483	Unspecified Worldwide	Defense Medical Facilities Office	Unspecified Worldwide Locations	Planning and Design - DMFO	28,330	28,330	28,330	28,330
484	Unspecified Worldwide	Defense Agencies	Unspecified Worldwide Locations	Termination Fiscal Year 1991 Projects	0	0	(3,234)	0
485	Unspecified Worldwide	Defense Agencies	Unspecified Worldwide Locations	Termination Fiscal Year 1994 Projects	0	0	(8,131)	(8,131)
486	Unspecified Worldwide	Defense Agencies	Unspecified Worldwide Locations	Termination Fiscal Year 1992 Projects	0	0	(6,800)	0
487	Unspecified Worldwide	Defense Agencies	Unspecified Worldwide Locations	Termination Fiscal Year 1993 Projects	0	0	(8,590)	0
488	Unspecified Worldwide	Homeowners Assistance Fund	Unspecified Worldwide Locations	Homeowners Assistance Fund	75,586	75,586	75,586	75,586
489	Unspecified Worldwide	NATO	Unspecified Worldwide Locations	NATO Security Investment Program	179,000	161,000	179,000	161,000
490	Unspecified Worldwide	Army National Guard	Unspecified Worldwide Locations	Unspecified Minor Construction - Army National Guard	5,300	5,300	5,300	5,300
491	Unspecified Worldwide	Army National Guard	Unspecified Worldwide Locations	Planning and Design - Army National Guard	2,900	15,200	5,000	5,100
492	Unspecified Worldwide	Air National Guard	Unspecified Worldwide Locations	Unspecified Minor Construction - Air National Guard	4,100	4,100	4,100	4,100
493	Unspecified Worldwide	Air National Guard	Unspecified Worldwide Locations	Planning and Design - Air National Guard	4,580	6,450	8,586	6,450
494	Unspecified Worldwide	Army Reserve	Unspecified Worldwide Locations	Planning and Design - Army Reserve	3,694	3,694	5,344	4,482
495	Unspecified Worldwide	Air National Guard	Unspecified Worldwide Locations	Termination Fiscal Year 1994 Projects	0	0	(6,700)	(6,700)
496	Unspecified Worldwide	Army Reserve	Unspecified Worldwide Locations	Unspecified Minor Construction - Army Reserve	1,700	1,700	1,700	1,700
497	Unspecified Worldwide	Naval Reserve	Unspecified Worldwide Locations	Planning and Design - Naval Reserve	954	1,554	954	954
498	Unspecified Worldwide	Air Force Reserve	Unspecified Worldwide Locations	Planning and Design - Air Force Reserve	2,700	2,950	2,700	2,700
499	Unspecified Worldwide	Air Force Reserve	Unspecified Worldwide Locations	Unspecified Minor Construction - AF Reserve	4,169	4,169	4,169	4,169
500	Unspecified Worldwide	BRAC II	BRAC Act Part II	Base Realignment & Closure Part II	964,843	964,843	964,843	964,843
501	Unspecified Worldwide	BRAC III	BRAC Act Part III	Base Realignment & Closure Part III	2,148,480	2,148,480	2,148,490	2,148,480
502	Unspecified Worldwide	BRAC IV	BRAC Act Part IV	Base Realignment & Closure Part IV	784,569	784,569	685,869	784,569
503	Various Locations	Chemical Demilitarization	Various Locations	Planning and Design - Chemical Demilitarization	13,000	13,000	13,000	13,000
504	Various Locations	Defense Finance & Accounting Svc	Various Locations	Planning and Design - DFAS	8,600	8,600	8,600	8,600
505	Alabama	Army-FHC	Redstone Arsenal	Family Housing Replacement Construction (118 units)	0	12,000	0	0
506	Alaska	Army-FHC	Ft Wainwright	Neighborhood Improvement (44 units)	0	0	7,300	0

FISCAL YEAR 1996 MILITARY CONSTRUCTION AUTHORIZATION OF APPROPIATIONS

(Dollars in Thousands)

	Location	Service	Installation	Project Title	FY 1996 Request	House Authorized	Senate Authorized	Conference Agreement
507	Alaska	Air Force-FHC	Elmendorf AFB	Housing Office and Maintenance Facility	3,000	3,000	3,000	3,000
508	Arizona	Air Force-FHC	Davis-Monthan AFB	Replace 80 Military Family Housing Units	9,498	9,498	9,498	9,498
509	Arkansas	Air Force-FHC	Little Rock AFB	Replace 1 General Officer's Quarters Unit	210	210	210	210
510	California	Navy-FHC	MCB Camp Pendleton	Family Housing Construction (69 units)	0	20,080	0	10,000
511	California	Navy-FHC	MCB Camp Pendleton	Community Center	1,438	1,438	1,438	1,438
512	California	Navy-FHC	MCB Camp Pendleton	Housing Office	707	707	707	707
513	California	Navy-FHC	MCB Camp Pendleton	69 Units New Construction Family Housing	10,000	10,000	10,000	10,000
514	California	Navy-FHC	NAS Lemoore	Replace 240 Military Family Housing Units	34,900	34,900	34,900	34,900
515	California	Navy-FHC	PMTC, Point Mugu	Housing Office/Self Help (New Construction)	1,020	1,020	1,020	1,020
516	California	Navy-FHC	PWC San Diego	Replace 346 Military Family Housing Units	49,310	49,310	49,310	49,310
517	California	Air Force-FHC	Beale AFB	Construct Family Housing Management Office	842	842	842	842
518	California	Air Force-FHC	Edwards AFB	Replace 67 Military Family Housing Units	11,350	11,350	11,350	11,350
519	California	Air Force-FHC	Edwards AFB	Replace 60 Family Housing Units	0	9,400	0	9,400
520	California	Air Force-FHC	Vandenberg AFB	Replace 143 Military Family Housing Units	20,200	20,200	20,200	20,200
521	California	Air Force-FHC	Vandenberg AFB	Family Housing Management Office	900	900	900	900
522	Colorado	Air Force-FHC	Peterson AFB	Family Housing Office	570	570	570	570
523	District of Columbia	Air Force-FHC	Bolling AFB	Replace 32 Military Family Housing Units	4,100	4,100	4,100	4,100
524	Florida	Air Force-FHC	Eglin AFB	Construct Family Housing Management Facility	500	500	500	500
525	Florida	Air Force-FHC	Eglin Aux Field 9	Family Housing Office & Maintenance Facility	880	880	880	880
526	Florida	Air Force-FHC	Patrick AFB	Replace 70 Military Family Housing Units	7,947	7,947	7,947	7,947
527	Florida	Air Force-FHC	MacDill AFB	Construct Housing Office	646	646	646	646
528	Florida	Air Force-FHC	Tyndall AFB	Replace 52 Military Family Housing Units	5,500	5,500	5,500	5,500
529	Florida	Air Force-FHC	Tyndall AFB	Replace 30 Family Housing Units	0	4,300	0	4,300
530	Georgia	Air Force-FHC	Moody AFB	3 General and Senior Officer's Quarters	513	513	513	513
531	Georgia	Air Force-FHC	Robins AFB	Replace 83 Family Housing Units	0	0	9,800	9,800
532	Hawaii	Navy-FHC	Naval Complex, Oahu	Replace 252 Military Family Housing Units	48,400	48,400	48,400	48,400
533	Idaho	Air Force-FHC	Mountain Home AFB	Construct Housing Management Facility	844	844	844	844
534	Kansas	Air Force-FHC	McConnell AFB	Replace 39 Military Family Housing Units	5,193	5,193	5,193	5,193
535	Kentucky	Army-FHC	Ft. Knox	Family Housing Replacement Construction (150 units)	0	19,000	0	19,000
536	Louisiana	Air Force-FHC	Barksdale AFB	Replace 62 Military Family Housing Units	10,299	10,299	10,299	10,299
537	Maryland	Navy-FHC	US Naval Academy, Annapolis	Housing Office/Self Help (New Construction)	800	800	800	800
538	Maryland	Navy-FHC	NATC Patuxent River	Warehouse/Self Help (New Construction)	890	890	890	890
539	Massachusetts	Air Force-FHC	Hanscom Air Force Base	Replace 32 Family Housing Units	0	4,900	5,200	4,900
540	Mississippi	Air Force-FHC	Keesler AFB	Replace 96 Military Family Housing Units	9,300	9,300	9,300	9,300
541	Missouri	Air Force-FHC	Whiteman AFB	Construct 72 Military Family Housing Units	9,948	9,948	9,948	9,948
542	Nevada	Air Force-FHC	Nellis AFB	Family Housing Replacement (96 units)	0	21,000	0	15,000
543	Nevada	Air Force-FHC	Nellis AFB	Replace 6 Senior Officers Housing	1,357	1,357	1,357	1,357
544	Nevada	Air Force-FHC	Nellis AFB	45 Units	0	0	6,000	0
545	New Mexico	Army-FHC	White Sands	Whole Neighborhood House Improvements (36 units)	0	0	3,400	0

FISCAL YEAR 1996 MILITARY CONSTRUCTION AUTHORIZATION OF APPROPIATIONS

(Dollars in Thousands)

	Location	Service	Installation	Project Title	FY 1996 Request	House Authorized	Senate Authorized	Conference Agreement	
546	New Mexico	Air Force-FHC	Holloman AFB	Replace 1 General Officer's Housing	225	225	225	225	
547	New Mexico	Air Force-FHC	Kirtland AFB	Replace 105 Family Housing Units, Phase 2	11,000	11,000	11,000	11,000	
548	New York	Army-FHC	USMC West Point	Family Housing Replacement Construction (119 Units)	16,500	16,500	16,500	16,500	
549	North Carolina	Navy-FHC	MCAS Cherry Point	Community Center	1,003	1,003	1,003	1,003	
550	North Carolina	Air Force-FHC	Pope AFB	Construct 104 Military Family Housing Units	9,984	9,984	9,984	9,984	
551	North Carolina	Air Force-FHC	Seymour Johnson AFB	Replace 1 General Officers Quarters	204	204	204	204	
552	Ohio	Air Force-FHC	Wright Patterson AFB	66 Units	0	0	5,900	0	2
553	Pennsylvania	Navy-FHC	NSPCC Mechanicsburg	Housing Office (New Construction)	300	300	300	300	
554	South Carolina	Air Force-FHC	Shaw AFB	Housing Maintenance Facility	715	715	715	715	
555	Texas	Air Force-FHC	Dyess AFB	Construct Housing Maintenance Facility	580	580	580	580	
556	Texas	Air Force-FHC	Lackland AFB	Replace 67 Military Family Housing Units	6,200	6,200	6,200	6,200	
557	Texas	Air Force-FHC	Sheppard AFB	Construct Management Office	500	500	500	500	
558	Texas	Air Force-FHC	Sheppard AFB	Replace Family Housing Maintenance Facility	600	600	600	600	
559	Virginia	Army-FHC	Ft. Lee	Replace 135 Family Housing Units	0	19,500	0	19,500	
560	Virginia	Navy-FHC	NSWC Dahlgren	Housing Office/Self Help (New Const)	520	520	520	520	
561	Virginia	Navy-FHC	PWC Norfolk	Replace 320 Military Family Housing Units	42,500	42,500	42,500	42,500	
562	Virginia	Navy-FHC	PWC Norfolk	Housing Office/Warehouse	1,390	1,390	1,390	1,390	
563	Washington	Army-FHC	Ft. Lewis	Family Housing (84 Units)	10,800	10,800	10,800	10,800	
564	Washington	Navy-FHC	Bangor NSB	141 Units	0	0	4,890	0	3
565	Washington	Air Force-FHC	McChord AFB	Replace 50 Family Housing Units, Phase I	9,504	9,504	9,504	9,504	
566	West Virginia	Navy-FHC	Sugar Grove NSGD	23 Units	0	0	3,590	3,590	
567	Guam	Air Force-FHC	Andersen AFB	Housing Maintenance Facility	1,700	1,700	1,700	1,700	
568	Puerto Rico	Navy-FHC	Naval Station, Roosevelt Roads	Housing Office (New Construction)	710	710	710	710	
569	Turkey	Air Force-FHC	Incirlik AB	Replace 150 Military Family Housing Units	10,146	10,146	10,146	10,146	
570	Unspecified Worldwide	Army-FHC	Unspecified Worldwide Locations	Planning/Army FH	2,000	2,000	2,340	2,000	
571	Unspecified Worldwide	Army-FHC	Unspecified Worldwide Locations	Construction Improvements/Army FH	14,200	46,600	26,212	46,856	
572	Unspecified Worldwide	Navy-FHC	Unspecified Worldwide Locations	Construction Improvements/Navy FH	247,477	292,931	259,489	290,831	
573	Unspecified Worldwide	Navy-FHC	Unspecified Worldwide Locations	Planning/Navy FH	24,390	24,390	24,390	24,390	
574	Unspecified Worldwide	Air Force-FHC	Unspecified Worldwide Locations	Planning/Air Force FH	8,989	8,989	9,039	8,989	
575	Unspecified Worldwide	Air Force-FHC	Unspecified Worldwide Locations	Construction Improvements/Air Force FH	85,059	90,959	97,071	90,959	
576	Unspecified Worldwide	Defense Logistics Agency-FHC	Unspecified Worldwide Locations	Construction Improvements/DLA FH	3,722	3,722	3,722	3,722	
577	Unspecified Worldwide	Def. Fam. Housing Impr. Fund-FHC	Unspecified Worldwide Locations	Private Sector Housing Ventures - FH	22,000	22,000	22,000	22,000	
578	Unspecified Worldwide	National Security Agency-FHC	Unspecified Worldwide Locations	Construction Improvements/NSA FH	50	50	50	50	
579	Unspecified Worldwide	Army-FHS	Unspecified Worldwide Locations	Leasing - AFH	243,840	243,840	243,840	243,840	
580	Unspecified Worldwide	Army-FHS	Unspecified Worldwide Locations	Mortgage Insurance Premiums/Army FH	11	11	11	11	
581	Unspecified Worldwide	Army-FHS	Unspecified Worldwide Locations	Operations/Army FH	459,453	455,453	459,453	459,453	
582	Unspecified Worldwide	Army-FHS	Unspecified Worldwide Locations	Maintenance/Army FH	634,292	634,292	634,292	634,292	
583	Unspecified Worldwide	Navy-FHS	Unspecified Worldwide Locations	Mortgage Insurance Premiums/Navy FH	82	82	82	82	
584	Unspecified Worldwide	Navy-FHS	Unspecified Worldwide Locations	Leasing/Navy FH	103,582	103,582	103,582	103,582	

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FISCAL YEAR 1996 MILITARY CONSTRUCTION AUTHORIZATION OF APPROPIATIONS

(Dollars in Thousands)

	Location	Service	Installation	Project Title	FY 1996 Request	House Authorized	Senate Authorized	Conference Agreement
585	Unspecified Worldwide	Navy-FHS	Unspecified Worldwide Locations	Maintenance of Real Property/Navy FH	534,023	534,023	534,023	534,023
586	Unspecified Worldwide	Navy-FHS	Unspecified Worldwide Locations	Operating Expenses/Navy FH	410,642	407,642	410,642	410,642
587	Unspecified Worldwide	Air Force-FHS	Unspecified Worldwide Locations	Maintenance of Real Property/Air Force FH	408,971	408,971	408,971	408,971
588	Unspecified Worldwide	Air Force-FHS	Unspecified Worldwide Locations	Operating Expenses/Air Force FH	324,548	321,548	324,548	324,548
589	Unspecified Worldwide	Air Force-FHS	Unspecified Worldwide Locations	Mortgage Insurance Premiums/Air Force FH	29	29	29	29
590	Unspecified Worldwide	Air Force-FHS	Unspecified Worldwide Locations	Leasing/Air Force FH	115,665	115,665	115,665	115,665
591	Unspecified Worldwide	OSD-FHS	Unspecified Worldwide Locations	VA Loan Buy Down Pilot Project	0	10,000	0	10,000
592	Unspecified Worldwide	OSD-FHS	Unspecified Worldwide Locations	Authority to Convey Family Housing	0	0	5,000	0
593	Unspecified Worldwide	Defense Intelligence Agency-FHS	Unspecified Worldwide Locations	Leasing/DIA FH	13,638	13,638	13,638	13,638
594	Unspecified Worldwide	Defense Intelligence Agency-FHS	Unspecified Worldwide Locations	Operating Expenses/DIA FH	2,590	2,590	2,590	2,590
595	Unspecified Worldwide	Defense Logistics Agency-FHS	Unspecified Worldwide Locations	Operating Expenses/DLA FH	566	566	566	566
596	Unspecified Worldwide	Defense Logistics Agency-FHS	Unspecified Worldwide Locations	Maintenance of Real Property/DLA FH	574	574	574	574
597	Unspecified Worldwide	National Security Agency-FHS	Unspecified Worldwide Locations	Leasing/NSA FH	11,236	11,236	11,236	11,236
598	Unspecified Worldwide	National Security Agency-FHS	Unspecified Worldwide Locations	Maintenance of Real Property/NSA FH	223	223	223	223
599	Unspecified Worldwide	National Security Agency-FHS	Unspecified Worldwide Locations	Operating Expenses/NSA FH	1,640	1,640	1,640	1,640
				Totals	10,897,995	11,197,995	10,902,988	11,177,009

1 - Funded as 7,300 in Construction Improvements/Army FH.
2 - Funded as 5,900 in Construction Improvements/Air Force FH.
3 - Funded as 4,890 in Construction Improvements/Navy FH.

TITLE XXI—ARMY

FISCAL YEAR 1996

OVERVIEW

The House bill would authorize $2,167,190,000 for Army military construction and family housing programs for fiscal year 1996.

The Senate amendment would authorize $2,027,613,000 for this purpose.

The conferees recommend authorization of $2,147,427,000 for Army military construction and family housing for fiscal year 1996.

The conferees agree to a general reduction of $6,385,000 in the authorization of appropriations for the Army military construction account. The general reduction is to be offset by savings from favorable bids, reduction in overhead costs, and cancellation of projects due to force structure changes. The general reduction shall not cancel any military construction authorized by title XXI of this Act.

Planning and design, Army

The conferees direct that, within authorized amounts for planning and design, the Secretary of the Army conduct planning and design activities for the following project:

Pohakuloa Training Site, Hawaii, Road Improvement—$2,000,000.

The conferees note that this project is required to correct hazardous road conditions which impact readiness. The conferees urge the Secretary to make every effort to include this project in the fiscal year 1997 budget request.

Aerial Port and Intermediate Staging Base, The National Training Center, Fort Irwin, California

The budget request included no military construction funds to expand the airport at Barstow-Daggett, California, to meet the operational and training requirements of the National Training Center, Fort Irwin, California.

The House bill would authorize $10.0 million for phase II of the Barstow-Daggett expansion project.

The Senate amendment included no funding for phase II of this project.

The conferees agree to authorize $10.0 million for phase II of the Barstow-Daggett expansion project, contingent upon the Secretary of Defense's certification that the project best meets the operational and training requirements of the National Training Center, Fort Irwin, California.

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Improvements to military family housing units (sec. 2103)

The conferees direct that, within authorized amounts for construction improvements of military family housing and facilities, the Secretary of the Army execute the following projects:

Fort Wainwright, Alaska, Whole Neighborhood Revitalization—$7,300,000.

Fort Campbell, Kentucky, Whole Neighborhood Revitalization—$17,356,000.

Fort Bragg, North Carolina, Whole Neighborhood Revitalization—$10,000,000.

LEGISLATIVE PROVISIONS NOT ADOPTED

Reduction in amounts authorized to be appropriated for fiscal year 1992 military construction projects

The Senate amendment contained a provision (sec. 2105) that would rescind $6.25 million from the amount authorized for the Department of the Army in section 2105 of the National Defense Authorization Act for Fiscal Year 1992 (Public Law 102–190).

The House bill amendment contained no similar provision.

The Senate recedes.

TITLE XXII—NAVY

FISCAL YEAR 1996

OVERVIEW

The House bill would authorize $2,164,861,000 for Navy military construction and family housing programs for fiscal year 1996.

The Senate amendment would authorize $2,077,459,000 for this purpose.

The conferees recommend authorization of $2,119,317,000 for Navy military construction and family housing for fiscal year 1996.

The conferees agree to a general reduction of $6,385,000 in the authorization of appropriations for the Navy military construction account. The general reduction is to be offset by savings from favorable bids, reduction in overhead costs, and cancellation of projects due to force structure changes. The general reduction shall not cancel and military construction authorized by title XXII of this Act.

Planning and design, Navy

The conferees direct that, within authorized amounts for planning and design, the Secretary of the Navy conduct planning and design activities for the following projects:

Naval Station, Mayport, Florida, Wharf Improvements—$2,340,000.

Naval Air Station, Fallon, Nevada, Galley—$50,000.

Naval Air Station, Fallon, Nevada, Child Development Center—$150,000.

The conferees note that the projects at Naval Air Station, Fallon, Nevada, are necessary to correct facility deficiencies which impact readiness, quality of life, and productivity. The conferees urge the Secretary to make every effort to include these projects in the fiscal year 1997 budget request.

Improvements to military family housing units (sec. 2203)

The conferees direct that, within authorized amounts for construction improvements of military family housing and facilities, the Secretary of the Navy execute the following projects:

Naval Station, Mayport, Florida, Whole House Revitalization—$7,300,000.

Public Works Center, Great Lakes, Illinois, Whole House Revitalization—$15,300,000.

Naval Education Training Command, Newport, Rhode Island, Whole House Improvements—$8,795,000.

Marine Corps Air Station, Beaufort, South Carolina, Whole House Rehabilitation—$6,784,000.

Naval Submarine Base, Bangor, Washington, Construction Improvements—$4,890,000.

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Revision of fiscal year 1995 authorization of appropriations to clarify availability of funds for large anechoic chamber, Patuxent River Naval Warfare Center, Maryland (sec. 2205)

The Senate amendment contained a provision (sec. 2205) that would amend section 2204 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–307) to authorize the $10.0 million appropriated for the Large Anechoic Chamber Facility at the Naval Air Warfare Center, Patuxent River, Maryland in the Military Construction Appropriations Act for Fiscal Year 1995 (Public Law 103–307).

The Senate provision would permit the Navy to proceed with the award of a contract in the amount of $30.0 million for the first phase of the $61.0 million project.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Authority to carry out land acquisition project, Hampton Roads, Virginia (sec. 2206)

The Senate amendment contained a provision (sec. 2206) that would amend section 2201(a) of the National Defense Authorization Act for Fiscal Year 1993 to authorize the Secretary of the Navy to acquire 191 acres of land in Hampton Roads, Virginia. This acquisition is in addition to the land acquisition at Dam Neck, Virginia, authorized in the National Defense Authorization Act for Fiscal Year 1993.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

The conferees direct the Secretary of Navy to make every possible attempt to acquire both parcels of land using the $4.5 million previously authorized. If additional funds are required, the conferees expect the Secretary to utilize cost variation and reprogramming procedures.

Acquisition of land, Henderson Hall, Arlington, Virginia (sec. 2207)

The Senate amendment contained a provision (sec. 2207) that would authorize the Secretary of the Navy to acquire a 0.75 acre parcel of land located at Henderson Hall, Arlington, Virginia. The parcel, which is currently occupied by an abandoned and vandalized mausoleum, is required to construct a public works complex to support the Headquarters Battalion, United States Marine Corps. The provision would authorize the demolition of the mausoleum and the use of appropriated funds to remove and provide appropriate disposal of the remains abandoned in the mausoleum.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Acquisition or construction of military family housing in the vicinity of San Diego, California (sec. 2208)

The conferees include a new section that would direct the Secretary of the Treasury to make available, upon request from the Secretary of the Navy, funds paid to the United States upon final settlement in the case of Rossmoor Liquidating Trust, initiated against the United States, in the United States District Court for the Central District of California. From those funds, the Secretary of the Navy would be authorized to acquire or construct no more than 150 military family housing units in the San Diego, California region for the Department of the Navy. The authority would be subject to the expiration of a 21-day period, beginning on the day on which the Secretary transmits to the congressional defense committees a report containing the details of the contract to acquire or construct the units authorized by this section.

TITLE XXIII—AIR FORCE

FISCAL YEAR 1996

Overview

The House bill would authorize $1,727,557,000 for Air Force military construction and family housing programs for fiscal year 1996.

The Senate amendment would authorize $1,724,699,000 for this purpose.

The conferees recommend authorization of $1,735,086,000 for Air Force military construction and family housing for fiscal year 1996.

The conferees agree to a general reduction of $6,385,000 in the authorization of appropriations for the Air Force military construction account. The general reduction is

to be offset by savings from favorable bids, reduction in overhead costs, and cancellation of projects due to force structure changes. The general reduction shall not cancel any military construction authorized by title XXIII of this Act.

Improvements to military family housing units (sec. 2303)

The conferees direct that, within authorized amounts for construction improvements of military family housing and facilities, the Secretary of the Air Force execute the following project:

Wright-Patterson Air Force Base, Ohio, Family Housing Improvements	$5,900,000

ITEMS OF SPECIAL INTEREST

Bonaire housing complex, Presque Isle, Maine

The conferees are aware of the economic impact and the difficult redevelopment effort facing Limestone, Maine, as a result of the closure of Loring Air Force Base. To ensure that the community has maximum flexibility in its redevelopment effort, the conferees direct the Secretary of the Air Force to obtain written concurrence of the designated local reuse authority, or its designee, before any land, tangible property or interest in the Air Force property known as the Bonaire housing complex in Presque Isle, Maine, is transferred to the Department of Interior, or to any other entity. The conferees believe that a cooperative effort should be maintained by all parties seeking property and that the designated local redevelopment authority is the most appropriate entity to coordinate reuse efforts.

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Retention of accrued interest on funds deposited for construction of family housing, Scott Air Force Base, Illinois (sec. 2305)

The House bill contained a provision (sec. 2305) that would amend section 2310 of the Military Construction Authorization Act for Fiscal Year 1994 (Division B of Public Law 103–160) to permit the retention of accrued interest on funds previously transferred to the County of St. Clair, Illinois, for the purpose of constructing military family housing at Scott Air Force Base. Upon completion of construction all funds remaining, and any interest accrued thereon, shall be deposited in the general fund of the United States Treasury.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of the Air Force to submit to congressional defense committees an annual report describing the amount of interest accrued and retained by the County for the housing project. The Secretary would be required to submit the report by March 1 of each year, until the construction project is completed.

LEGISLATIVE PROVISIONS NOT ADOPTED

Reduction in amounts authorized to be appropriated for fiscal year 1992 military construction projects

The Senate amendment contained a provision (sec. 2305) that would rescind $16.0 million from the amount authorized for the Department of the Air Force in section 2305 of the National Defense Authorization Act for Fiscal Year 1992 (Public Law 102–190).

The House bill contained no similar provision.

The Senate recedes.

TITLE XXIV—DEFENSE AGENCIES

FISCAL YEAR 1996

Overview

The House bill would authorize $4,692,463,000 for Defense Agencies military construction and family housing programs for fiscal year 1996.

The Senate amendment would authorize $4,456,883,000 for this purpose.

The conferees recommend authorization of $4,629,491,000 for Air Force military construction and family housing for fiscal year 1996.

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Military family housing private investment (sec. 2402)

The House bill contained a provision (sec. 2402) that would authorize the Secretary of Defense to enter into agreements to construct, acquire, and improve family housing, for the purpose of encouraging private investment, in the amount of $22,000,000.

The Senate amendment contained a similar provision.

The House recedes.

Energy conservation projects (sec. 2404)

The House bill contained a provision (sec. 2404) that would authorize the Secretary of Defense to carry out energy conservation projects using funds authorized pursuant to the authorization of appropriations in section 2405.

The Senate amendment contained a similar provision.

The Senate recedes.

Limitations on use of Department of Defense Base Closure Account 1990 (sec. 2406)

The conferees include a new section that would prohibit the obligation of funds authorized for appropriation in section 2405 (a)(10) of this Act, to carry out a construction project with respect to military installations approved for closure or realignment in 1995, until after the date the Secretary of Defense submits to Congress a five-year program for executing the 1995 base realignment and closure plan. The limitation would not preclude any activities associated with environmental cleanup activities or planning and design for such construction projects.

Modification of authority to carry out fiscal year 1995 projects (sec. 2407)

The House bill contained a provision (sec. 2406) that would amend the table in section 2401 of the Military Construction Authorization Act for Fiscal Year 1995 (Division B of Public Law 103–337) to provide for full authorization of projects to support chemical weapons and munitions destruction at Pine Bluff Arsenal, Arkansas and Umatilla Army Depot, Oregon.

The Senate amendment contained a similar provision.

The Senate recedes.

Reduction in amounts authorized to be appropriated for fiscal year 1994 contingency construction projects (sec. 2408)

The Senate amendment contained a provision (sec. 2407) that would terminate authorization of appropriations for prior year projects including:

(1) $3.2 million from the amount authorized for the Department of Defense in section 2405(a) of the Military Construction Authorization Act for Fiscal Year 1991 (Division B of Public Law 101–510);

(2) $6.8 million from the amount authorized for the Department of Defense in section 2404(a) of the Military Construction Authorization Act for Fiscal Year 1992 (Division B of Public Law 102–190);

(3) $8.6 million from the amount authorized for the Department of Defense in section 2403(a) of the Military Construction Authorization Act for Fiscal Year 1993 (Division B of Public Law 102–484).

The House bill contained no similar provision.

The House recedes with an amendment that would reduce $8.1 million from the amount authorized to be appropriated for the Department of Defense in section 2403(a) of the Military Construction Authorization Act for Fiscal Year 1994 (Division B of Public Law 103–160).

LEGISLATIVE PROVISIONS NOT ADOPTED

Limitation of expenditures for a construction project at Umatilla Army Depot, Oregon

The House bill contained a provision (sec. 2407) that would prohibit the expenditure of funds prior to March 1, 1996, for the construction of a chemical weapons and munitions incinerator facility at Umatilla Army Depot, Oregon.

The Senate amendment contained no similar provision.

The House recedes.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATIONS INFRASTRUCTURE

FISCAL YEAR 1996

Overview

The House bill would authorize $161,000,000 for the U.S. contribution to the NATO Infrastructure program for fiscal year 1996.

The Senate amendment would authorize $179,000,000 for this purpose.

The conferees authorize $161,000,000 for the U.S. contribution to the NATO Infrastructure program.

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Authorization of appropriations, NATO (sec. 2502)

The House bill contained a provision (sec. 2502) that would authorize funding for the North Atlantic Treaty Organization Infrastructure program in the amount of $161.0 million.

The Senate amendment contained a provision (sec. 2502) that would authorize funding for the North Atlantic Treaty Organization Infrastructure program in the amount of $179.0 million.

The Senate recedes.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

FISCAL YEAR 1996

Overview

The House bill would authorize $284,924,000 for military construction and land acquisition for fiscal year 1996 for the National Guard and reserve components.

The Senate amendment would authorize $432,339,000 for this purpose.

The conferees recommend authorization of $436,522,000 for military construction and land acquisition for fiscal year 1996. This authorization would be distributed as follows:

Army National Guard	$134,802,000
Army Reserve	73,516,000
Naval/Marine Corps Reserve	19,055,000
Air National Guard	170,917,000
Air Force Reserve	36,232,000

Planning and design, Guard and Reserve Forces

The conferees direct that, within authorized amounts for planning and design, the Guard and Reserve Forces conduct planning and design activities for the following projects:

Army Reserve:	
Fort Dix, New Jersey, Intelligence Training Center	$788,000
Army National Guard:	
Lincoln, Nebraska, Medical Training Facility	$200,000
Fort Dix, New Jersey, Technical Training Facility	$750,000
Billings, Montana, Armed Forces Reserve Center	$1,200,000
Air National Guard:	
Robins Air Force Base, Georgia, B–1 Site and Utility Upgrades	$270,000
Hickam Air Force Base, Hawaii, Squadron Operations Facility	$790,000

The conferees note that these projects are required to accommodate new missions and to correct facility deficiencies that impact readiness, quality of life, and productivity. The conferees urge the service secretaries to make every effort to include these projects in the fiscal year 1997 budget request.

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Reduction in amount authorized to be appropriated for fiscal year 1994 Air National Guard Projects (sec. 2602)

The Senate amendment contained a provision (sec. 2602) that would rescind funds authorized for appropriation by the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160) for land acquisition for the Idaho Training Range.

The House bill contained no similar provision.

The House recedes.

Correction in authorized uses of funds for Army National Guard projects in Mississippi (sec. 2603)

The House bill contained a provision (sec. 2602) that would clarify amounts authorized to be appropriated in section 2601(1)(A) of the Military Construction Authorization Act for Fiscal Year 1994 (Division B of Public Law 103–360) for the addition or alteration of Army National Guard Armories at various locations in the State of Mississippi. The House provision would direct the use of authorized funds for the addition, alteration, or new construction of armory facilities and an operations and maintenance shop, including the acquisition of land for such facilities at such locations.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would direct the Secretary of the Army to submit a report to congressional defense committees that would describe the intended use of funds and to wait 21 days before any of the funds could be obligated.

TITLE XXVIII—GENERAL PROVISIONS

ITEMS OF SPECIAL INTEREST

Damage to facilities from Hurricane Opal

The conferees note that, on October 5, 1995, military facilities in the Southeastern United States sustained damage as a direct result of Hurricane Opal. The conferees direct the Secretary of Defense to conduct a comprehensive assessment of infrastructure and facilities at installations affected by Hurricane Opal, to include: Fort Benning and Fort McPherson in Georgia; Fort Rucker, Fort McClellan, and Anniston Army Depot in Alabama; Tyndall Air Force Base, Eglin Air Force Base, and Hulbert Field and facilities in and around Naval Air Station, Pensacola, Florida. The Secretary shall submit a report on the Department's findings to the congressional defense committees, no later than February 15, 1996.

The assessment should include:

(1) a report on all property damage;

(2) the estimated cost to repair or replace damaged or destroyed facilities;

(3) the impact on operations and readiness caused by any loss of facilities;

(4) any actions taken to repair or replace damaged or destroyed facilities; and

(5) recommendations for funding the required facility repairs or replacements.

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—Military Housing Privatization Initiative

Alternative authority for construction and improvement of military housing (sec. 2801)

The House bill contained a provision (sec. 2801) that would authorize a series of authorities, as alternative methods of acquiring and improving family housing and support facilities for the armed forces. Such authorities would include the ability to contract and lease family housing. Use of the authorities would be targeted at installations where there is a shortage of suitable family housing. For housing acquired under the authorities provided in this section, the unit size and type limitations in current law would be waived to encourage private sector development of military family housing. The Department of Defense (DOD) would be authorized to contribute up to 35 percent of the investment cost in any project. Such investment could take a number of forms, including cash, existing housing, and/or real property. The provision would also establish the Defense Family Housing Improvement Fund as the sole source of funding for projects constructed or renovated under the authorities of this provision. The provision would require DOD to submit a 21-day notice-and-wait announcement to Congress before entering into contract agreements associated with these new authorities and would require DOD to submit a 30-day notice-and-wait announcement before transferring funds from the family housing construction accounts to the Fund. Each of the authorities contained in this provision would expire on September 30, 2000.

The Senate amendment contained a similar provision (sec. 2811) that would expand the authorities to include acquisition or renovation of unaccompanied housing on or near military installations. The provision would also establish a Department of Defense Housing Improvement Fund, for use as the sole source to finance costs associated with the acquisition of housing and support facilities.

The House recedes with an amendment that would establish the Department of Defense Family Housing Improvement Fund and the Department of Defense Military Unaccompanied Housing Improvement Fund as the sources to finance costs associated with the acquisition of housing and supporting facilities, including costs defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)). The provision would also establish certain reporting requirements for the DOD and would limit the transfer of funds previously authorized and appropriated to funds associated with the construction of family housing or unaccompanied housing. The provision would also limit the obligation of funds by DOD to $850.0 million for family housing and $150.0 million for unaccompanied housing.

Expansion of authority for limited partnerships for development of military family housing (sec. 2802)

The Senate amendment contained a provision (sec. 2807) that would provide each of the military services with the limited partnership authority provided to the Department of the Navy by section 2803 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337). The provision would also extend the expiration of the authority to September 30, 2000.

The House bill contained a similar provision.

The House recedes with a technical amendment.

Subtitle B—Other Military Construction Program and Military Family Housing Changes

Special threshold for unspecified minor construction projects to correct life, health, or safety deficiencies (sec. 2811)

The Senate amendment contained a provision (sec. 2801) that would amend 2805 of title 10, United States Code, to include as a minor military construction project any military construction project intended solely to correct a life, health, or safety deficiency, if the approved cost is equal to or less than $3.0 million. The provision would authorize the expenditure of operation and maintenance funds to carry out projects to correct a life, health, or safety deficiency costing no more than $1.0 million.

The House bill contained a similar provision.

The House recedes.

Clarification of scope of unspecified minor construction authority (sec. 2812)

The Senate amendment contained a provision (sec. 2802) that would amend section 2805(a)(1) of title 10, United States Code, to clarify the definition of minor military construction.

The House bill contained a similar provision.

The House recedes.

Temporary authority to waive net floor area limitation for family housing acquired in lieu of construction (sec. 2813)

The Senate amendment contained a provision (sec. 2803) that would waive, for a five year period, beginning in fiscal year 1996, the net floor area limitation established in section 2826 of title 10, United States Code, if existing family housing is acquired in lieu of construction.

The House bill contained no similar provision.

The House recedes with an amendment that would give the service secretary discretionary authority to waive the floor limitation.

Reestablishment of authority to waive net floor area limitation on acquisition by purchase of certain military family housing (sec. 2814)

The Senate amendment contained a provision (sec. 2804) that would make permanent section 2826(e) of title 10, United States Code, that allows a waiver for a 20 percent increase in the square footage limitation when acquiring, through purchase, military family housing units for members of the Armed Forces in pay grades below 0–6.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Temporary authority to waive limitations on space by pay grade for military family housing units (sec. 2815)

The Senate amendment contained a provision (sec. 2805) that would waive section 2826

of title 10, United States Code, for housing authorized for construction for five years, beginning in fiscal year 1996. The waiver would permit the construction of family housing units without regard to space limitations, as long as the total number of housing units is the same as authorized by law.

The House bill contained no similar provision.

The House recedes with an amendment that would give the service secretary discretion to waive the authority for five years beginning in fiscal year 1996.

Rental of family housing in foreign countries (sec. 2816)

The House bill contained a provision (sec. 2805) that would authorize an increase in the number of high-cost family housing units that may be leased in foreign countries.

The Senate amendment contained a similar provision.

The Senate recedes.

Clarification of scope of report requirement on cost increases under contracts for military family housing construction (sec. 2817)

The Senate amendment contained a provision (sec. 2808) that would amend section 2853 to title 10, United States Code, by eliminating the requirement for congressional notification on cost increases that exceed established limitations when the increase is related to settlement of a court ordered contract claim.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Authority to convey damaged or deteriorated military family housing (sec. 2818)

The Senate amendment contained a provision (sec. 2809) that would authorize the secretaries of the military departments to sell, at fair market value, family housing facilities at non-base closure installations that have deteriorated beyond economical repair, or are no longer required. The sale may include the parcel of land on which the family housing facilities are located.

The provision directs that the proceeds from the sale of the property be used to replace or revitalize housing at the existing installation, or at another installation. The provision also requires the secretary concerned to notify Congress before proceeding with conveyance of family housing facilities under this authority.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Energy and water conservation savings for the Department of Defense (sec. 2819)

The Senate amendment contained a provision (sec. 2810) that would amend section 2865 of title 10, United States Code, to include water conservation in the Department of Defense's comprehensive energy conservation plan.

The House bill contained no similar provision.

The House recedes.

Extension of authority to enter into leases of land for special operations activities (sec. 2820)

The Senate amendment contained a provision (sec. 2812) that would make permanent the authority provided in section 2680 of title 10, United States Code, which grants the Secretary of Defense the authority to lease property required for special operations activities conducted by the Special Operations Command.

The House bill contained no similar provision.

The House recedes with an amendment that would extend the authority to lease property required for special operations until September 30, 2000.

Disposition of amounts recovered as a result of damage to real property (sec. 2821)

The House bill contained a provision (sec. 2804) that would authorize the military departments to retain the proceeds recovered as a result of damages to real property instead of depositing those proceeds into the miscellaneous receipts account in the United States Treasury. Such proceeds would be made available for repair or replacement of damages to real property.

The Senate amendment contained no similar provision.

The Senate recedes.

Pilot program to provide interest rate buy down authority on loans for housing within housing shortage areas at military installations (sec. 2822)

The House bill contained a provision (sec. 2806) that would authorize a three-year pilot program to provide additional housing assistance to military personnel. Under the program, as administered by the Secretary of Veterans Affairs (VA), the VA would buy down the interest rate on VA home loans for qualified applicants. The Secretary of Defense would reimburse the VA for the costs of the interest rate buy down. Authorization of the program would be limited to $10.0 million and could only be utilized at military installations which the Secretary of Defense considers to have a military family housing deficit.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would limit the scope of the program to active duty enlisted members, warrant officers, and officers at a pay grade of 0–3 and below.

Subtitle C—Defense Base Closure and Realignment

Deposit of proceeds from leases of property located at installations being closed or realigned (sec. 2831)

The House bill contained a provision (sec. 2812) that would authorize the Secretary of Defense to deposit proceeds from leases of property located at installations being closed or realigned into the relevant account established in the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526) or the Defense Base Closure and Realignment Act of 1990 (Public Law 101–510).

The Senate amendment contained a similar provision.

The Senate recedes.

In-kind consideration for leases at installations to be closed or realigned (sec. 2832)

The Senate amendment contained a provision (sec. 2821) that would permit the service secretaries to accept in-kind services (improvements, maintenance, protection, repair, or restoration services performed on any portion of the installation) from a lessee in lieu of cash rental payments for leases of property that will be disposed of as a result of a base closure or realignment.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Interim leases of property approved for closure or realignment (sec. 2833)

The Senate amendment contained a provision (sec. 2830B) that would facilitate the use of limited term leases (one to five years) by the Department of Defense in connection with reuse of military installations selected for closure. The provision would make it clear that any environmental impact analysis prepared in connection with an interim lease of Department of Defense property approved for closure or realignment shall be limited to the scope of environmental consequences related to the lease activities.

The House bill contained no similar provision.

The House recedes.

The conferees agree that under current law the Department of Defense has been reluctant to enter into limited term leases before an environmental review has been completed, pursuant to the National Environmental Policy Act (42 U.S.C. 4321, et. seq.), that would address the disposal of the entire installation. Such concerns have impeded private sector use of base closure property for short term capital investments.

Authority to lease property requiring environmental remediation at installations approved for closure or realignment (sec. 2834)

The Senate amendment contained a provision (sec. 2824) that would allow the Department of Defense to enter into long-term lease agreements at military installations selected for closure, while environmental restoration is ongoing. Specifically, the section would provide that section 120(h)(3)(B) of the Comprehensive Environmental response Compensation and Liability Act of 1980 (CERCLA) (42 U.S.C. 9620(h)(3)(B)) does not apply to leases at Department of Defense installations. The provision would also provide for Environmental Protection Agency consultation on the determination that property is suitable for lease in those instances involving long term leases at installations approved for closure under a base closure law.

The House bill contained no similar provision.

The House recedes.

The conferees agree that the provision is necessary to ensure that the Department may enter into long-term leases while cleanup is ongoing. The provision addresses a recent federal district court decision that could undermine reuse plans at military installations selected for closure with similar reuse plans. The provision serves to clarify the legislative intent on this issue.

Final funding for Defense Base Closure and Realignment Commission (sec. 2835)

The Senate amendment contained a provision (sec. 2825) that would amend section 2902(k) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510, 10 U.S.C. 2657) to authorize the Secretary of Defense to transfer unobligated funds from the Department of Defense Base Closure Account to fund the operations of the Defense Base Closure and Realignment Commission until December 31, 1995.

The House bill contained no similar provision.

The House recedes with an amendment that would limit the transfer authority to $300,000.

Exercise of authority delegated by the Administrator of General Services (sec. 2836)

The Senate amendment contained a provision (sec. 2827) that would amend the Defense Base Closure and Realignment Act of 1990 (Public Law 101–510) to expand the authority of the Secretary of Defense, with the concurrence of the Administrator of the General Services Administration, to prescribe general policies and issue regulations for utilizing excess property and disposing of surplus

property. The provision would also make certain technical changes.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Lease back of property disposed from installations approved for closure or realignment (sec. 2837)

The Senate amendment contained a provision (sec. 2828) that would amend the Defense Base Closure and Realignment Act of 1990 (Public Law 101–510) to allow base closure property that is still needed by the Department of Defense or another federal agency to be transferred to the local redevelopment authority, providing that the redevelopment authority leases back the property to the Department of Defense or federal agency. Such a lease should not exceed 50 years and could not require rental payments by the United States.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Improvement of base closure and realignment process regarding disposal of property (sec. 2838)

The House bill contained a provision (sec. 2814) that would amend the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note) and the Defense Base Closure and Realignment Act of 1990 (Part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687). The provision would preclude consideration of Section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411) in the transfer or disposal of real property located at military installations closed or realigned under the base closure law.

The Senate amendment contained a provision (sec. 2826) that would amend the Defense Base Closure and Realignment Act of 1990 (Part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687) to authorize the Secretary of Defense to approve local redevelopment authorities' base reuse plans. Before making any property disposal decisions, the Secretary of Defense would be required to consult with the Secretary of Housing and Urban Development to determine if the needs of the homeless were appropriately considered. In reviewing disposal plans, the Secretary of Defense could give deference to local communities' plans in making the final property disposal decisions.

The House recedes with a technical amendment that would recognize the preeminence of local redevelopment authorities' plans for reuse of properties and facilities on installations closed or realigned under the base closure procedures. The amendment would further enhance the ability of the Secretary of Defense to give final approval of local communities' base reuse plans.

Agreements for certain services at installations being closed (sec. 2839)

The House bill contained a provision (sec. 2813) that would clarify current law that authorizes the Secretary of Defense to enter into agreements with local governments for the provision of police, security, fire protection, air field operations, or other community services provided by such governments at military installations scheduled to be closed.

The Senate amendment contained a similar provision.

The Senate recedes with a technical amendment.

Authority to transfer property at military installations to be closed to persons who construct or provide military family housing (sec. 2840)

The House bill contained a provision (sec. 2811) that would authorize the Secretary of Defense to enter into an agreement to transfer property or facilities at a closed installation, or an installation designated to be closed, under current law, to a person who agrees to provide, in exchange for the property or facilities, housing units located at another military installation where there is a shortage of suitable housing. Under the provision, the Secretary would not be permitted to select property or facilities for transfer that have been identified in the redevelopment plan for the installation as essential for base reuse and development.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Use of single base closure authorities for disposal of property and facilities at Fort Holabird, Maryland (sec. 2841)

The Senate amendment contained a provision (sec. 2830) that would consolidate disposal of all property affected by the 1988 and 1995 base closure actions at Fort Holabird, Maryland under the provisions of the Base Closure Community Redevelopment and Homeless Assistance Act of 1994 (Public Law 103–421).

The House bill contained no similar provision.

The House recedes with a technical amendment.

Subtitle D—Land Conveyances Generally

PART I—ARMY CONVEYANCES

Transfer of jurisdiction, Fort Sam Houston, Texas (sec. 2851)

The House bill contained a provision (sec. 2821) that would authorize the Secretary of the Army to transfer, without reimbursement, approximately 53 acres, with improvements, to the Secretary of Veterans Affairs. The property would be conveyed for use as a national cemetery.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment deleting the reversionary interest of the Secretary of the Army in the property.

Transfer of jurisdiction, Fort Bliss, Texas (sec. 2852)

The House bill contained a provision (sec. 2838) that would authorize the Secretary of the Army to transfer to the Secretary of Veteran Affairs jurisdiction of approximately 22 acres, comprising a portion of Fort Bliss, Texas. The property transferred would be used as an addition to the Fort Bliss National Cemetery.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would delete the Secretary of the Army's reversionary interest in the property.

Tranfer of jurisdiction and land conveyance, Fort Devens Military Reservation, Massachusetts (sec. 2853)

The House bill contained a provision (sec. 2831) that would require the Secretary of the Army to convey to the Secretary of the Interior, without reimbursement, a portion of the Fort Devens Military Reservation, Massachusetts, at any time after the date on which the property is determined to be excess to the needs of the Department of Defense. The property is to be conveyed for inclusion in the Oxbow National Wildlife Refuge. The cost of any surveys necessary for the conveyance shall be borne by the Secretary of the Interior.

This section would also require the Secretary of the Army to convey to the Town of Lancaster, Massachusetts, without reimbursement, a parcel of real property consisting of approximately 100 acres of the parcel available for transfer to the Secretary of the Interior. The cost of any surveys necessary for the conveyance would be borne by the town.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Modification of land conveyance, Fort Belvoir, Virginia (sec. 2854)

The Senate amendment contained a provision (sec. 2863) that would require the Secretary of the Army to submit a report to the Senate Armed Services Committee and the House National Security Committee on the status of the negotiations related to the land conveyance at the Engineer Proving Grounds, Fort Belvoir, Virginia authorized by subsection (a) of section 2821 of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189).

The House bill contained no similar provision.

The House recedes with an amendment that would delete the reporting requirement and would amend section 2821 of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 to authorize the Secretary of the Army to convey to the County of Fairfax, Virginia, all right, title and interest of the United States in and to all or a portion of the parcel of real property, including improvements thereon, at Fort Belvoir, Virginia, consisting of approximately 820 acres and known as the Engineer Proving Ground. In consideration, the County shall construct facilities for the Department of the Army; grant title, free of liens and other encumbrances, to the facilities and, if not already owned by the Department, to the underlying land; and make infrastructure improvements for the Department of the Army, as may be specified by the Secretary of the Army. The value of the consideration provided by the County shall not be less than the fair market value of the property conveyed to the County, as determined by the Secretary. The amendment would prohibit the Secretary from entering into any agreement under this provision until the expiration of 60 days following the date on which the Secretary transmits to the congressional defense committees a report containing details of the agreement between the Army and the County.

Land exchange, Fort Lewis, Washington (sec. 2855)

The House bill contained a provision (sec. 2836) that would authorize the Secretary of the Army to convey to Weyerhaeuser Real Estate Company, Tacoma, Washington two parcels of real property at Fort Lewis, Washington totaling 1.26 acres. As consideration the Weyerhaeuser Real Estate Company would convey 0.39 acres located within the boundaries of Fort Lewis together with other considerations acceptable to the Secretary. The total consideration conveyed to the United States would be no less than the fair market value of the property conveyed by the Army.

The Senate amendment contained a similar provision.

The Senate recedes with a technical amendment.

Land exchange, Army Reserve Center, Gainsville, Georgia (sec. 2856)

The Senate amendment contained a provision (sec. 2846) that would authorize the Secretary of the Army to convey to the City of Gainesville, Georgia, a 4.2 acre parcel of real property, including a reserve center, located on Shallowford Road in Gainsville, Georgia. As consideration, the City of Gainesville would convey to the Secretary approximately 8 acres of real property located in the Atlas Industrial Park in Gainesville. The City would construct replacement facilities in accordance with the requirements of the Secretary of the Army for training activities of the Army Reserve, and fund the costs of relocating the Reserve units to the new location. The City's contribution of land and facilities would be no less than the fair market value of the property conveyed by the Secretary.

The House amendment contained no similar provision.

The House recedes with a technical amendment.

Land conveyance, Holston Army Ammunition Plant, Mount Carmel, Tennessee (sec. 2857)

The House bill contained a provision (sec. 2829) that would authorize the Secretary of the Army to convey to the City of Mount Carmel, Tennessee, without reimbursement, a parcel of real property consisting of approximately 6.5 acres. The property would be conveyed for expansion of the existing Mount Carmel Cemetery.

The Senate amendment contained no similar provision.

The Senate recedes.

Land conveyance, Indiana Army Ammunition Plant, Charlestown, Indiana (sec. 2858)

The House bill contained a provision (sec. 2825) that would authorize the Secretary of the Army to convey to the State of Indiana, without consideration, a parcel of real property, with improvements, consisting of approximately 1,125 acres. The property to be conveyed would be used for recreational purposes.

The Senate amendment contained no similar provision.

The Senate recedes.

Land conveyance, Fort Ord, California (sec. 2859)

The House bill contained a provision (sec. 2824) that would authorize the Secretary of the Army to convey to the City of Seaside, California, at fair market value, all right, title, and interest in approximately 477 acres of real property (comprising the Black House and Bayonet gold courses and a portion of the Hayes Housing Facilities) comprising a portion of the former Fort Ord Military Complex. From the amount paid by the City in consideration for the conveyance, the Secretary would deposit in the Morale, Welfare, and Recreation Fund (MWR) account of the Department of the Army an amount equal to the fair market value of the golf courses conveyed under this section. The balance of the amount paid by the City would be deposited in the Department of Defense Base Closure Account 1990.

The Senate amendment contained a provision (sec. 2841) that would require the Secretary of Defense, within 60 days after the date of enactment of the National Defense Authorization Act for Fiscal Year 1996, to provide to Congress a report that would describe the disposal plans for the 477 acres of property at the former Fort Ord Military Complex.

The Senate recedes to Senate amendment, section 2841. The Senate recedes with an amendment to House bill section 2824. The amendment to section 2824 would direct the Secretary to deposit into the MWR account only those proceeds from the sale of golf courses that are required to support MWR activities in the vicinity of Fort Ord for the next five years. The amount deposited into the MWR account would not exceed the fair market value of golf courses conveyed to the City. The amendment would also require the Secretary to certify his findings on the disposition of the proceeds in a report to Congress 90 days after the date of the conveyance.

Land conveyance, Parks Reserve Forces Training Area, Dublin, California (sec. 2860)

The House bill contained a provision (sec. 2828) that would authorize the Secretary of the Army to convey to the County of Alameda, California, approximately 31 acres, with improvements, located at the Parks Reserve Forces Training Area, Dublin, California. The conveyance shall not include any oil, gas, or mineral interests of the United States, and shall be subject to the condition that the County would pay for road improvements, utility upgrades, and construction improvements at the portion of the Army Training Area retained by the Army.

The Senate bill contained no similar provision.

The Senate recedes with a technical amendment.

Land conveyance, Army Reserve Center, Youngstown, Ohio (sec. 2861)

The House bill contained a provision (sec. 2834) that would authorize the Secretary of the Army to convey to the City of Youngstown, Ohio, without consideration, a parcel of real property. The property is located at 399 Miller Street in Youngstown, Ohio, and comprises the vacant Kefurt Army Reserve Center.

The Senate amendment contained no similar provision.

The Senate recedes.

Land conveyance, Army Reserve property, Fort Sheridan, Illinois (sec. 2862)

The Senate amendment contained a provision (sec. 2843) that would authorize the Secretary of the Army to convey to a transferee, selected through a competitive process, all right, title, and interest of the United States in a parcel of real property, and improvements thereon, at Fort Sheridan, Illinois, consisting of approximately 114 acres and comprising two Army Reserve areas. As consideration, the transferee would convey to the United States a parcel of land, acceptable to the Secretary, located not more than 25 miles from Fort Sheridan and in an area having similar social and economic conditions as the area in which Fort Sheridan is located. The transferee would also be required to construct replacement facilities and infrastructure, and pay the cost of relocating the Army personnel. The Secretary of the Army would be required to ensure that the fair market value of the consideration provided by the transferee is not less than the fair market value of the real property conveyed by the Secretary.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Land conveyance, property underlying Cummins Apartment Complex, Fort Holabird, Maryland (sec. 2863)

The Senate amendment contained a provision (sec. 2830A) that would authorize the Secretary of the Army to convey to the owner of the Cummins Apartment Complex, at fair market value, six acres of real property at Fort Holabird, Maryland that underlies the Cummins Apartment Complex.

The House bill contained no similar provision.

The House recedes.

Modification of existing land conveyance, Army property, Hamilton Air Force Base, California (sec. 2864)

The House bill contained a provision (sec. 2837) that would modify section 9099(e) of the National Defense Appropriations Act for Fiscal Year 1993 (Public Law 102-396), which permitted the Secretary of the Army to sell certain parcels of property at the former Hamilton Air Force Base, California, as described in the Agreement and Modification, dated September 25, 1990, between the Department of the Defense, the General Services Administration, and the purchaser. The House provision would authorize the Secretary of the Army to convey to the City of Novato, California, any unpurchased property described in section 9099(e) of the National Defense Appropriations Act for Fiscal Year 1993 (Public Law 102-396), for use in establishing schools and park areas. Under this provision, the City would be required to provide any proceeds received from subsequent sale of the property, within the next ten years, to the Secretary of the Army.

The Senate amendment contained no similar provision.

The Senate recedes with technical amendment.

PART II—NAVY CONVEYANCES

Transfer of jurisdiction, Naval Weapons Industrial Reserve Plant, Calverton, New York (sec. 2865)

The House bill contained a provision (sec. 2823) that would authorize the Secretary of the Navy to transfer to the Secretary of Veterans Affairs, without reimbursement, approximately 150 acres at the Naval Weapons Industrial Reserve Plant, Calverton, New York. The property would be conveyed for use as a national cemetery.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Modification of land conveyance, Naval Weapons Industrial Reserve Plant, Calverton, New York (sec. 2866)

The House bill contained a provision (sec. 2835) that would modify the condition of conveyance of the Naval Weapons Industrial Reserve Plant, Calverton, New York, as authorized in the Military Construction Authorization Act for Fiscal 1995 (Division B of Public Law 103-335; 108 Stat. 3061). The modification would amend the purpose of the conveyance. The provision would also strike the Department of Navy's reversionary interest in the property, and, in lieu thereof, authorize the Secretary to lease the facility to the Community Development Agency, in exchange for security, fire protection, and maintenance services, until the property is conveyed by deed.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would retain the purpose of the conveyance, as currently authorized by law.

Modification of land conveyance, Naval Weapons Industrial Reserve Plant, Calverton, New York (sec. 2866)

The House bill contained a provision (sec. 2835) that would modify the condition of conveyance of the Naval Weapons Industrial Reserve Plant, Calverton, New York, as authorized in the Military Construction Authorization Act for Fiscal 1995 (Division B of Public

Law 103–335; 108 Stat. 3061). The modification would amend the purpose of the conveyance. The provision would also strike the Department of Navy's reversionary interest in the property, and, in lieu thereof, authorize the Secretary to lease the facility to the Community Development Agency, in exchange for security, fire protection, and maintenance services, until the property is conveyed by deed.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would retain the purpose of the conveyance, as currently authorized by law.

Land conveyance alternative to existing lease authority, Naval Supply Center, Oakland, California (sec. 2867)

The House bill contained a provision (sec. 2833) that would amend section 2834(b) of the Military Construction Authorization Act for Fiscal Year 1993, (Division B of Public Law 103–160) and section 2821 of the Military Construction Authorization Act for Fiscal Year 1995 (Division B of Public Law 103–337) to authorize the Secretary of the Navy to convey to the City of Oakland, California, the Port of Oakland, California, or the City of Alameda, California, without consideration, in lieu of an existing lease, property at the Naval Supply Center, under such terms as the Secretary considers appropriate. The exact acreage of the real property that would be conveyed would be determined by a survey that is satisfactory to the Secretary, and the cost for such survey shall be borne by the recipient of the property.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would include the City of Richmond, California as an authorized recipient of the property to be conveyed.

Land conveyance, Naval Weapons Industrial Reserve Plant, McGregor, Texas (sec. 2868)

The House bill contained a provision (sec. 2830) that would authorize the Secretary of the Navy to convey to the City of McGregor, Texas, without consideration, all right, title, and interest of the United States in a parcel of real property, including improvements thereon, containing the Naval Weapons Industrial Reserve Plant. The conveyed property would be used for purposes of economic redevelopment. Until the real property is conveyed by deed, the Secretary would be permitted to lease the facility of the City in exchange for security, fire protection, and maintenance services. The Secretary would be authorized to convey other fixtures located on the property if such equipment can be reinstituted after the conveyance.

The Senate amendment contained no similar provision.

The Senate recedes.

Land conveyance, Naval Surface Warfare Center, Memphis, Tennessee (sec. 2869)

The Senate amendment contained a provision (sec. 2838) that would authorize the Secretary of the Navy to convey to the Memphis and Shelby County Port Commission, Memphis, Tennessee, 26 acres of land, including a 1250 ton stiff leg derrick crane, located at the Carderock Division, Naval Surface Warfare Center, Memphis Detachment, President's Island, Memphis, Tennessee. As consideration for the conveyance, the Port Commission shall grant a restrictive easement consisting of approximately 100 acres that is adjacent to the Memphis Detachment. If the value of the easement granted by the Port is less than the fair market value of the real property conveyed by the Navy, the Secretary and the Port would jointly determine the appropriate additional compensation. The Secretary would deposit any cash proceeds received as part of the transaction, into the special account established under section 204(h)(2) of the Federal Property and Administrative Services Act of 1949.

The House bill contained no similar provision.

The House recedes.

Land conveyance, Navy property, Fort Sheridan, Illinois (sec. 2870)

The Senate amendment contained a provision (sec. 2842) that would authorize the Secretary of the Navy to convey to a transferee, selected through a competitive process, all right, title, and interest of the United States in a parcel of real property, and improvements thereon, at Fort Sheridan, Illinois, consisting of approximately 182 acres and comprising the Navy housing areas at Fort Sheridan. As consideration, the transferee would convey to the United States a parcel of land, acceptable to the Secretary, located not more than 25 miles from the Great Lakes Naval Training Center, Illinois, and located in an area having similar social and economic conditions as the area in which Fort Sheridan is located. The transferee would also be required to: construct replacement housing, support facilities, and infrastructure; pay the cost of relocating the Navy personnel; and provide for the education of dependents in schools that meet, and would continue to meet, standards established by the Secretary of the Navy, even after the enrollment of dependents, regardless of the receipt of federal impact aid by such schools or school districts. The Secretary of the Navy would be required to ensure that the fair market value of the consideration provided by the transferee is not less than the fair market value of the real property conveyed by the Secretary.

The House bill contained no similar provision.

The House recedes with technical amendment.

Land conveyance, Naval Communications Station, Stockton, California (sec. 2871)

The Senate amendment contained a provision (sec. 2844) that would authorize the Secretary of the Navy, with the concurrence of the Administrator of General Services and the Secretary of Housing and Urban Development, to convey to the Port of Stockton, California, all right, title, and interest in approximately 1,450 acres of real property at the Naval Communications Station, Stockton, California. The conveyance may be as a public benefit conveyance if the Port satisfies the criteria established in section 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484). If the Port does not satisfy such criteria, the conveyance would be for fair market value. As a condition for the conveyance, the Port would be required to agree to maintain, under current terms and conditions, existing Federal leases of property at the Station. The Secretary would be authorized to lease the property to the Port until the property is conveyed by deed.

The House bill contained no similar provision.

The House recedes with an amendment that would delete the requirement that the conveyance be subject to the concurrence of the Administrator of General Service and the Secretary of Housing and Urban Development. The conferees intend that the Secretary would not carry out the conveyance unless it is determined that no department or agency of the Federal Government will accept the transfer of the property.

Lease of property, Naval Air Station and Marine Corps Air Station, Miramar, California (sec. 2872)

The conferees include a new section that would authorize the Secretary of the Navy to enter into a lease agreement with the City of San Diego, California, that would provide for the City's use of land at the Naval Air Station or Marine Corps Air Station Miramar, California, as a municipal solid waste landfill, and for other purposes related to the management of solid waste. The provision would also allow the Secretary to receive in-kind consideration under the lease, and to use any rental money received to carry out environmental programs or improvement projects to enhance quality of life programs for personal stationed at the Naval Air Station or Marine Corps Air Station. This provision would provide the sole authority for entering into the described lease with the City of San Diego.

PART III—AIR FORCE CONVEYANCES

Land acquisition or exchange, Shaw Air Force Base, South Carolina (sec. 2874)

The House bill contained a provision (sec. 2822) that would authorize the Secretary of the Air Force to acquire, by means of an exchange of property, acceptance as a gift, or other means that would not require the use of appropriated funds, all right, title, and interest in a parcel of real property, with improvements, consisting of approximately 1,100 acres adjacent to Shaw Air Force Base, Sumter, South Carolina.

The Senate amendment contained an identical provision. The conference agreement includes this provision.

Land conveyance, Elmendorf Air Force Base, Alaska (sec. 2875)

The House bill contained a provision (sec. 2832) that would authorize the Secretary of the Air Force to sell to a private person a parcel of real property consisting of approximately 32 acres located at Elmendorf Air Force Base, Alaska. As consideration for the sale, the purchaser would be required to provide approximate maintenance for the apartment complex located on the property to be conveyed and used by members of the armed forces and their dependents stationed at the Elmendorf Air Force Base. The cost of any surveys necessary for the sale of real property would be borne by the purchaser.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Land conveyance, Radar Bomb Scoring Site, Forsyth, Montana (sec. 2876)

The Senate amendment contained a provision (sec. 2839) that would authorize the Secretary of the Air Force to convey to the City of Forsyth, Montana, without consideration, approximately 58 acres, with improvements, comprising the support complex and recreational facilities of the former Radar Bomb Scoring Site, Forsyth, Montana. The conveyance would be subject to the condition that the City use the property for housing and recreational purposes.

The House bill contained no similar provision.

The House recedes.

Land conveyance, Radar Bomb Scoring Site, Powell, Wyoming (sec. 2877)

The Senate amendment contained a provision (sec. 2840) that would authorize the Secretary of the Air Force to convey to the Northwest College Board of Trustees, without consideration, approximately 24 acres,

with improvements, comprising the support complex, recreational areas, and housing facilities at the former Radar Bomb Scoring Site, Powell, Wyoming. The conveyance would be subject to the condition that the Board use the property conveyed for housing and recreational purposes, and for such other purposes as the Secretary and the Board jointly determine appropriate.

The House bill contained no similar provision.

The House recedes.

Land conveyance, Avon Park Air Force Range, Florida (sec. 2878)

The House bill contained a provision (sec. 2827) that would authorize the Secretary of the Air Force to convey, without consideration, a parcel of real property, with improvements, within the boundaries of the Avon Park Air Force Range near Sebring, Florida to Highlands County, Florida. The property would be conveyed for the operation of a juvenile or other correctional facility.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Subtitle E—Land Conveyances Involving Utilities

Conveyance of resources recovery facility, Fort Dix, New Jersey (sec. 2881)

The House bill contained a provision (sec. 2841) that would authorize the Secretary of the Army to convey to Burlington County, New Jersey, a parcel of real property at Fort Dix, New Jersey, consisting of approximately two acres and containing the Fort Dix resource recovery facility.

The Senate amendment contained a similar provision.

The Senate recedes with an amendment that would increase the acreage to be conveyed to six acres and would make other technical corrections.

Conveyance of water and wastewater treatment plants, Fort Gordon, Georgia (sec. 2882)

The House bill contained a provision (sec. 2842) that would authorize the Secretary of the Army to convey to the City of Augusta, Georgia, all rights, title, and interest of the United States in several parcels of real property consisting of approximately seven acres each and containing water and wastewater treatment plants and distribution and collection systems. In consideration of the conveyance, the City of Augusta would accept the water and wastewater treatment plants and distribution and collection systems in their existing condition and provide water and sewer service to Fort Gordon, Georgia at a rate established by the appropriate State or Federal regulatory authority.

The Senate amendment contained a similar provision.

The Senate recedes with a technical amendment.

Conveyance of electricity distribution system, Fort Irwin, California (sec. 2883)

The House bill contained a provision (sec. 2843) that would authorize the Secretary of the Army to convey to the Southern California Edison Company, California, all right, title, and interest of the United States in the electrical distribution system located at Fort Irwin, California. In consideration for the conveyance, the Southern California Edison Company would be required to accept the electrical distribution system in its existing condition and provide electrical service to Fort Irwin at a rate established by the appropriate State or Federal regulatory authority.

The Senate amendment contained a similar provision.

The Senate recedes with a technical amendment.

Conveyance of water treatment plant, Fort Pickett, Virginia (sec. 2884)

The Senate amendment contained a provision (sec. 2835) that would authorize the Secretary of the Army to convey to the Town of Blackstone, Virginia, without reimbursement, the water treatment plant located at Fort Pickett, Virginia. In exchange, the town would provide water and sewer services to Fort Pickett, at a rate negotiated by the Secretary of the Army and approved by the appropriate federal and state regulatory authorities.

The House bill contained no similar provision.

The House recedes with an amendment that would authorize the Secretary of the Army to convey to the Town of Blackstone, Virginia, the water treatment plant located at Fort Pickett, Virginia. The amendment would also modify paragraph (c) by clarifying that the water rights granted to the town would be determined pursuant to the law of the Commonwealth of Virginia.

SUBTITLE F—OTHER MATTERS

Authority to use funds for certain educational purposes (sec. 2891)

The Senate amendment contained a provision (sec. 2813) that would amend section 2008 of title 10, United States Code, to authorize the Department of Defense to continue the use of appropriated funds for repair, maintenance, and construction of Department of Education school facilities located on military installations.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Department of Defense Laboratory Revitalization Demonstration Program (sec. 2892)

The Senate amendment contained a provision (sec. 2861) that would establish a test program to allow the heads of selected defense laboratories greater flexibility to undertake facility modernization initiatives. For test program laboratories, the provision would raise the minor construction threshold, from $1.5 million to $3.0 million, for projects that the Secretary of Defense may carry out without specific authorization. The provision would also raise the threshold for minor military construction projects requiring prior approval of the Secretary of Defense, from $500,000 to $1.5 million. Finally, the provision would raise, for the selected laboratories, the threshold, from $300,000 to $1.0 million, for the value of any unspecified military construction project for which operation and maintenance funds may be used.

The provision would provide for the expiration of the test authority on September 30, 2000. It would also require the Secretary of Defense to designate participating laboratories before the test may begin, establish a review procedure for each project to be funded under this section, and report to Congress on the lessons learned from the test program one year before the program is terminated.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Authority for Port Authority of State of Mississippi to use Navy property at Naval Construction Battalion Center, Gulfport, Mississippi (sec. 2893)

The House bill contained a provision (sec. 2852) that would authorize the Secretary of the Navy to enter into an agreement with the Port Authority of the State of Mississippi to permit joint use of real property and associated improvements comprising up to 50 acres located at the Naval Construction Battalion Center, Gulfport, Mississippi. The requirement would be for a period not to exceed 15 years, and the Port Authority would be required to pay fair market rental value as determined by the Secretary. The Secretary could not enter into any agreement until after the end of a 21-day period beginning on the date on which the Secretary submits a report to Congress explaining the terms of the proposed agreement and describing the consideration that the Secretary would expect to receive under the agreement.

The Senate amendment contained a similar provision.

The Senate recedes.

Prohibition on joint use of Naval Air Station and Marine Corps Air Station, Miramar, California (sec. 2894)

The House bill contained a provision (sec. 2853) that would prohibit the Secretary of the Navy from entering into any agreement that would provide for the regular use of Naval Air Station, Miramar, California, by civil aircraft.

The Senate amendment contained a similar provision.

The Senate recedes with a clarifying amendment.

Report regarding Army water craft support facilities and activities (sec. 2895)

The House bill contained a provision (sec. 2854) that would require the Secretary of the Army to submit, not later than February 15, 1996, a report describing the Army's water craft support facilities and activities. The report would include actions that can be taken to close the Army Reserve Facility located in Marcus Hook, Pennsylvania.

The Senate amendment contained a similar provision.

The Senate recedes.

Residual value reports (sec. 2896)

The Senate amendment contained a provision (sec. 2864) that would require the Secretary of Defense, in coordination with the Director of the Office of Management and Budget, to submit to the congressional defense committees a status report on the results of residual value negotiations between the United States and Germany. The report would be provided within 30 days after the Office of Management and Budget receives the results of the negotiations.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Sense of Congress and report regarding Fitzsimmons Army Medical Center, Colorado (sec. 2897)

The Senate amendment contained a provision (sec. 2830C) that would express the Sense of Congress that the Secretary of the military departments should consider the expedited transfer of facilities to local redevelopment authorities while the facilities are still operational. The provision would also require the Secretary of the Army to provide a report, within 180 days of enactment of the National Defense Authorization Bill for Fiscal Year 1996, on the actions taken to convey the Fitzsimmons Army Medical Center, Colorado.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

The conferees agree that this section is intended to support current efforts to redevelop the Fitzsimmons Army Medical Center. The conferees agree that this section is not intended to circumvent the 1995 recommendations of the Defense Base Closure and Realignment Commission, or other applicable laws.

LEGISLATIVE PROVISIONS NOT ADOPTED

Land conveyance, Naval Air Station, Pensacola, Florida

The House bill contained a provision (sec. 2826) that would authorize the Secretary of the Navy to convey to West Florida Developers, Inc. a parcel of unimproved real property, consisting of approximately 135 acres. As consideration for the conveyance of real property, West Florida Developers, Inc. would agree to restrict the use of all lands located within the Accident Potential Zone of Naval Air Station Pensacola, owned by West Florida Developers, Inc. The cost of any surveys necessary for the conveyance shall be borne by West Florida Developers, Inc.

The Senate amendment contained no similar provision.

The House recedes.

Expansion of authority to sell electricity

The House bill contained a provision (sec. 2851) that would amend section 2483(a) of title 10, United States Code, to expand the authority of the Department of Defense to permit the military departments to take advantage of changing electric power marketing conditions by increasing the available option to outsource for energy on military installations.

The Senate amendment contained no similar provision.

The House recedes.

Clarification of funding for environmental restoration at installations approved for closure or realignment in 1995

The Senate amendment contained a provision (sec. 2823) that would authorize the Department of Defense to fund environmental restoration at installations selected for closure by the 1995 Defense Base Closure and Realignment Commission with funds authorized for the Defense Environmental Restoration Account for fiscal year 1996. After fiscal year 1996, environmental restoration for these installations would be funded using the Defense Base Closure and Realignment Account.

The House bill contained no similar provision.

The Senate recedes.

Report on the disposal of property, Fort Ord Military Complex, California

The Senate amendment contained a provision (sec. 2841) that would require the Secretary of Defense to submit a report to the Congress describing the plans for the disposal of a parcel of real property consisting of approximately 477 acres at the former Fort Ord Military Complex.

The House bill contained no similar provision.

The Senate recedes.

Land conveyance, William Langer Jewel Bearing Plant, Rolla, North Dakota

The Senate amendment contained a provision (sec. 2845) that would authorize the Administrator of the General Services Administration to convey to the Job Development Authority of the City of Rolla, without consideration, approximately 9.77 acres of real property, comprising the former Army-owned William Langer Jewel Bearing Plant, Rolla, North Dakota. The property and facility are to be used for economic development in order to replace economic activity lost at the plant.

The House bill contained no similar provision.

The Senate recedes.

Renovation of the Pentagon Reservation

The Senate amendment contained a provision (sec. 2865) that would require the Secretary of Defense to take such actions necessary to reduce the total cost of the renovation of the Pentagon Reservation to not more than $1.1 billion.

The House bill contained no similar provision.

The Senate recedes.

The conferees note that, as required by section 8149 of the Fiscal Year 1995 Department of Defense Appropriations Act (Public Law 103-335), the Secretary of Defense certified on December 19, 1994 that the total cost of the renovation would not exceed $1.2 billion. Although the department is in the fifth year of a 15 year renovation of the Pentagon, the conferees reiterate their view that this project should be executed at the lowest cost possible. Earlier this year, the Secretary of Defense appointed a steering committee to review the ongoing renovation project. The Secretary of Defense is directed to submit a report to the Senate Committee on Armed Services and the House Committee on National Security by February 15, 1996 on the findings of the steering committee review and on opportunities to achieve further savings.

TITLE XXIX—LAND CONVEYANCES INVOLVING JOLIET ARMY AMMUNITION PLANT

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Title XXIX—Land Conveyances involving Joliet Army Ammunition Plant, Illinois

The Senate amendment contained provisions (secs. 2851-2857) that would authorize the Secretary of the Army to transfer to the Secretary of Agriculture approximately 19,000 acres of land located at the Joliet Army Ammunition Plant to establish the Midewin Tallgrass Prairie. The provision would also authorize the Secretary of the Army to convey, without compensation, to the Secretary of Veterans Affairs, 910 acres of land at Joliet Army Ammunition Plant to establish a national cemetery.

The provision would further authorize the Secretary of the Army to convey to the County of Will, Illinois, without consideration, 425 acres of land at Joliet Army Ammunition Plant to be used for a landfill. As a part of this conveyance, the County of Will would be required to permit Federal Government use of the landfill at no cost.

The provision would also authorize the Secretary of the Army to convey, at fair market value, 1,900 acres and 1,100 acres of land located at the Joliet Army Ammunition Plant to the Village of Elwood, Illinois, and the City of Wilmington, Illinois, respectively, to establish industrial parks. All proceeds from any future sale of these parcels or portions of these parcels would be remitted to the Secretary of the Army.

The House bill contained no similar provision.

The House recedes with an amendment that would incorporate the language contained in H.R. 714, an act that would establish the Midewin National Tallgrass Prairie in the State of Illinois, as passed by the House of Representatives in the 104th Congress. The House amendment would modify H.R. 714 to:

(1) make technical corrections;

(2) authorize the Secretary of the Army to transfer 982 acres of real property to the Secretary of Veterans Affairs to establish a national cemetery;

(3) authorize the Secretary of the Army to convey to Will County, Illinois, without consideration, 455 acres of real property for use as a landfill;

(4) authorize the Secretary of the Army to convey to the State of Illinois, at fair market value, 3,000 acres of real property to the State of Illinois for economic redevelopment. The State of Illinois would be required to pay the Army fair market value for the property within twenty years after the date of the conveyance;

(5) require the Governor of the State of Illinois to consult with the Mayors of the Village of Elwood, Illinois, and the City of Wilmington, Illinois, in establishing a redevelopment authority to oversee the development of the real property conveyed to the State; and

(6) clarify the responsibility of the Department of the Army, and other parties to the conveyance, for environmental remediation and restoration of the real property comprising the Joliet Army Ammunition Plant.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

OVERVIEW

The budget request for fiscal year 1996 contained an authorization of $11,178.5 million for the Department of Energy National Security Programs. The House bill would authorize $10,403.6 million. The Senate amendment would authorize $11,178.7 million. The conferees recommended an authorization of $10,618.2 million. The funding level was largely due to a reduced funding in Environmental Restoration and Waste Management. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FY 1996

(Dollars in Millions)	Authorization Request	House	Senate	Conference	Conference
Account Title	1996	Authorized	Authorized	Change	Authorization
Weapons Activities	3,540.175	3,610.914	3,666.219	(79.861)	3,460.314
Defense Nuclear Waste Disposal	198.400	198.400	198.400	50.000	248.400
Defense Environmental Restoration and Waste Manage	6,008.002	5,265.478	5,905.955	(450.470)	5,557.532
Other Defense Activities	1,432.159	1,328.841	1,408.162	(80.183)	1,351.976
Salaries and Expenses	18.500	17.000	18.500	(1.500)	17.000
Total Defense Nuclear Activities	11,197.236	10,420.633	11,197.236	(562.014)	10,635.222

Fiscal Year 1996 Department of Energy National Security Programs
[Amounts in thousands of dollars]

	FY 1996 Request	House Change to Request	House Authorization	Senate Change to Request	Senate Authorization	Change to Request	Conference Agreement
ATOMIC ENERGY DEFENSE ACTIVITIES							
WEAPONS ACTIVITIES							
A. Stockpile stewardship							
1. Core stockpile stewardship							
Operating expenses	948,548	-948,548	0	-948,548	0	-948,548	0
Capital equipment	67,355	-67,355	0	-67,355	0	-67,355	0
Subtotal	1,015,903	-1,015,903	0	-1,015,903	0	-1,015,903	0
Operations & Maintenance	0	1,098,403	1,098,403	1,305,308	1,305,308	1,078,403	1,078,403
Construction:							
GPD -101 General plant projects, various locations	12,500	-12,500	0	-12,500	0	-12,500	0
96-D-102 Stockpile stewardship facilities revitalization, phase VI, various locations	2,520	0	2,520		2,520	0	2,520
96-D-103 ATLAS, Los Alamos National laboratory	8,400	0	8,400		8,400	0	8,400
96-D-104 Process and environmental technology laboratory, SNL	1,800	0	1,800		1,800	0	1,800
96-D-105 Contained firing facility addition, LLNL	6,600	0	6,600		6,600	0	6,600
95-D-102 Chemistry and metallurgy research (CMR) upgrades project, LANL	9,940	0	9,940		9,940	0	9,940
94-D-102 Nuclear weapons research, development and testing facilities revitalization, phase V, VL	12,200	0	12,200		12,200	0	12,200

Fiscal Year 1996 Department of Energy National Security Programs
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	FY 1996 Request	House Change to Request	House Authorization	Senate Change to Request	Senate Authorization	Change to Request	Conference Agreement
93-D-102 Nevada support facility, NV	15,650	0	15,650		15,650	0	15,650
90-D-102 Nuclear weapons research, development and testing facilities revitalization, phase III, various locations	6,200	0	6,200		6,200	0	6,200
88-D-106 Nuclear weapons research, development and testing facilities revitalization, phase II, VI	17,995	10,000	27,995	0	17,995	0	17,995
Total, Construction	93,805	-2,500	91,305	-12,500	81,305	-12,500	81,305
Total, Core stockpile stewardship	1,109,708	80,000	1,189,708	276,905	1,386,613	50,000	1,159,708
2. Inertial fusion							
Operating expenses	195,349	-195,349	0	-195,349	0	-195,349	0
Capital equipment	7,918	-7,918	0	-7,918	0	-7,918	0
Operations & Maintenance		203,267	203,267	193,267	193,267	203,267	203,267
Construction:							
96-D-111 National ignition facility, TBD	37,400	0	37,400	0	37,400	0	37,400
Total, Inertial fusion	240,667	0	240,667	-10,000	230,667	0	240,667
3. Technology transfer/education							
Operating expenses		25000	25000		0	0	0
Technology transfer	225405	-225405	0	-225405	0	-75,405	150,000
Education	20000	-20000	0	-20000	0	-10,000	10,000
Total, Operating expenses	245405	-220405	25000	-245405	0	-85,405	160000

Fiscal Year 1996 Department of Energy National Security Programs
[Amounts in thousands of dollars]

	FY 1996 Request	House Change to Request	House Authorization	Senate Change to Request	Senate Authorization	Change to Request	Conference Agreement
Capital equipment	4,000	-4,000	0	-4,000	0	-4,000	0
Total, Technology transfer/education	249,405	-224,405	25000	-249,405	0	-89,405	160,000
4. Marshall island/Dose reconstruction							
Operating expenses	6,330	-6,330	0	-6,330	0	-6,330	0
Capital equipment	470	-470	0	-470	0	-470	0
Operations and Maintenance	0	6,800	0	6,800	6800	6,800	6,800
Total, Marshall island/Dose reconstruction	6,800	0	0	0	6,800	0	6,800
Total, Stockpile stewardship	1,606,580	-144,405	1462175	17,500	1,624,080	-39,405	1,567,175
B. Stockpile management							
Operating expenses	1,762,168	-1,762,168	0	-1,762,168	0	-1,762,168	0
Capital equipment	33,290	-33,290	0	-33,290	0	-33,290	0
Subtotal	1,795,458	-1,795,458	0	-1,795,458	0	-1,795,458	0
Operations & Maintenance	0	2,028,458	2,028,458	1,911,858	1,911,858	1,911,458	1,911,458
Construction:							
Core stockpile management							
Stockpile support facilities:							
GPD-121 General plant projects, various locations	10,000	-10,000	0	0	10,000	-10,000	0
Production Base							
88-D-122 Facilities capability assurance Program (FCAP), various locations	8,660	0	8,660	0	8,660	0	8,660
96-D-126 Tritium Loading Line Modifications,							

Fiscal Year 1996 Department of Energy National Security Programs
[Amounts in thousands of dollars]

	FY 1996 Request	House Change to Request	House Authorization	Senate Change to Request	Senate Authorization	Change to Request	Conference Agreement
Savannah River Site, South Carolina	0	12,200	12,200	12,200	12,200	12,200	12,200
Total Production Base	18,660	2,200	20,860	12,200	30,860	2,200	20,860
Environmental, safety and health							
96-D-122 Sewage treatment quality upgrade (STQU), Pantex plant	600	0	600	0	600	0	600
96-D-123 Retrofit HVAC and chillers, for ozone protection, Y-12 plant	3,100	0	3,100	0	3,100	0	3,100
95-D-122 Sanitary sewer upgrades, Y-12 plant	6,300	0	6,300	0	6,300	0	6,300
94-D-124 Hydrogen fluoride supply system, Y-12 plant	8,700	0	8,700	0	8,700	0	8,700
94-D-125 Upgrade life safety, Kansas City plant	5,500	0	5,500	0	5,500	0	5,500
94-D-127 Emergency notification system, Pantex plant	2,000	0	2,000	0	2,000	0	2,000
94-D-128 Environmental safety and health analytical laboratory, Pantex plant	4,000	0	4,000	0	4,000	0	4,000
93-D-122 Life safety upgrades, Y-12 plant	7,200	0	7,200	0	7,200	0	7,200
Total, Environmental, safety and health	37,400	0	37,400	0	37,400	0	37,400

Fiscal Year 1996 Department of Energy National Security Programs
[Amounts in thousands of dollars]

	FY 1996 Request	House Change to Request	House Authorization	Senate Change to Request	Senate Authorization	Change to Request	Conference Agreement
Safeguards and Security							
88-D-123 Security enhancement, Pantex plant	13,400	0	13,400	0	13,400	0	13,400
Nuclear Weapons Incident Response							
96-D-125 Washington measurement operations facility, Andrew Air Force Base, MD	900	0	900	0	900	0	900
Reconfiguration							
93-D-123 Non-nuclear reconfiguration various locations	41,065	0	41,065	0	41,065	0	41,065
Total, Construction	111,425	2,200	113,625	12,200	123,625	2,200	113,625
Total, Stockpile management	1,906,883	235,200	2,142,083	128,600	2,035,483	118,200	2,025,083

Fiscal Year 1996 Department of Energy National Security Programs
[Amounts in thousands of dollars]

	FY 1996 Request	House Change to Request	House Authorization	Senate Change to Request	Senate Authorization	Change to Request	Conference Agreement
C. Program Direction							
Weapons program direction - OE	136,169	-136,169	0	-136,169	0	-136,169	0
Capital equipment	1,887	-1,887	0	-1,887	0	-1,887	0
Operations & Maintenance	0	118,000	118,000	118,000	118,000	115,000	115,000
Total, Program direction	138,056	-20,056	118,000	-20,056	118,000	-23,056	115,000
Subtotal, Weapons activities	3,651,519	70,739	3,722,258	126,044	3,777,563	55,739	3,707,258
Adjustments							
Use of prior year balances	-86,344	0	-86,344	0	-86,344	-123,400	-209,744
Streamline DOE Contractors (undistributed)	-25,000	0	-25,000	0	-25,000	-12,200	-37,200
Total, Adjustments	-111,344	0	-111,344	0	-111,344	-135,600	-246,944
TOTAL, WEAPONS ACTIVITIES	3,540,175	70,739	3,610,914	126,044	3,666,219	-79,861	3,460,314

Fiscal Year 1996 Department of Energy National Security Programs
[Amounts in thousands of dollars]

	FY 1996 Request	House Change to Request	House Authorization	Senate Change to Request	Senate Authorization	Change to Request	Conference Agreement
DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT							
A. Corrective Activities							
Construction:							
93-D-103 Environment, safety and health improvements, weapons R&D complex, LANL	3,406	0	3,406	0	3,406	-3,406	0
Total, Corrective activities	3,406	0	3,406	0	3,406	-3,406	0
B. Environmental Restoration							
Operating Expenses	1,575,973	0	1,575,973	-25,047	1,550,926	60,000	1,635,973
C. Waste management							
Operating expenses	2,196,766	-2,196,766	0	-2,196,766	0	-2,196,766	0
Capital equipment	91,500	-91,500	0	-91,500	0	-91,500	0
Subtotal	2,288,266	-2,288,266	0	-2,288,266	0	-2,288,266	0
Operations & Maintenance	0	2,168,994	2,168,994	2,151,266	2,151,266	2,295,994	2,295,994
Construction:							
GP-D-171 General plant projects, various locations	30,728	-30,728	0	-15,000	15,728	-30,728	0
96-D-400 Replace industrial waste piping, Kansas City Plant, Kansas City, MO	200	-200	0	0	200	-200	0
96-D-401 Comprehensive treatment & management plan immobilization of miscellaneous wastes, Rocky Flats Environmental Technology Site, Golden, CO	1,400	-1,400	0	0	1,400	-1,400	0

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[Amounts in thousands of dollars]

	FY 1996 Request	House Change to Request	House Authorization	Senate Change to Request	Senate Authorization	Change to Request	Conference Agreement
96-D-402 Comprehensive treatment & management plan building 374/774 sludge immobilization, Rocky Flats Environmental Technology Site, Golden, CO	1,500	-1,500	0	0	1,500	-1,500	0
96-D-403 Tank farm service upgrades, Savannah River, S	3,315	-3,315	0	0	3,315	-3,315	0
96-D-405 T-Plant secondary containment & leak detection upgrades, Richland, WA	2,100	-2,100	0	0	2,100	-2,100	0
96-D-406 K-Basin operations program, Richland, WA	26,000	0	26,000	15,000	41,000	16,000	42,000
96-D-407 Mixed waste, low level waste treatement projects, Rocky Flats, CO	0	2,900	2,900	0	0	2,900	2,900
96-D-408 Waste Management upgrades/various locations	0	5,615	5,615	0	0	5,615	5,615
96-D-409 Advance mixed waste treatment facility, Idaho National Engineering Lab, Idaho	0	0	0	5,000	5,000	0	0
96-D-410 Specific manufacturing characterization facility assesment and upgrade, Idaho National Engineering Laboratory, Idaho	0	0	0	2,000	2,000	0	0
95-D-402 Install permanent electrical service, WIPP, New Mexico	4,314	0	4,314	0	4,314	0	4,314
95-D-405 Industrial landfill V and construction/							

Fiscal Year 1996 Department of Energy National Security Programs
[Amounts in thousands of dollars]

	FY 1996 Request	House Change to Request	House Authorization	Senate Change to Request	Senate Authorization	Change to Request	Conference Agreement
demolition landfill VII, Y-12 Plant, Oak Ridge, TN	4,600	0	4,600	0	4,600	0	4,600
95-D-406 Road 5-01 reconstruction, area 5, NV	1,023	0	1,023	0	1,023	0	1,023
95-D-407 219-S Secondary containment upgrade, Richland, WA	0	0	0	0	0	1,000	1,000
94-D-400 High explosive wastewater treatment system, LANL	4,445	0	4,445	0	4,445	0	4,445
94-D-402 Liquid waste treatment system, NTS	282	0	282	0	282	0	282
94-D-404 Melton Valley storage tank capacity increase, ORNL	11,000	0	11,000	0	11,000	0	11,000
94-D-407 Initial tank retrieval systems, Richland, WA	9,400	0	9,400	0	9,400	2,600	12,000
94-D-411 Solid waste operation complex, Richland, WA	5,500	0	5,500	0	5,500	1,106	6,606
94-D-417 Intermediate-level and low-activity waste vaults, Savannah River, SC	2,704	0	2,704	0	2,704	-2,704	0
93-D-178 Building 374 liquid waste treatment facility, Rocky Flats Plant, CO	3,900	0	3,900	0	3,900	0	3,900
93-D-181 Radioactive liquid waste line replacement, Richland, WA	0	0	0	0	0	5,000	5,000

Fiscal Year 1996 Department of Energy National Security Programs
[Amounts in thousands of dollars]

	FY 1996 Request	House Change to Request	House Authorization	Senate Change to Request	Senate Authorization	Change to Request	Conference Agreement
93-D-182 Replacement of cross-site transfer system, Richland, WA	19,795	0	19,795	0	19,795	0	19,795
93-D-183 Multi-function waste remediation facility, Richland, WA	31,000	0	31,000	0	31,000	-31,000	0
93-D-187 High level waste removal from filled waste tanks, Savannah River, SC	19,700	0	19,700	15,000	34,700	0	19,700
92-D-171 Mixed waste receiving and storage facility, LANL	1,105	0	1,105	0	1,105	0	1,105
92-D-188 Waste management ES&H, and compliance activities, various locations	1,100	0	1,100	0	1,100	0	1,100
90-D-172 Aging waste transfer line, Richland, WA	2,000	0	2,000	0	2,000	0	2,000
90-D-177 RWMC transuranic (TRU) waste characterization and storage facility, ID	1,428	0	1,428	0	1,428	0	1,428
90-D-178 TSA retrieval enclosure, ID	2,606	0	2,606	0	2,606	0	2,606
89-D-173 Tank farm ventilation upgrade, Richland, WA	800	0	800	0	800	0	800
89-D-174 Replacement high level waste evaporator, Savannah River, SC	11,500	0	11,500	0	11,500	0	11,500

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[Amounts in thousands of dollars]

	FY 1996 Request	House Change to Request	House Authorization	Senate Change to Request	Senate Authorization	Change to Request	Conference Agreement
86-D-103 Decontamination and waste treatment facility, LLNL, Livermore, CA	8,885	0	8,885	0	8,885	0	8,885
83-D-148 Non-radioactive hazardous waste management, Savannah River, SC	1,000	0	1,000	0	1,000	0	1,000
Total, Construction	213,330	-30,728	182,602	22,000	235,330	-38,726	174,604
Total, Waste management	2,501,596	-150,000	2,351,596	-115,000	2,386,596	-30,998	2,470,598
D. Technology development		390,510	390,510	505,510	505,510	440,510	440,510
Operating expenses	367,587	-367,587	0	-367,587	0	-367,587	0
Capital equipment	22,923	-22,923	0	-22,923	0	-22,923	0
Construction:	0	0	0	0	0	0	0
Total, Technology development	390,510	0	390,510	115,000	505,510	50,000	440,510
E. Transportation management	0	10,158	10,158	16,158	16,158	13,158	13,158
Operating expenses	15,918	-15,918	0	-15,918	0	-15,918	0
Capital equipment	240	-240	0	-240	0	-240	0
Total, Transportation management	16,158	-6,000	10,158	0	16,158	-3,000	13,158
F. Program direction							
Operating expenses	0	0	0	0	0	0	0
Capital equipment	0	0	0	0	0	0	0
Total, Program direction	0	0	0	0	0	0	0

Fiscal Year 1996 Department of Energy National Security Programs

[Amounts in thousands of dollars]

	FY 1996 Request	House Change to Request	House Authorization	Senate Change to Request	Senate Authorization	Change to Request	Conference Agreement
G. Nuclear materials and facilities stabilization							
Operating expenses	1,413,987	-1,413,987	0	-1,413,987	0	-1,413,987	0
Capital equipment	53,397	-53,397	0	-53,397	0	-53,397	0
Subtotal	1,467,384	-1,467,384	0	-1,467,384	0	-1,467,384	0
Operations & Maintenance	0	1,427,108	1,427,108	1,463,384	1,463,384	1,447,108	1,447,108
Construction:							
GP-D-171 General plant projects, var. locations	34,724	-34,724	0	-20,000	14,724	-34,724	0
96-D-457 Thermal treatment system, Richland, WA	0	0	0	0	0	1,000	1,000
96-D-458 Site drainage control, Mound Plant, Miamisburg, OH	885	0	885	0	885	0	885
96-D-461 Electrical distribution upgrade, Idaho National Engineering Laboratory, ID	1,539	0	1,539	0	1,539	0	1,539
96-D-462 Health physics instrument laboratory, Idaho National Engineering Laboratory, ID	1,126	0	1,126	0	1,126	-1,126	0
96-D-463 Central facilities area (CFA) craft shop Idaho National Engineering Laboratory, ID	724	-724	0	0	724	-724	0
96-D-464 Electrical & utility systems upgrades, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, ID	4,952	0	4,952	0	4,952	0	4,952
96-D-465 200 Area sanitary sewer system, Richland, W	1,800	-1,800	0	0	1,800	-1,800	0

Fiscal Year 1996 Department of Energy National Security Programs

[Amounts in thousands of dollars]

	FY 1996 Request	House Change to Request	House Authorization	Senate Change to Request	Senate Authorization	Change to Request	Conference Agreement
96-D-468 Residue Elimination Project, Rocky Flats, CO	0	0	0	0	0	33,100	33,100
96-D-470 Environmental monitoring laboratory, Savannah River Site, Aiken , SC	3,500	0	3,500	0	3,500	-3,500	0
96-D-471 CFC HVAC/chiller retrofit, Savannah River Site, Aiken,SC	1,500	0	1,500	0	1,500	0	1,500
96-D-472 Plant engineering & design, Savannah River Site, Aiken, SC	4,000	-4,000	0	0	4,000	-4,000	0
96-D-474 Dry Fuel Storage Facility, INEL	0	0	0	15,000	15,000	0	0
96-D-475 High Level Waste Volume Reduction Demo (Pentaborane), INEL	0	0	0	5,000	5,000	0	0
96-D-473 Health physics site support facility, Savannah River, South Carolina	2,000	0	2,000	0	2,000	-2,000	0
95-D-155 Upgrade site road infrastructure, Savannah River, South Carolina	2,900	0	2,900	0	2,900	0	2,900
95-D-156 Radio trunking system, Savannah River, SC	6,000	0	6,000	4,000	10,000	0	6,000
95-D-454 324 Facility compliance/renovation, Richland, WA	3,500	0	3,500	0	3,500	0	3,500
95-D-456 Security facilities consolidation, Idaho							

Fiscal Year 1996 Department of Energy National Security Programs

[Amounts in thousands of dollars]

	FY 1996 Request	House Change to Request	House Authorization	Senate Change to Request	Senate Authorization	Change to Request	Conference Agreement
Chemical Processing Plant, INEL, Idaho	8,382	0	8,382	0	8,382	0	8,382
94-D-122 Underground storage tanks, Rocky Flats Plant, CO	5,000	0	5,000	0	5,000	0	5,000
94-D-401 Emergency response facility, INEL, ID	5,074	0	5,074	0	5,074	0	5,074
94-D-412 300 area process sewer piping system upgrade, Richland, WA	1,000	0	1,000	0	1,000	0	1,000
94-D-415 Idaho national engineering laboratory medical facilities, INEL, ID	3,601	0	3,601	0	3,601	0	3,601
94-D-451 Infrastructure replacement, Rocky Flats Plant, CO	2,940	0	2,940	0	2,940	0	2,940
93-D-147 Domestic water system upgrade, Phase I & II, Savannah River, South Carolina	7,130	0	7,130	0	7,130	0	7,130
93-D-172 Idaho national engineering laboratory electrical upgrade, INEL, ID	124	0	124	0	124	-124	0
92-D-123 Plant fire/security alarm system replacement, Rocky Flats Plant, Golden, CO	9,560	0	9,560	0	9,560	0	9,560
92-D-125 Master safeguards and security agreement/materials surveillance task force security upgrades, Rocky Flats Plant, CO	7,000	0	7,000	0	7,000	0	7,000

Fiscal Year 1996 Department of Energy National Security Programs
[Amounts in thousands of dollars]

	FY 1996 Request	House Change to Request	House Authorization	Senate Change to Request	Senate Authorization	Change to Request	Conference Agreement
92-D-181 Idaho national engineering laboratory fire and life safety improvements, INEL, ID	6,883	0	6,883	0	6,883	0	6,883
91-D-127 Criticality alarm & plant annunciation utility replacement, Rocky Flats plant, Golden, CO	2,800	0	2,800	0	2,800	0	2,800
Total, Construction	128,644	-41,248	87,396	4,000	132,644	-13,898	114,746
Total, Nuclear materials and fac. stabilization	1,596,028	-81,524	1,514,504	0	1,596,028	-34,174	1,561,854
H. Compliance and program coordination							
Operating expenses	65,551	-65,551	0	-65,551	0	-65,551	0
Capital equipment	700	-700	0	-700	0	-700	0
Subtotal	66,251	-66,251	0	-66,251	0	-66,251	0
Operations & Maintenance	0	16,251	16,251	66,251	66,251	31,251	31,251
Construction:							
95-E-600 Hazardous materials training center, Richland, Washington	15,000	0	15,000	0	15,000	0	15,000
Total, Compliance and program coordination	81,251	-50,000	31,251	0	81,251	-35,000	46,251
I. Analysis, education, and risk management		77,022	77,022	80,022	80,022	78,522	78,522
Operating expenses	155,616	-155,616	0	-155,616	0	-155,616	0
Capital equipment	1,406	-1,406	0	-1,406	0	-1,406	0
						0	
Total, Analysis, education, and risk management	157,022	-80,000	77,022	-77,000	80,022	-78,500	78,522
Subtotal, Defense environment restoration & waste mgmt	6,321,944	-367,524	5,954,420	-102,047	6,219,897	-75,078	6,246,866

Fiscal Year 1996 Department of Energy National Security Programs

[Amounts in thousands of dollars]

	FY 1996 Request	House Change to Request	House Authorization	Senate Change to Request	Senate Authorization	Change to Request	Conference Agreement
Savannah river pension refund	-37,000	0	-37,000	0	-37,000	0	-37,000
Use of prior year balances	-276,942	-375,000	-651,942	0	-276,942	-375,392	-652,334
TOTAL, DEFENSE ENVIRONMENTAL REST. & WASTE MG	6,008,002	-742,524	5,265,478	-102,047	5,905,955	-450,470	5,557,532
A. Other national security programs							
1. Verification and control technology							
a. Nonproliferation and verification R&D	0	163,500	163,500	226,142	226,142	224,905	224,905
Operating expenses	212,642	-212,642	0	-212,642	0	-212,642	0
Capital equipment	13,500	-13,500	0	-13,500	0	-13,500	0
Total, Nonproliferation & verification R&D	226,142	-62,642	163,500	0	226,142	-1,237	224,905
b. Arms control	0	147,364	147,364	162,364	162,364	160,965	160,965
Operating expenses	138,391	-138,391	0	-138,391	0	-138,391	0
Capital equipment	23,973	-23,973	0	-23,973	0	-23,973	0
Total, Arms Control	162,364	-15,000	147,364	0	162,364	-1,399	160,965
c. Intelligence	0	42,336	42,336	42,336	42,336	42,336	42,336
Operating expenses	40,936	-40,936	0	-40,936	0	-40,936	0
Capital equipment	1,400	-1,400	0	-1,400	0	-1,400	0
Total, Intelligence	42,336	0	42,336	0	42,336	0	42,336
Total, Verification and Control Technology	430,842	-77,642	353,200	0	430,842	-2,636	428,206
2. Nuclear safeguards and security	0	83,395	83,395	83,395	83,395	83,395	83,395
Operating expenses	86,121	-86,121	0	-86,121	0	-86,121	0
Capital equipment	3,395	-3,395	0	-3,395	0	-3,395	0

Fiscal Year 1996 Department of Energy National Security Programs
[Amounts in thousands of dollars]

	FY 1996 Request	House Change to Request	House Authorization	Senate Change to Request	Senate Authorization	Change to Request	Conference Agreement
Total, Nuclear Safeguards and Security	89,516	-6,121	83,395	-6,121	83,395	-6,121	83,395
3. Security investigations - OE	33,247	-8,247	25,000	-8,247	25,000	-13,247	20,000
4. Security evaluations - OE	14,707	0	14,707	0	14,707	0	14,707
5. Office of Nuclear Safety	0	15,050	15,050	15,050	15,050	17,679	17,679
Operating expenses	24,629	-24,629	0	-24,629	0	-24,629	0
Capital equipment	50	-50	0	-50	0	-50	0
Total, Office of Nuclear Safety	24,679	-9,629	15,050	-9,629	15,050	-7,000	17,679
6. Worker and community transition	100,000	-25,000	75,000	0	100,000	-17,500	82,500
7. Fissile materials control and disposition	0	70,000	70,000	70,000	70,000	70,000	70,000
Operating expenses	69,500	-69,500	0	-69,500	0	-69,500	0
Capital equipment	500	-500	0	-500	0	-500	0
Total, Fissile Materials Control and Disposition	70,000	0	70,000	0	70,000	0	70,000
8. Emergency Management	0	23,321	23,321	0	0	23,321	23,321
Total, Other National Security Programs	762,991	-103,318	659,673	-23,997	738,994	-23,183	739,808
B. Naval reactors							
1. Naval reactors development	0	659,168	659,168	659,168	659,168	652,568	652,568
a. Plant development - OE	127,000	-127,000	0	-127,000	0	-127,000	0
b. Reactor development - OE	327,851	-327,851	0	-327,851	0	-327,851	0

Fiscal Year 1996 Department of Energy National Security Programs
[Amounts in thousands of dollars]

	FY 1996 Request	House Change to Request	House Authorization	Senate Change to Request	Senate Authorization	Change to Request	Conference Agreement
c. Reactor operation and evaluation - OE	135,517	-135,517	0	-135,517	0	-135,517	0
d. Capital equipment	43,000	-43,000	0	-43,000	0	-43,000	0
e. Construction:							
GPN-101 General plant projects, various locations	6,600	-6,600	0	-6,600	0	0	6,600
95-D-200 Laboratory systems and hot cell upgrades, various locations	11,300	0	11,300	0	11,300	0	11,300
95-D-201 Advanced test reactor radioactive waste system upgrades, Idaho National Engineering Laboratory, ID	4,800	0	4,800	0	4,800	0	4,800
93-D-200 Engineering services facilities Knolls Atomic Power Laboratory, Niskayuna, NY	3,900	0	3,900	0	3,900	0	3,900
90-N-102 Expended core facility dry cell project, Naval Reactor Facility, ID	3,000	0	3,000	0	3,000	0	3,000
Total, Construction	29,600	-6,600	23,000	-6,600	23,000	0	29,600
f. Program direction - OE	19,200	-19,200	0	-19,200	0	-19,200	0
Total, Naval Reactors Development	682,168	0	682,168	0	682,168	0	682,168
2. Enrichment materials - OE	0	0	0	0	0	0	0
Total, Naval Reactors	682,168	0	682,168	0	682,168	0	682,168

Fiscal Year 1996 Department of Energy National Security Programs

[Amounts in thousands of dollars]

	FY 1996 Request	House Change to Request	House Authorization	Senate Change to Request	Senate Authorization	Change to Request	Conference Agreement
Savannah river pension refund	0	0	0	0	0	0	0
Use of prior year balances	-13,000	0	-13,000	0	-13,000	-57,000	-70,000
Total, Adjustments	-13,000	0	-13,000	0	-13,000	-57,000	-70,000
TOTAL, OTHER DEFENSE ACTIVITIES	1,432,159	-103,318	1,328,841	-23,997	1,408,162	-80,183	1,351,976
DEFENSE NUCLEAR WASTE DISPOSAL							
Defense nuclear waste disposal	198,400	0	198,400	0	198,400	50,000	248,400
TOTAL, ATOMIC ENERGY DEFENSE ACTIVITIES	11,178,736	-775,103	10,403,633	0	11,178,736	-560,514	10,618,222

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—National Security Programs Authorizations

Weapons Activities (sec. 3101)

The budget request included $3.540 billion for weapons activities. The House bill contained a provision (sec. 3101) that would authorize $3.599 billion for operating expenses, plant projects, and capital equipment for activities necessary to carry out the Department of Energy stockpile stewardship and stockpile management programs.

The Senate amendment contained a provision (sec. 3101) that would authorize Department of Energy weapons activity funding for fiscal year 1996 in the amount of $3.654 billion.

The conferees agree to authorize $3.460 billion for weapons activities, a reduction of $80.0 million from the requested amount. This overall net reduction is the result of a $55.7 million increase to the requested amount for all authorized weapons activities, combined with $135.6 million in adjustment reductions. The adjustment reductions are primarily based on larger amounts of prior year balances than those proposed in the Department of Energy (DOE) budget request. The $55.7 million increase in weapons activities is necessary to fund the requirements levied on the DOE as a result of the Nuclear Posture Review. The increase is required for two major reasons: to fund a modern stockpile refabrication capacity sized to the requirements of the Nuclear Posture Review and to fund a means to assure confidence in stockpile reliability and safety without full-scale, underground nuclear testing. The increase is also appropriate given the historic downward trend in funding for weapons activities (75% from fiscal year 1985 to fiscal year 1995).

The conferees remain concerned about the near-term viability of U.S. strategic deterrence, particularly if the United States refrains from remanufacturing the weapons in the nuclear stockpile with the most efficient fabrication techniques. In relation to the needs of nuclear weapons refabrication and recertification, the conferees recommend that the DOE laboratories and plants enter into appropriate industrial partnerships of mutual benefit.

The budget request included $1.016 billion for core stockpile stewardship. The conferees agree to authorize $1.078 billion for core stockpile stewardship. The conferees authorize the use of stockpile stewardship funds, as follows: (1) accelerated strategic computing initiative, $40.0 million; (2) hydronuclear experiment preparation, $30.0 million; (3) dual revalidation, $10.0 million.

Of the $150.0 million authorized for a redirected technology transfer program, the conferees recommend the following amounts: (1) advanced design & production technology (ADAPT), $20.0 million; (2) AMTEX, $10.0 million; (3) enhanced stockpile surveillance, $20.0 million; (4) industrial partnerships in direct support of stockpile stewardship program, $25.0 million; (5) industrial partnerships in direct support of stockpile management program, $25.0 million; (6) completion of highest priority CRADA's that remain from fiscal year 1995, $50.0 million.

The budget request included $1.907 billion for the stockpile management program. The conferees agree to authorize $2.025 billion for the stockpile management program. The conferees authorize the following: (1) manufacturing infrastructure/technology modernization at the four production plants, $143.0 million; (2) fellowship program (four plants), $10.0 million; (3) radiological/nuclear accident response, $70.9 million; (4) tritium source, $50.0 million.

The conferees agree to authorize an additional $118.2 million for stockpile management activities. The increase is necessary to remedy weapons refabrication planning deficiencies identified at the DOE production complex. These remedies are required to begin meeting the objectives of the Nuclear Posture Review.

The conferees recommend that in following fiscal years the Department request the full amount required to meet Department of Defense and programmatic requirements for weapons activities. The conferees find that the DOE Five Year National Security Budget Plan, which assigns major, arbitrary, outyear budget cuts to weapons activities, and to other critical programs within Atomic Energy Defense Activities, does not adequately address the budget requirements necessary to implement the Nuclear Posture Review.

Environmental restoration and waste management (sec. 3102)

The budget request included $6.008 billion for environmental restoration and waste management.

The House bill contained a provision (sec. 3102) that would authorize $5.265 billion for operating expenses, plant projects, and capital equipment for defense environmental restoration and waste management activities.

The Senate amendment contained a provision (sec. 3102) that would authorize $5.906 billion.

The conferees authorized $5.557 billion for defense environmental restoration and waste management activities, a reduction of $451.0 million from the request. The reduction would be partially offset by the availability of prior year funds that have not been obligated, or if obligated, have not been expended and would not be needed for the projects that were the basis for obligation.

The conferees support the recent Department of Energy strategic realignment initiatives, taken in connection with the Department's headquarters functions, to include the consolidation of space, the elimination of duplication between field and headquarters activities, and the reduction of headquarters support service contractors. The conferees direct that funding cuts, to the maximum extent possible, continue to be absorbed through reduction of headquarters personnel and activities. With limited budgets, it is critical that every available dollar be used for actual cleanup activities in the field and that the Department continue its efforts to reduce bureaucratic layers and organizational redundancies at headquarters.

The conferees understand that the Department has employed support service contractors to perform inherently governmental or core governmental functions at the headquarters level. The conferees direct the Department to discontinue that practice and to transfer savings to filed operations. The conferees recognize that in some cases it may be more cost effective to seek outside technical expertise rather than employ permanent government personnel.

the conferees authorize an additional $60.0 million above the budget request in the environmental restoration sub-account to initiate an accelerated cleanup program at sites where such action could result in long-term cost savings to the Department. The conferees intend for the Department to carefully evaluate opportunities for such savings at all Department of Energy sites. Guidelines for selection of sites that are eligible for accelerated cleanup are discussed elsewhere in this report.

The conferees are particularly concerned about the projected use of several Department of Energy facilities for additional responsibilities with respect to the processing, treatment, and interim storage of foreign and domestic source spent fuel rods. Therefore, the conferees direct, elsewhere in this statement of managers, the initiation of several projects to mitigate these effects. The conferees also direct the initiation of the preconstruction design and engineering for dry storage and advanced mixed waste treatment facilities at the Idaho National Engineering Laboratory. In this regard, the conferees agree to authorize additional funding for the spent nuclear fuels canister storage and stabilization facility at Hanford, Washington.

Prior to, and during conference, the Department submitted to the Congress several separate amendments (additions and deletions) to the list of projects included in the original budget request. Consistent with the amended budget submission, the conferees agree to provide additional funding for certain projects and to delete a number of other projects. Given the lead times associated with budget preparation, the conferees recognize that it is difficult to accurately project the status or requirements for every activity. However, the conferees encourage the Department to refrain from submitting multiple amendments to budget requests during conference.

In an effort to track carryover balances, the conferees direct the Department to submit a report to the congressional defense committees, contemporaneous with the fiscal year 1997 budget request. The report should contain the following: (1) an end of current fiscal year projection of uncosted and unobligated carryover balances; (2) target end of current fiscal year carryover balances, by program, based on a model of the minimum amount necessary for program operations and continuity; (3) a comparison of the differences between the projected and target carryover balances, by program; (4) a justification for the difference between the projected and targeted carryover balances; and (5) the amount of unjustified carryover balances, based on the calculation in (2). The conferees direct the Department to report the carryover balances within the Environmental Restoration and Waste Management Program, and those balances across all Atomic Energy Defense Activities accounts. The conferees believe that unjustified carryover balances should be applied to reduce the Department's budget request for the next fiscal year.

Other Defense Activities (sec. 3103)

The budget request included $1.432 billion for Other Defense Activities of the Department of Energy (DOE) for fiscal year 1996. The House bill contained a provision (sec. 3104) that would authorize $1.329 billion for Other Defense Activities.

The Senate amendment contained a provision (sec. 3103) that would authorize $1.408 billion for this group of programs, a decrease of $24.0 million below the requested amount.

The conferees agree to authorize $1.352 billion for these programs.

The conferees also direct that the five-year plans for the following activities be provided, not later than January 15, 1996, to the congressional defense committees: security investigations; nuclear safeguards and security; nuclear safety; worker and community

transition; fissile materials disposition; naval reactors; nonproliferation; and arms control.

Naval Reactors

The conferees urge the Naval Reactors Program to maintain the high health and safety standards that have resulted in both an unprecedented record of safe operation and have become the standard for safe nuclear power operations around the world. The conferees also support the program's continued use of the Advanced Test Reactor (ATR). This facility is completely unique in the United States and is essential to the continuation of the advanced materials subprogram. This subprogram provides experimental data that is the basis for both present safety standards and future power plant designs.

Other National Security Programs

Nuclear Safeguards and Security

The conferees believe that the Secretary of Energy should carefully balance investment within the sub-programs of the Nuclear Safeguards and Security Program to safeguard Department of Energy nuclear weapons, nuclear materials, and facilities against theft, sabotage, and terrorist activity. Such a balanced approach should remain the highest priority of the program. The conferees authorize additional funding for declassification activities elsewhere in this statement of managers, but this should not be construed as an indication that the Congress in any way is indifferent to the protection of these DOE properties. In view of the growing severity of domestic and international terrorism, the conferees urge the DOE to take increased steps to safeguard the weapons grade material and weapons under its control.

Office of Security Investigations

As a result of recent major incidents of domestic and international terrorism, the conferees believe that the Office of Security Investigations should determine the need for more frequent reinvestigations of individuals with actual access to weapons grade material. The conferees direct that the Secretary provide the congressional defense committees with a description of the determination rendered, not later than March 30, 1996. The Secretarial submission should include the Department's recommendations and the rationale for the determination. The conferees also recommend a more detailed treatment of any new initiatives and emphases in the fiscal year 1997 budget submission.

Office of Security Evaluations

The conferees believe that the Office of Security Evaluations should reevaluate its present policies, and evaluate and develop new policies and actions, if required, to improve the effectiveness of its program. The conferees direct that the Secretary provide an explanation of the results of this reevaluation to the appropriate congressional defense committees, not later than March 30, 1996. The conferees also recommend a more detailed treatment of the results of its policies in the fiscal year 1997 budget submission.

Office of Nuclear Safety

The conferees believe that the Office of Nuclear Safety should implement the program with an overall cost/benefit analysis applied as a major consideration. That approach would ensure that available resources would be used in a fiscally responsible manner, and provide reductions in significant risks to employees. Resources should not be used to fund marginal improvements that provide minimal safety benefits. The conferees direct the Secretary to implement cost/benefit performance as a criterion for the Office of Nuclear Safety.

Workers and Community Transition

The conferees direct the Worker and Community Transition program to provide more detailed information on the effectiveness of its activities, through the end of fiscal year 1995, in the fiscal year 1997 budget request.

Fissile Materials Control and Disposition

The conferees are concerned that the Fissile Materials Control and Disposition Program does not have a wide range of technology and cost effectiveness assessments in its programmatic environmental impact statement (PEIS). Specific direction is provided in this Act to consider a variety of nuclear reactors in this regard. The committees of jurisdiction intend to explore these issues in greater depth with the Department of Energy during future congressional hearings.

Emergency Response

The conferees direct that the funds for the Office of Emergency Response, within the Office of Non-proliferation and National Security, shall be allocated within the Other Defense Programs category, not from within any other part of the Atomic Energy Defense Activities. The conferees further direct that in fiscal year 1997, and subsequent fiscal years, the funding requested for Atomic Energy Defense Activities Program Direction should be allocated separately within each of the four top level categories of that account, and not aggregated within one such category, as was done in the fiscal year 1996 budget request.

Nonproliferation and verification research and development and arms control

The budget request included $226.1 million for nonproliferation and verification research and development, and $162.3 million for arms control.

The House bill would authorize $163.5 million for nonproliferation and verification research and development, a $62.6 million reduction to the budget request; and $147.4 million for arms control, a $14.9 million reduction to the budget request.

The Senate amendment would authorize the budget request.

The conferees authorize $224.9 million for nonproliferation and verification research and development, consistent with the amended budget request from the Department of Energy, and $161.0 million for arms control.

Due to the increase in international terrorism and attempts to acquire weapons grade nuclear materials by criminal organizations, the conferees authorize $3.0 million be available from nonproliferation and verification research and development for the development of forensics capability to detect and track shipments abroad. Further, the conferees direct the Secretary of Energy to broaden involvement in this area to include the entire Department of Energy weapons complex, including the Savannah River Site, Pacific Northwest Laboratory, Idaho National Engineering Laboratory, and industry.

The conferees direct the Secretary of Energy to submit a five-year nonproliferation research and development program plan to Congress by March 30, 1996. The plan shall include a program strategy, description of the program and project objectives, deliverables, and milestones for each project within the program. The plan shall also identify the specific organization customers for each project and subprogram.

The conferees concur with recommendations in the Senate report (S. Rept. 104–112) that the Department of Energy, in coordination with the International Atomic Energy Agency (IAEA), should conduct a study on nuclear reactor safety issues in the Ukraine and report, with recommendations, to Congress on the safety issues that need to be addressed. The conferees direct that the report be broadened to include nuclear reactors in Russia. However, the conferees agree that funding to conduct a study on nuclear reactor safety study in Ukraine and Russia would more appropriately be funded in the international affairs budget and the civilian nuclear reactor portion of the energy budget and the civilian nuclear reactor portion of the energy budget, and therefore, no funds are authorized to conduct this study from nonproliferation and verification research and development or any other Atomic Energy Defense Activities account.

Defense nuclear waste disposal (sec. 3104)

The budget request included $198.4 million for defense nuclear waste disposal activities of the Department of Energy for fiscal year 1996.

The House bill contained a provision (sec. 3105) that would authorize $198.4 million for this purpose.

The Senate amendment contained an identical provision.

The conference agreement includes a provision that would authorize $248.4 million for defense nuclear waste disposal activities of the Department of Energy for fiscal year 1996.

Subtitle B—Recurring General Provisions

Reprogramming (sec. 3121)

The House bill contained a provision (sec. 3121) that would prohibit the reprogramming of funds in excess of 110 percent of the amount authorized for the program concerned, or in excess of $1.0 million above the amount authorized for the program unless the Secretary of Energy notifies the congressional defense committees and a period of 30 days has elapsed subsequent to the receipt of notification. Should the Department demonstrate that it has improved its procedures for handling reprogramming requests, the Armed Services Committee of the Senate and the National Security Committee of the House would consider a return to a more flexible reprogramming process.

The Senate amendment contained a similar provision.

The Senate recedes.

Limits on general plant projects (sec. 3122)

The House bill contained a provision (sec. 3122) that would limit the initiation of "general plant projects" authorized by the bill if the current estimated cost for any project exceeds $2.0 million. However, the provision would require the Secretary of Energy to provide the congressional defense committees with notification and an explanation for a general plant project cost variation that raises the cost of any project above $2.0 million.

The Senate amendment contained a similar provision.

The Senate recedes.

Limits on construction projects (sec. 3123)

The House bill contained a provision (sec. 3123) that would permit initiation and continuation of a Department of Energy construction project if the estimated cost for the project does not exceed 125 percent of the higher of: (1) the funds authorized for the project; or (2) the most recent total estimated cost presented to the Congress as justification for such project. The Secretary of

Energy would submit a detailed report to the congressional defense committees for any project that exceeds such limits, and the report would be submitted within the 30 legislative days following a decision to initiate or continue such a project.

The House provision would also specify that the 125 percent limitation would not apply to any project with an estimated cost below $5.0 million.

The Senate amendment contained a similar provision.

The Senate recedes.

Fund transfer authority (sec. 3124)

The Senate amendment contained a provision (sec. 3124) that would authorize the transfer of Department of Energy funds to other agencies of the government for performance of work for which the funds were authorized and appropriated. The provision would permit another agency to merge the transferred funds with that agency's authorized and appropriated funds.

The provision would also authorize the Department to transfer funds internally among its appropriations accounts, up to a limit of five percent of the authorized amount.

The House bill contained a similar provision.

The House recedes with an amendment that would stipulate that, for any such internal transfers or reprogrammings pursuant to this section, weapons activities shall be regarded by the Department as having higher priority than environmental management activities or other defense activities.

Authority for conceptual and construction design (sec. 3125)

The House bill contained a provision (sec. 3125) that would limit the Secretary of Energy's authority to request construction funding until the Secretary has certified a conceptual design. If the cost of the conceptual design exceeds $3.0 million, the Secretary must request the amount from Congress before submitting a request for the construction project. The Secretary may carry out construction design services if their cost is less than $0.6 million. Greater costs for construction design would be required to be authorized by law.

The Senate amendment contained a similar provision.

The Senate recedes.

Authority for emergency planning, design, and construction activities (sec. 3126)

The House bill contained a provision (sec. 3126) that would permit the Secretary of Energy to utilize available funds to perform planning and design for any unauthorized Department of Energy national security program construction project based on the Secretary's determination that the design must proceed expeditiously for the protection of public health, safety, and property, or to meet the needs of the national defense.

The Senate amendment contained a similar provision (sec. 3126).

The Senate recedes.

Funds available for all national security programs of the Department of Energy (sec. 3127)

The House bill contained a provision (sec. 3127) that would authorize amounts appropriated for management and support activities and for general plant projects to be made available for use, when necessary, in connection with all national security programs of the Department of Energy.

The Senate amendment contained a similar provision.

The Senate recedes.

Availability of funds (sec. 3128)

The House bill contained a provision (sec. 3128) that would authorize amounts appropriated for operating expenses or for plant and capital equipment to remain available until expended.

The Senate amendment contained a similar provision.

The Senate recedes.

Subtitle C—Program Authorizations, Restrictions, and Limitations

Authority to conduct a program relating to fissile materials (sec. 3131)

The House bill contained a provision (sec. 3131) that would authorize the Secretary of Energy to conduct a program to improve fissile material protection, control, and accountability in Russia. The provision would also require notification to the Congress prior to obligation of funds.

The Senate amendment did not contain a similar provision.

The Senate recedes with an amendment.

The conferees agree to a provision that would authorize the Secretary of Energy to conduct a program to improve fissile material protection, control, and accountability in Russia. The provision would also require the Secretary to provide a semi-annual report to Congress on the obligation of funds for the preceding six month period and on the plans for obligation of those funds.

The conferees direct that each report shall include the following: a forecast of planned expenditures, broken out by major program elements and program achievements; and a description of procedures to ensure that funds are used for the purposes and activities for which they were authorized. The report shall be submitted in classified and unclassified forms.

National Ignition Facility (sec. 3132)

The House bill contained a provision (sec. 3132) that would limit the expenditure of funds appropriated for the National Ignition Facility (NIF) until the Secretary of Energy determines that the NIF does not impede U.S. nuclear non-proliferation objectives and then notifies the Congress.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would limit the expenditure of construction funds for the NIF until the Secretary makes the determination and notifies the Congress.

Tritium Production Program (sec. 3133)

The House bill contained a provision (sec. 3133(a)) that would authorize $50.0 million, for a project that would provide a long-term source of tritium, subsequent to the Secretary of Energy's completion of a record of decision on the tritium production program and the conclusion of congressional hearings.

The Senate amendment contained a provision (sec. 3131) that would authorize $50.0 million to conduct an assessment of various types of reactors and an accelerator. The provision would ensure that any new tritium production facility would be located at the Savannah River Site. It would also authorize $5.0 million from weapons activity funds for tritium target work in reactors.

The Senate recedes with an amendment that would provide for: $50.0 million to establish a program to provide a tritium production source; $5.0 million for tritium target work to be administered by the Idaho National Engineering Laboratory; a new tritium facility at the Savannah River Site; the Secretary's cost/benefit comparison between performance of the tritium production mission and the fissile materials disposition mission with a single multi-purpose reactor project and performance of these missions with two separate projects; and a long-term tritium production funding plan to Congress within 45 days of enactment of this Act.

The conferees direct the Secretary of Energy to establish both headquarters and field offices for the national tritium production program within Defense Programs. The conferees direct that these offices be adequately staffed by Federal technical experts in accelerators, reactors, and other relevant areas of science and technology. The conferees further direct that the Savannah River Operations Office be designated as the tritium production field office.

Payment of penalties assessed against Rocky Flats site (sec. 3134)

The House bill contained a provision (sec. 3103) that would authorize the Secretary of Energy to pay for civil penalties assessed in accordance with a federal facility agreement and consent order against the Rocky Flats site in Colorado.

The Senate amendment contained a similar provision (sec. 3105).

The Senate recedes.

As indicated in the Senate report (S. Rept. 104–112), the conferees are concerned about the diversion of Department of Energy funds for payment of fines and penalties. The conferees agree that this is an issue that warrants continued monitoring.

Fissile materials disposition (sec. 3135)

The budget request included $70.0 million for the fissile materials disposition program.

The Senate amendment contained a provision (sec. 3132) that would authorize $70.0 million for the storage and disposition of fissile materials that are excess to U.S. national security needs. Of this amount, $10.0 million would be available for a plutonium resource assessment.

The House bill contained a provision (sec. 3133(b)) that would authorize $70.0 million for plutonium storage and disposition, including the multipurpose advanced light water reactor. Of that amount, $5.0 million would be available for evaluating the conversion of plutonium to oxide fuel material for the multipurpose reactor. Sufficient funds would also be made available to fully assess the multipurpose reactor in the Department of Energy's (DOE's) programmatic environmental impact statement on fissile materials disposition.

The Senate recedes with an amendment.

The conferees authorize $70.0 million be made available for evaluation and implementation of interim- and long-term storage and disposition of plutonium, highly enriched uranium, and other fissile materials that are excess to the national security needs of the U.S. The conferees direct that the evaluation include full consideration of light water and gas turbine reactors. The conferees further direct that sufficient funds be made available for the complete consideration of multipurpose reactors in the DOE programmatic environmental impact statement on fissile materials disposition. The conferees endorse the views expressed in the House Report (H. Rept. 104–131) regarding the National Resource Center for Plutonium.

Tritium recycling (sec. 3136)

The Senate amendment contained a provision (sec. 3133) that would require Department of Energy weapons program tritium recycling to be carried out at the Savannah River Site. The Senate provision would allow the Los Alamos National Laboratory to conduct the following activities related to tritium: (1) research on tritium properties; (2)

inertial confinement fusion tritium research; (3) technical assistance for the Savannah River Site regarding the weapons surveillance program, as directed by the Savannah River Site Office. Except as noted above, the Savannah River Site Office and its on-site contractor would be responsible for all tritium-related national security activities of the U.S. Department of Energy.

The House bill contained no similar provision.

The House recedes.

Manufacturing infrastructure for refabrication and certification of nuclear weapons stockpile (sec. 3137)

The Senate amendment included a provision (sec. 3134) that would authorize $143.0 million to carry out a program to meet the manufacturing infrastructure requirements of the President's Nuclear Posture Review through near-term modernization of technology at the four production plants cited in this section.

The House bill contained no similar provision.

The House recedes with an amendment. The conferees require that this initiative provide for enhanced stockpile surveillance, advanced manufacturing, and core stockpile management activities at these plants. This requirement includes fundamental initiatives in advanced manufacturing, and additional emphasis on advanced computerized manufacturing and revalidation techniques at these plants. The conferees direct the Secretary of Energy to ensure that requirements for primary pit refabrication are addressed in the on-going Programmatic Environmental Impact Statement (PEIS) on Stockpile Stewardship and Management. Should it be determined, based on the PEIS, that there is a need for such a capacity, the conferees require the Secretary to undertake a conceptual design study of an appropriately sized weapon primary pit refabrication, manufacturing and reuse facility and to consider the Savannah River Site for that role. Up to $5.0 million would be available for this study from the stockpile management program resources.

The conferees direct the Secretary to treat this initiative as a high weapons activity program priority with new budget authority. Further, the conferees authorize $118.2 million above the DOE Stockpile Management budget request to pursue this initiative in fiscal year 1996 at the four production plants, without an impact on the current planned program activities at these plants. The conferees further direct that the remaining $24.8 million required for this initiative be made available from core stockpile management, reconfiguration and materials surveillance funds. The conferees recommend that the rate of expenditure for this initiative at each plant be proportionate to the plant's allocation of the entire initiative.

Hydronuclear experiments (sec. 3138)

The Senate amendment contained a provision (sec. 3135) that would authorize $50.0 million in fiscal year 1996 to prepare the Nevada Test Site for hydronuclear experiments that would yield four pounds (TNT equivalent) or less. The experiments would be conducted to maintain confidence in the safety and reliability of the nuclear weapons stockpile. Zero yield experiments could be included in the fiscal year 1996 experiments as part of the test site preparation.

The House bill contained no similar provision.

The House recedes with an amendment providing $30.0 million for such purposes.

Limitation on authority to conduct hydronuclear tests (sec. 3139)

The Senate amendment contained a provision (sec. 3108) that would limit this Act by confirming that nothing in this Act authorizes hydronuclear tests and that nothing in this Act amends or repeals the Exon-Hatfield Amendment (section 507 of Public Law 102-377) which places limitations on U.S. nuclear testing.

The House bill contained no similar provision.

The House recedes with an amendment.

Fellowship program for development of skills critical to the Department of Energy nuclear weapons complex (sec. 3140)

The Senate amendment contained a provision (sec. 3136) that would provide $10.0 million from Stockpile Management funds to begin a science and engineering fellowship program for the Pantex Plant, the Kansas City Plant, the Savannah River Site and the Y-12 Plant. The program would provide educational and research assistance to attract scientists and engineers with the skills most relevant to plant employment opportunities and mission requirements.

The House bill contained no similar provision.

The House recedes.

Limitation on use of funds for certain research and development purposes (sec. 3141)

The Senate amendment contained a provision (sec. 3138) that would limit the obligation of fiscal year 1996 Atomic Energy Defense Activity funds for the Department of Energy laboratory directed research and development (LDRD) program and the Department of Energy technology transfer programs, unless such activities support the national security missions of the Department.

The House bill contained no similar provision.

The House recedes.

The conferees believe the scientific and engineering challenges embodied in the emerging stockpile stewardship and stockpile management programs are more than sufficient to maintain the laboratories' preeminence in science and engineering. Therefore, the laboratories should expeditiously begin to focus the program resources on the pressing needs of the nuclear weapons program.

Processing and treatment of high level nuclear waste and spent nuclear fuel rods (sec. 3142)

The Senate amendment contained a provision (sec. 3139) that would recommend $2.5 million for the electrometallurgical processing activities at the Idaho National Engineering Laboratory. This amendment would also recommend $45.0 million to develop technologies for the processing of spent fuel rods at the Savannah River Site and at the Idaho National Engineering Laboratory.

The House bill contained no similar provision.

The House recedes with an amendment that would authorize $45.0 million for the development of a program to respond effectively to the new management requirements for spent fuel. These new requirements are the result of a decision set forth in the Department of Energy's Record of Decision, dated May 30, 1995, prepared in relation to the Department's spent nuclear fuel management program. That decision provided for the consolidation at the Savannah River Site and at the Idaho National Engineering Laboratory of spent nuclear fuel that has been transported from various sites in the United States, spent fuel from naval reactors, and spent fuel from foreign reactors. The conferees authorize $30.0 million for the Savannah River Site for the development of a program for the processing and interim storage of aluminum clad spent fuel rods and foreign spent fuel rods. The conferees authorize $15.0 million for the Idaho National Engineering Laboratory for a similar program for nonaluminum clad spent fuel rods, foreign spent fuel rods, and naval spent fuel. The conferees require the Secretary of Energy to submit to Congress a detailed five-year implementation plan that would provide cost estimates, completion dates, and technological requirements for completion of the program.

The conferees also authorize, from technology development program funds within Environmental Restoration and Waste Management, $25.0 million for the development of electrometallurgical waste treatment technologies at the Argonne National Laboratory.

Protection of workers at nuclear weapons facilities (sec. 3143)

The Senate amendment contained a provision (sec. 3142) that would authorize $10.0 million from the operations and maintenance resources of the Environmental Restoration and Waste Management Program to carry out activities related to worker protection at nuclear weapons facilities.

The House bill contained no similar provision.

The House recedes.

Department of Energy declassification productivity initiative (sec. 3144)

The budget request did not identify funding for the Declassification Productivity Initiative that began in fiscal year 1995.

The Senate amendment contained a provision (sec. 3140) that would authorize $3.0 million from other national security programs for the Declassification Productivity Initiative (DPI) at the Department of Energy.

The House bill contained no similar provision.

The House recedes.

The conferees note that Executive Order 12958, signed by the President on April 9, 1995, mandates that millions of classified documents be declassified by the year 2000. While it remains paramount that the Department maintain the integrity of its national security information, the conferees agree that substantial savings can be realized by reducing the volumes of unduly classified documents, and by modifying unnecessary and overly-burdensome classification policies. The conferees authorize $3.0 million for the DPI and recommend that the Department request appropriate funding for the initiative in future budget submissions.

Subtitle D—Other Matters

Report on foreign tritium purchases (sec. 3151)

The House bill contained a provision (sec. 3141) that would require the President to submit a report to Congress by February, 1996, on the feasibility, cost, and ramifications of purchasing tritium for the nuclear weapons program from foreign suppliers.

The Senate amendment contained a similar provision (sec. 3163) that would require the President to submit the same report to the congressional defense committees by May 30, 1997.

The Senate recedes with an amendment that would require the report by May 1, 1996.

Study on nuclear test readiness postures (sec. 3152)

The House bill contained a provision (sec. 3142) that would require the Secretary of Energy to submit a report to Congress by February 15, 1996. The report would address cost and other issues related to the Department

of Energy's capability to conduct underground nuclear testing within 6 months, 18 months, and 36 months from the date that the President determines that such testing is necessary to ensure the national security of the United States.

The Senate amendment contained no similar provision.

The Senate recedes.

Master plan for the certification, stewardship, and management of warheads in the nuclear weapons stockpile (sec. 3153)

The House bill contained a provision (sec. 3143) that would require the Secretary of Defense, in consultation with the Secretary of Energy, to submit a plan to Congress that would describe in detail the proposed means of demonstrating the capability to refabricate and certify old warheads and to design and build new warheads. The provision would require submission of the report not later than March 15, 1996.

The Senate amendment contained a provision (sec. 3165) that would require the Secretary of Energy to produce, by March 15, 1996, and every year thereafter, a plan for maintaining the enduring nuclear weapons stockpile. That plan would involve at least six specific elements, to include a plan for the manufacturing infrastructure, necessary to maintain the nuclear weapons stockpile stewardship and management programs.

The House recedes with an amendment that would explicitly incorporate the requirements of the House provision into the manufacturing infrastructure requirements section of the Senate provision. Both sets of requirements are based on the Department of Energy infrastructure requirements section of the Nuclear Posture Review.

Prohibition on international inspections of Department of Energy facilities unless protection of restricted data is certified (sec. 3154)

The House bill included a provision (sec. 3144) that would prohibit international inspections of Department of Energy facilities unless the Secretary of Energy certifies that sensitive and/or restricted data has been adequately safeguarded.

The Senate amendment did not contain a similar provision.

The Senate recedes with an amendment.

The conferees agree to a provision that would prohibit an inspection of a nuclear weapons facility by the International Atomic Energy Agency (IAEA) until the Secretary of Energy certifies to Congress that no restricted data would be revealed during the inspection.

The conferees direct the Secretary to ensure that the certification to Congress is made prior to the inspection. If the Secretary of Energy cannot provide certification in advance of an inspection because of a short-notice (24-hour) request, the Secretary shall provide certification no later than seven days after the inspection has been conducted. The certification shall also describe the steps taken by the Secretary to ensure the protection of the restricted data during the inspection.

Review of certain documents before declassification and release (sec. 3155)

The conference agreement includes this provision to strongly urge the President to immediately review and revise Executive Order 12958, which provides for the automatic declassification and public release of documents containing National Security Information within five years, regardless of prior review. Included under this order are Department of Energy documents that potentially contain restricted data on nuclear weapons design, production and testing, and Department of Defense documents that potentially contain information on nuclear weapons operations and support. Automatic declassification thereby creates the risk of releasing nuclear weapons information to potential proliferators. This would constitute a grave risk to U.S. national security and to non-proliferation efforts.

The conferees believe that the automatic declassification of national security records that contain restricted data would constitute a violation of the legal protections for restricted data, mandated by the Atomic Energy Act of 1954, as amended. The conferees recognize that the Executive Order provides an exemption for the automatic declassification of restricted data. However, the conferees are concerned that some classified documents may contain restricted data information without reflecting that fact on the classification records. Therefore, there is no practical means to ensure the protection of restricted data and apply an automatic declassification system.

Acclerated schedule for environmental management activities (sec. 3156)

The House bill contained a provision (sec. 3145) that would permit the Secretary of Energy to accelerate the schedule for environmental management activities and projects for any specific Department of Energy defense nuclear facility site, if such efforts would yield substantial long-term cost savings and speed up the release of land for development.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment. The amended provision would require the Secretary of Energy to submit a report to Congress by May 1, 1996 regarding site selection for the accelerated program.

Sense of Congress on certain environmental restoration requirements (sec. 3157)

The Senate amendment contained a provision (sec. 3107) that would express the sense of Congress that individuals in the executive branch should not be held personally liable for failure to comply with an environmental cleanup requirement when the failure to comply is due to congressional appropriations decisions.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

The conferees agree that no individual acting within the scope of employment with a Federal agency or department should be personally subject to civil or criminal sanctions for any failure to comply with an environmental cleanup requirement that is the result of inadequate funding.

Responsibility for defense programs emergency response program (sec. 3158)

The Senate amendment contained a provision (sec. 3161) that would require the Assistant Secretary of Energy for Defense Programs to retain the responsibility for the Defense Programs Radiological/Nuclear Accident Response Program. That program includes the seven emergency response assets needed to carry out the mission: the Aerial Measuring System; the Atmospheric Release Advisory Capability; the Accident Response Group; the Federal Radiological Monitoring and Assessment Center; the Nuclear Emergency Search Team; the Radiological Assistance Program; and the Radiation Emergency Assistance Center/Training Site.

The House bill contained no similar provision.

The House recedes.

Requirements for Department of Energy weapons activities budgets for fiscal years after fiscal year 1996 (sec. 3159)

The Senate amendment contained a provision (sec. 3162) that would require the Department of Energy (DOE) to remedy past and present items of congressional criticism related to the clarity of the Department's budget submission. The Senate provision would require the Department to explicitly relate its budget submission to the requirements of the Nuclear Posture Review.

The House bill contained no similar provision.

The House recedes.

Report on hydronuclear testing (sec. 3160)

The Senate amendment contained a provision (sec. 3164) that would require the Secretary of Energy to direct the Los Alamos and Lawrence Livermore National Laboratories to prepare a report that would assess the advantages and disadvantages of permitting alternative limits for nuclear test yields, from at least four pounds to 20 tons, as related to the safety and reliability of the nuclear weapons stockpile. In addition to the yields explicitly cited, the report would address other yields, as appropriate, but would remain focused on the advantages and disadvantages of sub-kiloton testing, as related to stockpile safety and reliability.

The House bill contained no similar provision.

The House recedes with an amendment that adjusts the nuclear test yields of interest.

Applicability of Atomic Energy Community Act of 1955 to Los Alamos, New Mexico (sec. 3161)

The Senate amendment contained a provision (sec. 3166) that would amend and specify certain requirements of the Atomic Energy Community Act of 1955 for the community of Los Alamos, New Mexico.

The House bill contained no similar provision.

The House recedes.

Sense of Congress regarding shipments of spent nuclear fuel (sec. 3162)

The Senate amendment contained a provision (sec. 3167) that would express a sense of the Senate that the Secretary of Defense, the Secretary of Energy, and the Governor of the State of Idaho should continue good faith negotiations for the purpose of reaching an agreement on the issue of shipments of spent nuclear fuel from naval reactors.

The House bill included no similar provision.

The House recedes with an amendment that would express the sense of Congress that: (1) the Congress recognizes the need to implement the terms, conditions, rights, and obligations contained in the settlement agreement reached between the United States and the State of Idaho regarding shipment, examination, and storage of naval spent nuclear fuel at Idaho; and (2) that funds requested by the President to carry out the settlement agreement and consent order should be appropriated for that purpose.

LEGISLATIVE PROVISIONS NOT ADOPTED

Education program for personnel critical to the nuclear weapons complex

The Senate amendment contained a provision (sec. 3137) that would authorize $10.0 million from the Stockpile Stewardship Program to conduct an education program designed to establish a long-term supply of personnel with skills critical to the nuclear

weapons complex. The program would: (1) encourage and assist students in the study of science, mathematics, and engineering; (2) enhance teaching skills in critical areas; and (3) increase scientific understanding of the general public.

The House bill contained no similar provision.

The Senate recedes.

The conferees agree to authorize $10.0 million from the Stockpile Stewardship Program. The conferees note that because existing legislation authorizes such activities, up to $10.0 million would be authorized for this purpose, without a separate authorization provision.

Authority to reprogram funds for disposition of certain spent nuclear fuel

The Senate amendment contained a provision (sec. 3141) that would authorize the Secretary of Energy to reprogram up to $5.0 million in fiscal year 1996 funds available to the Department for the disposition of spent nuclear fuel in the Democratic People's Republic of Korea (DPRK), in order to meet International Atomic Energy Agency (IAEA) safeguard standards and fulfill the October 21, 1994 agreement between the United States and the DPRK.

The House bill did not contain a similar provision.

The Senate recedes.

In order to meet International Atomic Energy Agency safeguard standards and fulfill the October 21, 1994 agreement between the United States and the DPRK, the conferees recommend $3.6 million for the disposition of spent nuclear fuel. In authorizing these funds, the conferees make no judgment regarding the merits of the October 1994 agreement.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Authorization (sec. 3201)

The House bill contained a provision (sec. 3201) that would authorize $17.0 million for the Defense Nuclear Facilities Safety Board.

The Senate amendment contained an identical provision (sec. 3201).

The conferees recommend $17.0 million for the Board.

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—Authorization of Disposals and Use of Funds

Disposal of chromite and manganese ores and chromium ferro and manganese metal electrolytic (sec. 3303)

The House bill contained a provision (sec. 3302) that would require the granting of right of first refusal to domestic ferroalloy upgraders, for certain disposals.

The Senate amendment contained a similar provision (sec. 3403).

The House recedes with a technical amendment regarding the definition of a domestic ferroalloy upgrader.

Restrictions on disposal of manganese ferro (sec. 3304)

The House bill contained a provision (sec. 3303) that would require that certain grade manganese ferro not be disposed of from the National Defense Stockpile until the disposal of lower grade inventory material had been completed. The provision would also require that certain grade manganese ferro only be sold for remelting in a submerged arc ferromanganese furnace.

The Senate amendment contained a similar provision (sec. 3404) that would require certain grade manganese ferro to be sold only for remelting by a domestic ferroalloy producer.

The House recedes.

Titanium initiative to support battle tank upgrade program (sec. 3305)

The House bill contained a provision (sec. 3304) that would direct the transfer of titanium sponge from the National Defense Stockpile to the Army for use in the weight reduction portion of the main battle tank upgrade program. The transfer would be without cost to the Army, except for transportation and similar costs.

The Senate amendment contained no similar provision.

The Senate recedes.

Subtitle B—Programmatic Change

Transfer of excess defense-related materials to stockpile for disposal (sec. 3311)

The Senate amendment contained a provision (sec. 3405) that would direct the transfer of suitable, uncontaminated Department of Energy inventory items to the National Defense Stockpile for disposal.

The House bill contains no similar provision.

The House recedes.

LEGISLATIVE PROVISIONS NOT ADOPTED

Disposal of obsolete and excess materials contained in the National Defense Stockpile

The Senate amendment contained a provision (sec. 3402) that would authorize the disposal of materials from the National Defense Stockpile.

The House bill contained no similar provision.

The Senate recedes.

The defense committees and the conferees have recommended that new disposal authority be granted in the reconciliation process, rather than authorization.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—Administration of Naval Petroleum Reserves

Authorization of appropriations (sec. 3401)

The House bill contained a provision (sec. 3401) that would authorize fiscal year 1996 appropriations for the operation of the Naval Petroleum Reserves.

The Senate amendment contained no similar provision.

The Senate recedes.

Price requirement on sale of certain petroleum during fiscal year 1996 (sec. 3402)

The House bill contained a provision (sec. 3402) that would require that the sale of any oil produced at the Naval Petroleum Reserves be transacted for a price that is not less than 90 percent of the sales price of comparable petroleum from the same area, as estimated by the Secretary of Energy.

The Senate amendment contained no similar provision.

The Senate recedes.

Subtitle B—Sale of Naval Petroleum Reserve

Future of Naval Petroleum and Oil Shale Reserves (secs. 3411–3416)

The House bill contained a provision (sec. 3403) that would provide for the sale of the Naval Petroleum Reserve Numbered 1 (NPR–1), also known as Elk Hills located in Kern County, California. The House bill also contained a provision (sec. 3404) that would require the Secretary of Energy to conduct a study to determine what should be done with the other five remaining reserves in the Naval Petroleum and Oil Shale Reserves.

The Senate amendment contained similar provisions (secs. 3301 and 3302).

The conference agreement includes several provisions related to the future of the Naval Petroleum and Oil Shale Reserves that would provide for the sale of NPR–1 by competitive bid within one year of enactment. The agreement would also require the Secretary of Energy to submit a report that would recommend a course of action that would maximize the value of the five remaining reserves to the federal government.

The conferees believe that the sale of NPR–1 can be justified based on the fact that there is no longer a military need for these reserves. Since the Arab oil embargo, the likelihood of a sustained interruption in supply has fallen and the market has shown itself to be responsive in pricing and allocating oil during periods of uncertain supply.

In addition, the conferees are concerned about the long-term implications of government participation in what has become a commercial oil business. The conferees believe that producing and selling oil and natural gas should be performed within the private sector. That belief is shared by the administration which also proposed the sale of the reserve.

The sale of NPR–1 will help save the federal government over a billion dollars in operating costs and several hundred million dollars in interest payments. These savings are in addition to the increased tax revenues and the $1.5 to $2.5 billion in receipts that will result from the sale. Even after deducting the lost annual revenues resulting from the sale, these savings and receipts will result in a substantial net increase to the Treasury.

The conference agreement contains a number of safeguards so that the sale of NPR–1 will ensure the government realizes the maximum amount of revenues possible. The provisions would require the Secretary of Energy to obtain credible appraisals of the value of the reserve before setting a minimum acceptable sales price. In addition, the valuation must include all existing infrastructure, the estimated quantity of petroleum and natural gas in the reserve, and the anticipated revenue stream that the Treasury would receive if the reserve was not sold. The Secretary could not accept bids lower than the minimum acceptable price and could not enter into contracts for sale until the end of a 31-day period following notification to Congress. The proceeds from the sale would be deposited in the Treasury.

In addition, if the Secretary of Energy and the Director of the Office of Management and Budget jointly determine that the sale of NPR–1 is proceeding in a manner that is inconsistent with the best interests of the United States, the Secretary may suspend the sale. The Secretary must then wait for further legislation authorizing the continuation of the sale. The conferees believe the Secretary should suspend the sale only after all efforts have been made to ameliorate any difficulties in the sale of the reserve.

In the event the Secretary is not able to comply with the deadlines included in these provisions, the Secretary and the Director of the OMB would be required to notify Congress and submit a plan of alternative action.

The conference agreement provides for the transfer of a current environmental permit (50 CFR 13.25) in order to allow the purchaser to continue the operation of the field with all the environmental safeguards provided by

the federal government. In addition, the conferees expect that this will ensure that the value of the field will not be diminished by the uncertain timing of obtaining a new permit.

In response to a potential legal claim by the State of California, on behalf of the California State Teachers Retirement Fund, the provisions would set aside nine percent of the net proceeds in a contingent fund. These funds would be available, subject to appropriations, for the payment of any valid claims resulting from a settlement between the Secretary of Energy and the State of California or a judgement by a court of competent jurisdiction. The conferees expect that California's release of its claim would be contingent upon an appropriation of funds per any settlement agreement or court decision.

TITLE XXXV—PANAMA CANAL COMMISSION

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Panama Canal Commission (Title XXXV)

The House call contained several provisions (secs. 3501–3503) that would provide the authorization of expenditures for the Panama Canal Commission revolving fund.

The Senate amendment contained similar provisions (secs. 3501–3502).

The Panama Canal Commission does not draw from U.S. taxpayer funds for operation of the Canal, but operates on a self-sustaining basis, utilizing tolls and other revenues to cover its operating, administrative, and capital improvements expenses. The Senate amendment would provide for slightly greater allowances for official representation expenses than the House bill. The Senate amendment would also limit the cost of vehicles purchased for use by the Commission. The House bill contained a requirement that the vehicles be built in the United States.

The House recedes on these items. However, the conferees note that the Commission has in the past purchased vehicles built in the United States and would encourage that practice to continue.

The House bill included additional provisions (secs. 3521–3531), not in the Senate amendment, that would facilitate the transition and the operation of the Canal as an autonomous entity after it is transferred to Panama at the end of 1999. Section 3522 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484) required that the President review and report on possible changes that would ease the transition process. The legislative provisions contained in sections 3521–3531 of the House bill would implement, with only minor clarifying changes, the administration's recommendations contained in the report transmitted to the Congress on April 12, 1994.

The Senate recedes with an amendment that would delete section 3524 of the House bill entitled "International Advisors".

The conferees agree that the Canal's governing board of supervisors can consult with and obtain expert advice from those in the international shipping and financial community without the necessity of a legislative provision.

DIVISION D—FEDERAL ACQUISITION REFORM

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Overview

Acquisition reform provisions with government-wide application were included in title VIII of the House bill. Subsequently, the House passed H.R. 1670, a freestanding bill which addressed many of the same, as well as, other issues. The Senate amendment contained a number of acquisition policy provisions. The conferees considered all of these provisions before agreeing to include the following legislation in the conference agreement. The following is a section-by-section description of the provisions adopted by the conferees.

TITLE XLI—COMPETITION

Efficient competition (sec. 4101)

The conference agreement includes a provision that would amend section 2304 of title 10 and section 253 of title 41, United States Code. The provision would direct that the Federal Acquisition Regulation ensure that the requirement to obtain full and open competition is implemented in a manner that is consistent with the need to efficiently fulfill the government's requirements. This provision makes no change to the requirement for full and open competition or to the definition of full and open competition.

Efficient approval procedures (sec. 4102)

The conference agreement includes a provision that would amend section 2304 of title 10 and section 253 of title 41, United States Code, by raising the dollar thresholds for contracts that require the approval of the use of other than competitive procedures by higher level agency officials.

Efficient competitive range determinations (sec. 4103)

The conference agreement includes a provision that would allow a contracting officer, in procurements involving competitive negotiations, to limit the number of proposals in the competitive range to the greatest number that would permit an efficient competition among the most highly rated competitors. The conferees intend that the determination of the competitive range be made after the initial evaluation of the proposals, on the basis of the rating of those proposals. The rating shall be made on the basis of price, quality and other factors specified in the solicitation for the evaluation of the proposals.

Preaward debriefings (sec. 4104)

The conference agreement includes a provision that would require that, prior to a contract award, a contracting officer provide a debriefing to any interested offerors on the reasons for that offeror's exclusion from the competitive range in a competitive negotiation. The provision would specify information that must be provided to an unsuccessful offeror upon written request for a debriefing, as well as limitations on the types of information that may be provided. The provision also would require the Federal Acquisition Regulation to include a provision encouraging the use of alternative dispute resolution techniques to provide informal, expeditious, and inexpensive procedures for an offeror to consider using before filing a protest.

Design-build selection procedures (sec. 4105)

The conference agreement includes a provision that would authorize the use of two-phase selection procedures for entering into contracts for the design and construction of a public building, facility, or work. The provision details the considerations that would be used by a contracting officer to determine whether to use two-phase selection procedures and describes the process to be followed under the two-phase selection procedure. The provision would also limit the number of proposals to be considered in the second phase to no more than five, unless the agency determines that a greater number is in the government's interest. This provision is not intended to modify the Brooks Architect-Engineers Act.

TITLE XLII—COMMERCIAL ITEMS

Commercial item exception to requirement for cost or pricing data (sec. 4201)

The conference agreement includes a provision that would amend section 2306a of title 10 and section 254b of title 41, United States Code, to exempt suppliers of commercial items under contracts and subcontracts with federal agencies from the requirement to submit certified cost and pricing data. The provision would include the requirement that, in the cases of such contracts or subcontracts, contracting officers shall require the submission of data other than certified cost or pricing data to the extent necessary to determine price reasonableness. In recognition of the authority of the General Accounting Office to audit contractor records, the conferees have removed the specific audit authorities in the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355) that relate to information supplied by commercial suppliers in lieu of certified cost and pricing data.

Application of simplified procedures to certain commercial items (sec. 4202)

The conference agreement includes a provision that would allow the use of simplified procedures for the acquisition of commercial items with a purchase value of $5.0 million or less when a contracting officer reasonably expects that offers in response to a solicitation would only include commercial items. The provision would specify that implementing regulations provide that all responsible offerors in procurements conducted under this authority be permitted to submit a bid, proposal, or quotation that shall be considered by the agency. The conferees intend that the flexible notice provision be implemented in a manner that would provide offerors with a reasonable opportunity to respond. The provision would also prohibit sole source procurement unless the need is justified in writing in accordance with section 2304 of title 10 or section 253 of title 41, United States Code. The authority for the use of simplified procedures under this section would expire at the end of the three-year period, beginning on the date of the issuance of the final implementing regulations.

Inapplicability of certain procurement laws to commercially available off-the-shelf items (sec. 4203)

The conference agreement includes a provision that would require that the Federal Acquisition Regulation include a list of provisions that are inapplicable to contracts for the procurement of commercially available off-the-shelf items. The list would be required to include each provision of law that, in the opinion of the Administrator of the Office of Federal Procurement Policy, imposes on persons who have been awarded contracts by the federal government for the procurement of commercially available off-the-shelf products government-unique policies, procedures, requirements, or restrictions for the procurement of property or services unless the Administrator determines that to do so would not be in the best interest of the United States. The list would include provisions of law uniquely applicable to government contractors, but would not include generally applicable provisions of law. The provision would specifically preclude several categories of statutes from being included on the list, such as any provision of law that provides for civil or criminal penalties. The provision would define commercially available off-the-shelf items as commercial items

that are sold in substantial quantities to the general public and that are offered to the federal government in the same form in which they have been sold to the general public. The provision would specifically exclude from that definition bulk cargo such as agricultural products and petroleum products.

Amendment to commercial items definition (sec. 4204)

The conference agreement includes a provision that would make a clarifying amendment to the definition of "commercial services" in section 403(12)(F) of title 41, United States Code. For the purpose of this section, market prices are current prices that are established in the course of ordinary trade between buyers and sellers free to bargain and that can be substantiated from sources independent of the offeror.

Inapplicability of cost accounting standards to contracts and subcontracts for commercial items (sec. 4205)

The conference agreement includes a provision that would exempt contracts and subcontracts for commercial items from the application of the cost accounting standards promulgated under section 422 of title 41, United States Code. The Cost Accounting Standards Board, in consultation with the Director of the Defense Contract Audit Agency, shall establish guidance, consistent with commercial accounting systems and practices, to ensure that contractors appropriately assign costs to contracts (other than firm, fixed-price contracts) that are covered by the exemption for contracts or subcontracts where the price negotiated is based on established catalog or market prices of commercial items sold in substantial quantities to the general public. The conferees direct that the Board issue standards to implement this provision.

TITLE XLIII—ADDITIONAL REFORM PROVISIONS

Substitle A-Additional Acquisition Reform Provisions

Elimination of certain certification requirements (sec. 4301)

The conference agreement includes a provision that would eliminate a number of statutory certification requirements for contractors and subcontractors with the federal government. The conferees note that the underlying requirement to comply with the specified statutes is not affected by the elimination of the contractor or subcontractor certification requirements. The conferees have included a general requirement that the Administrator of the Office of Federal Procurement Policy (OFPP) amend the Federal Acquisition Regulation to remove regulation-based certification requirements after a suitable period for public notice and comment. The provision would mandate the heads of executive agencies to follow a similar process. The provision also includes a prohibition on the imposition of future contractor and subcontractor certification requirements, unless such certification is imposed by statute or is justified in writing and approved by the Federal Acquisition Regulatory Council and the Administrator of OFPP.

Authorities conditioned on Federal Acquisition Computer Network (FACNET) capability (sec.4302)

The conference agreement includes a provision that would amend section 5061 of the Federal Acquisition Streamlining Act of 1994 (Public Law 103-484) to allow a test of alternative procurement procedures. The amendment would remove a requirement that the test of alternative procurement procedures be contingent on the implementation of full federal acquisition computer network (FACNET) electronic commerce procedures. The Provision would also amend subsection (e) of section 427 of title 41, United States Code, to limit the linkage between full FACNET implementation and federal agency use of simplified acquisition procedures to a requirement that an agency must deploy a full FACNET capability by December 31, 1999 or revert back to a threshold of $50,000 on the value of procurements below which simplified procedures are authorized.

International competitiveness (sec. 4303)

The conference agreement includes a provision that would amend section 21(e)(2) of the Arms Export Control Act to allow the President to waive recoupment charges for non-recurring research and development costs on foreign military sales of major defense equipment under certain conditions. The provision would authorize the presidential waiver if it is determined that the levy of charges would likely result in the loss of a sale or the elimination of charges would result in savings to the government in the form of lower per unit costs for a particular item of equipment. Under this provision, the President would also be authorized to waive any portion of a recoupment charge attributable to a correction in an earlier estimate of a production quantity base used to calculate the pro rata recoupment charges for a particular item. The provision includes language that would render the use of the waiver subject to the President's identification and Congressional appropriation of an offset for any revenue lost as a result of the waiver authority, from fiscal year 1997 through fiscal year 2005.

Procurement integrity (sec. 4304)

The conference agreement includes a provision that would amend section 423 of title 41, United States Code, to revise the restrictions on obtaining or disclosing contractor bid or proposal information or source selection information. The provision would prohibit, except as provided by law, present or former federal employees from knowingly obtaining or disclosing such information before the award of a contract to which information relates. This provision would authorize criminal penalties for a violation of such prohibition when such information is exchanged for something of value or for the purpose of allowing anyone to obtain a competitive advantage in the award of a federal contract. The provision would authorize civil and administrative penalties for such violations as well.

The provision would also replace the current agency-specific recusal and post-employment restrictions applicable to agency employees involved in certain specified procurement actions with uniform standards applicable to all federal agencies. The post-employment restrictions would apply to designated officials involved in procurements over $10.0 million for a one-year period.

The recusal requirements apply to employees who are participating personally and substantially in a procurement. These requirements cover employees who participate personally and substantially in one or more of the following activities: the drafting of a specification developed for that procurement; the review and approval of a specification developed for that procurement; the preparation or issuance of a procurement solicitation in that procurement; the evaluation of bids or proposals for that procurement; the selection of sources for that procurement; the conduct of negotiations in the procurement; the review and approval of the award, modification, or extension of a contract in that procurement; such other specific procurement actions as may be specified in implementing regulations.

The provision also would provide civil and administrative penalties for contractors as well as for agency employees who violate the recusal requirements or the post-employment restrictions.

Further acquisition streamlining provisions (sec. 4305)

The conference agreement includes a provision that would consolidate a number of provisions in the Office of Federal Procurement Policy Act concerning findings, policies, and purposes. The provision would also repeal the reporting requirements in section 8 of the Act as well as make clarifying changes to section 11 of the Act regarding the permanent authorization of appropriations for the Office of Federal Procurement Policy.

Value engineering for federal agencies (sec. 4306)

The conference agreement includes a provision that would amend the Office of Federal Procurement Policy Act by adding a new section that would require federal agencies to establish and maintain cost-effective value engineering procedures and processes.

Acquisition workforce (sec. 4307)

The conference agreement includes a provision that would establish a series of policies and procedures for the management of the acquisition workforce in executive agencies other than the Department of Defense. The provision would require the head of each executive agency, after consultation with the Administrator of the Office of Federal Procurement Policy, to establish procedures and policies for the accession, educating, training, and career development and performance incentives for the acquisition workforce of the agency. The provision would place primary management authority for the acquisition workforce under the control of the senior procurement executive of each agency. The provision would establish statutory standards for the executive agencies in areas such as career development and worker qualification requirements. The provision would also require each agency to establish separate funding levels for acquisition workforce education and training, and would authorize tuition reimbursement programs for personnel serving in acquisition positions.

Demonstration projects relating to certain personnel management policies and procedures (sec. 4308)

The conference agreement includes a provision that would encourage the Secretary of Defense to embark on a demonstration program, or programs, to test the feasibility and desirability of proposals to improve personnel management policies or procedures for the Department of Defense acquisition workforce. The provision would modify authority under section 4703 of title 5, United States Code, with respect to a demonstration project carried out under this section for the three-year period, beginning on the date of enactment of this Act.

Cooperative purchasing (sec. 4309)

The conference agreement includes a provision that would suspend the authority the Administrator of General Services under section 481(b)(2) of title 40, United States Code, to allow state and local governments to use

the federal supply schedules. The provision would suspend the authority until the later of the period ending 18 months after the date of enactment of this Act or the period ending 30 days after the date after the Administrator has reviewed a General Accounting Office report that assesses the effects of state and local governments use of the federal supply schedules and has submitted the report and comments on the report to Congress. The conferees direct that the General Accounting Office include an assessment of the impact on costs to federal agencies from the use of federal supply schedules by state and local governments.

Procurement notice technical amendment (sec. 4310)

The conference agreement includes a provision that would make a clarifying amendment to section 18(c)(1)(E) to the Office of Federal Procurement Policy Act.

Micro-purchases without competitive quotations (sec. 4311)

The conference agreement includes a provision that would amend section 428 of title 41, United States Code, to provide greater flexibility to executive agencies in determining who may make purchases below $2,500 without being required to receive competitive quotations.

Subtitle B—Technical Amendments

Amendments related to Federal Acquisition Streamlining Act of 1994 (sec. 4321)

The conference agreement includes a provision that would make a series of technical and clarifying changes to the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355).

Miscellaneous amendments to federal acquisition laws (sec. 4322)

The conference agreement includes a provision that would make a series of clarifying and technical changes to acquisition statutes throughout the United States Code.

TITLE XLIV—EFFECTIVE DATES AND IMPLEMENTATION

Effective date and applicability (sec. 4401)

The conference agreement includes a provision that would provide that amendments made by this division would take effect on the date of enactment except as otherwise provided. The provision would provide that amendments made by this division apply to solicitations issued, unsolicited proposals received, any contract entered into pursuant to such a solicitation or proposal, and ongoing contracting actions, on or after the date 30 days after final implementing regulations are published but no later than January 1, 1997.

Implementing regulations (sec. 4402)

The conference agreement includes a provision that would establish a regulatory implementation schedule for the amendments within this division.

DIVISION E—INFORMATION TECHNOLOGY MANAGEMENT REFORM

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Overview

The Senate amendment contained provisions with government-wide acquisition and management issues related to information technology. The House bill also contained provisions relating to bid protest jurisdictions. The conferees considered all of these provisions before agreeing to include Division E in the conference agreement.

The conferees agree that:

(1) federal information systems are critical to the lives of every American;

(2) the efficiency and effectiveness of the federal government is dependent upon the effective use of information;

(3) the federal government annually spends billions of dollars operating obsolete information systems;

(4) the use of obsolete information systems severely limits the quality of the services that the federal government provides, the efficiency of federal government operations, and the capabilities of the federal government to account for how taxpayer dollars are spent;

(5) the failure to modernize federal government information systems and the operations they support, despite efforts to do so, has resulted in the waste of billions of dollars that cannot be recovered;

(6) despite improvements achieved through implementation of the Chief Financial Officers Act of 1990, most federal agencies cannot track the expenditures of Federal dollars and, thus, expose the taxpayers to billions of dollars in waste, fraud, abuse, and mismanagement;

(7) poor planning and program management and an overburdened acquisition process have resulted in the American taxpayers not getting their money's worth from the expenditure of $200,000,000,000 on information systems during the decade preceding the enactment of this Act;

(8) the federal government's investment control processes focus too late in the system lifecycle, lack sound capital planning, and pay inadequate attention to business process improvement, performance measurement, project milestones, or benchmarks against comparable organizations;

(9) many federal agencies lack adequate personnel with the basic skills necessary to effectively and efficiently use information technology and other information resources in support of agency programs and missions;

(10) federal regulations governing information technology acquisitions are outdated, focus on paperwork and process rather than results, and prevent the federal government from taking timely advantage of the rapid advances taking place in the competitive and fast changing global information technology industry;

(11) buying, leasing, or developing information systems should be a top priority for federal agency management because of the high potential for the systems to substantially improve Federal Government operations, including the delivery of services to the public; and,

(12) structural changes in the federal government, including elimination of the Brooks Act (section 111 of the Federal Property and Administrative Services Act of 1949, as amended), are necessary in order to improve federal information management and to facilitate federal government acquisition of the state-of-the-art information technology that is critical for improving the efficiency and effectiveness of federal government operations.

The conferees agree that action is necessary on the part of Congress in order to:

(1) create incentives for the federal government to strategically use information technology in order to achieve efficient and effective operations of the federal government, and to provide cost effective and efficient delivery of federal government services to the taxpayers;

(2) provide for the cost effective and timely acquisition, management, and use of effective information technology solutions;

(3) transform the process-oriented procurement system of the federal government, as it relates to the acquisition of information technology, into a results-oriented procurement system;

(4) increase the responsibility and authority of officials of the Office of Management and Budget and other federal government agencies, and the accountability of such officials to Congress and the public, in the use of information technology and other information resources in support of agency missions;

(5) ensure that federal government agencies are responsible and accountable for achieving service delivery levels and project management performance comparable to the best in the private sector;

(6) promote the development and operation of multiple-agency and government-wide, inter-operable, shared information resources to support the performance of federal government missions;

(7) reduce fraud, waste, abuse, and errors resulting from a lack of, or poor implementation of, federal government information systems;

(8) increase the capability of the federal government to restructure and improve processes before applying information technology;

(9) increase the emphasis placed by federal agency managers on completing effective capital planning and process improvement before applying information technology to the executing of plans and the performance of agency missions;

(10) coordinate, integrate, and, to the extent practicable, establish uniform federal information resources management policies and practices in order to improve the productivity, efficiency, and effectiveness of federal government programs and the delivery of services to the public;

(11) strengthen the partnership between the federal government and state, local, and tribal governments for achieving federal government missions, goals, and objectives;

(12) provide for the development of a well-trained core of professional federal government information resources managers; and,

(13) improve the ability of agencies to share expertise and best practices and coordinate the development of common application systems and infrastructure.

The following is a section-by-section description of the provisions adopted by the conferees. Section 5001 sets forth a short title "The Information Technology Management Reform Act of 1995" and Section 5002 sets forth definitions.

TITLE LI—RESPONSIBILITY FOR ACQUISITION OF INFORMATION TECHNOLOGY

Subtitle A—General Authority

Repeal of central authority of the Administrator of General Services (sec. 5101)

The conference agreement includes a provision that would repeal section 111 of the Federal Property and Administrative Services Act of 1949, as amended.

Subtitle B—Director of the Office of Management and Budget

Responsibility of Director (sec. 5111)

The conference agreement includes a provision that would require the Director of the Office of Management and Budget to comply with this title. The conferees anticipate that these provisions will be reviewed upon reauthorization of the Paperwork Reduction Act prior to September 30, 2001.

The conferees agree that in undertaking activities and issuing guidance in accordance with this subtitle, the Director shall promote the integration of information technology management with the broader information resource management processes in the agencies.

The conferees encourage the establishment of interagency groups to support the Director by examining areas of information technology, to include: telecommunications, software engineering, common administrative and programmatic applications, computer security and information policy, all of which would benefit from a government-wide or multi-agency perspective; the promotion of cooperation among agencies in information technology matters; the review of major or high risk information technology acquisitions; and the promotion of the efficient use of information technology that supports agency missions. The interagency groups should: identify common goals and requirements; develop a coordinated approach to meeting certain agency requirements, such as budget estimates and procurement programs; identify opportunities to share information that would improve the agency performance and reduce costs of agency programs; make recommendations regarding protocols and other standards for information technology, including security standards; and make recommendations concerning interoperability among agency information systems. The conferees also encourage the establishment of temporary special advisory groups, composed of experts from industry, academia, and the Federal Government, to review government-wide information technology programs, major or high risk information technology acquisitions, and information technology policy.

Capital planning and investment control (sec. 5112)

The conference agreement includes a provision that would describe the Director's responsibilities under 44 USC 3504(h) that relate to promoting and sustaining responsibility and accountability for improvement of the acquisition, use, and disposal of information technology by executive agencies.

The conferees agree that the Director, in developing a process related to major agency capital investments, should: ensure that the process identifies opportunities for interagency cooperation; ensure the success of high risk and high return investments; develop requirements for agency submission of investment information needed to execute the process; ensure that agency information resources management plans are integrated into the agency's program plans, financial management plans, and budgets for the acquisition and use of information technology designed to improve agency performance and the accomplishment of agency missions; and identify three categories of information systems investments—(1) high risk—those projects that, by virtue of their size, complexity, use of innovative technology, or other factors, have an especially high risk of failure; (2) high return—those projects that by virtue of their total potential benefits, in proportion to their costs, have particularly unique value to the public; and (3) crosscutting—those projects of individual agencies, with shared benefit to or impact on other federal agencies and state or local governments, that require enforcement of operational standards or elimination of redundancies. Finally, the conferees also agree that the Director, to encourage the use of best business and administrative practices, should identify and collect information regarding best practices, to include information on the development and implementation of best practices by the executive agencies. The Director should provide the executive agencies with information on best practices, and advice and assistance regarding the use of best practices.

Performance-based and results-based management (sec. 5113)

The conference agreement includes a provision that would require the Director to encourage performance and results-based management for agency information technology programs. The Director is required to review agency management practices based on the performance and results of its information technology programs and investments. The Director is required to issue clear and concise directions to ensure that agencies have effective and efficient capital planning processes that are used to select, control, and evaluate the results of major information systems investments and to ensure that agency information security is adequate.

The conferees agree that the Director's direction to agencies regarding performance and results-based management of information technology resources shall contain the following: (1) that each executive agency and its major subcomponents institute effective and efficient capital planning processes for selecting, controlling, and evaluating the results of all of its major information systems investments; (2) that the agency maintain a current and adequate information resources management plan, and to the maximum extent practicable, specifically identify the method for acquisition of information technology expected to improve agency operations, and otherwise benefit the agency; (3) that the agency provide for adequate integration of the agency's information resources management plans, strategic plans prepared pursuant to 5 U.S.C. 306, performance plans prepared pursuant to 31 U.S.C. 1115, financial management plans prepared pursuant to 31 U.S.C. 902(a)(5), and the agency budgets for the acquisition and use of information technology and other information resources. In addition, the conferees agree that OMB shall provide the needed oversight, through the budget process and other means, to ensure that executive agencies assume responsibility, and effectively implement suitable performance and results-based management practices.

Subtitle C—Executive Agencies

Responsibilities (sec. 5121)

The conference agreement includes a provision that would require the head of each executive agency to comply with this subtitle. The conferees anticipate that these provisions will be reviewed upon reauthorization of the Paperwork Reduction Act prior to September 30, 2001.

The conferees encourage the establishment and support of independent technical review committees, composed of diverse agency personnel (including users) and outside experts selected by the agency head, to advise an agency head about information systems programs.

Capital planning and investment control (sec. 5122)

The conference agreement includes a provision that would require agencies to develop a process for furthering their responsibilities under 44 U.S.C. 3506(h). The head of the agency is required to design and develop a process for maximizing the value and assessing and managing the risk of the agency's information technology acquisitions.

Performance and results-based management (sec. 5123)

The conference agreement includes a provision that would require agencies to establish goals for and report on the progress of improving efficiency and effectiveness of agency operations through use of information technology, as required by 44 U.S.C. 3506(h). The head of an executive agency must ensure that performance measures are established to support evaluating the results and benefits of information technology investments.

The conferees agree that, in fulfilling the responsibilities under this section, agency heads should ensure that: (1) before investing in information technology to support a function, the agency determines whether that function should be performed in the private sector or by an agency of the federal government; (2) the agency adequately provides for the integration of the agency's information resources management plans, strategic plans prepared pursuant to 5 U.S.C. 306, performance plans prepared pursuant to 31 U.S.C. 1115, financial management plans prepared pursuant to 31 U.S.C. 902(a)(5), and adequately prepares budgets for the acquisition and use of information technology; (3) the agency maintains a current and adequate information resources management plan, and to the maximum extent practicable, specifically identifies how acquired information technology would improve agency operations and otherwise benefit the agency; and (4) the agency invests in efficient and effective interagency and government-wide information technology to improve the accomplishment of common agency missions or functions.

Acquisitions of information technology (sec. 5124)

The conference agreement includes a provision that would authorize the head of an executive agency to acquire information technology and, upon approval of the Director of OMB, enter into multi-agency information technology investments. The conferees intend that the requirements and limitations of the Economy Act, and other provisions of law, apply to these multiagency acquisition. This section also authorizes the General Services Administration (GSA) to continue the management of the FTS–2000 program and coordinate the follow-on effort to FTS–2000.

Agency chief information officer (sec. 5125)

The conference agreement includes a provision that would amend the Paperwork Reduction Act of 1995 by replacing the "senior information resources management official position" established within each executive agency with an agency Chief Information Officer (CIO). The agency CIO is responsible for providing information and advice regarding information technology and information resources management to the head of the agency, and for ensuring that the management and acquisition of agency information technology is implemented consistent with the provisions of this law.

The conferees anticipate that agencies may establish CIOs for major subcomponents or bureaus, and expect agency CIOs will possess knowledge of, and practical experience in, information and information technology management practices of business or government entities. The conferees also intend that deputy chief information officers be appointed by agency heads that have additional experience in business process analysis, software and information systems development, design and management of information technology architectures, data and telecommunications management at government or business entities. The conferees intend that CIOs, in agencies other than those listed in 31 U.S.C. 901(b), perform essentially the same duties as CIOs in agencies listed in 31 U.S.C. 901(b).

The conferees expect that an agency's CIO will meet periodically with other appropriate agency officials to advise and coordinate the information technology and other information resources management activities of the various agencies.

Accountability (sec. 5126)

The conference agreement includes a provision that would require the head of each agency, in consultation with agency Chief Information Officers and Chief Financial Officers, to ensure the integration of financial and information systems. The conferees intend that the information resources management plan, required under 44 U.S.C. 3506 (b)(2), support the performance of agency missions through the application of information technology and other information resources, and include the following: (1) a statement of goals to improve the extent to which information resources contribute to program productivity, efficiency, and effectiveness; (2) the development of methods to measure progress toward achieving the goals; (3) the establishment of clear roles, responsibilities, and accountability to achieve the goals; (4) a description of an agency's major existing and planned information technology components (such as information systems and telecommunications networks); (5) the relationship among the information technology components, and the information architecture; and (6) a summary of the project's status and any changes in name, direction or scope, quantifiable results achieved, and current maintenance expenditures for each ongoing or completed major information systems investment from the previous year. The conferees also intend that agency heads will periodically evaluate and improve the accuracy, security, completeness, and reliability of information maintained by or for the agency.

Significant deviations (sec. 5127)

The conference agreement includes a provision that would require agencies to identify in their information resources management plans any major information technology acquisition program, or phase or increment of such program, that has significantly deviated from the established cost, performance, or schedule baseline.

Interagency support (sec. 5128)

The conference agreement includes a provision that would authorize the utilization of funds for interagency activities in support of the Information Technology Reform Act.

Subtitle D—Other Responsibilities.

Responsibilities regarding efficiency, security, and privacy of federal computer systems (sec. 5131)

The conference agreement includes a provision that would set forth the authority for the Secretary of Commerce, in consultation with the National Institute of Standards and Technology, to promulgate standards to improve the operation, security, and privacy of Federal information technology systems.

Sense of Congress (sec. 5132)

The conference agreement includes a provision stating that agencies, over the next five years, should achieve a five percent per year decrease in costs incurred for operation and maintenance of information technology, and a five percent increase in operational efficiency through improvements in information resources management.

Subtitle E—National Security Systems

The conference agreement includes a provision that would exclude national security systems from provisions of this Act, unless otherwise provided in this Act.

TITLE LII—PROCESS FOR ACQUISITIONS OF INFORMATION TECHNOLOGY

Procurement procedures (sec. 5201)

The conference agreement includes a provision that would direct the Federal Acquisition Regulatory Council to ensure, to the maximum extent practicable, that the information technology process is simplified, clear, and understandable. The process should specifically address the management of risk, incremental acquisitions, and the need to incorporate commercial information technology in a timely manner.

The conferees agree that, in performing oversight of information technology acquisitions, the Director of the Office of Management and Budget, agency heads, and agency inspectors general should emphasize program results and established performance measurements, rather than reviews of the acquisition process.

Incremental acquisition of information technology (sec. 5202)

The conference agreement includes a provision that would provide for procedures in the Federal Acquisition Regulations for the incremental acquisition of major information technology systems by the Department of Defense and the civilian executive agencies.

TITLE LIII—INFORMATION TECHNOLOGY ACQUISITION PILOT PROGRAMS

Subtitle A—Conduct of Pilot Programs

The conference agreement includes provisions that would authorize the Administrator of Office of Federal Procurement Policy, in consultation with the Administrator of Office of Information and Regulatory Affairs, to: conduct pilot programs to test alternative acquisition approaches for information technology; conduct no more than two pilots, not to exceed $750 million for a period not to exceed five years; require agency heads to develop evaluation and test plans; prepare and submit test plans to Congress prior to implementation; report on results within 180 days after completion; and make recommendations for legislation.

Subtitle B—Specific Pilot Programs

The conference agreement includes provisions that would provide for two specific pilot programs, the share-in-savings pilot program and the solutions-based contracting pilot program.

TITLE LIV—ADDITIONAL INFORMATION RESOURCES MANAGEMENT MATTERS

On-line multiple award schedule contracting (sec. 5401)

The conference agreement includes a provision that would require the Administrator of General Services to provide for on-line access to multiple award schedules for information technology. The system would provide basic information on prices, features, and similar matters, allow for information updates, enable comparison of product information, enable on-line ordering and invoicing, permit on-line payment, and archive order data. The provision would also authorize a pilot program to test streamlined procedures for the automated system. The conference agreement directs the Administrator of General Services to incorporate its information technology multiple award schedules into Federal Acquisition Computer Network (FACNET) by January 1, 1998, and would make the pilot program discretionary. The conferees agree that the procedures established by the Administrator for use of FACNET be consistent with the Federal Property and Administrative Services Act requirements regarding the multiple award schedule (41 U.S.C. 259(B)(3)). If the Administrator determines it is not practicable to provide such access through FACNET, the Administrator shall provide such access through another automated system that has the capability to perform the functions listed in subsection 259(b)(1) and meets the requirement of subsection 259(b)(2).

Disposal of excess computer equipment (sec. 5402)

The conference agreement includes a provision that would require agencies to inventory all agency computer equipment and to identify excess or surplus property. The conferees direct that the Administrator of General Services, in exercising current authority under title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.), donate federal surplus personal property to public organizations. The conferees direct the Administrator to prescribe regulations that establish a priority for the donation of surplus computer equipment in the following sequence: (1) elementary and secondary schools, and schools funded by the Bureau of Indian Affairs; (2) public libraries; (3) public colleges and universities; and (4) other entities eligible for donation of federal surplus personal property under title II of that Act.

Access of certain information in information systems to the directory established under section 4101 of title 44, United States Code (sec. 5403)

The conference agreement includes a provision that would ensure that, for agency information systems that disseminate information to the public, an index of information is included in the Government Printing Office (GPO) directory established under 44 U.S.C. 4101.

In 1993, Congress directed the GPO to create an online directory, of federal public information in electronic form (Public Law 103–40). Today, that system is accessible to the general public directly and through the Federal Depository Libraries. Yet, in the two years since enactment of the GPO access bill, technology has moved forward dramatically in its ability to support location and search of the physically-distributed, locally-maintained databases. Congress recognized this shift in the Paperwork Reduction Act of 1995 (Public Law 104–13). That Act requires Federal agencies to ensure access to agency public information by "encouraging a diversity of public and private sources". It also directs the Office of Management and Budget to establish a distributed, electronic, agency-based Government Information Locator Service (GILS) to identify the major information dissemination products of each agency. As the Senate report noted (S. Rept. 104–112), GILS: "* * * will provide multiple avenues for public access to government information by pointing to specific agency information holdings. To make this possible, agencies' systems must be compatible. Thus, agency GILS information should be available to the public through the Government Printing Office Locator System (established pursuant to Public Law 103–40) in addition to any other required methods, agencies may choose to efficiently and effectively provide public and agency access to GILS."

Section 5403 further clarifies the intent of Congress to ensure the widest possible access to Federal public information through a diversity of compatible sources.

TITLE LV—PROCUREMENT PROTEST AUTHORITY OF THE COMPTROLLER GENERAL

The conference agreement includes a provision that would require the Comptroller

General to issue a decision relating to a bid protest within 100 days.

TITLE LVI—CONFORMING AND CLERICAL AMENDMENTS

The conference agreement includes a series of clarifying and technical changes to acquisition statutes throughout the United States Code.

TITLE LVII—EFFECTIVE DATE, SAVINGS PROVISIONS, AND RULE OF CONSTRUCTION

Effective date (sec. 5701)

The conference agreement includes a provision that would provide for this division and the amendments made by this division to take effect 180 days after the date of the enactment of this Act.

Savings provisions (sec. 5702)

The conference agreement includes a provision that would allow selected information technology actions and acquisition proceedings, including claims or applications, that have been initiated by, or are pending before, Administrator of the General Services or the General Services Administration Board of Contract Appeals to be continued under original terms, until terminated, revoked, or superseded in accordance with law, by the Director of OMB, by a court, or by operation of law. The Director of OMB is authorized to establish regulations for transferring such actions and proceedings.

From the Committee on National Security, for consideration of the House bill (except for sections 801–03, 811–14, 826, 828–32, 834–38, 842–43, and 850–96) and the Senate amendment (except for sectons 801–03, 815–18, 2851–57, and 4001–4801), and modifications committed to conference:

FLOYD SPENCE,
BOB STUMP,
DUNCAN HUNTER,
JOHN R. KASICH,
HERBERT H. BATEMAN,
JAMES V. HANSEN,
CURT WELDON,
R.K. DORNAN,
JOEL HEFLEY,
JIM SAXTON,
RANDY DUKE CUNNINGHAM,
STEVE BUYER,
PETER G. TORKILDSEN,
TILLIE FOWLER,
JOHN M. MCHUGH,
J.C. WATTS, Jr.,
WALTER B. JONES, Jr.,
JIM LONGLEY,
G.V. MONTGOMERY,
IKE SKELTON,
NORMAN SISISKY,
SOLOMON P. ORTIZ,
OWEN PICKETT,
JOHN TANNER,
GLENN BROWDER,
GENE TAYLOR,
NEIL ABERCROMBIE,

From the Committee on National Security, for consideration of sections 801–03, 811–14, 826, 828–32, 834–38, 842–43, and 850–96 of the House bill and sections 801–03 and 815–18 of the Senate amendment, and modifications committed to conference:

FLOYD SPENCE,
BOB STUMP,
J.C. WATTS, JR.,

From the Committee on National Security, for consideration of sections 2851–57 of the Senate amendment, and modifications committed to conference:

FLOYD SPENCE,
JOEL HEFLEY,
WALTER B. JONES, JR.,
G.V. MONTGOMERY,

From the Committee on National Security, for consideration of sections 4001–4801 of the Senate amendment, and modifications committed to conference:

FLOYD SPENCE,
BOB STUMP,
PETER G. TORKILDSEN,
J.C. WATTS, JR.,
JIM LONGLEY,

As additional conferees from the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 2 of rule XLVIII:

LARRY COMBEST,
BILL YOUNG,

As additional conferees from the Committee on Agriculture, for consideration of sections 2851–57 of the Senate amendment, and modifications committed to conference:

PAT ROBERTS,
WAYNE ALLARD,
RAY LAHOOD,
E DE LA GARZA,
TIM JOHNSON,

As additional conferees from the Committee on Commerce, for consideration of sections 601 and 3402–04 of the House bill and sections 323, 601, 705, 734, 2824, 2851–57, 3106–07, 3166, and 3301–02 of the Senate amendment, and modifications committed to conference:

TOM BLILEY,
DAN SCHAEFER,

Provided, Mr. Oxley is appointed in lieu of Mr. Schaefer for consideration of sections 323, 2824, and 3107 of the Senate amendment:

MICHAEL G. OXLEY,

Provided, Mr. Bilirakis is appointed in lieu of Mr. Schaefer for consideration of section 601 of the House bill and sections 601, 705, and 734 of the Senate amendment:

MICHAEL BILIRAKIS,

Provided, Mr. Hastert is appointed in lieu of Mr. Schaefer for consideration of sections 2851–57 of the Senate amendment:

J. DENNIS HASTERT,

As additional conferees from the Committee on Economic and Educational Opportunities, for consideration of section 394 of the House bill, and sections 387 and 2813 of the Senate amendment, and modifications committed to conference:

WILLIAM F. GOODLING,
FRANK RIGGS,
BILL CLAY,

As additional conferees from the Committee on Government Reform and Oversight, for consideration of sections 332–33, and 338 of the House bill, and sections 333 and 336–43 of the Senate amendment, and modifications committed to conference:

BILL CLINGER,
JOHN L. MICA,
C.F. BASS,

As additional conferees from the Committee on Government Reform and Oversight, for consideration of sections 801–03, 811–14, 826, 828–32, 834–40, and 842–43 of the House bill, and sections 801–03 and 815–18 of the Senate amendment, and modifications committed to conference:

BILL CLINGER,
STEPHEN HORN,
THOMAS M. DAVIS,

As additional conferees from the Committee on Government Reform and Oversight, for consideration of sections 850–96 of the House bill, and modifications committed to conference:

BILL CLINGER,
THOMAS M. DAVIS,

As additional conferees from the Committee on Government Reform and Oversight, for consideration of sections 4001–4801 of the Senate amendment, and modifications committed to conference:

BILL CLINGER,
STEVEN SCHIFF,
BILL ZELIFF,
STEPHEN HORN,
THOMAS M. DAVIS,

As additional conferees from the Committee on House Oversight, for consideration of section 1077 of the Senate amendment, and modifications committed to conference:

WILLIAM M. THOMAS,
PAT ROBERTS,
STENY HOYER,

As additional conferees from the Committee on International Relations, for consideration of sections 231–32, 235, 237–38, 242, 244, 1101–08, 1201, 1213, 1221–30, and 3131 of the House bill and sections 231–33, 237–38, 240–41, 1012, 1041–44, 1051–64, and 1099 of the Senate amendment, and modifications committed to conference:

BENJAMIN A. GILMAN,
WILLIAM F. GOODLING
TOBY ROTH,
DOUG BEREUTER,
CHRIS SMITH,

As additional conferees from the Committee on the Judiciary, for consideration of sections 831 (only as it adds a new section 27(d) to the Office of Federal Procurement Policy Act), and 850–96 of the House bill and sections 525, 1075, and 1098 of the Senate amendment, and modifications committed to conference:

HENRY HYDE,
GEORGE W. GEKAS,

As additional conferees from the Committee on Rules, for consideration of section 3301 of the Senate amendment, and modifications committed to conference:

JERRY SOLOMON,
DAVID DREIER,

As additional conferees from the Committee on Science, for consideration of sections 203, 211, and 214 of the House bill and sections 220–21, 3137, 4122(a)(3), 4161, 4605, and 4607 of the Senate amendment, and modifications committed to conference:

ROBERT S. WALKER,
F. JAMES SENSENBRENNER, Jr.,

As additional conferees from the Committee on Transportation and Infrastructure, for consideration of sections 223, 322, 2824, and 2851–57 of the Senate amendment, and modification committed to conference:

BUD SHUSTER,
JERRY WELLER,

As additional conferees from the Committee on Veterans' Affairs for consideration of sections 2806 of the House bill and sections 644–45 and 4604 of the Senate amendment, and modification committed to conference:

CHRISTOPHER H. SMITH,
TIM HUTCHINSON,
JOE KENNEDY,

As additional conferees from the Committee on Ways and Means, for consideration of sections 705, 734, and 1021 of the Senate amendment, and modifications committed to conference:

BILL ARCHER,
WILLIAM THOMAS,
PETE STARK,

Managers on the Part of the House.

STROM THURMOND,
JOHN WARNER,
BILL COHEN,
JOHN MCCAIN,
TRENT LOTT,
DAN COATS,
BOB SMITH,
DIRK KEMPTHORNE,
KAY BAILEY HUTCHISON,
JIM INHOFE,

RICK SANTORUM,
SAM NUNN,
ROBERT C. BYRD,
CHUCK ROBB,
JOSEPH LIEBERMAN,
Managers on the Part of the Senate.

SPECIAL ORDERS GRANTED

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

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

Mr. POSHARD, for 5 mintues, today.
Mr. MFUME, for 5 minutes, today.
Ms. NORTON, for 5 minutes, today.
Mr. GENE GREEN of Texas, for 5 minutes, today.
Mr. PALLONE, for 5 minutes, today.
Ms. DELAURO, for 5 minutes, today.
Mr. PAYNE of New Jersey, for 5 minutes, today.

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

Mr. RAMSTAD, for 5 minutes, today.
Mr. ENSIGN, for 5 minutes, today.
Mr. FOLEY, for 5 minutes, today.
Mr. TIAHRT, for 5 minutes on December 15.
Mr. DIAZ-BALART, for 5 minutes, today.
Mr. HORN, for 5 minutes, today.
Mr. HOKE, for 5 minutes on December 14.

EXTENSION OF REMARKS

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

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

Ms. NORTON.
Mr. TORRICELLI.
Mr. RANGEL.
Mr. HAMILTON in two instances.
Mr. DINGELL.
Mr. FRANK of Massachusetts.
Mr. SKELTON.
Mr. DIXON.
Mr. OBERSTAR.
Mr. STOKES.
Mr. BARRETT of Wisconsin.
Mr. TOWNS.
Mr. ACKERMAN.
Mr. CARDIN.
Mr. RICHARDSON in two instances.
Mr. DEUTSCH.

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

Mr. SAXTON.
Mr. BUNNING of Kentucky.
Mr. GILMAN in three instances.
Mr. SOLOMON.
Mr. SENSENBRENNER.
Mr. SMITH of New Jersey.
Mr. FOX of Pennsylvania.

BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 2076. An act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1996, and for other purposes.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 12 o'clock and 5 minutes a.m.) the House adjourned until today, Thursday, December 14, 1995, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized by various committees of the House of Representatives during the second and third quarters of 1995, as well as the consolidated third quarter 1995 report of foreign currencies and U.S. dollars utilized for official foreign travel authorized by the Speaker, House of Representatives, pursuant to Public Law 95–384, are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1995

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Carlos J. Moorhead	4/19	4/21	Japan		836.00						836.00
	4/21	4/23	South Korea		620.00						620.00
	4/23	4/27	China		1,064.00						1,064.000
Military air transportation [3]											
Hon. John Conyers, Jr.	4/19	4/21	Japan		836.00						836.00
	4/21	4/23	South Korea		620.00						620.00
	4/23	4/27	China		1,064.00						1,064.000
Military air transportation [3]											
Hon. Patricia Schroeder	4/19	4/21	Japan		836.00						836.00
	4/21	4/23	South Korea		620.00						620.00
	4/23	4/27	China		1,064.00						1,064.000
Military air transportation [3]											
Hon. Rick Boucher	4/19	4/21	Japan		836.00						836.00
	4/21	4/23	South Korea		620.00						620.00
	4/23	4/27	China		1,064.00						1,064.000
Military air transportation [3]											
Commercial airfare [4]							1,940.00				1,940.00
Thomas Mooney	4/19	4/21	Japan		836.00						836.00
	4/21	4/23	South Korea		620.00						620.00
	4/23	4/27	China		1,064.00						1,064.000
Military air transportation [3]											
Joseph Wolfe	4/19	4/21	Japan		836.00						836.00
	4/21	4/23	South Korea		620.00						620.00
	4/23	4/27	China		1,064.00						1,064.000
Military air transportation [3]											
Mitch Glazier	4/19	4/21	Japan		836.00						836.00
	4/21	4/23	South Korea		620.00						620.00
	4/23	4/27	China		1,064.00						1,064.000
Military air transportation [3]											
Betty Wheeler	4/19	4/21	Japan		836.00						836.00
	4/21	4/23	South Korea		620.00						620.00
	4/23	4/27	China		1,064.00						1,064.000
Military air transportation [3]											
Committee total					20,160.00		1,940.55				22,100.55

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Air transportation was provided by the Department of Defense.
[4] Returned by commercial airline.

HENRY J. HYDE,
Chairman, Nov. 22, 1995.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 31, 1995

Name of Member or employee	Date		Country	Per diem		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency [1]	U.S. dollar equivalent or U.S. currency [2]	Foreign currency [1]	U.S. dollar equivalent or U.S. currency [2]	Foreign currency [1]	U.S. dollar equivalent or U.S. currency [2]	Foreign currency [1]	U.S. dollar equivalent or U.S. currency [2]
Kristi Walseth	7/6	7/12	Bulgaria		1250.00						1250.00
	7/12	7/13	Germany		300.00						300.00
Commercial airfare							3702.95				3702.95
Hon. Tony Hall	7/27	7/31	Italy		2380.00						2380.00
Local transportation									301.45		301.45
			Sarajevo [3]								
Hon. David Dreier	8/4	8/12	South America [3]								
Kristi Walseth	8/30	9/2	Romania		1017.00						1017.00
Commercial airfare							3705.15				3705.15
Committee total					4947.00		7,408.10		301.45		12656.55

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Information not available at this time.

GERALD B.H. SOLOMON,
Chairman, Dec. 11, 1995.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO RUSSIA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 26 AND AUG. 30, 1995

Name of Member or employee	Date		Country	Per diem		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency [1]	U.S. dollar equivalent or U.S. currency [2]	Foreign currency [1]	U.S. dollar equivalent or U.S. currency [2]	Foreign currency [1]	U.S. dollar equivalent or U.S. currency [2]	Foreign currency [1]	U.S. dollar equivalent or U.S. currency [2]
Hon. Sam Johnson	8/26	8/30	Russia		1,000.00						1,000.00
Commerical airfare							5,891.95				5,891.95
Mark Franz	8/26	8/30	Russia		1,000.00						1,000.00
Commerical airfare							3,427.95				3,427.95
Committee total					2,000.00		9,319.90				11,319.90

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

SAM JOHNSON.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO GERMANY, RUSSIA, AND MOLDOVA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 26 AND SEPT. 1, 1995

Name of Member or employee	Date		Country	Per diem		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency [1]	U.S. dollar equivalent or U.S. currency [2]	Foreign currency [1]	U.S. dollar equivalent or U.S. currency [2]	Foreign currency [1]	U.S. dollar equivalent or U.S. currency [2]	Foreign currency [1]	U.S. dollar equivalent or U.S. currency [2]
Hon. Pete Peterson	8/26	8/27	Germany		250.00		1,634.78				1,884.78
Commercial airfare.											
	8/27	8/31	Russia		1,350.00		[3]				1,350.00
	8/31	8/31	Moldova				[3]				
	8/31	9/1	Germany		250.00		[3]				250.00
Juzanne Farmer	8/27	8/27	Germany				293.78				293.78
Commercial airfare.											
	8/27	8/31	Russia		1,350.00		[3]				1,350.00
	8/31	8/31	Moldova				[3]				
	8/31	9/1	Germany		250.00		[3]				250.00
Committee total					3,450.00		1,928.56				5,378.56

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

PETE PETERSON,
Sept. 5, 1995.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, GARDNER G. PECKHAM TO KOREA AND THE PEOPLE'S REPUBLIC OF CHINA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 25 AND SEPT. 2, 1995

Name of Member or employee	Date		Country	Per diem		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency [1]	U.S. dollar equivalent or U.S. currency [2]	Foreign currency [1]	U.S. dollar equivalent or U.S. currency [2]	Foreign currency [1]	U.S. dollar equivalent or U.S. currency [2]	Foreign currency [1]	U.S. dollar equivalent or U.S. currency [2]
Gardner G. Peckham	8/25	8/30	Republic of Korea	1,204,600	$1,585.00						1,585.00
	8/30	9/02	Peoples Republic of China	10,840.50	1,314.00						1,314.00
Commercial airfare							3,848.95				3,848.95
Excess per diem returned					−635.00						−635.00
Committee total					2,264.00		3,848.95				6,112.95

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

GARDNER G. PECKHAM,
Sept. 12, 1995.

EXECUTIVE COMMUNICATIONS, ETC.

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

1819. A letter from the Assistant Secretary of the Treasury, transmitting a copy of the seventh monthly report pursuant to the Mexican Debt Disclosure Act of 1995, pursuant to Public Law 104–6, section 404(a) (109 Stat. 90); to the Committee on Banking and Financial Services.

1820. A letter from the Comptroller of the Currency, transmitting the annual report on compliance by insured depository institutions, pursuant to Public Law 103–325, section 529(a) (108 Stat. 2266); to the Committee on Banking and Financial Services.

1821. A letter from the Secretary of Education, transmitting final regulations—direct grant programs, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Economic and Educational Opportunities.

1822. A letter from the Secretary of Health and Human Services, transmitting the third annual report to Congress on progress in achieving the performance goals referenced in the Prescription Drug User Fee Act of 1992 [PDUFA], for the fiscal year 1995, pursuant to 21 U.S.C. 379g note; to the Committee on Commerce.

1823. A letter from the Acting Director, Defense Security Assistance Agency, transmitting the quarterly reports in accordance with sections 36(a) and 26(b) of the Arms Export Control Act, the March 24, 1979, report by the Committee on Foreign Affairs, and the seventh report by the Committee on Government Operations for the fourth quarter of fiscal year 1995, through September 30, 1995, pursuant to 22 U.S.C. 2776(a); to the Committee on International Relations.

1824. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning cooperation with Germany in the area of rolling airframe missile [RAM] guided missile weapon system, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

1825. A letter from the Deputy Director, Defense Security Assistance Agency, transmitting the Department of the Navy's proposed lease of defense articles to Greece (Transmittal No. 07–96), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

1826. A letter from the Deputy Director, Defense Security Assistance Agency, transmitting the Department of the Army's proposed lease of defense articles to the NATO Maintenance and Supply Agency (Transmittal No. 06–96), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

1827. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report pursuant to section 5 of the Jerusalem Embassy Act of 1995; to the Committee on International Relations.

1828. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, "Review of Negotiated Services Contracts Between the District of Columbia and the Test Development Committee," pursuant to D.C. Code, section 47–117(d); to the Committee on Government Reform and Oversight.

1829. A letter from the Federal Cochairman, Applachian Regional Commission, transmitting the semiannual report on activities of the inspector general for the period April 1, 1995, through September 30, 1995, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

1830. A letter from the Executive Secretary, Barry M. Goldwater Scholarship and Excellence in Educational Foundation, transmitting the 1995 annual report in compliance with the Inspector General Act Amendments of 1988, pursuant to Public Law 100–504, section 104(a) (102 Stat. 2525); to the Committee on Government Reform and Oversight.

1831. A letter from the Administrator, Environmental Protection Agency, transmitting the semiannual report on activities of the inspector general for the period April 1, 1995, through September 30, 1995, pursuant to 5 U.S. C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

1832. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board's report entitled "The Rule of Three in Federal Hiring: Boon or Bane?," pursuant to 5 U.S.C. 1204(a)(3); to the Committee on Government Reform and Oversight.

1833. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the semiannual report on activities of the inspector general for the period April 1, 1995, through September 30, 1995, and management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

1834. A letter from the Chairman, National Science Board, transmitting the semiannual report on activities of the inspector general for the period April 1, 1995, through September 30, 1995, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

1835. A letter from the Director, Office of Government Ethics, transmitting the 1995 annual report in compliance with the Inspector General Act Amendments of 1988, pursuant to Public Law 100–504, section 104(a) (102 Stat. 2525); to the Committee on Government Reform and Oversight.

1836. A letter from the Secretary of Veterans Affairs, transmitting the semiannual report on activities of the inspector general for the period April 1, 1995, through September 30, 1995, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(d); to the Committee on Government Reform and Oversight.

1837. A letter from the Secretary, Smithsonian Institution, transmitting the semiannual report on activities of the inspector general for the period April 1, 1995, through September 30, 1995, and the management's response for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

1838. A letter from the Director of Financial Services, Library of Congress, transmitting a copy of the U.S. Capitol Preservation Commission annual report for fiscal year 1995; to the Committee on House Oversight.

1839. A letter from the Secretary of Health and Human Services, transmitting the 19th annual report on the Child Support Enforcement Program, pursuant to 42 U.S.C. 652(a)(10); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Ms. PRYCE: Committee on Rules. House Resolution 301. Resolution waiving points of order against the further conference report to accompany the bill (H.R. 1977) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes (Rept. 104–403). Referred to the House Calendar.

Mr. LINDER: Committee on Rules. House Resolution 303. Resolution providing for consideration of the bill (H.R. 1745) to designate certain public lands in the State of Utah as wilderness, and for other purposes (Rept. 104–404). Referred to the House Calendar.

Mr. SOLOMON: Committee on Rules. House Resolution 304. Resolution providing for debate and for consideration of three measures relating to the deployment of United States Armed Forces in and around the territory of the Republic of Bosnia and Herzegovina (Rept. 104–405). Referred to the House Calendar.

Mr. SPENCE: Committee of conference. Conference report on H.R. 1530. A bill to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1996, and for other purposes (Rept. 104–406). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. MARTINI (for himself, Mr. LUCAS, and Mr. POMBO):

H.R. 2766. A bill to authorize the Secretary of the Interior to provide funds to the Palisades Interstate Park Commission for acquisition of land in the Sterling Forest area of the New York/New Jersey Highlands Region, and for other purposes; to the Committee on Resources, and in addition to the Committees on Transportation and Infrastructure, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GILMAN (for himself, Mr. HAMILTON, Mr. SMITH of New Jersey, Mr. DAVIS, Mr. BAKER of California, Mrs. MORELLA, Mr. MORAN, and Mr. WOLF):

H.R. 2767. A bill to extend au pair programs; to the Committee on International Relations.

By Mr. HYDE (for himself, Mr. MCCOLLUM, Mr. SMITH of Texas, and Mr. BARR):

H.R. 2768. A bill to combat terrorism; to the Committee on the Judiciary.

By Mr. BARTON of Texas (for himself, Mr. SOUDER, Mr. COMBEST, Mr. WATTS of Oklahoma, Mr. GUTKNECHT, Mr. HUNTER, Mr. LAUGHLIN, and Mr. STOCKMAN):

H.R. 2769. A bill to allow employees of the U.S. Government who have been furloughed, due to a lapse in appropriations, to volunteer to work to serve the needs of the people of the United States, and for other purposes; to the Committee on Government Reform and Oversight.

By Mr. DORNAN (for himself, Mr. SCARBOROUGH, Mr. NEUMANN, Mr. BAKER of California, Mr. CHABOT, Mr. METCALF, Mr. COBURN, Mr. SOUDER,

Mr. HOSTETTLER, Mr. STUMP, and Mr. BARTLETT of Maryland):

H.R. 2770. A bill to prohibit Federal funds from being used for the deployment on the ground of United States Armed Forces in the Republic of Bosnia and Herzegovina as part of any peacekeeping operation, or as part of any implementation force; to the Committee on International Relations, and in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARTLETT of Maryland (for himself, Mr. SALMON, Mr. WAMP, Mr. HOKE, Mrs. SMITH, Mr. DAVIS, Mrs. CHENOWETH, Mr. METCALF, Mr. SOLOMON, Mr. MCKEON, Mr. LEWIS of Kentucky, Mr. ALLARD, Mr. DREIER, Mr. BROWN of California, Mr. ENGLISH of Pennsylvania, Mr. CHRYSLER, Mr. STOCKMAN, Mr. DORNAN, Mr. EHRLICH, Mr. COBURN, and Mr. TAYLOR of Mississippi):

H.R. 2771. A bill to provide that rates of basic pay for Members of Congress be determined as a function of efforts to eliminate the Federal deficit; to the Committee on House Oversight.

By Mr. HEINEMAN (for himself, Mr. KNOLLENBERG, Mr. HEFNER, Mr. CALVERT, Mrs. CLAYTON, Mr. JONES, Mr. FRAZER, Mr. COBLE, and Mr. COOLEY):

H.R. 2772. A bill to direct the Administrator of the Federal Aviation Administration to develop a system for collecting and disseminating information concerning the quality of aircraft pilot performances in training activities, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. MYRICK:

H.R. 2773. A bill to extend the deadline under the Federal Power Act applicable to the construction of two hydroelectric projects in North Carolina, and for other purposes; to the Committee on Commerce.

By Ms. ROS-LEHTINEN (for herself, Mr. DEUTSCH, Mr. SHAW, Mrs. MEEK of Florida, Mr. DIAZ-BALART, Mr. HASTINGS of Florida, Mr. FOLEY, Mr. YOUNG of Florida, Mr. GOSS, and Mr. STEARNS):

H.R. 2774. A bill to allow the placement of missing children posters in Federal buildings and facilities located within a unit of the National Park System; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Resources, the Judiciary, House Oversight, and Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GILMAN (for himself, and Mr. HAMILTON):

H.R. 2775. A bill to amend the Agricultural Trade Development and Assistance Act of 1954, the Food for Progress Act of 1985, and the Food, Agriculture, Conservation, and Trade Act of 1990 to extend the authorities under those Acts; to the Committee on International Relations, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SKELTON (for himself, Mr. MONTGOMERY, Mr. SPENCE, Mr. MCHALE, Mr. BUYER, and Mrs. FOWLER):

H.R. 2776. A bill to amend the Internal Revenue Code of 1986 to provide that members of the Armed Forces performing service in a contingency operation declared by the President shall be entitled (if the President so designates that operation for such purpose) to exclude from gross income military compensation received for active service in the same manner as if such service was performed in a combat zone, and for other purposes; to the Committee on Ways and Means.

By Mr. CARDIN:

H.R. 2777. A bill to amend title XVIII of the Social Security Act to provide for expanded coverage of preventive benefits under part B of the Medicare Program; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GEPHARDT (for himself, Mr. OBEY, and Mr. MURTHA):

H.J. Res. 131. Joint resolution making further continuing appropriations for the fiscal year 1996, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY (for herself, Ms. HARMAN, Mrs. MORELLA, Ms. ROYBAL-ALLARD, Ms. WATERS, Mrs. MEEK of Florida, Mrs. MINK of Hawaii, Ms. SLAUGHTER, Ms. JACKSON-LEE, Ms. LOFGREN, Mr. MEEHAN, Mr. MCDERMOTT, Ms. PELOSI, Mrs. KELLY, Ms. MCKINNEY, Mr. SAWYER, Mr. MILLER of California, Mr. ENGEL, Mrs. SCHROEDER, Ms. VELAZQUEZ, Mr. DEUTSCH, Mr. MATSUI, Mr. WATT of North Carolina, Mr. SERRANO, Mr. WARD, Ms. WOOLSEY, Mr. FARR, Mr. NADLER, Mr. OLVER, Ms. DELAURO, Mr. TORRES, Mr. KENNEDY of Massachusetts, Mr. DELLUMS, Miss COLLINS of Michigan, Mr. OWENS, Mrs. LOWEY, Mr. GEJDENSON, Mr. BERMAN, Mrs. CLAYTON, Mr. YATES, Mr. JOHNSTON of Florida, Mr. THOMPSON, Mr. UNDERWOOD, Mr. LANTOS, Ms. NORTON, Mr. MORAN, and Ms. FURSE):

H. Con. Res. 119. Concurrent resolution supporting the commitments of the United States announced at the United Nations Fourth World Conference on Women, held in Beijing, China, in September 1995; to the Committee on International Relations.

By Mr. BUYER (for himself and Mr. SKELTON):

H. Res. 302. Resolution relating to the deployment of United States Armed Forces in and around the territory of the Republic of Bosnia and Herzegovina to enforce the peace agreement between the parties to the conflict in the Republic of Bosnia and Herzegovina; to the Committee on International Relations, and in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HAMILTON:

H. Res. 305. Resolution expressing the sense of the House of Representatives regarding the deployment of United States Armed Forces to Bosnia; to the Committee on International Relations, and in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H. Res. 306. Resolution expressing the sense of the House of Representatives regarding the deployment of United States Armed Forces to Bosnia; to the Committee on International Relations, and in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADDITIONAL SPONSORS

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

H.R. 103: Mr. NEY, Mr. ABERCROMBIE, and Mr. QUILLEN.

H.R. 109: Mr. BROWN of Ohio and Mr. JEFFERSON.

H.R. 127: Mr. CANADY.

H.R. 359: Mr. FIELDS of Louisiana and Mrs. COLLINS of Illinois.

H.R. 468: Mr. SMITH of New Jersey.

H.R. 469: Mrs. THURMAN.

H.R. 497: Mr. COOLEY and Mr. LEWIS of Kentucky.

H.R. 580: Mr. MINGE.

H.R. 739: Mr. HANSEN.

H.R. 789: Mr. PETERSON of Minnesota.

H.R. 1021: Mr. WAXMAN.

H.R. 1023: Mr. BLILEY.

H.R. 1201: Ms. LOFGREN.

H.R. 1386: Mr. HILLEARY.

H.R. 1521: Mr. HOLDEN.

H.R. 1547: Mr. FOGLIETTA.

H.R. 1661: Mr. BARR and Mr. LINDER.

H.R. 1662: Mr. SMITH of New Jersey, Mr. MCCOLLUM, Mr. LEWIS of Kentucky, and Mr. BLILEY.

H.R. 1671: Mr. MINGE.

H.R. 1856: Mr. REGULA, Mr. JACOBS, and Mr. FIELDS of Louisiana.

H.R. 1884: Mr. DUNCAN.

H.R. 1920: Mr. BAKER of Louisiana.

H.R. 1946: Mr. FIELDS of Texas, Mr. FOLEY, Mr. PACKARD, Mr. SMITH of Michigan, Mr. GUTKNECHT, Mr. CAMP, Mr. SHUSTER, and Mr. KIM.

H.R. 1956: Mr. YOUNG of Alaska, Mr. MCCOLLUM, and Mr. SAXTON.

H.R. 2029: Mr. POMBO, Mr. WALSH, Mr. NEAL of Massachusetts, Mr. HINCHEY, Mr. HERGER, and Mr. OLVER.

H.R. 2039: Mr. NETHERCUTT and Mrs. KELLY.

H.R. 2148: Mr. FORBES, Mrs. CHENOWETH, Mr. BROWNBACK, Mr. GILCHREST, and Mr. JONES.

H.R. 2202: Mr. COX.

H.R. 2209: Mr. CAMP.

H.R. 2230: Mr. HASTINGS of Washington, Mr. ROBERTS, and Mr. COOLEY.

H.R. 2342: Mr. LIVINGSTON and Mr. JEFFERSON.

H.R. 2429: Mr. EHLERS, Mrs. JOHNSON of Connecticut, Mr. UNDERWOOD, Mr. ROMERO-BARCELO, Mr. ABERCROMBIE, Mr. FALEOMAVAEGA, Mr. DEFAZIO, Mr. WILLIAMS, Mr. KILDEE, and Mr. RAHALL.

H.R. 2434: Mr. MCCOLLUM, Mr. KLECZKA, Mr. CLAY, Mr. PICKETT, and Mr. BARCIA of Michigan.

H.R. 2450: Mr. NORWOOD.

H.R. 2506: Mr. SISISKY.

H.R. 2508: Mr. LAUGHLIN and Mr. WAMP.

H.R. 2562: Mr. LAFALCE.

H.R. 2578: Mr. FOX.

H.R. 2579: Mr. CALLAHAN, Mr. ACKERMAN, Mr. TEJEDA, Mr. COOLEY, Mr. DEUTSCH, and Mr. HALL of Texas.

H.R. 2597: Mr. BAKER of Louisiana and Mrs. FOWLER.
H.R. 2609: Mr. STENHOLM.
H.R. 2634: Mr. BUNN of Oregon.
H.R. 2648: Mr. COBLE.
H.R. 2651: Mr. EVERETT and Mr. METCALF.
H.R. 2664: Mr. WICKER, Mr. HUTCHINSON, Mr. NEY, Mr. FIELDS of Louisiana, Ms. HARMAN, Mr. BACHUS, and Mr. HORN.
H.R. 2676: Mr. BARRETT of Nebraska, Ms. KAPTUR, and Mr. LAHOOD.
H.R. 2697: Mr. FALEOMAVAEGA, Ms. FURSE, and Mr. SCOTT..
H.R. 2740: Mr. GENE GREEN of Texas.
H.R. 2745: Mr. TOWNS, Mrs. MALONEY, Mr. BOUCHER, Mr. CLYBURN, and Ms. VELAZQUEZ.
H.J. Res. 16: Mr. PETE GEREN of Texas.
H.J. Res. 114: Mr. LUTHER.
H. Con. Res. 10: Mr. NORWOOD, Mr. HINCHEY, and Mr. GUNDERSON.
H. Con. Res. 118: Mr. GUNDERSON.
H. Res. 283: Mr. WELDON of Florida.
H. Res. 286: Mr. DEFAZIO and Mr. GENE GREEN of Texas.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1710

OFFERED BY: MR. HYDE

[Amendment in the Nature of a Substitute]

AMENDMENT NO. 2: Strike all after the enacting clause and insert in lieu thereof the following:

H.R. 1710

SECTION 1. SHORT TITLE.

This Act may be cited as the "Effective Death Penalty and Antiterrorism Act of 1995".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
TITLE I—CRIMINAL ACTS
Sec. 101. Protection of Federal employees.
Sec. 102. Prohibiting material support to terrorist organizations.
Sec. 103. Modification of material support provision.
Sec. 104. Acts of terrorism transcending national boundaries.
Sec. 105. Conspiracy to harm people and property overseas.
Sec. 106. Clarification and extension of criminal jurisdiction over certain terrorism offenses overseas.
Sec. 107. Expansion and modification of weapons of mass destruction statute.
Sec. 108. Addition of offenses to the money laundering statute.
Sec. 109. Expansion of Federal jurisdiction over bomb threats.
Sec. 110. Clarification of maritime violence jurisdiction.
Sec. 111. Possession of stolen explosives prohibited.
Sec. 112. Study to determine standards for determining what ammunition is capable of penetrating police body armor.
TITLE II—INCREASED PENALTIES
Sec. 201. Mandatory minimum for certain explosives offenses.
Sec. 202. Increased penalty for explosive conspiracies.
Sec. 203. Increased and alternate conspiracy penalties for terrorism offenses.
Sec. 204. Mandatory penalty for transferring a firearm knowing that it will be used to commit a crime of violence.
Sec. 205. Mandatory penalty for transferring an explosive material knowing that it will be used to commit a crime of violence.
Sec. 206. Directions to Sentencing Commission.
TITLE III—INVESTIGATIVE TOOLS
Sec. 301. Pen registers and trap and trace devices in foreign counterintelligence investigations.
Sec. 302. Disclosure of certain consumer reports to the Federal Bureau of Investigation.
Sec. 303. Disclosure of business records held by third parties in foreign counterintelligence cases.
Sec. 304. Study of tagging explosive materials, detection of explosives and explosive materials, rendering explosive components inert, and imposing controls of precursors of explosives.
Sec. 305. Application of statutory exclusionary rule concerning intercepted wire or oral communications.
Sec. 306. Exclusion of certain types of information from wiretap-related definitions.
Sec. 307. Requirement for periodic report.
Sec. 308. Access to telephone billing records.
Sec. 309. Requirement to preserve record evidence.
Sec. 310. Detention hearing.
Sec. 311. Reward authority of the Attorney General.
Sec. 312. Protection of Federal Government buildings in the District of Columbia.
Sec. 313. Study of thefts from armories; report to the Congress.
TITLE IV—NUCLEAR MATERIALS
Sec. 401. Expansion of nuclear materials prohibitions.
TITLE V—CONVENTION ON THE MARKING OF PLASTIC EXPLOSIVES
Sec. 501. Definitions.
Sec. 502. Requirement of detection agents for plastic explosives.
Sec. 503. Criminal sanctions.
Sec. 504. Exceptions.
Sec. 505. Effective date.
TITLE VI—IMMIGRATION-RELATED PROVISIONS
Subtitle A—Removal of Alien Terrorists
PART 1—REMOVAL PROCEDURES FOR ALIEN TERRORISTS
Sec. 601. Removal procedures for alien terrorists.
Sec. 602. Funding for detention and removal of alien terrorists.
PART 2—EXCLUSION AND DENIAL OF ASYLUM FOR ALIEN TERRORISTS
Sec. 611. Membership in terrorist organization as ground for exclusion.
Sec. 612. Denial of asylum to alien terrorists.
Sec. 613. Denial of other relief for alien terrorists.
Subtitle B—Expedited Exclusion
Sec. 621. Inspection and exclusion by immigration officers.
Sec. 622. Judicial review.
Sec. 623. Exclusion of aliens who have not been inspected and admitted.
Subtitle C—Improved Information and Processing
PART 1—IMMIGRATION PROCEDURES
Sec. 631. Access to certain confidential INS files through court order.
Sec. 632. Waiver authority concerning notice of denial of application for visas.
PART 2—ASSET FORFEITURE FOR PASSPORT AND VISA OFFENSES
Sec. 641. Criminal forfeiture for passport and visa related offenses.
Sec. 642. Subpoenas for bank records.
Sec. 643. Effective date.
Subtitle D—Employee Verification by Security Services Companies
Sec. 651. Permitting security services companies to request additional documentation.
Subtitle E—Criminal Alien Deportation Improvements
Sec. 661. Short title.
Sec. 662. Additional expansion of definition of aggravated felony.
Sec. 663. Deportation procedures for certain criminal aliens who are not permanent residents.
Sec. 664. Restricting the defense to exclusion based on 7 years permanent residence for certain criminal aliens.
Sec. 665. Limitation on collateral attacks on underlying deportation order.
Sec. 666. Criminal alien identification system.
Sec. 667. Establishing certain alien smuggling-related crimes as RICO-predicate offenses.
Sec. 668. Authority for alien smuggling investigations.
Sec. 669. Expansion of criteria for deportation for crimes of moral turpitude.
Sec. 670. Payments to political subdivisions for costs of incarcerating illegal aliens.
Sec. 671. Miscellaneous provisions.
Sec. 672. Construction of expedited deportation requirements.
Sec. 673. Study of prisoner transfer treaty with Mexico.
Sec. 674. Justice Department assistance in bringing to justice aliens who flee prosecution for crimes in the United States.
Sec. 675. Prisoner transfer treaties.
Sec. 676. Interior repatriation program.
Sec. 677. Deportation of nonviolent offenders prior to completion of sentence of imprisonment.
TITLE VII—AUTHORIZATION AND FUNDING
Sec. 701. Firefighter and emergency services training.
Sec. 702. Assistance to foreign countries to procure explosive detection devices and other counter-terrorism technology.
Sec. 703. Research and development to support counter-terrorism technologies.
TITLE VIII—MISCELLANEOUS
Sec. 801. Study of State licensing requirements for the purchase and use of high explosives.
Sec. 802. Compensation of victims of terrorism.
Sec. 803. Jurisdiction for lawsuits against terrorist States.
Sec. 804. Study of publicly available instructional material on the making of bombs, destructive devices, and weapons of mass destruction.

Sec. 805. Compilation of statistics relating to intimidation of government employees.
Sec. 806. Victim Restitution Act of 1995.
Sec. 807. Authority for overseas law enforcement training activities.

TITLE IX—HABEAS CORPUS REFORM

Sec. 901. Filing deadlines.
Sec. 902. Appeal.
Sec. 903. Amendment of Federal rules of appellate procedure.
Sec. 904. Section 2254 amendments.
Sec. 905. Section 2255 amendments.
Sec. 906. Limits on second or successive applications.
Sec. 907. Death penalty litigation procedures.
Sec. 908. Technical amendment.
Sec. 909. Severability.

TITLE I—CRIMINAL ACTS

SEC. 101. PROTECTION OF FEDERAL EMPLOYEES.

(a) HOMICIDE.—Section 1114 of title 18, United States Code, is amended to read as follows:

"§ 1114. Protection of officers and employees of the United States

"Whoever kills or attempts to kill any officer or employee of the United States or of any agency in any branch of the United States Government (including any member of the uniformed services) while such officer or employee is engaged in or on account of the performance of official duties, or any person assisting such an officer or employee in the performance of such duties or on account of that assistance, shall be punished, in the case of murder, as provided under section 1111, or in the case of manslaughter, as provided under section 1112, or, in the case of attempted murder or manslaughter, as provided in section 1113.".

(b) THREATS AGAINST FORMER OFFICERS AND EMPLOYEES.—Section 115(a)(2) of title 18, United States Code, is amended by inserting ", or threatens to assault, kidnap, or murder, any person who formerly served as a person designated in paragraph (1), or" after "assaults, kidnaps, or murders, or attempts to kidnap or murder".

SEC. 102. PROHIBITING MATERIAL SUPPORT TO TERRORIST ORGANIZATIONS.

(a) IN GENERAL.—That chapter 113B of title 18, United States Code, that relates to terrorism is amended by adding at the end the following:

"§ 2339B. Providing material support to terrorist organizations

"(a) OFFENSE.—Whoever, within the United States, knowingly provides material support or resources in or affecting interstate or foreign commerce, to any organization which the person knows or should have known is a terrorist organization that has been designated under section 212(a)(3)(B)(iv) of the Immigration and Nationality Act as a terrorist organization shall be fined under this title or imprisoned not more than 10 years, or both.

"(b) DEFINITION.—As used in this section, the term 'material support or resources' has the meaning given that term in section 2339A of this title.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 113B of title 18, United States Code, is amended by adding at the end the following new item:

"2339B. Providing material support to terrorist organizations.".

SEC. 103. MODIFICATION OF MATERIAL SUPPORT PROVISION.

Section 2339A of title 18, United States Code, is amended to read as follows:

"§ 2339A. Providing material support to terrorists

"(a) OFFENSE.—Whoever, within the United States, provides material support or resources or conceals or disguises the nature, location, source, or ownership of material support or resources, knowing or intending that they are to be used in preparation for or in carrying out, a violation of section 32, 37, 351, 844(f) or (i), 956, 1114, 1116, 1203, 1361, 1363, 1751, 2280, 2281, 2332, 2332a, or 2332b of this title or section 46502 of title 49, or in preparation for or in carrying out the concealment or an escape from the commission of any such violation, shall be fined under this title, imprisoned not more than ten years, or both.

"(b) DEFINITION.—In this section, the term 'material support or resources' means currency or other financial securities, financial services, lodging, training, safehouses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, and other physical assets, except medicine or religious materials.".

SEC. 104. ACTS OF TERRORISM TRANSCENDING NATIONAL BOUNDARIES.

(a) OFFENSE.—Title 18, United States Code, is amended by inserting after section 2332a the following:

"§ 2332b. Acts of terrorism transcending national boundaries

"(a) PROHIBITED ACTS.—

"(1) Whoever, involving any conduct transcending national boundaries and in a circumstance described in subsection (b)—

"(A) kills, kidnaps, maims, commits an assault resulting in serious bodily injury, or assaults with a dangerous weapon any individual within the United States; or

"(B) creates a substantial risk of serious bodily injury to any other person by destroying or damaging any structure, conveyance, or other real or personal property within the United States or by attempting or conspiring to destroy or damage any structure, conveyance, or other real or personal property within the United States;

in violation of the laws of any State or the United States shall be punished as prescribed in subsection (c).

"(2) Whoever threatens to commit an offense under paragraph (1), or attempts or conspires to do so, shall be punished as prescribed in subsection (c).

"(b) JURISDICTIONAL BASES.—The circumstances referred to in subsection (a) are—

"(1) any of the offenders travels in, or uses the mail or any facility of, interstate or foreign commerce in furtherance of the offense or to escape apprehension after the commission of the offense;

"(2) the offense obstructs, delays, or affects interstate or foreign commerce, or would have so obstructed, delayed, or affected interstate or foreign commerce if the offense had been consummated;

"(3) the victim, or intended victim, is the United States Government, a member of the uniformed services, or any official, officer, employee, or agent of the legislative, executive, or judicial branches, or of any department or agency, of the United States;

"(4) the structure, conveyance, or other real or personal property is, in whole or in part, owned, possessed, used by, or leased to the United States, or any department or agency thereof;

"(5) the offense is committed in the territorial sea (including the airspace above and the seabed and subsoil below, and artificial islands and fixed structures erected thereon) of the United States; or

"(6) the offense is committed in those places within the United States that are in the special maritime and territorial jurisdiction of the United States.

Jurisdiction shall exist over all principals and co-conspirators of an offense under this section, and accessories after the fact to any offense under this section, if at least one of such circumstances is applicable to at least one offender.

"(c) PENALTIES.—

"(1) Whoever violates this section shall be punished—

"(A) for a killing or if death results to any person from any other conduct prohibited by this section by death, or by imprisonment for any term of years or for life;

"(B) for kidnapping, by imprisonment for any term of years or for life;

"(C) for maiming, by imprisonment for not more than 35 years;

"(D) for assault with a dangerous weapon or assault resulting in serious bodily injury, by imprisonment for not more than 30 years;

"(E) for destroying or damaging any structure, conveyance, or other real or personal property, by imprisonment for not more than 25 years;

"(F) for attempting or conspiring to commit an offense, for any term of years up to the maximum punishment that would have applied had the offense been completed; and

"(G) for threatening to commit an offense under this section, by imprisonment for not more than 10 years.

"(2) Notwithstanding any other provision of law, the court shall not place on probation any person convicted of a violation of this section; nor shall the term of imprisonment imposed under this section run concurrently with any other term of imprisonment.

"(d) LIMITATION ON PROSECUTION.—No indictment shall be sought nor any information filed for any offense described in this section until the Attorney General, or the highest ranking subordinate of the Attorney General with responsibility for criminal prosecutions, makes a written certification that, in the judgment of the certifying official, such offense, or any activity preparatory to or meant to conceal its commission, is a Federal crime of terrorism.

"(e) PROOF REQUIREMENTS.—

"(1) The prosecution is not required to prove knowledge by any defendant of a jurisdictional base alleged in the indictment.

"(2) In a prosecution under this section that is based upon the adoption of State law, only the elements of the offense under State law, and not any provisions pertaining to criminal procedure or evidence, are adopted.

"(f) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction—

"(1) over any offense under subsection (a), including any threat, attempt, or conspiracy to commit such offense; and

"(2) over conduct which, under section 3 of this title, renders any person an accessory after the fact to an offense under subsection (a).

"(g) DEFINITIONS.—As used in this section—

"(1) the term 'conduct transcending national boundaries' means conduct occurring outside the United States in addition to the conduct occurring in the United States;

"(2) the term 'facility of interstate or foreign commerce' has the meaning given that term in section 1958(b)(2) of this title;

"(3) the term 'serious bodily injury' has the meaning prescribed in section 1365(g)(3) of this title;

"(4) the term 'territorial sea of the United States' means all waters extending seaward

to 12 nautical miles from the baselines of the United States determined in accordance with international law; and

"(5) the term 'Federal crime of terrorism' means an offense that—

"(A) is calculated to influence or affect the conduct of government by intimidation or coercion, or to retaliate against government conduct; and

"(B) is a violation of—

"(i) section 32 (relating to destruction of aircraft or aircraft facilities), 37 (relating to violence at international airports), 81 (relating to arson within special maritime and territorial jurisdiction), 175 (relating to biological weapons), 351 (relating to congressional, cabinet, and Supreme Court assassination, kidnapping, and assault), 831 (relating to nuclear weapons), 842(m) or (n) (relating to plastic explosives), 844(e) (relating to certain bombings), 844(f) or (i) (relating to arson and bombing of certain property), 956 (relating to conspiracy to commit violent acts in foreign countries), 1114 (relating to protection of officers and employees of the United States), 1116 (relating to murder or manslaughter of foreign officials, official guests, or internationally protected persons), 1203 (relating to hostage taking), 1361 (relating to injury of Government property), 1362 (relating to destruction of communication lines), 1363 (relating to injury to buildings or property within special maritime and territorial jurisdiction of the United States), 1366 (relating to destruction of energy facility), 1751 (relating to Presidential and Presidential staff assassination, kidnapping, and assault), 2152 (relating to injury of harbor defenses), 2155 (relating to destruction of national defense materials, premises, or utilities), 2156 (relating to production of defective national defense materials, premises, or utilities), 2280 (relating to violence against maritime navigation), 2281 (relating to violence against maritime fixed platforms), 2332 (relating to certain homicides and violence outside the United States), 2332a (relating to use of weapons of mass destruction), 2332b (relating to acts of terrorism transcending national boundaries), 2339A (relating to providing material support to terrorists), 2339B (relating to providing material support to terrorist organizations), or 2340A (relating to torture) of this title;

"(ii) section 236 (relating to sabotage of nuclear facilities or fuel) of the Atomic Energy Act of 1954; or

"(iii) section 46502 (relating to aircraft piracy), or 60123(b) (relating to destruction of interstate gas or hazardous liquid pipeline facility) of title 49.

"(h) INVESTIGATIVE AUTHORITY.—In addition to any other investigatory authority with respect to violations of this title, the Attorney General shall have primary investigative responsibility for all Federal crimes of terrorism, and the Secretary of the Treasury shall assist the Attorney General at the request of the Attorney General.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of the chapter 113B of title 18, United States Code, that relates to terrorism is amended by inserting after the item relating to section 2332a the following new item:

"2332b. Acts of terrorism transcending national boundaries.".

(c) STATUTE OF LIMITATIONS AMENDMENT.—Section 3286 of title 18, United States Code, is amended by—

(1) striking "any offense" and inserting "any non-capital offense";

(2) striking "36" and inserting "37";

(3) striking "2331" and inserting "2332";

(4) striking "2339" and inserting "2332a"; and

(5) inserting "2332b (acts of terrorism transcending national boundaries)," after "(use of weapons of mass destruction),".

(d) PRESUMPTIVE DETENTION.—Section 3142(e) of title 18, United States Code, is amended by inserting ", 956(a), or 2332b" after "section 924(c)".

(e) CONFORMING AMENDMENT.—Section 846 of title 18, United States Code, is amended by striking "In addition to any other" and all that follows through the end of the section.

SEC. 105. CONSPIRACY TO HARM PEOPLE AND PROPERTY OVERSEAS.

(a) IN GENERAL.—Section 956 of chapter 45 of title 18, United States Code, is amended to read as follows:

"§ 956. Conspiracy to kill, kidnap, maim, or injure persons or damage property in a foreign country

"(a)(1) Whoever, within the jurisdiction of the United States, conspires with one or more other persons, regardless of where such other person or persons are located, to commit at any place outside the United States an act that would constitute the offense of murder, kidnapping, or maiming if committed in the special maritime and territorial jurisdiction of the United States shall, if any of the conspirators commits an act within the jurisdiction of the United States to effect any object of the conspiracy, be punished as provided in subsection (a)(2).

"(2) The punishment for an offense under subsection (a)(1) of this section is—

"(A) imprisonment for any term of years or for life if the offense is conspiracy to murder or kidnap; and

"(B) imprisonment for not more than 35 years if the offense is conspiracy to maim.

"(b) Whoever, within the jurisdiction of the United States, conspires with one or more persons, regardless of where such other person or persons are located, to damage or destroy specific property situated within a foreign country and belonging to a foreign government or to any political subdivision thereof with which the United States is at peace, or any railroad, canal, bridge, airport, airfield, or other public utility, public conveyance, or public structure, or any religious, educational, or cultural property so situated, shall, if any of the conspirators commits an act within the jurisdiction of the United States to effect any object of the conspiracy, be imprisoned not more than 25 years.".

(b) CLERICAL AMENDMENT.—The item relating to section 956 in the table of sections at the beginning of chapter 45 of title 18, United States Code, is amended to read as follows:

"956. Conspiracy to kill, kidnap, maim, or injure persons or damage property in a foreign country.".

SEC. 106. CLARIFICATION AND EXTENSION OF CRIMINAL JURISDICTION OVER CERTAIN TERRORISM OFFENSES OVERSEAS.

(a) AIRCRAFT PIRACY.—Section 46502(b) of title 49, United States Code, is amended—

(1) in paragraph (1), by striking "and later found in the United States";

(2) so that paragraph (2) reads as follows:

"(2) There is jurisdiction over the offense in paragraph (1) if—

"(A) a national of the United States was aboard the aircraft;

"(B) an offender is a national of the United States; or

"(C) an offender is afterwards found in the United States."; and

(3) by inserting after paragraph (2) the following:

"(3) For purposes of this subsection, the term 'national of the United States' has the meaning prescribed in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).".

(b) DESTRUCTION OF AIRCRAFT OR AIRCRAFT FACILITIES.—Section 32(b) of title 18, United States Code, is amended—

(1) by striking ", if the offender is later found in the United States,"; and

(2) by inserting at the end the following: "There is jurisdiction over an offense under this subsection if a national of the United States was on board, or would have been on board, the aircraft; an offender is a national of the United States; or an offender is afterwards found in the United States. For purposes of this subsection, the term 'national of the United States' has the meaning prescribed in section 101(a)(22) of the Immigration and Nationality Act.".

(c) MURDER OF FOREIGN OFFICIALS AND CERTAIN OTHER PERSONS.—Section 1116 of title 18, United States Code, is amended—

(1) in subsection (b), by adding at the end the following:

"(7) 'National of the United States' has the meaning prescribed in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22))."; and

(2) in subsection (c), by striking the first sentence and inserting the following: "If the victim of an offense under subsection (a) is an internationally protected person outside the United States, the United States may exercise jurisdiction over the offense if (1) the victim is a representative, officer, employee, or agent of the United States, (2) an offender is a national of the United States, or (3) an offender is afterwards found in the United States.".

(d) PROTECTION OF FOREIGN OFFICIALS AND CERTAIN OTHER PERSONS.—Section 112 of title 18, United States Code, is amended—

(1) in subsection (c), by inserting "'national of the United States'," before "and"; and

(2) in subsection (e), by striking the first sentence and inserting the following: "If the victim of an offense under subsection (a) is an internationally protected person outside the United States, the United States may exercise jurisdiction over the offense if (1) the victim is a representative, officer, employee, or agent of the United States, (2) an offender is a national of the United States, or (3) an offender is afterwards found in the United States.".

(e) THREATS AND EXTORTION AGAINST FOREIGN OFFICIALS AND CERTAIN OTHER PERSONS.—Section 878 of title 18, United States Code, is amended—

(1) in subsection (c), by inserting "'national of the United States'," before "and"; and

(2) in subsection (d), by striking the first sentence and inserting the following: "If the victim of an offense under subsection (a) is an internationally protected person outside the United States, the United States may exercise jurisdiction over the offense if (1) the victim is a representative, officer, employee, or agent of the United States, (2) an offender is a national of the United States, or (3) an offender is afterwards found in the United States.".

(f) KIDNAPPING OF INTERNATIONALLY PROTECTED PERSONS.—Section 1201(e) of title 18, United States Code, is amended—

(1) by striking the first sentence and inserting the following: "If the victim of an offense under subsection (a) is an internationally protected person outside the United States, the United States may exercise jurisdiction over the offense if (1) the victim is a

representative, officer, employee, or agent of the United States, (2) an offender is a national of the United States, or (3) an offender is afterwards found in the United States."; and

(2) by adding at the end the following: "For purposes of this subsection, the term 'national of the United States' has the meaning prescribed in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22))."

(g) VIOLENCE AT INTERNATIONAL AIRPORTS.—Section 37(b)(2) of title 18, United States Code, is amended—

(1) by inserting "(A)" before "the offender is later found in the United States"; and

(2) by inserting "; or (B) an offender or a victim is a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)))" after "the offender is later found in the United States".

(h) BIOLOGICAL WEAPONS.—Section 178 of title 18, United States Code, is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting "; and"; and

(3) by adding the following at the end:

"(5) the term 'national of the United States' has the meaning prescribed in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22))."

SEC. 107. EXPANSION AND MODIFICATION OF WEAPONS OF MASS DESTRUCTION STATUTE.

Section 2332a of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting "AGAINST A NATIONAL OR WITHIN THE UNITED STATES" after "OFFENSE";

(B) by inserting ", without lawful authority" after "A person who";

(C) by inserting "threatens," before "attempts or conspires to use, a weapon of mass destruction"; and

(D) by inserting "and the results of such use affect interstate or foreign commerce or, in the case of a threat, attempt, or conspiracy, would have affected interstate or foreign commerce" before the semicolon at the end of paragraph (2);

(2) in subsection (b)(2)(A), by striking "section 921" and inserting "section 921(a)(4) (other than subparagraphs (B) and (C))";

(3) in subsection (b), so that subparagraph (B) of paragraph (2) reads as follows:

"(B) any weapon that is designed to cause death or serious bodily injury through the release, dissemination, or impact of toxic or poisonous chemicals, or their precursors;";

(4) by redesignating subsection (b) as subsection (c); and

(5) by inserting after subsection (a) the following new subsection:

"(b) OFFENSE BY NATIONAL OUTSIDE THE UNITED STATES.—Any national of the United States who, without lawful authority and outside the United States, uses, or threatens, attempts, or conspires to use, a weapon of mass destruction shall be imprisoned for any term of years or for life, and if death results, shall be punished by death, or by imprisonment for any term of years or for life.".

SEC. 108. ADDITION OF OFFENSES TO THE MONEY LAUNDERING STATUTE.

(a) MURDER AND DESTRUCTION OF PROPERTY.—Section 1956(c)(7)(B)(ii) of title 18, United States Code, is amended by striking "or extortion;" and inserting "extortion, murder, or destruction of property by means of explosive or fire;".

(b) SPECIFIC OFFENSES.—Section 1956(c)(7)(D) of title 18, United States Code, is amended—

(1) by inserting after "an offense under" the following: "section 32 (relating to the destruction of aircraft), section 37 (relating to violence at international airports), section 115 (relating to influencing, impeding, or retaliating against a Federal official by threatening or injuring a family member),";

(2) by inserting after "section 215 (relating to commissions or gifts for procuring loans)," the following: "section 351 (relating to Congressional or Cabinet officer assassination),";

(3) by inserting after "section 793, 794, or 798 (relating to espionage)," the following: "section 831 (relating to prohibited transactions involving nuclear materials), section 844 (f) or (i) (relating to destruction by explosives or fire of Government property or property affecting interstate or foreign commerce),";

(4) by inserting after "section 875 (relating to interstate communications)," the following: "section 956 (relating to conspiracy to kill, kidnap, maim, or injure certain property in a foreign country),";

(5) by inserting after "1032 (relating to concealment of assets from conservator, receiver, or liquidating agent of financial institution)," the following: "section 1111 (relating to murder), section 1114 (relating to protection of officers and employees of the United States), section 1116 (relating to murder of foreign officials, official guests, or internationally protected persons),";

(6) by inserting after "section 1203 (relating to hostage taking)," the following: "section 1361 (relating to willful injury of Government property), section 1363 (relating to destruction of property within the special maritime and territorial jurisdiction),";

(7) by inserting after "section 1708 (theft from the mail)," the following: "section 1751 (relating to Presidential assassination),";

(8) by inserting after "2114 (relating to bank and postal robbery and theft)," the following: "section 2280 (relating to violence against maritime navigation), section 2281 (relating to violence against maritime fixed platforms),"; and

(9) by striking "of this title" and inserting the following: "section 2332 (relating to terrorist acts abroad against United States nationals), section 2332a (relating to use of weapons of mass destruction), section 2332b (relating to international terrorist acts transcending national boundaries), section 2339A (relating to providing material support to terrorists) of this title, section 46502 of title 49, United States Code".

SEC. 109. EXPANSION OF FEDERAL JURISDICTION OVER BOMB THREATS.

Section 844(e) of title 18, United States Code, is amended by striking "commerce," and inserting "interstate or foreign commerce, or in or affecting interstate or foreign commerce,".

SEC. 110. CLARIFICATION OF MARITIME VIOLENCE JURISDICTION.

Section 2280(b)(1)(A) of title 18, United States Code, is amended—

(1) in clause (ii), by striking "and the activity is not prohibited as a crime by the State in which the activity takes place"; and

(2) in clause (iii), by striking "the activity takes place on a ship flying the flag of a foreign country or outside the United States,".

SEC. 111. POSSESSION OF STOLEN EXPLOSIVES PROHIBITED.

Section 842(h) of title 18, United States Code, is amended to read as follows:

"(h) It shall be unlawful for any person to receive, possess, transport, ship, conceal, store, barter, sell, dispose of, or pledge or accept as security for a loan, any stolen explosive materials which are moving as, which are part of, which constitute, or which have been shipped or transported in, interstate or foreign commerce, either before or after such materials were stolen, knowing or having reasonable cause to believe that the explosive materials were stolen.".

SEC. 112. STUDY TO DETERMINE STANDARDS FOR DETERMINING WHAT AMMUNITION IS CAPABLE OF PENETRATING POLICE BODY ARMOR.

The National Institute of Justice is directed to perform a study of, and to recommend to Congress, a methodology for determining what ammunition, designed for handguns, is capable of penetrating police body armor. Not later than 6 months after the date of the enactment of this Act, the National Institute of Justice shall report to Congress the results of such study and such recommendations.

TITLE II—INCREASED PENALTIES

SEC. 201. MANDATORY MINIMUM FOR CERTAIN EXPLOSIVES OFFENSES.

(a) INCREASED PENALTIES FOR DAMAGING CERTAIN PROPERTY.—Section 844(f) of title 18, United States Code, is amended to read as follows:

"(f) Whoever damages or destroys, or attempts to damage or destroy, by means of fire or an explosive, any personal or real property in whole or in part owned, possessed, or used by, or leased to, the United States, or any department or agency thereof, or any institution or organization receiving Federal financial assistance shall be fined under this title or imprisoned for not more than 25 years, or both, but—

"(1) if personal injury results to any person other than the offender, the term of imprisonment shall be not more than 40 years;

"(2) if fire or an explosive is used and its use creates a substantial risk of serious bodily injury to any person other than the offender, the term of imprisonment shall not be less than 20 years; and

"(3) if death results to any person other than the offender, the offender shall be subject to the death penalty or imprisonment for any term of years not less than 30, or for life.".

(b) CONFORMING AMENDMENT.—Section 81 of title 18, United States Code, is amended by striking "fined under this title or imprisoned not more than five years, or both" and inserting "imprisoned not more than 25 years or fined the greater of the fine under this title or the cost of repairing or replacing any property that is damaged or destroyed, or both".

(c) STATUTE OF LIMITATION FOR ARSON OFFENSES.—

(1) Chapter 213 of title 18, United States Code, is amended by adding at the end the following:

"§ 3295. Arson offenses

"No person shall be prosecuted, tried, or punished for any non-capital offense under section 81 or subsection (f), (h), or (i) of section 844 of this title unless the indictment is found or the information is instituted within 7 years after the date on which the offense was committed.".

(2) The table of sections at the beginning of chapter 213 of title 18, United States Code, is amended by adding at the end the following new item:

"3295. Arson offenses.".

(3) Section 844(i) of title 18, United States Code, is amended by striking the last sentence.

SEC. 202. INCREASED PENALTY FOR EXPLOSIVE CONSPIRACIES.

Section 844 of title 18, United States Code, is amended by adding at the end the following:

"(n) Except as otherwise provided in this section, a person who conspires to commit any offense defined in this chapter shall be subject to the same penalties (other than the penalty of death) as those prescribed for the offense the commission of which was the object of the conspiracy.".

SEC. 203. INCREASED AND ALTERNATE CONSPIRACY PENALTIES FOR TERRORISM OFFENSES.

(a) TITLE 18 OFFENSES.—

(1) Sections 32(a)(7), 32(b)(4), 37(a), 115(a)(1)(A), 115(a)(2), 1203(a), 2280(a)(1)(H), and 2281(a)(1)(F) of title 18, United States Code, are each amended by inserting "or conspires" after "attempts".

(2) Section 115(b)(2) of title 18, United States Code, is amended by striking "or attempted kidnapping" both places it appears and inserting ", attempted kidnapping, or conspiracy to kidnap".

(3)(A) Section 115(b)(3) of title 18, United States Code, is amended by striking "or attempted murder" and inserting ", attempted murder, or conspiracy to murder".

(B) Section 115(b)(3) of title 18, United States Code, is amended by striking "and 1113" and inserting ", 1113, and 1117".

(4) Section 175(a) of title 18, United States Code, is amended by inserting "or conspires to do so," after "any organization to do so,".

(b) AIRCRAFT PIRACY.—

(1) Section 46502(a)(2) of title 49, United States Code, is amended by inserting "or conspiring" after "attempting".

(2) Section 46502(b)(1) of title 49, United States Code, is amended by inserting "or conspiring to commit" after "committing".

SEC. 204. MANDATORY PENALTY FOR TRANSFERRING A FIREARM KNOWING THAT IT WILL BE USED TO COMMIT A CRIME OF VIOLENCE.

Section 924(h) of title 18, United States Code, is amended—

(1) by inserting "or having reasonable cause to believe" after "knowing"; and

(2) by striking "imprisoned not more than 10 years, fined in accordance with this title, or both." and inserting "subject to the same penalties as may be imposed under subsection (c) for a first conviction for the use or carrying of the firearm.".

SEC. 205. MANDATORY PENALTY FOR TRANSFERRING AN EXPLOSIVE MATERIAL KNOWING THAT IT WILL BE USED TO COMMIT A CRIME OF VIOLENCE.

Section 844 of title 18, United States Code, is amended by adding at the end the following:

"(o) Whoever knowingly transfers any explosive materials, knowing or having reasonable cause to believe that such explosive materials will be used to commit a crime of violence (as defined in section 924(c)(3) of this title) or drug trafficking crime (as defined in section 924(c)(2) of this title) shall be subject to the same penalties as may be imposed under subsection (h) for a first conviction for the use or carrying of the explosive materials.".

SEC. 206. DIRECTIONS TO SENTENCING COMMISSION.

The United States Sentencing Commission shall forthwith, in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that section had not expired, amend the sentencing guidelines so that the chapter 3 adjustment relating to international terrorism only applies to Federal crimes of terrorism, as defined in section 2332b(g) of title 18, United States Code.

TITLE III—INVESTIGATIVE TOOLS

SEC. 301. PEN REGISTERS AND TRAP AND TRACE DEVICES IN FOREIGN COUNTERINTELLIGENCE INVESTIGATIONS.

(a) APPLICATION.—Section 3122(b)(2) of title 18, United States Code, is amended by inserting "or foreign counterintelligence" after "criminal".

(b) ORDER.—

(1) Section 3123(a) of title 18, United States Code, is amended by inserting "or foreign counterintelligence" after "criminal".

(2) Section 3123(b)(1) of title 18, United States Code, is amended in subparagraph (B), by striking "criminal".

SEC. 302. DISCLOSURE OF CERTAIN CONSUMER REPORTS TO THE FEDERAL BUREAU OF INVESTIGATION.

(a) IN GENERAL.—The Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended by adding after section 623 the following new section:

"§ 624. Disclosures to FBI for counterintelligence purposes

"(a) IDENTITY OF FINANCIAL INSTITUTIONS.—Notwithstanding section 604 or any other provision of this title, a consumer reporting agency shall furnish to the Federal Bureau of Investigation the names and addresses of all financial institutions (as that term is defined in section 1101 of the Right to Financial Privacy Act of 1978) at which a consumer maintains or has maintained an account, to the extent that information is in the files of the agency, when presented with a written request for that information, signed by the Director of the Federal Bureau of Investigation, or the Director's designee, which certifies compliance with this section. The Director or the Director's designee may make such a certification only if the Director or the Director's designee has determined in writing that—

"(1) such information is necessary for the conduct of an authorized foreign counterintelligence investigation; and

"(2) there are specific and articulable facts giving reason to believe that the consumer—

"(A) is a foreign power (as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978) or a person who is not a United States person (as defined in such section 101) and is an official of a foreign power; or

"(B) is an agent of a foreign power and is engaging or has engaged in international terrorism (as that term is defined in section 101(c) of the Foreign Intelligence Surveillance Act of 1978) or clandestine intelligence activities that involve or may involve a violation of criminal statutes of the United States.

"(b) IDENTIFYING INFORMATION.—Notwithstanding the provisions of section 604 or any other provision of this title, a consumer reporting agency shall furnish identifying information respecting a consumer, limited to name, address, former addresses, places of employment, or former places of employment, to the Federal Bureau of Investigation when presented with a written request, signed by the Director or the Director's designee, which certifies compliance with this subsection. The Director or the Director's designee may make such a certification only if the Director or the Director's designee has determined in writing that—

"(1) such information is necessary to the conduct of an authorized counterintelligence investigation; and

"(2) there is information giving reason to believe that the consumer has been, or is about to be, in contact with a foreign power or an agent of a foreign power (as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978).

"(c) COURT ORDER FOR DISCLOSURE OF CONSUMER REPORTS.—Notwithstanding section 604 or any other provision of this title, if requested in writing by the Director of the Federal Bureau of Investigation, or a designee of the Director, a court may issue an order ex parte directing a consumer reporting agency to furnish a consumer report to the Federal Bureau of Investigation, upon a showing in camera that—

"(1) the consumer report is necessary for the conduct of an authorized foreign counterintelligence investigation; and

"(2) there are specific and articulable facts giving reason to believe that the consumer whose consumer report is sought—

"(A) is an agent of a foreign power; and

"(B) is engaging or has engaged in international terrorism (as that term is defined in section 101(c) of the Foreign Intelligence Surveillance Act of 1978) or clandestine intelligence activities that involve or may involve a violation of criminal statutes of the United States.

The terms of an order issued under this subsection shall not disclose that the order is issued for purposes of a counterintelligence investigation.

"(d) CONFIDENTIALITY.—No consumer reporting agency or officer, employee, or agent of a consumer reporting agency shall disclose to any person, other than those officers, employees, or agents of a consumer reporting agency necessary to fulfill the requirement to disclose information to the Federal Bureau of Investigation under this section, that the Federal Bureau of Investigation has sought or obtained the identity of financial institutions or a consumer report respecting any consumer under subsection (a), (b), or (c) and no consumer reporting agency or officer, employee, or agent of a consumer reporting agency shall include in any consumer report any information that would indicate that the Federal Bureau of Investigation has sought or obtained such information or a consumer report.

"(e) PAYMENT OF FEES.—The Federal Bureau of Investigation shall, subject to the availability of appropriations, pay to the consumer reporting agency assembling or providing reports or information in accordance with procedures established under this section, a fee for reimbursement for such costs as are reasonably necessary and which have been directly incurred in searching, reproducing, or transporting books, papers, records, or other data required or requested to be produced under this section.

"(f) LIMIT ON DISSEMINATION.—The Federal Bureau of Investigation may not disseminate information obtained pursuant to this section outside of the Federal Bureau of Investigation, except to other Federal agencies as may be necessary for the approval or conduct of a foreign counterintelligence investigation, or, where the information concerns a person subject to the Uniform Code of Military Justice, to appropriate investigative authorities within the military department concerned as may be necessary for the conduct of a joint foreign counterintelligence investigation.

"(g) RULES OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit information from being furnished by the Federal Bureau of Investigation pursuant to a subpoena or court order, or in connection with a judicial or administrative proceeding

to enforce the provisions of this Act. Nothing in this section shall be construed to authorize or permit the withholding or information from the Congress.

"(h) REPORTS TO CONGRESS.—On a semiannual basis, the Attorney General of the United States shall fully inform the Permanent Select Committee on Intelligence and the Committee on Banking and Financial Services of the House of Representatives, and the Select Committee on Intelligence and the Committee on Banking, Housing, and Urban Affairs of the Senate concerning all requests made pursuant to subsections (a), (b), and (c).

"(i) DAMAGES.—Any agency or department of the United States obtaining or disclosing any consumer reports, records, or information contained therein in violation of this section is liable to the consumer to whom such consumer reports, records, or information relate in an amount equal to the sum of—

"(1) $100, without regard to the volume of consumer reports, records, or information involved;

"(2) any actual damages sustained by the consumer as a result of the disclosure;

"(3) if the violation is found to have been willful or intentional, such punitive damages as a court may allow; and

"(4) in the case of any successful action to enforce liability under this subsection, the costs of the action, together with reasonable attorney fees, as determined by the court.

"(j) DISCIPLINARY ACTIONS FOR VIOLATIONS.—If a court determines that any agency or department of the United States has violated any provision of this section and the court finds that the circumstances surrounding the violation raise questions of whether or not an officer or employee of the agency or department acted willfully or intentionally with respect to the violation, the agency or department shall promptly initiate a proceeding to determine whether or not disciplinary action is warranted against the officer or employee who was responsible for the violation.

"(k) GOOD-FAITH EXCEPTION.—Notwithstanding any other provision of this title, any consumer reporting agency or agent or employee thereof making disclosure of consumer reports or identifying information pursuant to this subsection in good-faith reliance upon a certification of the Federal Bureau of Investigation pursuant to provisions of this section shall not be liable to any person for such disclosure under this title, the constitution of any State, or any law or regulation of any State or any political subdivision of any State.

"(l) LIMITATION OF REMEDIES.—Notwithstanding any other provision of this title, the remedies and sanctions set forth in this section shall be the only judicial remedies and sanctions for violation of this section.

"(m) INJUNCTIVE RELIEF.—In addition to any other remedy contained in this section, injunctive relief shall be available to require compliance with the procedures of this section. In the event of any successful action under this subsection, costs together with reasonable attorney fees, as determined by the court, may be recovered.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of the Fair Credit Reporting Act (15 U.S.C. 1681a et seq.) is amended by adding after the item relating to section 623 the following:

"624. Disclosures to FBI for counterintelligence purposes.".

SEC. 303. DISCLOSURE OF BUSINESS RECORDS HELD BY THIRD PARTIES IN FOREIGN COUNTERINTELLIGENCE CASES.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 121 the following:

"CHAPTER 122—ACCESS TO CERTAIN RECORDS

"Sec.
"2720. Disclosure of business records held by third parties in foreign counterintelligence cases.

"§ 2720. Disclosure of business records held by third parties in foreign counterintelligence cases

"(a)(1) A court or magistrate judge may issue an order ex parte, upon application by the Director of the Federal Bureau of Investigation (or the Director's designee, whose rank shall be no lower than Assistant Special Agent in Charge), directing any common carrier, public accommodation facility, physical storage facility, or vehicle rental facility to furnish any records in its possession to the Federal Bureau of Investigation. The court or magistrate judge shall issue the order if the court or magistrate judge finds that—

"(A) such records are necessary for counter-terrorism or foreign counterintelligence purposes; and

"(B) there are specific and articulable facts giving reason to believe that the person to whom the records pertain is—

"(i) a foreign power; or

"(ii) an agent of a foreign power and is engaging or has engaged in international terrorism (as that term is defined in section 101(c) of the Foreign Intelligence Surveillance Act of 1978) or clandestine intelligence activities that involve or may involve a violation of criminal statutes of the United States.

"(2) An order issued under this subsection shall not disclose that it is issued for purposes of a counterintelligence investigation.

"(b) No common carrier, public accommodation facility, physical storage facility, or vehicle rental facility, or any officer, employee, or agent of such common carrier, public accommodation facility, physical storage facility, or vehicle rental facility, shall disclose to any person, other than those officers, agents, or employees of the common carrier, public accommodation facility, physical storage facility, or vehicle rental facility necessary to fulfill the requirement to disclose the information to the Federal Bureau of Investigation under this section.

"(c)(1) The Federal Bureau of Investigation may not disseminate information obtained pursuant to this section outside the Federal Bureau of Investigation, except—

"(A) to the Department of Justice or any other law enforcement agency, as may be necessary for the approval or conduct of a foreign counterintelligence investigation; or

"(B) where the information concerns a person subject to the Uniform Code of Military Justice, to appropriate investigative authorities within the military department concerned as may be necessary for the conduct of a joint foreign counterintelligence investigation.

"(2) Any agency or department of the United States obtaining or disclosing any information in violation of this paragraph shall be liable to any person harmed by the violation in an amount equal to the sum of—

"(A) $100 without regard to the volume of information involved;

"(B) any actual damages sustained by the person harmed as a result of the violation;

"(C) if the violation is willful or intentional, such punitive damages as a court may allow; and

"(D) in the case of any successful action to enforce liability under this paragraph, the costs of the action, together with reasonable attorney fees, as determined by the court.

"(d) If a court determines that any agency or department of the United States has violated any provision of this section and the court finds that the circumstances surrounding the violation raise questions of whether or not an officer or employee of the agency or department acted willfully or intentionally with respect to the violation, the agency or department shall promptly initiate a proceeding to determine whether or not disciplinary action is warranted against the officer or employee who was responsible for the violation.

"(e) As used in this section—

"(1) the term 'common carrier' means a locomotive, rail carrier, bus carrying passengers, water common carrier, air common carrier, or private commercial interstate carrier for the delivery of packages and other objects;

"(2) the term 'public accommodation facility' means any inn, hotel, motel, or other establishment that provides lodging to transient guests;

"(3) the term 'physical storage facility' means any business or entity that provides space for the storage of goods or materials, or services related to the storage of goods or materials, to the public or any segment thereof; and

"(4) the term 'vehicle rental facility' means any person or entity that provides vehicles for rent, lease, loan, or other similar use, to the public or any segment thereof.".

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of part I of title 18, United States Code, is amended by inserting after the item relating to chapter 121 the following new item:

"122. Access to certain records ..... 2720".

SEC. 304. STUDY OF TAGGING EXPLOSIVE MATERIALS, DETECTION OF EXPLOSIVES AND EXPLOSIVE MATERIALS, RENDERING EXPLOSIVE COMPONENTS INERT, AND IMPOSING CONTROLS OF PRECURSORS OF EXPLOSIVES.

(a) STUDY.—The Attorney General, in consultation with other Federal, State and local officials with expertise in this area and such other individuals as the Attorney General deems appropriate, shall conduct a study concerning—

(1) the tagging of explosive materials for purposes of detection and identification;

(2) technology for devices to improve the detection of explosives materials;

(3) whether common chemicals used to manufacture explosive materials can be rendered inert and whether it is feasible to require it; and

(4) whether controls can be imposed on certain precursor chemicals used to manufacture explosive materials and whether it is feasible to require it.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Attorney General shall submit to the Congress a report that contains the results of the study required by this section. The Attorney General shall make the report available to the public.

SEC. 305. APPLICATION OF STATUTORY EXCLUSIONARY RULE CONCERNING INTERCEPTED WIRE OR ORAL COMMUNICATIONS.

Section 2515 of title 18, United States Code, is amended by adding at the end the following: "This section shall not apply to the disclosure by the United States in a criminal

trial or hearing or before a grand jury of the contents of a wire or oral communication, or evidence derived therefrom, if any law enforcement officers who intercepted the communication or gathered the evidence derived therefrom acted with the reasonably objective belief that their actions were in compliance with this chapter.".

SEC. 306. EXCLUSION OF CERTAIN TYPES OF INFORMATION FROM WIRETAP-RELATED DEFINITIONS.

(a) DEFINITION OF "ELECTRONIC COMMUNICATION".—Section 2510(12) of title 18, United States Code, is amended—

(1) by striking "or" at the end of subparagraph (B);

(2) by inserting "or" at the end of subparagraph (C); and

(3) by adding a new subparagraph (D), as follows:

"(D) information stored in a communications system used for the electronic storage and transfer of funds;"

(b) DEFINITION OF "READILY ACCESSIBLE TO THE GENERAL PUBLIC".—Section 2510(16) of title 18, United States Code, is amended—

(1) by inserting "or" at the end of subparagraph (D);

(2) by striking "or" at the end of subparagraph (E); and

(3) by striking subparagraph (F).

SEC. 307. REQUIREMENT FOR PERIODIC REPORT.

Subsection (6) of section 2518 of title 18, United States Code is amended to read as follows:

"(6) Whenever an order authorizing interception is entered under this chapter, the order shall require the attorney for the Government to file a report with the judge who issued the order showing what progress has been made toward achievement of the authorized objective and the need for continued interception. Such report shall be made 15 days after the interception has begun. No other reports shall be made to the judge under this subsection.".

SEC. 308. ACCESS TO TELEPHONE BILLING RECORDS.

(a) SECTION 2709.—Section 2709(b) of title 18, United States Code, is amended—

(1) in paragraph (1)(A), by inserting "local and long distance" before "toll billing records";

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

(3) by striking the period at the end of paragraph (2) and inserting "; and"; and

(4) by adding at the end a new paragraph (3), as follows:

"(3) request the name, address, length of service, and local and long distance toll billing records of a person or entity if the Director or the Director's designee (in a position not lower than Deputy Assistant Director) certifies in writing to the wire or electronic communication service provider to which the request is made that the information sought is relevant to an authorized international terrorism investigation (as defined in section 2331 of this title).".

(b) SECTION 2703.—Section 2703(c)(1)(C) of title 18, United States Code, is amended by inserting "local and long distance" before "telephone toll billing records".

(c) CIVIL REMEDY.—Section 2707 of title 18, United States Code, is amended—

(1) in subsection (a), by striking "customer" and inserting "any other person";

(2) in subsection (c), inserting before the period at the end the following: ", and if the violation is willful or intentional, such punitive damages as the court may allow, and, in the case of any successful action to enforce liability under this section, the costs of the action, together with reasonable attorney fees, as determined by the court"; and

(3) by adding at the end the following:

"(f) DISCIPLINARY ACTIONS FOR VIOLATIONS.—If a court determines that any agency or department of the United States has violated this chapter and the court finds that the circumstances surrounding the violation raise questions of whether or not an officer or employee of the agency or department acted willfully or intentionally with respect to the violation, the agency or department shall promptly initiate a proceeding to determine whether or not disciplinary action is warranted against the officer or employee who was responsible for the violation.".

SEC. 309. REQUIREMENT TO PRESERVE RECORD EVIDENCE.

Section 2703 of title 18, United States Code, is amended by adding at the end the following:

"(f) REQUIREMENT TO PRESERVE EVIDENCE.—A provider of wire or electronic communication services or a remote computing service, upon the request of a governmental entity, shall take all necessary steps to preserve records, and other evidence in its possession pending the issuance of a court order or other process. Such records shall be retained for a period of 90 days, which period shall be extended for an additional 90-day period upon a renewed request by the governmental entity.".

SEC. 310. DETENTION HEARING.

Section 3142(f) of title 18, United States Code, is amended by inserting "(not including any intermediate Saturday, Sunday, or legal holiday)" after "five days" and after "three days".

SEC. 311. REWARD AUTHORITY OF THE ATTORNEY GENERAL.

(a) IN GENERAL.—Title 18, United States Code, is amended by striking sections 3059 through 3059A and inserting the following:

"§ 3059. Reward authority of the Attorney General

"(a) The Attorney General may pay rewards and receive from any department or agency, funds for the payment of rewards under this section, to any individual who provides any information unknown to the Government leading to the arrest or prosecution of any individual for Federal felony offenses.

"(b) If the reward exceeds $100,000, the Attorney General shall give notice of that fact to the Senate and the House of Representatives not later than 30 days before authorizing the payment of the reward.

"(c) A determination made by the Attorney General as to whether to authorize an award under this section and as to the amount of any reward authorized shall not be subject to judicial review.

"(d) If the Attorney General determines that the identity of the recipient of a reward or of the members of the recipient's immediate family must be protected, the Attorney General may take such measures in connection with the payment of the reward as the Attorney General deems necessary to effect such protection.

"(e) No officer or employee of any governmental entity may receive a reward under this section for conduct in performance of his or her official duties.

"(f) Any individual (and the immediate family of such individual) who furnishes information which would justify a reward under this section or a reward by the Secretary of State under section 36 of the State Department Basic Authorities Act of 1956 may, in the discretion of the Attorney General, participate in the Attorney General's witness security program under chapter 224 of this title.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 203 of title 18, United States Code, is amended by striking the items relating to section 3059 and 3059A and inserting the following new item:

"3059. Reward authority of the Attorney General.".

(c) CONFORMING AMENDMENT.—Section 1751 of title 18, United States Code, is amended by striking subsection (g).

SEC. 312. PROTECTION OF FEDERAL GOVERNMENT BUILDINGS IN THE DISTRICT OF COLUMBIA.

The Attorney General is authorized—

(1) to prohibit vehicles from parking or standing on any street or roadway adjacent to any building in the District of Columbia which is in whole or in part owned, possessed, used by, or leased to the Federal Government and used by Federal law enforcement authorities; and

(2) to prohibit any person or entity from conducting business on any property immediately adjacent to any such building.

SEC. 313. STUDY OF THEFTS FROM ARMORIES; REPORT TO THE CONGRESS.

(a) STUDY.—The Attorney General of the United States shall conduct a study of the extent of thefts from military arsenals (including National Guard armories) of firearms, explosives, and other materials that are potentially useful to terrorists.

(b) REPORT TO THE CONGRESS.—Within 6 months after the date of the enactment of this Act, the Attorney General shall submit to the Congress a report on the study required by subsection (a).

TITLE IV—NUCLEAR MATERIALS

SEC. 401. EXPANSION OF NUCLEAR MATERIALS PROHIBITIONS.

Section 831 of title 18, United States Code, is amended—

(1) in subsection (a), by striking "nuclear material" each place it appears and inserting "nuclear material or nuclear byproduct material";

(2) in subsection (a)(1)(A), by inserting "or the environment" after "property";

(3) so that subsection (a)(1)(B) reads as follows:

"(B)(i) circumstances exist which are likely to cause the death of or serious bodily injury to any person or substantial damage to property or the environment; or (ii) such circumstances are represented to the defendant to exist;";

(4) in subsection (a)(6), by inserting "or the environment" after "property";

(5) so that subsection (c)(2) reads as follows:

"(2) an offender or a victim is a national of the United States or a United States corporation or other legal entity;";

(6) in subsection (c)(3), by striking "at the time of the offense the nuclear material is in use, storage, or transport, for peaceful purposes, and";

(7) by striking "or" at the end of subsection (c)(3);

(8) in subsection (c)(4), by striking "nuclear material for peaceful purposes" and inserting "nuclear material or nuclear byproduct material";

(9) by striking the period at the end of subsection (c)(4) and inserting "; or";

(10) by adding at the end of subsection (c) the following:

"(5) the governmental entity under subsection (a)(5) is the United States or the

threat under subsection (a)(6) is directed at the United States.";

(11) in subsection (f)(1)(A), by striking "with an isotopic concentration not in excess of 80 percent plutonium 238";

(12) in subsection (f)(1)(C) by inserting "enriched uranium, defined as" before "uranium";

(13) in subsection (f), by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively;

(14) by inserting after subsection (f)(1) the following:

"(2) the term 'nuclear byproduct material' means any material containing any radioactive isotope created through an irradiation process in the operation of a nuclear reactor or accelerator;";

(15) by striking "and" at the end of subsection (f)(4), as redesignated;

(16) by striking the period at the end of subsection (f)(5), as redesignated, and inserting a semicolon; and

(17) by adding at the end of subsection (f) the following:

"(6) the term 'national of the United States' has the meaning prescribed in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)); and

"(7) the term 'United States corporation or other legal entity' means any corporation or other entity organized under the laws of the United States or any State, district, commonwealth, territory or possession of the United States.".

TITLE V—CONVENTION ON THE MARKING OF PLASTIC EXPLOSIVES

SEC. 501. DEFINITIONS.

Section 841 of title 18, United States Code, is amended by adding at the end the following:

"(o) 'Convention on the Marking of Plastic Explosives' means the Convention on the Marking of Plastic Explosives for the Purpose of Detection, Done at Montreal on 1 March 1991.

"(p) 'Detection agent' means any one of the substances specified in this subsection when introduced into a plastic explosive or formulated in such explosive as a part of the manufacturing process in such a manner as to achieve homogeneous distribution in the finished explosive, including—

"(1) Ethylene glycol dinitrate (EGDN), $C_2H_4(NO_3)_2$, molecular weight 152, when the minimum concentration in the finished explosive is 0.2 percent by mass;

"(2) 2,3-Dimethyl-2,3-dinitrobutane (DMNB), $C_6H_{12}(NO_2)_2$, molecular weight 176, when the minimum concentration in the finished explosive is 0.1 percent by mass;

"(3) Para-Mononitrotoluene (p-MNT), $C_7H_7NO_2$, molecular weight 137, when the minimum concentration in the finished explosive is 0.5 percent by mass;

"(4) Ortho-Mononitrotoluene (o-MNT), $C_7H_7NO_2$, molecular weight 137, when the minimum concentration in the finished explosive is 0.5 percent by mass; and

"(5) any other substance in the concentration specified by the Secretary, after consultation with the Secretary of State and the Secretary of Defense, which has been added to the table in part 2 of the Technical Annex to the Convention on the Marking of Plastic Explosives.

"(q) 'Plastic explosive' means an explosive material in flexible or elastic sheet form formulated with one or more high explosives which in their pure form have a vapor pressure less than 10^{-4} Pa at a temperature of 25°C., is formulated with a binder material, and is as a mixture malleable or flexible at normal room temperature.".

SEC. 502. REQUIREMENT OF DETECTION AGENTS FOR PLASTIC EXPLOSIVES.

Section 842 of title 18, United States Code, is amended by adding at the end the following:

"(l) It shall be unlawful for any person to manufacture any plastic explosive which does not contain a detection agent.

"(m)(1) it shall be unlawful for any person to import or bring into the United States, or export from the United States, any plastic explosive which does not contain a detection agent.

"(2) Until the 15-year period that begins with the date of entry into force of the Convention on the Marking of Plastic Explosives with respect to the United States has expired, paragraph (1) shall not apply to the importation or bringing into the United States, or the exportation from the United States, of any plastic explosive which was imported, brought into, or manufactured in the United States before the effective date of this subsection by or on behalf of any agency of the United States performing military or police functions (including any military Reserve component) or by or on behalf of the National Guard of any State.

"(n)(1) It shall be unlawful for any person to ship, transport, transfer, receive, or possess any plastic explosive which does not contain a detection agent.

"(2)(A) During the 3-year period that begins on the effective date of this subsection, paragraph (1) shall not apply to the shipment, transportation, transfer, receipt, or possession of any plastic explosive, which was imported, brought into, or manufactured in the United States before such effective date by any person.

"(B) Until the 15-year period that begins on the date of entry into force of the Convention on the Marking of Plastic Explosives with respect to the United States has expired, paragraph (1) shall not apply to the shipment, transportation, transfer, receipt, or possession of any plastic explosive, which was imported, brought into, or manufactured in the United States before the effective date of this subsection by or on behalf of any agency of the United States performing a military or police function (including any military reserve component) or by or on behalf of the National Guard of any State.

"(o) It shall be unlawful for any person, other than an agency of the United States (including any military reserve component) or the National Guard of any State, possessing any plastic explosive on the effective date of this subsection, to fail to report to the Secretary within 120 days after the effective date of this subsection the quantity of such explosives possessed, the manufacturer or importer, any marks of identification on such explosives, and such other information as the Secretary may by regulations prescribe.".

SEC. 503. CRIMINAL SANCTIONS.

Section 844(a) of title 18, United States Code, is amended to read as follows:

"(a) Any person who violates subsections (a) through (i) or (l) through (o) of section 842 of this title shall be fined under this title, imprisoned not more than 10 years, or both.".

SEC. 504. EXCEPTIONS.

Section 845 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting "(l), (m), (n), or (o) of section 842 and subsections" after "subsections";

(2) in subsection (a)(1), by inserting "and which pertains to safety" before the semicolon; and

(3) by adding at the end the following:

"(c) It is an affirmative defense against any proceeding involving subsection (l), (m), (n), or (o) of section 842 of this title if the proponent proves by a preponderance of the evidence that the plastic explosive—

"(1) consisted of a small amount of plastic explosive intended for and utilized solely in lawful—

"(A) research, development, or testing of new or modified explosive materials;

"(B) training in explosives detection or development or testing of explosives detection equipment; or

"(C) forensic science purposes; or

"(2) was plastic explosive which, within 3 years after the effective date of this paragraph, will be or is incorporated in a military device within the territory of the United States and remains an integral part of such military device, or is intended to be, or is incorporated in, and remains an integral part of a military device that is intended to become, or has become, the property of any agency of the United States performing military or police functions (including any military reserve component) or the National Guard of any State, wherever such device is located. For purposes of this subsection, the term 'military device' includes shells, bombs, projectiles, mines, missiles, rockets, shaped charges, grenades, perforators, and similar devices lawfully manufactured exclusively for military or police purposes.".

SEC. 505. EFFECTIVE DATE.

The amendments made by this title shall take effect 1 year after the date of the enactment of this Act.

TITLE VI—IMMIGRATION-RELATED PROVISIONS

Subtitle A—Removal of Alien Terrorists

PART 1—REMOVAL PROCEDURES FOR ALIEN TERRORISTS

SEC. 601. REMOVAL PROCEDURES FOR ALIEN TERRORISTS.

(a) IN GENERAL.—The Immigration and Nationality Act is amended—

(1) by adding at the end of the table of contents the following:

"TITLE V—SPECIAL REMOVAL PROCEDURES FOR ALIEN TERRORISTS

"Sec. 501. Definitions.
"Sec. 502. Establishment of special removal court; panel of attorneys to assist with classified information.
"Sec. 503. Application for initiation of special removal proceeding.
"Sec. 504. Consideration of application.
"Sec. 505. Special removal hearings.
"Sec. 506. Consideration of classified information.
"Sec. 507. Appeals.
"Sec. 508. Detention and custody.";

and

(2) by adding at the end the following new title:

"TITLE V—SPECIAL REMOVAL PROCEDURES FOR ALIEN TERRORISTS

"DEFINITIONS

"SEC. 501. In this title:

"(1) The term 'alien terrorist' means an alien described in section 241(a)(4)(B).

"(2) The term 'classified information' has the meaning given such term in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App.).

"(3) The term 'national security' has the meaning given such term in section 1(b) of the Classified Information Procedures Act (18 U.S.C. App.).

"(4) The term 'special attorney' means an attorney who is on the panel established under section 502(e).

"(5) The term 'special removal court' means the court established under section 502(a).

"(6) The term 'special removal hearing' means a hearing under section 505.

"(7) The term 'special removal proceeding' means a proceeding under this title.

"ESTABLISHMENT OF SPECIAL REMOVAL COURT; PANEL OF ATTORNEYS TO ASSIST WITH CLASSIFIED INFORMATION

"SEC. 502. (a) IN GENERAL.—The Chief Justice of the United States shall publicly designate 5 district court judges from 5 of the United States judicial circuits who shall constitute a court which shall have jurisdiction to conduct all special removal proceedings.

"(b) TERMS.—Each judge designated under subsection (a) shall serve for a term of 5 years and shall be eligible for redesignation, except that the four associate judges first so designated shall be designated for terms of one, two, three, and four years so that the term of one judge shall expire each year.

"(c) CHIEF JUDGE.—The Chief Justice shall publicly designate one of the judges of the special removal court to be the chief judge of the court. The chief judge shall promulgate rules to facilitate the functioning of the court and shall be responsible for assigning the consideration of cases to the various judges.

"(d) EXPEDITIOUS AND CONFIDENTIAL NATURE OF PROCEEDINGS.—The provisions of section 103(c) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(c)) shall apply to proceedings under this title in the same manner as they apply to proceedings under such Act.

"(e) ESTABLISHMENT OF PANEL OF SPECIAL ATTORNEYS.—The special removal court shall provide for the designation of a panel of attorneys each of whom—

"(1) has a security clearance which affords the attorney access to classified information, and

"(2) has agreed to represent permanent resident aliens with respect to classified information under sections 506 and 507(c)(2)(B) in accordance with (and subject to the penalties under) this title.

"APPLICATION FOR INITIATION OF SPECIAL REMOVAL PROCEEDING

"SEC. 503. (a) IN GENERAL.—Whenever the Attorney General has classified information that an alien is an alien terrorist, the Attorney General, in the Attorney General's discretion, may seek removal of the alien under this title through the filing with the special removal court of a written application described in subsection (b) that seeks an order authorizing a special removal proceeding under this title. The application shall be submitted in camera and ex parte and shall be filed under seal with the court.

"(b) CONTENTS OF APPLICATION.—Each application for a special removal proceeding shall include all of the following:

"(1) The identity of the Department of Justice attorney making the application.

"(2) The approval of the Attorney General or the Deputy Attorney General for the filing of the application based upon a finding by that individual that the application satisfies the criteria and requirements of this title.

"(3) The identity of the alien for whom authorization for the special removal proceeding is sought.

"(4) A statement of the facts and circumstances relied on by the Department of Justice to establish that—

"(A) the alien is an alien terrorist and is physically present in the United States, and

"(B) with respect to such alien, adherence to the provisions of title II regarding the deportation of aliens would pose a risk to the national security of the United States.

"(5) An oath or affirmation respecting each of the facts and statements described in the previous paragraphs.

"(c) RIGHT TO DISMISS.—The Department of Justice retains the right to dismiss a removal action under this title at any stage of the proceeding.

"CONSIDERATION OF APPLICATION

"SEC. 504. (a) IN GENERAL.—In the case of an application under section 503 to the special removal court, a single judge of the court shall be assigned to consider the application. The judge, in accordance with the rules of the court, shall consider the application and may consider other information, including classified information, presented under oath or affirmation. The judge shall consider the application (and any hearing thereof) in camera and ex parte. A verbatim record shall be maintained of any such hearing.

"(b) APPROVAL OF ORDER.—The judge shall enter ex parte the order requested in the application if the judge finds, on the basis of such application and such other information (if any), that there is probable cause to believe that—

"(1) the alien who is the subject of the application has been correctly identified and is an alien terrorist, and

"(2) adherence to the provisions of title II regarding the deportation of the identified alien would pose a risk to the national security of the United States.

"(c) DENIAL OF ORDER.—If the judge denies the order requested in the application, the judge shall prepare a written statement of the judge's reasons for the denial.

"(d) EXCLUSIVE PROVISIONS.—Whenever an order is issued under this section with respect to an alien—

"(1) the alien's rights regarding removal and expulsion shall be governed solely by the provisions of this title, and

"(2) except as they are specifically referenced, no other provisions of this Act shall be applicable.

"SPECIAL REMOVAL HEARINGS

"SEC. 505. (a) IN GENERAL.—In any case in which the application for the order is approved under section 504, a special removal hearing shall be conducted under this section for the purpose of determining whether the alien to whom the order pertains should be removed from the United States on the grounds that the alien is an alien terrorist. Consistent with section 506, the alien shall be given reasonable notice of the nature of the charges against the alien and a general account of the basis for the charges. The alien shall be given notice, reasonable under all the circumstances, of the time and place at which the hearing will be held. The hearing shall be held as expeditiously as possible.

"(b) USE OF SAME JUDGE.—The special removal hearing shall be held before the same judge who granted the order pursuant to section 504 unless that judge is deemed unavailable due to illness or disability by the chief judge of the special removal court, or has died, in which case the chief judge shall assign another judge to conduct the special removal hearing. A decision by the chief judge pursuant to the preceding sentence shall not be subject to review by either the alien or the Department of Justice.

"(c) RIGHTS IN HEARING.—

"(1) PUBLIC HEARING.—The special removal hearing shall be open to the public.

"(2) RIGHT OF COUNSEL.—The alien shall have a right to be present at such hearing and to be represented by counsel. Any alien financially unable to obtain counsel shall be entitled to have counsel assigned to represent the alien. Such counsel shall be appointed by the judge pursuant to the plan for furnishing representation for any person financially unable to obtain adequate representation for the district in which the hearing is conducted, as provided for in section 3006A of title 18, United States Code. All provisions of that section shall apply and, for purposes of determining the maximum amount of compensation, the matter shall be treated as if a felony was charged.

"(3) INTRODUCTION OF EVIDENCE.—The alien shall have a right to introduce evidence on the alien's own behalf.

"(4) EXAMINATION OF WITNESSES.—Except as provided in section 506, the alien shall have a reasonable opportunity to examine the evidence against the alien and to cross-examine any witness.

"(5) RECORD.—A verbatim record of the proceedings and of all testimony and evidence offered or produced at such a hearing shall be kept.

"(6) DECISION BASED ON EVIDENCE AT HEARING.—The decision of the judge in the hearing shall be based only on the evidence introduced at the hearing, including evidence introduced under subsection (e).

"(7) NO RIGHT TO ANCILLARY RELIEF.—In the hearing, the judge is not authorized to consider or provide for relief from removal based on any of the following:

"(A) Asylum under section 208.

"(B) Withholding of deportation under section 243(h).

"(C) Suspension of deportation under section 244(a) or 244(e).

"(D) Adjustment of status under section 245.

"(E) Registry under section 249.

"(d) SUBPOENAS.—

"(1) REQUEST.—At any time prior to the conclusion of the special removal hearing, either the alien or the Department of Justice may request the judge to issue a subpoena for the presence of a named witness (which subpoena may also command the person to whom it is directed to produce books, papers, documents, or other objects designated therein) upon a satisfactory showing that the presence of the witness is necessary for the determination of any material matter. Such a request may be made ex parte except that the judge shall inform the Department of Justice of any request for a subpoena by the alien for a witness or material if compliance with such a subpoena would reveal evidence or the source of evidence which has been introduced, or which the Department of Justice has received permission to introduce, in camera and ex parte pursuant to subsection (e) and section 506, and the Department of Justice shall be given a reasonable opportunity to oppose the issuance of such a subpoena.

"(2) PAYMENT FOR ATTENDANCE.—If an application for a subpoena by the alien also makes a showing that the alien is financially unable to pay for the attendance of a witness so requested, the court may order the costs incurred by the process and the fees of the witness so subpoenaed to be paid from funds appropriated for the enforcement of title II.

"(3) NATIONWIDE SERVICE.—A subpoena under this subsection may be served anywhere in the United States.

"(4) WITNESS FEES.—A witness subpoenaed under this subsection shall receive the same fees and expenses as a witness subpoenaed in

connection with a civil proceeding in a court of the United States.

"(5) NO ACCESS TO CLASSIFIED INFORMATION.—Nothing in this subsection is intended to allow an alien to have access to classified information.

"(e) INTRODUCTION OF CLASSIFIED INFORMATION.—

"(1) IN GENERAL.—Classified information that has been summarized pursuant to section 506(b) and classified information for which findings described in section 506(b)(4)(B) have been made and for which no summary is provided shall be introduced (either in writing or through testimony) in camera and ex parte and neither the alien nor the public shall be informed of such evidence or its sources other than through reference to the summary (if any) provided pursuant to such section. Notwithstanding the previous sentence, the Department of Justice may, in its discretion and after coordination with the originating agency, elect to introduce such evidence in open session.

"(2) TREATMENT OF ELECTRONIC SURVEILLANCE INFORMATION.—

"(A) USE OF ELECTRONIC SURVEILLANCE.—The Government is authorized to use in a special removal proceeding the fruits of electronic surveillance and unconsented physical searches authorized under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) without regard to subsections (c), (e), (f), (g), and (h) of section 106 of that Act.

"(B) NO DISCOVERY OF ELECTRONIC SURVEILLANCE INFORMATION.—An alien subject to removal under this title shall have no right of discovery of information derived from electronic surveillance authorized under the Foreign Intelligence Surveillance Act of 1978 or otherwise for national security purposes. Nor shall such alien have the right to seek suppression of evidence.

"(C) CERTAIN PROCEDURES NOT APPLICABLE.—The provisions and requirements of section 3504 of title 18, United States Code, shall not apply to procedures under this title.

"(3) RIGHTS OF UNITED STATES.—Nothing in this section shall prevent the United States from seeking protective orders and from asserting privileges ordinarily available to the United States to protect against the disclosure of classified information, including the invocation of the military and state secrets privileges.

"(f) INCLUSION OF CERTAIN EVIDENCE.—The Federal Rules of Evidence shall not apply to hearings under this section. Evidence introduced at the special removal hearing, either in open session or in camera and ex parte, may, in the discretion of the Department of Justice, include all or part of the information presented under section 504 used to obtain the order for the hearing under this section.

"(g) ARGUMENTS.—Following the receipt of evidence, the attorneys for the Department of Justice and for the alien shall be given fair opportunity to present argument as to whether the evidence is sufficient to justify the removal of the alien. The attorney for the Department of Justice shall open the argument. The attorney for the alien shall be permitted to reply. The attorney for the Department of Justice shall then be permitted to reply in rebuttal. The judge may allow any part of the argument that refers to evidence received in camera and ex parte to be heard in camera and ex parte.

"(h) BURDEN OF PROOF.—In the hearing the Department of Justice has the burden of showing by clear and convincing evidence that the alien is subject to removal because the alien is an alien terrorist. If the judge finds that the Department of Justice has met this burden, the judge shall order the alien removed and detained pending removal from the United States. If the alien was released pending the special removal hearing, the judge shall order the Attorney General to take the alien into custody.

"(i) WRITTEN ORDER.—At the time of rendering a decision as to whether the alien shall be removed, the judge shall prepare a written order containing a statement of facts found and conclusions of law. Any portion of the order that would reveal the substance or source of information received in camera and ex parte pursuant to subsection (e) shall not be made available to the alien or the public.

"CONSIDERATION OF CLASSIFIED INFORMATION

"SEC. 506. (a) CONSIDERATION IN CAMERA AND EX PARTE.—In any case in which the application for the order authorizing the special procedures of this title is approved, the judge who granted the order shall consider each item of classified information the Department of Justice proposes to introduce in camera and ex parte at the special removal hearing and shall order the introduction of such information pursuant to section 505(e) if the judge determines the information to be relevant.

"(b) PREPARATION AND PROVISION OF WRITTEN SUMMARY.—

"(1) PREPARATION.—The Department of Justice shall prepare a written summary of such classified information which does not pose a risk to national security.

"(2) CONDITIONS FOR APPROVAL BY JUDGE AND PROVISION TO ALIEN.—The judge shall approve the summary so long as the judge finds that the summary is sufficient—

"(A) to inform the alien of the general nature of the evidence that the alien is an alien terrorist, and

"(B) to permit the alien to prepare a defense against deportation.

The Department of Justice shall cause to be delivered to the alien a copy of the summary.

"(3) OPPORTUNITY FOR CORRECTION AND RESUBMITTAL.—If the judge does not approve the summary, the judge shall provide the Department a reasonable opportunity to correct the deficiencies identified by the court and to submit a revised summary.

"(4) CONDITIONS FOR TERMINATION OF PROCEEDINGS IF SUMMARY NOT APPROVED.—

"(A) IN GENERAL.—If, subsequent to the opportunity described in paragraph (3), the judge does not approve the summary, the judge shall terminate the special removal hearing unless the judge makes the findings described in subparagraph (B).

"(B) FINDINGS.—The findings described in this subparagraph are, with respect to an alien, that—

"(i) the continued presence of the alien in the United States, and

"(ii) the provision of the required summary,

would likely cause serious and irreparable harm to the national security or death or serious bodily injury to any person.

"(5) CONTINUATION OF HEARING WITHOUT SUMMARY.—If a judge makes the findings described in paragraph (4)(B)—

"(A) if the alien involved is an alien lawfully admitted for permanent residence, the procedures described in subsection (c) shall apply; and

"(B) in all cases the special removal hearing shall continue, the Department of Justice shall cause to be delivered to the alien a statement that no summary is possible, and the classified information submitted in camera and ex parte may be used pursuant to section 505(e).

"(c) SPECIAL PROCEDURES FOR ACCESS AND CHALLENGES TO CLASSIFIED INFORMATION BY SPECIAL ATTORNEYS IN CASE OF LAWFUL PERMANENT ALIENS.—

"(1) IN GENERAL.—The procedures described in this subsection are that the judge (under rules of the special removal court) shall designate a special attorney (as defined in section 501(4)), (and the alien facing deportation under these procedures, may choose which special attorney shall be so designated, if the alien makes that choice not later than 45 days after the date on which the alien receives notice that the Government intends to use such procedures) to assist the alien and the court—

"(A) by reviewing in camera the classified information on behalf of the alien, and

"(B) by challenging through an in camera proceeding the veracity of the evidence contained in the classified information.

"(2) RESTRICTIONS ON DISCLOSURE.—A special attorney receiving classified information under paragraph (1)—

"(A) shall not disclose the information to the alien or to any other attorney representing the alien, and

"(B) who discloses such information in violation of subparagraph (A) shall be subject to a fine under title 18, United States Code, and imprisoned for not less than 10 years nor more than 25 years.

"APPEALS

"SEC. 507. (a) APPEALS OF DENIALS OF APPLICATIONS FOR ORDERS.—The Department of Justice may seek a review of the denial of an order sought in an application by the United States Court of Appeals for the District of Columbia Circuit by notice of appeal which must be filed within 20 days after the date of such denial. In such a case the entire record of the proceeding shall be transmitted to the Court of Appeals under seal and the Court of Appeals shall hear the matter ex parte. In such a case the Court of Appeals shall review questions of law de novo, but a prior finding on any question of fact shall not be set aside unless such finding was clearly erroneous.

"(b) APPEALS OF DETERMINATIONS ABOUT SUMMARIES OF CLASSIFIED INFORMATION.—Either party may take an interlocutory appeal to the United States Court of Appeals for the District of Columbia Circuit of—

"(1) any determination by the judge pursuant to section 506(a)—

"(A) concerning whether an item of evidence may be introduced in camera and ex parte, or

"(B) concerning the contents of any summary of evidence to be introduced in camera and ex parte prepared pursuant to section 506(b); or

"(2) the refusal of the court to make the findings permitted by section 506(b)(4)(B).

In any interlocutory appeal taken pursuant to this subsection, the entire record, including any proposed order of the judge or summary of evidence, shall be transmitted to the Court of Appeals under seal and the matter shall be heard ex parte.

"(c) APPEALS OF DECISION IN HEARING.—

"(1) IN GENERAL.—Subject to paragraph (2), the decision of the judge after a special removal hearing may be appealed by either the alien or the Department of Justice to the United States Court of Appeals for the District of Columbia Circuit by notice of appeal.

"(2) AUTOMATIC APPEALS IN CASES OF PERMANENT RESIDENT ALIENS IN WHICH NO SUMMARY PROVIDED.—

"(A) IN GENERAL.—Unless the alien waives the right to a review under this paragraph, in any case involving an alien lawfully admitted for permanent residence who is denied a written summary of classified information under section 506(b)(4) and with respect to which the procedures described in section 506(c) apply, any order issued by the judge shall be reviewed by the Court of Appeals for the District of Columbia Circuit.

"(B) USE OF SPECIAL ATTORNEY.—With respect to any issue relating to classified information that arises in such review, the alien shall be represented only by the special attorney designated under section 506(c)(1) on behalf of the alien.

"(d) GENERAL PROVISIONS RELATING TO APPEALS.—

"(1) NOTICE.—A notice of appeal pursuant to subsection (b) or (c) (other than under subsection (c)(2)) must be filed within 20 days after the date of the order with respect to which the appeal is sought, during which time the order shall not be executed.

"(2) TRANSMITTAL OF RECORD.—In an appeal or review to the Court of Appeals pursuant to subsection (b) or (c)—

"(A) the entire record shall be transmitted to the Court of Appeals, and

"(B) information received pursuant to section 505(e), and any portion of the judge's order that would reveal the substance or source of such information, shall be transmitted under seal.

"(3) EXPEDITED APPELLATE PROCEEDING.—In an appeal or review to the Court of Appeals pursuant to subsection (b) or (c):

"(A) REVIEW.—The appeal or review shall be heard as expeditiously as practicable and the Court may dispense with full briefing and hear the matter solely on the record of the judge of the special removal court and on such briefs or motions as the Court may require to be filed by the parties.

"(B) DISPOSITION.—The Court shall uphold or reverse the judge's order within 60 days after the date of the issuance of the judge's final order.

"(4) STANDARD FOR REVIEW.—In an appeal or review to the Court of Appeals pursuant to subsection (b) or (c):

"(A) QUESTIONS OF LAW.—The Court of Appeals shall review all questions of law de novo.

"(B) QUESTIONS OF FACT.—(i) Subject to clause (ii), a prior finding on any question of fact shall not be set aside unless such finding was clearly erroneous.

"(ii) In the case of a review under subsection (c)(2) in which an alien lawfully admitted for permanent residence was denied a written summary of classified information under section 506(b)(4), the Court of Appeals shall review questions of fact de novo.

"(e) CERTIORARI.—Following a decision by the Court of Appeals pursuant to subsection (b) or (c), either the alien or the Department of Justice may petition the Supreme Court for a writ of certiorari. In any such case, any information transmitted to the Court of Appeals under seal shall, if such information is also submitted to the Supreme Court, be transmitted under seal. Any order of removal shall not be stayed pending disposition of a writ of certiorari except as provided by the Court of Appeals or a Justice of the Supreme Court.

"(f) APPEALS OF DETENTION ORDERS.—

"(1) IN GENERAL.— The provisions of sections 3145 through 3148 of title 18, United States Code, pertaining to review and appeal of a release or detention order, penalties for failure to appear, penalties for an offense committed while on release, and sanctions for violation of a release condition shall apply to an alien to whom section 508(b)(1) applies. In applying the previous sentence—

"(A) for purposes of section 3145 of such title an appeal shall be taken to the United States Court of Appeals for the District of Columbia Circuit, and

"(B) for purposes of section 3146 of such title the alien shall be considered released in connection with a charge of an offense punishable by life imprisonment.

"(2) NO REVIEW OF CONTINUED DETENTION.—The determinations and actions of the Attorney General pursuant to section 508(c)(2)(C) shall not be subject to judicial review, including application for a writ of habeas corpus, except for a claim by the alien that continued detention violates the alien's rights under the Constitution. Jurisdiction over any such challenge shall lie exclusively in the United States Court of Appeals for the District of Columbia Circuit.

"DETENTION AND CUSTODY

"SEC. 508. (a) INITIAL CUSTODY.—

"(1) UPON FILING APPLICATION.—Subject to paragraphs (2) and (3), the Attorney General may take into custody any alien with respect to whom an application under section 503 has been filed and, notwithstanding any other provision of law, may retain such an alien in custody in accordance with the procedures authorized by this title.

"(2) SPECIAL RULES FOR PERMANENT RESIDENT ALIENS.—An alien lawfully admitted for permanent residence shall be entitled to a release hearing before the judge assigned to hear the special removal hearing. Such an alien shall be detained pending the special removal hearing, unless the alien demonstrates to the court that—

"(A) the alien, if released upon such terms and conditions as the court may prescribe (including the posting of any monetary amount), is not likely to flee, and

"(B) the alien's release will not endanger national security or the safety of any person or the community.

The judge may consider classified information submitted in camera and ex parte in making a determination under this paragraph.

"(3) RELEASE IF ORDER DENIED AND NO REVIEW SOUGHT.—

"(A) IN GENERAL.—Subject to subparagraph (B), if a judge of the special removal court denies the order sought in an application with respect to an alien and the Department of Justice does not seek review of such denial, the alien shall be released from custody.

"(B) APPLICATION OF REGULAR PROCEDURES.—Subparagraph (A) shall not prevent the arrest and detention of the alien pursuant to title II.

"(b) CONDITIONAL RELEASE IF ORDER DENIED AND REVIEW SOUGHT.—

"(1) IN GENERAL.—If a judge of the special removal court denies the order sought in an application with respect to an alien and the Department of Justice seeks review of such denial, the judge shall release the alien from custody subject to the least restrictive condition or combination of conditions of release described in section 3142(b) and clauses (i) through (xiv) of section 3142(c)(1)(B) of title 18, United States Code, that will reasonably assure the appearance of the alien at any future proceeding pursuant to this title and will not endanger the safety of any other person or the community.

"(2) NO RELEASE FOR CERTAIN ALIENS.—If the judge finds no such condition or combination of conditions, the alien shall remain in custody until the completion of any appeal authorized by this title.

"(c) CUSTODY AND RELEASE AFTER HEARING.—

"(1) RELEASE.—

"(A) IN GENERAL.—Subject to subparagraph (B), if the judge decides pursuant to section 505(1) that an alien should not be removed, the alien shall be released from custody.

"(B) CUSTODY PENDING APPEAL.—If the Attorney General takes an appeal from such decision, the alien shall remain in custody, subject to the provisions of section 3142 of title 18, United States Code.

"(2) CUSTODY AND REMOVAL.—

"(A) CUSTODY.—If the judge decides pursuant to section 505(1) that an alien shall be removed, the alien shall be detained pending the outcome of any appeal. After the conclusion of any judicial review thereof which affirms the removal order, the Attorney General shall retain the alien in custody and remove the alien to a country specified under subparagraph (B).

"(B) REMOVAL.—

"(i) IN GENERAL.—The removal of an alien shall be to any country which the alien shall designate if such designation does not, in the judgment of the Attorney General, in consultation with the Secretary of State, impair the obligation of the United States under any treaty (including a treaty pertaining to extradition) or otherwise adversely affect the foreign policy of the United States.

"(ii) ALTERNATE COUNTRIES.—If the alien refuses to designate a country to which the alien wishes to be removed or if the Attorney General, in consultation with the Secretary of State, determines that removal of the alien to the country so designated would impair a treaty obligation or adversely affect United States foreign policy, the Attorney General shall cause the alien to be removed to any country willing to receive such alien.

"(C) CONTINUED DETENTION.—If no country is willing to receive such an alien, the Attorney General may, notwithstanding any other provision of law, retain the alien in custody. The Attorney General, in coordination with the Secretary of State, shall make periodic efforts to reach agreement with other countries to accept such an alien and at least every 6 months shall provide to the attorney representing the alien at the special removal hearing a written report on the Attorney General's efforts. Any alien in custody pursuant to this subparagraph shall be released from custody solely at the discretion of the Attorney General and subject to such conditions as the Attorney General shall deem appropriate.

"(D) FINGERPRINTING.—Before an alien is transported out of the United States pursuant to this subsection, or pursuant to an order of exclusion because such alien is excludable under section 212(a)(3)(B), the alien shall be photographed and fingerprinted, and shall be advised of the provisions of section 276(b).

"(d) CONTINUED DETENTION PENDING TRIAL.—

"(1) DELAY IN REMOVAL.—Notwithstanding the provisions of subsection (c)(2), the Attorney General may hold in abeyance the removal of an alien who has been ordered removed pursuant to this title to allow the trial of such alien on any Federal or State criminal charge and the service of any sentence of confinement resulting from such a trial.

"(2) MAINTENANCE OF CUSTODY.—Pending the commencement of any service of a sentence of confinement by an alien described in paragraph (1), such an alien shall remain in

the custody of the Attorney General, unless the Attorney General determines that temporary release of the alien to the custody of State authorities for confinement in a State facility is appropriate and would not endanger national security or public safety.

"(3) SUBSEQUENT REMOVAL.—Following the completion of a sentence of confinement by an alien described in paragraph (1) or following the completion of State criminal proceedings which do not result in a sentence of confinement of an alien released to the custody of State authorities pursuant to paragraph (2), such an alien shall be returned to the custody of the Attorney General who shall proceed to carry out the provisions of subsection (c)(2) concerning removal of the alien.

"(e) APPLICATION OF CERTAIN PROVISIONS RELATING TO ESCAPE OF PRISONERS.—For purposes of sections 751 and 752 of title 18, United States Code, an alien in the custody of the Attorney General pursuant to this title shall be subject to the penalties provided by those sections in relation to a person committed to the custody of the Attorney General by virtue of an arrest on a charge of a felony.

"(f) RIGHTS OF ALIENS IN CUSTODY.—

"(1) FAMILY AND ATTORNEY VISITS.—An alien in the custody of the Attorney General pursuant to this title shall be given reasonable opportunity to communicate with and receive visits from members of the alien's family, and to contact, retain, and communicate with an attorney.

"(2) DIPLOMATIC CONTACT.—An alien in the custody of the Attorney General pursuant to this title shall have the right to contact an appropriate diplomatic or consular official of the alien's country of citizenship or nationality or of any country providing representation services therefore. The Attorney General shall notify the appropriate embassy, mission, or consular office of the alien's detention.".

(b) JURISDICTION OVER EXCLUSION ORDERS FOR ALIEN TERRORISTS.—Section 106(b) of the Immigration and Nationality Act (8 U.S.C. 1105a(b)) is amended by adding at the end the following sentence: "Jurisdiction to review an order entered pursuant to the provisions of section 235(c) concerning an alien excludable under section 212(a)(3)(B) shall rest exclusively in the United States Court of Appeals for the District of Columbia Circuit.".

(c) CRIMINAL PENALTY FOR REENTRY OF ALIEN TERRORISTS.—Section 276(b) of such Act (8 U.S.C. 1326(b)) is amended—

(1) by striking "or" at the end of paragraph (1),

(2) by striking the period at the end of paragraph (2) and inserting "; or", and

(3) by inserting after paragraph (2) the following new paragraph:

"(3) who has been excluded from the United States pursuant to section 235(c) because the alien was excludable under section 212(a)(3)(B) or who has been removed from the United States pursuant to the provisions of title V, and who thereafter, without the permission of the Attorney General, enters the United States or attempts to do so shall be fined under title 18, United States Code, and imprisoned for a period of 10 years, which sentence shall not run concurrently with any other sentence.".

(d) ELIMINATION OF CUSTODY REVIEW BY HABEAS CORPUS.—Section 106(a) of such Act (8 U.S.C. 1105a(a)) is amended—

(1) by adding "and" at the end of paragraph (8),

(2) by striking "; and" at the end of paragraph (9) and inserting a period, and

(3) by striking paragraph (10).

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to all aliens without regard to the date of entry or attempted entry into the United States.

SEC. 602. FUNDING FOR DETENTION AND REMOVAL OF ALIEN TERRORISTS.

In addition to amounts otherwise appropriated, there are authorized to be appropriated for each fiscal year (beginning with fiscal year 1996) $5,000,000 to the Immigration and Naturalization Service for the purpose of detaining and removing alien terrorists.

PART 2—EXCLUSION AND DENIAL OF ASYLUM FOR ALIEN TERRORISTS

SEC. 611. MEMBERSHIP IN TERRORIST ORGANIZATION AS GROUND FOR EXCLUSION.

(a) IN GENERAL.—Section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)) is amended—

(1) in clause (i)—

(A) by striking "or" at the end of subclause (I),

(B) in subclause (II), by inserting "engaged in or" after "believe,", and

(C) by inserting after subclause (II) the following:

"(III) is a representative of a terrorist organization, or

"(IV) is a member of a terrorist organization which the alien knows or should have known is a terrorist organization,"; and

(2) by adding at the end the following:

"(iv) TERRORIST ORGANIZATION DEFINED.—

"(I) DESIGNATION.—For purposes of this Act, the term 'terrorist organization' means a foreign organization designated in the Federal Register as a terrorist organization by the Secretary of State, in consultation with the Attorney General, based upon a finding that the organization engages in, or has engaged in, terrorist activity that threatens the national security of the United States.

"(II) PROCESS.—At least 3 days before designating an organization as a terrorist organization through publication in the Federal Register, the Secretary of State, in consultation with the Attorney General, shall notify the Committees on the Judiciary of the House of Representatives and the Senate of the intent to make such designation and the findings and basis for designation. The Secretary of State, in consultation with the Attorney General, shall create an administrative record and may use classified information in making such a designation. Such information is not subject to disclosure so long as it remains classified, except that it may be disclosed to a court ex parte and in camera under subclause (III) for purposes of judicial review of such a designation. The Secretary of State, in consultation with the Attorney General, shall provide notice and an opportunity for public comment prior to the creation of the administrative record under this subclause.

"(III) JUDICIAL REVIEW.—Any organization designated as a terrorist organization under the preceding provisions of this clause may, not later than 30 days after the date of the designation, seek judicial review thereof in the United States Court of Appeals for the District of Columbia Circuit. Such review shall be based solely upon the administrative record, except that the Government may submit, for ex parte and in camera review, classified information considered in making the designation. The court shall hold unlawful and set aside the designation if the court finds the designation to be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law, lacking substantial support in the administrative record taken as a whole or in classified information submitted to the court under the previous sentence, contrary to constitutional right, power, privilege, or immunity, or not in accord with the procedures required by law.

"(IV) CONGRESSIONAL AUTHORITY TO REMOVE DESIGNATION.—The Congress reserves the authority to remove, by law, the designation of an organization as a terrorist organization for purposes of this Act.

"(V) SUNSET.—Subject to subclause (IV), the designation under this clause of an organization as a terrorist organization shall be effective for a period of 2 years from the date of the initial publication of the terrorist organization designation by the Secretary of State. At the end of such period (but no sooner than 60 days prior to the termination of the 2-year-designation period), the Secretary of State, in consultation with the Attorney General, may redesignate the organization in conformity with the requirements of this clause for designation of the organization.

"(VI) OTHER AUTHORITY TO REMOVE DESIGNATION.—The Secretary of State, in consultation with the Attorney General, may remove the terrorist organization designation from any organization previously designated as such an organization, at any time, so long as the Secretary publishes notice of the removal in the Federal Register. The Secretary is not required to report to Congress prior to so removing such designation.

"(v) REPRESENTATIVE DEFINED.—In this subparagraph, the term 'representative' includes an officer, official, or spokesman of the organization and any person who directs, counsels, commands or induces the organization or its members to engage in terrorist activity. The determination by the Secretary of State or the Attorney General that an alien is a representative of a terrorist organization shall be subject to judicial review.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 612. DENIAL OF ASYLUM TO ALIEN TERRORISTS.

(a) IN GENERAL.—Section 208(a) of the Immigration and Nationality Act (8 U.S.C. 1158(a)) is amended by adding at the end the following: "The Attorney General may not grant an alien asylum if the Attorney General determines that the alien is excludable under subclause (I), (II), or (III) of section 212(a)(3)(B)(i) or deportable under section 241(a)(4)(B).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and apply to asylum determinations made on or after such date.

SEC. 613. DENIAL OF OTHER RELIEF FOR ALIEN TERRORISTS.

(a) WITHHOLDING OF DEPORTATION.—Section 243(h)(2) of the Immigration and Nationality Act (8 U.S.C. 1253(h)(2)) is amended by adding at the end the following new sentence: "For purposes of subparagraph (D), an alien who is described in section 241(a)(4)(B) shall be considered to be an alien for whom there are reasonable grounds for regarding as a danger to the security of the United States.".

(b) SUSPENSION OF DEPORTATION.—Section 244(a) of such Act (8 U.S.C. 1254(a)) is amended by striking "section 241(a)(4)(D)" and inserting "subparagraph (B) or (D) of section 241(a)(4)".

(c) VOLUNTARY DEPARTURE.—Section 244(e)(2) of such Act (8 U.S.C. 1254(e)(2)) is

amended by inserting "under section 241(a)(4)(B) or" after "who is deportable".

(d) ADJUSTMENT OF STATUS.—Section 245(c) of such Act (8 U.S.C. 1255(c)) is amended—

(1) by striking "or" before "(5)", and

(2) by inserting before the period at the end the following: ", or (6) an alien who is deportable under section 241(a)(4)(B)".

(e) REGISTRY.—Section 249(d) of such Act (8 U.S.C. 1259(d)) is amended by inserting "and is not deportable under section 241(a)(4)(B)" after "ineligible to citizenship".

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to applications filed before, on, or after such date if final action has not been taken on them before such date.

Subtitle B—Expedited Exclusion

SEC. 621. INSPECTION AND EXCLUSION BY IMMIGRATION OFFICERS.

(a IN GENERAL.—Subsection (b) of section 235 of the Immigration and Nationality Act (8 U.S.C. 1225) is amended to read as follows:

"(b)(1)(A) If the examining immigration officer determines that an alien seeking entry—

"(i) is excludable under section 212(a)(6)(C) or 212(a)(7), and

"(ii) does not indicate either an intention to apply for asylum under section 208 or a fear of persecution,

the officer shall order the alien excluded from the United States without further hearing or review.

"(B) The examining immigration officer shall refer for an interview by an asylum officer under subparagraph (C) any alien who is excludable under section 212(a)(6)(C) or 212(a)(7) and has indicated an intention to apply for asylum under section 208 or a fear of persecution.

"(C)(i) An asylum officer shall promptly conduct interviews of aliens referred under subparagraph (B).

"(ii) If the officer determines at the time of the interview that an alien has a credible fear of persecution (as defined in clause (v)), the alien shall be detained for an asylum hearing before an asylum officer under section 208.

"(iii)(I) Subject to subclause (II), if the officer determines that the alien does not have a credible fear of persecution, the officer shall order the alien excluded from the United States without further hearing or review.

"(II) The Attorney General shall promulgate regulations to provide for the immediate review by a supervisory asylum office at the port of entry of a determination under subclause (I).

"(iv) The Attorney General shall provide information concerning the asylum interview described in this subparagraph to aliens who may be eligible. An alien who is eligible for such interview may consult with a person or persons of the alien's choosing prior to the interview or any review thereof, according to regulations prescribed by the Attorney General. Such consultation shall be at no expense to the Government and shall not delay the process.

"(v) For purposes of this subparagraph, the term 'credible fear of persecution' means (I) that it is more probable than not that the statements made by the alien in support of the alien's claim are true, and (II) that there is a significant possibility, in light of such statements and of such other facts as are known to the officer, that the alien could establish eligibility for asylum under section 208.

"(D) As used in this paragraph, the term 'asylum officer' means an immigration officer who—

"(i) has had professional training in country conditions, asylum law, and interview techniques; and

"(ii) is supervised by an officer who meets the condition in clause (i).

"(E)(i) An exclusion order entered in accordance with subparagraph (A) is not subject to administrative appeal, except that the Attorney General shall provide by regulation for prompt review of such an order against an alien who claims under oath, or as permitted under penalty of perjury under section 1746 of title 28, United States Code, after having been warned of the penalties for falsely making such claim under such conditions, to have been lawfully admitted for permanent residence.

"(ii) In any action brought against an alien under section 275(a) or section 276, the court shall not have jurisdiction to hear any claim attacking the validity of an order of exclusion entered under subparagraph (A).

"(2)(A) Except as provided in subparagraph (B), if the examining immigration officer determines that an alien seeking entry is not clearly and beyond a doubt entitled to enter, the alien shall be detained for a hearing before a special inquiry officer.

"(B) The provisions of subparagraph (A) shall not apply—

"(i) to an alien crewman,

"(ii) to an alien described in paragraph (1)(A) or (1)(C)(iii)(I), or

"(iii) if the conditions described in section 273(d) exist.

"(3) The decision of the examining immigration officer, if favorable to the admission of any alien, shall be subject to challenge by any other immigration officer and such challenge shall operate to take the alien whose privilege to enter is so challenged, before a special inquiry officer for a hearing on exclusion of the alien.".

(b) CONFORMING AMENDMENT.—Section 237(a) of such Act (8 U.S.C. 1227(a)) is amended—

(1) in the second sentence of paragraph (1), by striking "Deportation" and inserting "Subject to section 235(b)(1), deportation", and

(2) in the first sentence of paragraph (2), by striking "If" and inserting "Subject to section 235(b)(1), if".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first month that begins more than 90 days after the date of the enactment of this Act.

SEC. 622. JUDICIAL REVIEW.

(a) PRECLUSION OF JUDICIAL REVIEW.—Section 106 of the Immigration and Nationality Act (8 U.S.C. 1105a) is amended—

(1) by amending the section heading to read as follows:

"JUDICIAL REVIEW OF ORDERS OF DEPORTATION AND EXCLUSION, AND SPECIAL EXCLUSION"; and

(2) by adding at the end the following new subsection:

"(e)(1) Notwithstanding any other provision of law, and except as provided in this subsection, no court shall have jurisdiction to review any individual determination, or to entertain any other cause or claim, arising from or relating to the implementation or operation of section 235(b)(1). Regardless of the nature of the action or claim, or the party or parties bringing the action, no court shall have jurisdiction or authority to enter declaratory, injunctive, or other equitable relief not specifically authorized in this subsection nor to certify a class under Rule 23 of the Federal Rules of Civil Procedure.

"(2) Judicial review of any cause, claim, or individual determination covered under paragraph (1) shall only be available in habeas corpus proceedings, and shall be limited to determinations of—

"(A) whether the petitioner is an alien, if the petitioner makes a showing that the petitioner's claim of United States nationality is not frivolous;

"(B) whether the petitioner was ordered specially excluded under section 235(b)(1)(A); and

"(C) whether the petitioner can prove by a preponderance of the evidence that the petitioner is an alien lawfully admitted for permanent residence and is entitled to such review as is provided by the Attorney General pursuant to section 235(b)(1)(E)(1).

"(3) In any case where the court determines that an alien was not ordered specially excluded, or was not properly subject to special exclusion under the regulations adopted by the Attorney General, the court may order no relief beyond requiring that the alien receive a hearing in accordance with section 236, or a determination in accordance with section 235(c) or 273(d).

"(4) In determining whether an alien has been ordered specially excluded, the court's inquiry shall be limited to whether such an order was in fact issued and whether it relates to the petitioner.".

(b) PRECLUSION OF COLLATERAL ATTACKS.—Section 235 of such Act (8 U.S.C. 1225) is amended by adding at the end the following new subsection:

"(d) In any action brought for the assessment of penalties for improper entry or reentry of an alien under section 275 or section 276, no court shall have jurisdiction to hear claims collaterally attacking the validity of orders of exclusion, special exclusion, or deportation entered under this section or sections 236 and 242.".

(c) CLERICAL AMENDMENT.—The item relating to section 106 in the table of contents of such Act is amended to read as follows:

"Sec. 106. Judicial review of orders of deportation and exclusion, and special exclusion.".

SEC. 623. EXCLUSION OF ALIENS WHO HAVE NOT BEEN INSPECTED AND ADMITTED.

(a) IN GENERAL.—Section 241 of the Immigration and Nationality Act (8 U.S.C. 1251) is amended by adding at the end the following new subsection:

"(d) Notwithstanding any other provision of this title, an alien found in the United States who has not been admitted to the United States after inspection in accordance with section 235 is deemed for purposes of this Act to be seeking entry and admission to the United States and shall be subject to examination and exclusion by the Attorney General under chapter 4. In the case of such an alien the Attorney General shall provide by regulation an opportunity for the alien to establish that the alien was so admitted.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the first day of the first month beginning more than 90 days after the date of the enactment of this Act.

Subtitle C—Improved Information and Processing

PART 1—IMMIGRATION PROCEDURES

SEC. 631. ACCESS TO CERTAIN CONFIDENTIAL INS FILES THROUGH COURT ORDER.

(a) LEGALIZATION PROGRAM.—Section 245A(c)(5) of the Immigration and Nationality Act (8 U.S.C. 1255a(c)(5)) is amended—

(1) by inserting "(i)" after "except that the Attorney General", and

(2) by inserting after "title 13, United States Code" the following: "and (ii) may authorize an application to a Federal court of

competent jurisdiction for, and a judge of such court may grant, an order authorizing disclosure of information contained in the application of the alien to be used—

"(I) for identification of the alien when there is reason to believe that the alien has been killed or severely incapacitated; or

"(II) for criminal law enforcement purposes against the alien whose application is to be disclosed if the alleged criminal activity occurred after the legalization application was filed and such activity involves terrorist activity or poses either an immediate risk to life or to national security, or would be prosecutable as an aggravated felony, but without regard to the length or sentence that could be imposed on the applicant".

(b) SPECIAL AGRICULTURAL WORKER PROGRAM.—Section 210(b) of such Act (8 U.S.C. 1160(b)) is amended—

(1) in paragraph (5), by inserting ", except as allowed by a court order issued pursuant to paragraph (6)" after "consent of the alien", and

(2) in paragraph (6), by inserting after subparagraph (C) the following:

"Notwithstanding the previous sentence, the Attorney General may authorize an application to a Federal court of competent jurisdiction for, and a judge of such court may grant, an order authorizing disclosure of information contained in the application of the alien to be used (i) for identification of the alien when there is reason to believe that the alien has been killed or severely incapacitated, or (ii) for criminal law enforcement purposes against the alien whose application is to be disclosed if the alleged criminal activity occurred after the special agricultural worker application was filed and such activity involves terrorist activity or poses either an immediate risk to life or to national security, or would be prosecutable as an aggravated felony, but without regard to the length of sentence that could be imposed on the applicant.".

SEC. 632. WAIVER AUTHORITY CONCERNING NOTICE OF DENIAL OF APPLICATION FOR VISAS.

Section 212(b) of the Immigration and Nationality Act (8 U.S.C. 1182(b)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B);

(2) by striking "If" and inserting "(1) Subject to paragraph (2), if"; and

(3) by adding at the end the following new paragraph:

"(2) With respect to applications for visas, the Secretary of State may waive the application of paragraph (1) in the case of a particular alien or any class or classes of aliens excludable under subsection (a)(2) or (a)(3).".

PART 2—ASSET FORFEITURE FOR PASSPORT AND VISA OFFENSES

SEC. 641. CRIMINAL FORFEITURE FOR PASSPORT AND VISA RELATED OFFENSES.

Section 982 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting after paragraph (5) the following new paragraph:

"(6) The court, in imposing sentence on a person convicted of a violation of, or conspiracy to violate, section 1541, 1542, 1543, 1544, or 1546 of this title, or a violation of, or conspiracy to violate, section 1028 of this title if committed in connection with passport or visa issuance or use, shall order that the person forfeit to the United States any property, real or personal, which the person used, or intended to be used, in committing, or facilitating the commission of, the violation, and any property constituting, or derived from, or traceable to, any proceeds the person obtained, directly or indirectly, as a result of such violation."; and

(2) in subsection (b)(1)(B), by inserting "or (a)(6)" after "(a)(2)".

SEC. 642. SUBPOENAS FOR BANK RECORDS.

Section 986(a) of title 18, United States Code, is amended by inserting "1028, 1541, 1542, 1543, 1544, 1546," before "1956".

SEC. 643. EFFECTIVE DATE.

The amendments made by this subtitle shall take effect on the first day of the first month that begins more than 90 days after the date of the enactment of this Act.

Subtitle D—Employee Verification by Security Services Companies

SEC. 651. PERMITTING SECURITY SERVICES COMPANIES TO REQUEST ADDITIONAL DOCUMENTATION.

(a) IN GENERAL.—Section 274B(a)(6) of the Immigration and Nationality Act (8 U.S.C. 1324b(a)(6)) is amended—

(1) by striking "For purposes" and inserting "(A) Except as provided in subparagraph (B), for purposes", and

(2) by adding at the end the following new subparagraph:

"(B) Subparagraph (A) shall not apply to a request made in connection with an individual seeking employment in a company (or division of a company) engaged in the business of providing security services to protect persons, institutions, buildings, or other possible targets of international terrorism (as defined in section 2331(1) of title 18, United States Code).".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to requests for documents made on or after the date of the enactment of this Act with respect to individuals who are or were hired before, on, or after the date of the enactment of this Act.

Subtitle E—Criminal Alien Deportation Improvements

SEC. 661. SHORT TITLE.

This subtitle may be cited as the "Criminal Alien Deportation Improvements Act of 1995".

SEC. 662. ADDITIONAL EXPANSION OF DEFINITION OF AGGRAVATED FELONY.

(a) IN GENERAL.—Section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)), as amended by section 222 of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103-416), is amended—

(1) in subparagraph (J), by inserting ", or an offense described in section 1084 (if it is a second or subsequent offense) or 1955 of that title (relating to gambling offenses)," after "corrupt organizations)";

(2) in subparagraph (K)—

(A) by striking "or" at the end of clause (i),

(B) by redesignating clause (ii) as clause (iii), and

(C) by inserting after clause (i) the following new clause:

"(ii) is described in section 2421, 2422, or 2423 of title 18, United States Code (relating to transportation for the purpose of prostitution) for commercial advantage; or";

(3) by amending subparagraph (N) to read as follows:

"(N) an offense described in paragraph (1)(A) or (2) of section 274(a) (relating to alien smuggling) for which the term of imprisonment imposed (regardless of any suspension of imprisonment) is at least 5 years;";

(4) by amending subparagraph (O) to read as follows:

"(O) an offense (i) which either is falsely making, forging, counterfeiting, mutilating, or altering a passport or instrument in violation of section 1543 of title 18, United States Code, or is described in section 1546(a) of such title (relating to document fraud) and (ii) for which the term of imprisonment imposed (regardless of any suspension of such imprisonment) is at least 18 months;"

(5) in subparagraph (P), by striking "15 years" and inserting "5 years", and by striking "and" at the end;

(6) by redesignating subparagraphs (O), (P), and (Q) as subparagraphs (P), (Q), and (U), respectively;

(7) by inserting after subparagraph (N) the following new subparagraph:

"(O) an offense described in section 275(a) or 276 committed by an alien who was previously deported on the basis of a conviction for an offense described in another subparagraph of this paragraph;"; and

(8) by inserting after subparagraph (Q), as so redesignated, the following new subparagraphs:

"(R) an offense relating to commercial bribery, counterfeiting, forgery, or trafficking in vehicles the identification numbers of which have been altered for which a sentence of 5 years' imprisonment or more may be imposed;

"(S) an offense relating to obstruction of justice, perjury or subornation of perjury, or bribery of a witness, for which a sentence of 5 years' imprisonment or more may be imposed;

"(T) an offense relating to a failure to appear before a court pursuant to a court order to answer to or dispose of a charge of a felony for which a sentence of 2 years' imprisonment or more may be imposed; and".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to convictions entered on or after the date of the enactment of this Act, except that the amendment made by subsection (a)(3) shall take effect as if included in the enactment of section 222 of the Immigration and Nationality Technical Corrections Act of 1994.

SEC. 663. DEPORTATION PROCEDURES FOR CERTAIN CRIMINAL ALIENS WHO ARE NOT PERMANENT RESIDENTS.

(a) ADMINISTRATIVE HEARINGS.—Section 242A(b) of the Immigration and Nationality Act (8 U.S.C. 1252a(b)), as added by section 130004(a) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322), is amended—

(1) in paragraph (2)—

(A) by striking "and" at the end of subparagraph (A) and inserting "or", and

(B) by amending subparagraph (B) to read as follows:

"(B) had permanent resident status on a conditional basis (as described in section 216) at the time that proceedings under this section commenced.";

(2) in paragraph (3), by striking "30 calendar days" and inserting "14 calendar days";

(3) in paragraph (4)(B), by striking "proccedings" and inserting "proceedings";

(4) in paragraph (4)—

(A) by redesignating subparagraphs (D) and (E) as subparagraphs (F) and (G), respectively; and

(B) by adding after subparagraph (C) the following new subparagraphs:

"(D) such proceedings are conducted in, or translated for the alien into, a language the alien understands;

"(E) a determination is made for the record at such proceedings that the individual who appears to respond in such a proceeding is an alien subject to such an expedited proceeding under this section and is, in fact, the alien named in the notice for such proceeding;".

(5) by adding at the end the following new paragraph:

"(5) No alien described in this section shall be eligible for any relief from deportation that the Attorney General may grant in the Attorney General's discretion.".

(b) LIMIT ON JUDICIAL REVIEW.—Subsection (d) of section 106 of the Immigration and Nationality Act (8 U.S.C. 1105a), as added by section 130004(b) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), is amended to read as follows:

"(d) Notwithstanding subsection (c), a petition for review or for habeas corpus on behalf of an alien described in section 242A(c) may only challenge whether the alien is in fact an alien described in such section, and no court shall have jurisdiction to review any other issue.".

(c) PRESUMPTION OF DEPORTABILITY.—Section 242A of the Immigration and Nationality Act (8 U.S.C. 1252a) is amended by inserting after subsection (b) the following new subsection:

"(c) PRESUMPTION OF DEPORTABILITY.—An alien convicted of an aggravated felony shall be conclusively presumed to be deportable from the United States.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to all aliens against whom deportation proceedings are initiated after the date of the enactment of this Act.

SEC. 664. RESTRICTING THE DEFENSE TO EXCLUSION BASED ON 7 YEARS PERMANENT RESIDENCE FOR CERTAIN CRIMINAL ALIENS.

The last sentence of section 212(c) of the Immigration and Nationality Act (8 U.S.C. 1182(c)) is amended by striking "has served for such felony or felonies" and all that follows through the period and inserting "has been sentenced for such felony or felonies to a term of imprisonment of at least 5 years, if the time for appealing such conviction or sentence has expired and the sentence has become final.".

SEC. 665. LIMITATION ON COLLATERAL ATTACKS ON UNDERLYING DEPORTATION ORDER.

(a) IN GENERAL.—Section 276 of the Immigration and Nationality Act (8 U.S.C. 1326) is amended by adding at the end the following new subsection:

"(c) In a criminal proceeding under this section, an alien may not challenge the validity of the deportation order described in subsection (a)(1) or subsection (b) unless the alien demonstrates that—

"(1) the alien exhausted any administrative remedies that may have been available to seek relief against the order;

"(2) the deportation proceedings at which the order was issued improperly deprived the alien of the opportunity for judicial review; and

"(3) the entry of the order was fundamentally unfair.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to criminal proceedings initiated after the date of the enactment of this Act.

SEC. 666. CRIMINAL ALIEN IDENTIFICATION SYSTEM.

Section 130002(a) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) is amended to read as follows:

"(a) OPERATION AND PURPOSE.—The Commissioner of Immigration and Naturalization shall, under the authority of section 242(a)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1252(a)(3)(A)), operate a criminal alien identification system. The criminal alien identification system shall be used to assist Federal, State, and local law enforcement agencies in identifying and locating aliens who may be subject to deportation by reason of their conviction of aggravated felonies.".

SEC. 667. ESTABLISHING CERTAIN ALIEN SMUGGLING-RELATED CRIMES AS RICO-PREDICATE OFFENSES.

Section 1961(1) of title 18, United States Code, is amended—

(1) by inserting "section 1028 (relating to fraud and related activity in connection with identification documents) if the act indictable under section 1028 was committed for the purpose of financial gain," before "section 1029";

(2) by inserting "section 1542 (relating to false statement in application and use of passport) if the act indictable under section 1542 was committed for the purpose of financial gain, section 1543 (relating to forgery or false use of passport) if the act indictable under section 1543 was committed for the purpose of financial gain, section 1544 (relating to misuse of passport) if the act indictable under section 1544 was committed for the purpose of financial gain, section 1546 (relating to fraud and misuse of visas, permits, and other documents) if the act indictable under section 1546 was committed for the purpose of financial gain, sections 1581–1588 (relating to peonage and slavery)," after "section 1513 (relating to retaliating against a witness, victim, or an informant),";

(3) by striking "or" before "(E)"; and

(4) by inserting before the period at the end the following: ", or (F) any act which is indictable under the Immigration and Nationality Act, section 274 (relating to bringing in and harboring certain aliens), section 277 (relating to aiding or assisting certain aliens to enter the United States), or section 278 (relating to importation of alien for immoral purpose) if the act indictable under such section of such Act was committed for the purpose of financial gain".

SEC. 668. AUTHORITY FOR ALIEN SMUGGLING INVESTIGATIONS.

Section 2516(1) of title 18, United States Code, is amended—

(1) by striking "and" at the end of paragraph (n),

(2) by redesignating paragraph (o) as paragraph (p), and

(3) by inserting after paragraph (n) the following new paragraph:

"(o) a felony violation of section 1028 (relating to production of false identification documents), section 1542 (relating to false statements in passport applications), section 1546 (relating to fraud and misuse of visas, permits, and other documents) of this title or a violation of section 274, 277, or 278 of the Immigration and Nationality Act (relating to the smuggling of aliens); or".

SEC. 669. EXPANSION OF CRITERIA FOR DEPORTATION FOR CRIMES OF MORAL TURPITUDE.

(a) IN GENERAL.—Section 241(a)(2)(A)(i)(II) of the Immigration and Nationality Act (8 U.S.C. 1251(a)(2)(A)(i)(II)) is amended to read as follows:

"(II) is convicted of a crime for which a sentence of one year or longer may be imposed,".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to aliens against whom deportation proceedings are initiated after the date of the enactment of this Act.

SEC. 670. PAYMENTS TO POLITICAL SUBDIVISIONS FOR COSTS OF INCARCERATING ILLEGAL ALIENS.

Amounts appropriated to carry out section 501 of the Immigration Reform and Control Act of 1986 for fiscal year 1995 shall be available to carry out section 242(j) of the Immigration and Nationality Act in that fiscal year with respect to undocumented criminal aliens incarcerated under the authority of political subdivisions of a State.

SEC. 671. MISCELLANEOUS PROVISIONS.

(a) USE OF ELECTRONIC AND TELEPHONIC MEDIA IN DEPORTATION HEARINGS.—The second sentence of section 242(b) of the Immigration and Nationality Act (8 U.S.C. 1252(b)) is amended by inserting before the period the following: "; except that nothing in this subsection shall preclude the Attorney General from authorizing proceedings by electronic or telephonic media (with the consent of the alien) or, where waived or agreed to by the parties, in the absence of the alien".

(b) CODIFICATION.—

(1) Section 242(1) of such Act (8 U.S.C. 1252(1)) is amended by adding at the end the following: "Nothing in this subsection shall be construed to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.".

(2) Section 225 of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103–416) is amended by striking "and nothing in" and all that follows through "1252(1))".

(3) The amendments made by this subsection shall take effect as if included in the enactment of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103–416).

SEC. 672. CONSTRUCTION OF EXPEDITED DEPORTATION REQUIREMENTS.

No amendment made by this Act shall be construed to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

SEC. 673. STUDY OF PRISONER TRANSFER TREATY WITH MEXICO.

(a) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State and the Attorney General shall submit to the Congress a report that describes the use and effectiveness of the Prisoner Transfer Treaty with Mexico (in this section referred to as the "Treaty") to remove from the United States aliens who have been convicted of crimes in the United States.

(b) USE OF TREATY.—The report under subsection (a) shall include the following information:

(1) The number of aliens convicted of a criminal offense in the United States since November 30, 1977, who would have been or are eligible for transfer pursuant to the Treaty.

(2) The number of aliens described in paragraph (1) who have been transferred pursuant to the Treaty.

(3) The number of aliens described in paragraph (2) who have been incarcerated in full compliance with the Treaty.

(4) The number of aliens who are incarcerated in a penal institution in the United States who are eligible for transfer pursuant to the Treaty.

(5) The number of aliens described in paragraph (4) who are incarcerated in State and local penal institutions.

(c) EFFECTIVENESS OF TREATY.—The report under subsection (a) shall include the recommendations of the Secretary of State and the Attorney General to increase the effectiveness and use of, and full compliance with, the Treaty. In considering the recommendations under this subsection, the

Secretary and the Attorney General shall consult with such State and local officials in areas disproportionately impacted by aliens convicted of criminal offenses as the Secretary and the Attorney General consider appropriate. Such recommendations shall address the following areas:

(1) Changes in Federal laws, regulations, and policies affecting the identification, prosecution, and deportation of aliens who have committed a criminal offense in the United States.

(2) Changes in State and local laws, regulations, and policies affecting the identification, prosecution, and deportation of aliens who have committed a criminal offense in the United States.

(3) Changes in the Treaty that may be necessary to increase the number of aliens convicted of crimes who may be transferred pursuant to the Treaty.

(4) Methods for preventing the unlawful reentry into the United States of aliens who have been convicted of criminal offenses in the United States and transferred pursuant to the Treaty.

(5) Any recommendations of appropriate officials of the Mexican Government on programs to achieve the goals of, and ensure full compliance with, the Treaty.

(6) An assessment of whether the recommendations under this subsection require the renegotiation of the Treaty.

(7) The additional funds required to implement each recommendation under this subsection.

SEC. 674. JUSTICE DEPARTMENT ASSISTANCE IN BRINGING TO JUSTICE ALIENS WHO FLEE PROSECUTION FOR CRIMES IN THE UNITED STATES.

(a) ASSISTANCE TO STATES.—The Attorney General, in cooperation with the Commissioner of Immigration and Naturalization and the Secretary of State, shall designate an office within the Department of Justice to provide technical and prosecutorial assistance to States and political subdivisions of States in efforts to bring to justice aliens who flee prosecution for crimes in the United States.

(b) REPORT TO CONGRESS.—Not later than one year after the date of the enactment of this Act, the Attorney General shall compile and submit to the Congress a report which assesses the nature and extent of the problem of bringing to justice aliens who flee prosecution for crimes in the United States.

SEC. 675. PRISONER TRANSFER TREATIES.

(a) NEGOTIATION.—Congress advises the President to begin to negotiate and renegotiate, not later than 90 days after the date of the enactment of this Act, bilateral prisoner transfer treaties. The focus of such negotiations shall be to expedite the transfer of aliens unlawfully in the United States who are incarcerated in United States prisons, to ensure that a transferred prisoner serves the balance of the sentence imposed by the United States courts, and to eliminate any requirement of prisoner consent to such a transfer.

(b) CERTIFICATION.—The President shall submit to the Congress, annually, a certification as to whether each prisoner transfer treaty in force is effective in returning aliens unlawfully in the United States who have committed offenses for which they are incarcerated in the United States to their country of nationality for further incarceration.

SEC. 676. INTERIOR REPATRIATION PROGRAM.

Not later than 180 days after the date of enactment of this Act, the Attorney General and the Commissioner of Immigration and Naturalization shall develop and implement a program in which aliens who previously have illegally entered the United States not less than 3 times and are deported or returned to a country contiguous to the United States will be returned to locations not less than 500 kilometers from that country's border with the United States.

SEC. 677. DEPORTATION OF NONVIOLENT OFFENDERS PRIOR TO COMPLETION OF SENTENCE OF IMPRISONMENT.

(a) IN GENERAL.—Section 242(h) of the Immigration and Nationality Act (8 U.S.C. 1252(h)) is amended to read as follows:

"(h)(1) Except as provided in paragraph (2), an alien sentenced to imprisonment may not be deported until such imprisonment has been terminated by the release of the alien from confinement. Parole, supervised release, probation, or possibility of rearrest or further confinement in respect of the same offense shall not be a ground for deferral of deportation.

"(2) The Attorney General is authorized to deport an alien in accordance with applicable procedures under this Act prior to the completion of a sentence of imprisonment—

"(A) in the case of an alien in the custody of the Attorney General, if the Attorney General determines that (i) the alien is confined pursuant to a final conviction for a nonviolent offense (other than alien smuggling), and (ii) such deportation of the alien is appropriate and in the best interest of the United States; or

"(B) in the case of an alien in the custody of a State (or a political subdivision of a State), if the chief State official exercising authority with respect to the incarceration of the alien determines that (i) the alien is confined pursuant to a final conviction for a nonviolent offense (other than alien smuggling), (ii) such deportation is appropriate and in the best interest of the State, and (iii) submits a written request to the Attorney General that such alien be so deported.

"(3) Any alien deported pursuant to this subsection shall be notified of the penalties under the laws of the United States relating to the reentry of deported aliens, particularly the expanded penalties for aliens deported under paragraph (2).".

(b) REENTRY OF ALIEN DEPORTED PRIOR TO COMPLETION OF TERM OF IMPRISONMENT.—Section 276 of the Immigration and Nationality Act (8 U.S.C. 1326) amended by adding at the end the following new subsection:

"(c) Any alien deported pursuant to section 242(h)(2) who enters, attempts to enter, or is at any time found in, the United States (unless the Attorney General has expressly consented to such alien's reentry) shall be incarcerated for the remainder of the sentence of imprisonment which was pending at the time of deportation without any reduction for parole or supervised release. Such alien shall be subject to such other penalties relating to the reentry of deported aliens as may be available under this section or any other provision of law.".

TITLE VII—AUTHORIZATION AND FUNDING

SEC. 701. FIREFIGHTER AND EMERGENCY SERVICES TRAINING.

The Attorney General may award grants in consultation with the Federal Emergency Management Agency for the purposes of providing specialized training or equipment to enhance the capability of metropolitan fire and emergency service departments to respond to terrorist attacks. To carry out the purposes of this section, there is authorized to be appropriated $5,000,000 for fiscal year 1996.

SEC. 702. ASSISTANCE TO FOREIGN COUNTRIES TO PROCURE EXPLOSIVE DETECTION DEVICES AND OTHER COUNTER-TERRORISM TECHNOLOGY.

There is authorized to be appropriated not to exceed $10,000,000 for fiscal years 1996 and 1997 to the President to provide assistance to foreign countries facing an imminent danger of terrorist attack that threatens the national interest of the United States or puts United States nationals at risk—

(1) in obtaining explosive detection devices and other counter-terrorism technology; and

(2) in conducting research and development projects on such technology.

SEC. 703. RESEARCH AND DEVELOPMENT TO SUPPORT COUNTER-TERRORISM TECHNOLOGIES.

There are authorized to be appropriated not to exceed $10,000,000 to the National Institute of Justice Science and Technology Office—

(1) to develop technologies that can be used to combat terrorism, including technologies in the areas of—

(A) detection of weapons, explosives, chemicals, and persons;

(B) tracking;

(C) surveillance;

(D) vulnerability assessment; and

(E) information technologies;

(2) to develop standards to ensure the adequacy of products produced and compatibility with relevant national systems; and

(3) to identify and assess requirements for technologies to assist State and local law enforcement in the national program to combat terrorism.

TITLE VIII—MISCELLANEOUS

SEC. 801. STUDY OF STATE LICENSING REQUIREMENTS FOR THE PURCHASE AND USE OF HIGH EXPLOSIVES.

The Secretary of the Treasury, in consultation with the Federal Bureau of Investigation, shall conduct a study of State licensing requirements for the purchase and use of commercial high explosives, including detonators, detonating cords, dynamite, water gel, emulsion, blasting agents, and boosters. Not later than 180 days after the date of the enactment of this Act, the Secretary shall report to Congress the results of this study, together with any recommendations the Secretary determines are appropriate.

SEC. 802. COMPENSATION OF VICTIMS OF TERRORISM.

(a) REQUIRING COMPENSATION FOR TERRORIST CRIMES.—Section 1403(d)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(d)(3)) is amended—

(1) by inserting "crimes involving terrorism," before "driving while intoxicated"; and

(2) by inserting a comma after "driving while intoxicated".

(b) FOREIGN TERRORISM.—Section 1403(b)(6)(B) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(b)(6)(B)) is amended by inserting "are outside the United States (if the compensable crime is terrorism, as defined in section 2331 of title 18, United States Code), or" before "are States not having".

SEC. 803. JURISDICTION FOR LAWSUITS AGAINST TERRORIST STATES.

(a) EXCEPTION TO FOREIGN SOVEREIGN IMMUNITY FOR CERTAIN CASES.—Section 1605 of title 28, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "or" at the end of paragraph (5);

(B) by striking the period at the end of paragraph (6) and inserting "; or"; and

(C) by adding at the end the following new paragraph:

"(7) not otherwise covered by paragraph (2), in which money damages are sought against a foreign state for personal injury or death that was caused by an act of torture, extrajudicial killing, aircraft sabotage, hostage taking, or the provision of material support or resources (as defined in section 2339A of title 18) for such an act if such act or provision of material support is engaged in by an official, employee, or agent of such foreign state while acting within the scope of his or her office, employment, or agency, except that—

"(A) an action under this paragraph shall not be instituted unless the claimant first affords the foreign state a reasonable opportunity to arbitrate the claim in accordance with accepted international rules of arbitration;

"(B) an action under this paragraph shall not be maintained unless the act upon which the claim is based occurred while the individual bringing the claim was a national of the United States (as that term is defined in section 101(a)(22) of the Immigration and Nationality Act); and

"(C) the court shall decline to hear a claim under this paragraph if the foreign state against whom the claim has been brought establishes that procedures and remedies are available in such state which comport with fundamental fairness and due process."; and

(2) by adding at the end the following new subsection:

"(e) For purposes of paragraph (7) of subsection (a)—

"(1) the terms 'torture' and 'extrajudicial killing' have the meaning given those terms in section 3 of the Torture Victim Protection Act of 1991;

"(2) the term 'hostage taking' has the meaning given that term in Article 1 of the International Convention Against the Taking of Hostages; and

"(3) the term 'aircraft sabotage' has the meaning given that term in Article 1 of the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation.".

(b) EXCEPTION TO IMMUNITY FROM ATTACHMENT.—

(1) FOREIGN STATE.—Section 1610(a) of title 28, United States Code, is amended—

(A) by striking the period at the end of paragraph (6) and inserting ", or"; and

(B) by adding at the end the following new paragraph:

"(7) the judgment relates to a claim for which the foreign state is not immune under section 1605(a)(7), regardless of whether the property is or was involved with the act upon which the claim is based.".

(2) AGENCY OR INSTRUMENTALITY.—Section 1610(b)(2) of such title is amended—

(A) by striking "or (5)" and inserting "(5), or (7)"; and

(B) by striking "used for the activity" and inserting "involved in the act".

(c) APPLICABILITY.—The amendments made by this title shall apply to any cause of action arising before, on, or after the date of the enactment of this Act.

SEC. 804. STUDY OF PUBLICLY AVAILABLE INSTRUCTIONAL MATERIAL ON THE MAKING OF BOMBS, DESTRUCTIVE DEVICES, AND WEAPONS OF MASS DESTRUCTION.

(a) STUDY.—The Attorney General, in consultation with such other officials and individuals as the Attorney General deems appropriate, shall conduct a study concerning—

(1) the extent to which there are available to the public material in any medium (including print, electronic, or film) that instructs how to make bombs, other destructive devices, and weapons of mass destruction;

(2) the extent to which information gained from such material has been used in incidents of domestic and international terrorism;

(3) the likelihood that such information may be used in future incidents of terrorism; and

(4) the application of existing Federal laws to such material, the need and utility, if any, for additional laws, and an assessment of the extent to which the First Amendment protects such material and its private and commercial distribution.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Attorney General shall submit to the Congress a report that contains the results of the study required by this section. The Attorney General shall make the report available to the public.

SEC. 805. COMPILATION OF STATISTICS RELATING TO INTIMIDATION OF GOVERNMENT EMPLOYEES.

(a) FINDINGS.—Congress finds that—

(1) threats of violence and acts of violence are mounting against Federal, State, and local government employees and their families in attempts to stop public servants from performing their lawful duties;

(2) these acts are a danger to our constitutional form of government; and

(3) more information is needed as to the extent of the danger and its nature so that steps can be taken to protect public servants at all levels of government in the performance of their duties.

(b) STATISTICS.—The Attorney General shall acquire data, for the calendar year 1990 and each succeeding calendar year about crimes and incidents of threats of violence and acts of violence against Federal, State, and local government employees in performance of their lawful duties. Such data shall include—

(1) in the case of crimes against such employees, the nature of the crime; and

(2) in the case of incidents of threats of violence and acts of violence, including verbal and implicit threats against such employees, whether or not criminally punishable, which deter the employees from the performance of their jobs.

(c) GUIDELINES.—The Attorney General shall establish guidelines for the collection of such data, including what constitutes sufficient evidence of noncriminal incidents required to be reported.

(d) ANNUAL PUBLISHING.—The Attorney General shall publish an annual summary of the data acquired under this section. Otherwise such data shall be used only for research and statistical purposes.

(e) EXEMPTION.—The United States Secret Service is not required to participate in any statistical reporting activity under this section with respect to any direct or indirect threats made against any individual for whom the United States Secret Service is authorized to provide protection.

SEC. 806. VICTIM RESTITUTION ACT OF 1995.

(a) ORDER OF RESTITUTION.—Section 3663 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "may order, in addition to or, in the case of a misdemeanor, in lieu of any other penalty authorized by law" and inserting "shall order"; and

(ii) by adding at the end the following: "The requirement of this paragraph does not affect the power of the court to impose any other penalty authorized by law. In the case of a misdemeanor, the court may impose restitution in lieu of any other penalty authorized by law.";

(B) by adding at the end the following:

"(4) In addition to ordering restitution to the victim of the offense of which a defendant is convicted, a court may order restitution to any person who, as shown by a preponderance of evidence, was harmed physically, emotionally, or pecuniarily, by unlawful conduct of the defendant during—

"(A) the criminal episode during which the offense occurred; or

"(B) the course of a scheme, conspiracy, or pattern of unlawful activity related to the offense.";

(2) in subsection (b)(1)(B) by striking "impractical" and inserting "impracticable";

(3) in subsection (b)(2) by inserting "emotional or" after "resulting in";

(4) in subsection (b)—

(A) by striking "and" at the end of paragraph (4);

(B) by redesignating paragraph (5) as paragraph (6); and

(C) by inserting after paragraph (4) the following new paragraph:

"(5) in any case, reimburse the victim for lost income and necessary child care, transportation, and other expenses related to participation in the investigation or prosecution of the offense or attendance at proceedings related to the offense; and";

(5) in subsection (c) by striking "If the court decides to order restitution under this section, the" and inserting "The";

(6) by striking subsections (d), (e), (f), (g), and (h);

(7) by redesignating subsection (i) as subsection (m); and

(8) by inserting after subsection (c) the following:

"(d)(1) The court shall order restitution to a victim in the full amount of the victim's losses as determined by the court and without consideration of—

"(A) the economic circumstances of the offender; or

"(B) the fact that a victim has received or is entitled to receive compensation with respect to a loss from insurance or any other source.

"(2) Upon determination of the amount of restitution owed to each victim, the court shall specify in the restitution order the manner in which and the schedule according to which the restitution is to be paid, in consideration of—

"(A) the financial resources and other assets of the offender;

"(B) projected earnings and other income of the offender; and

"(C) any financial obligations of the offender, including obligations to dependents.

"(3) A restitution order may direct the offender to make a single, lump-sum payment, partial payment at specified intervals, or such in-kind payments as may be agreeable to the victim and the offender. A restitution order shall direct the offender to give appropriate notice to victims and other persons in cases where there are multiple victims or other persons who may receive restitution, and where the identity of such victims and other persons can be reasonably determined.

"(4) An in-kind payment described in paragraph (3) may be in the form of—

"(A) return of property;

"(B) replacement of property; or

"(C) services rendered to the victim or to a person or organization other than the victim.

"(e) When the court finds that more than 1 offender has contributed to the loss of a victim, the court may make each offender liable for payment of the full amount of restitution or may apportion liability among the offenders to reflect the level of contribution and economic circumstances of each offender.

"(f) When the court finds that more than 1 victim has sustained a loss requiring restitution by an offender, the court shall order full restitution to each victim but may provide for different payment schedules to reflect the economic circumstances of each victim.

"(g)(1) If the victim has received or is entitled to receive compensation with respect to a loss from insurance or any other source, the court shall order that restitution be paid to the person who provided or is obligated to provide the compensation, but the restitution order shall provide that all restitution to victims required by the order be paid to the victims before any restitution is paid to such a provider of compensation.

"(2) The issuance of a restitution order shall not affect the entitlement of a victim to receive compensation with respect to a loss from insurance or any other source until the payments actually received by the victim under the restitution order fully compensate the victim for the loss, at which time a person that has provided compensation to the victim shall be entitled to receive any payments remaining to be paid under the restitution order.

"(3) Any amount paid to a victim under an order of restitution shall be set off against any amount later recovered as compensatory damages by the victim in—

"(A) any Federal civil proceeding; and

"(B) any State civil proceeding, to the extent provided by the law of the State.

"(h) A restitution order shall provide that—

"(1) all fines, penalties, costs, restitution payments and other forms of transfers of money or property made pursuant to the sentence of the court shall be made by the offender to an entity designated by the Director of the Administrative Office of the United States Courts for accounting and payment by the entity in accordance with this subsection;

"(2) the entity designated by the Director of the Administrative Office of the United States Courts shall—

"(A) log all transfers in a manner that tracks the offender's obligations and the current status in meeting those obligations, unless, after efforts have been made to enforce the restitution order and it appears that compliance cannot be obtained, the court determines that continued recordkeeping under this subparagraph would not be useful; and

"(B) notify the court and the interested parties when an offender is 30 days in arrears in meeting those obligations; and

"(3) the offender shall advise the entity designated by the Director of the Administrative Office of the United States Courts of any change in the offender's address during the term of the restitution order.

"(i) A restitution order shall constitute a lien against all property of the offender and may be recorded in any Federal or State office for the recording of liens against real or personal property.

"(j) Compliance with the schedule of payment and other terms of a restitution order shall be a condition of any probation, parole, or other form of release of an offender. If a defendant fails to comply with a restitution order, the court may revoke probation or a term of supervised release, modify the term or conditions of probation or a term of supervised release, hold the defendant in contempt of court, enter a restraining order or injunction, order the sale of property of the defendant, accept a performance bond, or take any other action necessary to obtain compliance with the restitution order. In determining what action to take, the court shall consider the defendant's employment status, earning ability, financial resources, the willfulness in failing to comply with the restitution order, and any other circumstances that may have a bearing on the defendant's ability to comply with the restitution order.

"(k) An order of restitution may be enforced—

"(1) by the United States—

"(A) in the manner provided for the collection and payment of fines in subchapter B of chapter 229 of this title; or

"(B) in the same manner as a judgment in a civil action; and

"(2) by a victim named in the order to receive the restitution, in the same manner as a judgment in a civil action.

"(l) A victim or the offender may petition the court at any time to modify a restitution order as appropriate in view of a change in the economic circumstances of the offender.".

(b) PROCEDURE FOR ISSUING ORDER OF RESTITUTION.—Section 3664 of title 18, United States Code, is amended—

(1) by striking subsection (a);

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (a), (b), (c), and (d);

(3) by amending subsection (a), as redesignated by paragraph (2), to read as follows:

"(a) The court may order the probation service of the court to obtain information pertaining to the amount of loss sustained by any victim as a result of the offense, the financial resources of the defendant, the financial needs and earning ability of the defendant and the defendant's dependents, and such other factors as the court deems appropriate. The probation service of the court shall include the information collected in the report of presentence investigation or in a separate report, as the court directs."; and

(4) by adding at the end thereof the following new subsection:

"(e) The court may refer any issue arising in connection with a proposed order of restitution to a magistrate or special master for proposed findings of fact and recommendations as to disposition, subject to a de novo determination of the issue by the court.".

SEC. 807. AUTHORITY FOR OVERSEAS LAW ENFORCEMENT TRAINING ACTIVITIES.

The Director of the Federal Bureau of Investigation is authorized to support law enforcement training activities in foreign countries for the purpose of improving the effectiveness of the United States in investigating and prosecuting transnational offenses.

TITLE IX—HABEAS CORPUS REFORM

SEC. 901. FILING DEADLINES.

Section 2244 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(d)(1) A 1-year period of limitation shall apply to an application for a write of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of—

"(A) the date on which the judgment became final by the conclusion of direct review or the expiration of the time for seeking such review;

"(B) the date on which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, if the applicant was prevented from filing by such State action;

"(C) the date on which the constitutional right asserted was initially recognized by the Supreme Court, if the right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or

"(D) the date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence.

"(2) The time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim shall not be counted toward any period of limitation under this subsection.".

SEC. 902. APPEAL.

Section 2253 of title 28, United States Code, is amended to read as follows:

"§ 2253. Appeal

"(a) In a habeas corpus proceeding or a proceeding under section 2255 before a district judge, the final order shall be subject to review, on appeal, by the court of appeals for the circuit in which the proceeding is held.

"(b) There shall be no right of appeal from a final order in a proceeding to test the validity of a warrant to remove to another district or place for commitment or trial a person charged with a criminal offense against the United States, or to test the validity of such person's detention pending removal proceedings.

"(c)(1) Unless a circuit justice or judge issues a certificate of appealability, an appeal may not be taken to the court of appeals from—

"(A) the final order in a habeas corpus proceeding in which the detention complained of arises out of process issued by a State court; or

"(B) the final order in a proceeding under section 2255.

"(2) A certificate of appealability may issue under paragraph (1) only if the applicant has made a substantial showing of the denial of a constitutional right.

"(3) The certificate of appealability under paragraph (1) shall indicate which specific issue or issues satisfy the showing required by paragraph (2).".

SEC. 903. AMENDMENT OF FEDERAL RULES OF APPELLATE PROCEDURE.

Rule 22 of the Federal Rules of Appellate Procedure is amended to read as follows:

"Rule 22. Habeas corpus and section 2255 proceedings

"(a) APPLICATION FOR THE ORIGINAL WRIT.—An application for a writ of habeas corpus shall be made to the appropriate district court. If application is made to a circuit judge, the application shall be transferred to the appropriate district court. If an application is made to or transferred to the district court and denied, renewal of the application before a circuit judge shall not be permitted. The applicant may, pursuant to section 2253 of title 28, United States Code, appeal to the appropriate court of appeals from the order of the district court denying the writ.

"(b) CERTIFICATE OF APPEALABILITY.—In a habeas corpus proceeding in which the detention complained of arises out of process issued by a State court, an appeal by the applicant for the writ may not proceed unless a district or a circuit judge issues a certificate of appealability pursuant to section

2253(c) of title 28, United States Code. If an appeal is taken by the applicant, the district judge who rendered the judgment shall either issue a certificate of appealability or state the reasons why such a certificate should not issue. The certificate or the statement shall be forwarded to the court of appeals with the notice of appeal and the file of the proceedings in the district court. If the district judge has denied the certificate, the applicant for the writ may then request issuance of the certificate by a circuit judge. If such a request is addressed to the court of appeals, it shall be deemed addressed to the judges thereof and shall be considered by a circuit judge or judges as the court deems appropriate. If no express request for a certificate is filed, the notice of appeal shall be deemed to constitute a request addressed to the judges of the court of appeals. If an appeal is taken by a State or its representative, a certificate of appealability is not required.".

SEC. 904. SECTION 2254 AMENDMENTS.

Section 2254 of title 28, United States Code, is amended—

(1) by amending subsection (b) to read as follows:

"(b)(1) An application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court shall not be granted unless it appears that—

"(A) the applicant has exhausted the remedies available in the courts of the State; or

"(B)(i) there is an absence of available State corrective process; or

"(ii) circumstances exist that render such process ineffective to protect the rights of the applicant.

"(2) An application for a writ of habeas corpus may be denied on the merits, notwithstanding the failure of the applicant to exhaust the remedies available in the courts of the State.

"(3) A State shall not be deemed to have waived the exhaustion requirement or be estopped from reliance upon the requirement unless the State, through counsel, expressly waives the requirement.";

(2) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively;

(3) by inserting after subsection (c) the following new subsection:

"(d) An application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court shall not be granted with respect to any claim that was adjudicated on the merits in State court proceedings unless the adjudication of the claim—

"(1) resulted in a decision that was contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States; or

"(2) resulted in a decision that was based on an unreasonable determination of the facts in light of the evidence presented in the State court proceeding.";

(4) by amending subsection (e), as redesignated by paragraph (2), to read as follows:

"(e)(1) In a proceeding instituted by an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court, a determination of a factual issue made by a State court shall be presumed to be correct. The applicant shall have the burden of rebutting the presumption of correctness by clear and convincing evidence.

"(2) If the applicant has failed to develop the factual basis of a claim in State court proceedings, the court shall not hold an evidentiary hearing on the claim unless the applicant shows that—

"(A) the claim relies on—

"(i) a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable; or

"(ii) a factual predicate that could not have been previously discovered through the exercise of due diligence; and

"(B) the facts underlying the claim would be sufficient to establish by clear and convincing evidence that but for constitutional error, no reasonable factfinder would have found the applicant guilty of the underlying offense."; and

(5) by adding at the end the following new subsections:

"(h) Except as provided in section 408 of the Controlled Substances Act, in all proceedings brought under this section, and any subsequent proceedings on review, the court may appoint counsel for an applicant who is or becomes financially unable to afford counsel, except as provided by a rule promulgated by the Supreme Court pursuant to statutory authority. Appointment of counsel under this section shall be governed by section 3006A of title 18.

"(i) The ineffectiveness or incompetence of counsel during Federal or State collateral post-conviction proceedings shall not be a ground for relief in a proceeding arising under section 2254.".

SEC. 905. SECTION 2255 AMENDMENTS.

Section 2255 of title 28, United States Code, is amended—

(1) by striking the second and fifth undesignated paragraphs; and

(2) by adding at the end the following new undesignated paragraphs:

"A 1-year period of limitation shall apply to a motion under this section. The limitation period shall run from the latest of—

"(1) the date on which the judgment of conviction becomes final;

"(2) the date on which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, if the movant was prevented from making a motion by such governmental action;

"(3) the date on which the right asserted was initially recognized by the Supreme Court, if that right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or

"(4) the date on which the facts supporting the claim or claims presented could have been discovered through the exercise of due diligence.

"Except as provided in section 408 of the Controlled Substances Act, in all proceedings brought under this section, and any subsequent proceedings on review, the court may appoint counsel for a movant who is or becomes financially unable to afford counsel shall be in the discretion of the court, except as provided by a rule promulgated by the Supreme Court pursuant to statutory authority. Appointment of counsel under this section shall be governed by section 3006A of title 18.

"A second or successive motion must be certified as provided in section 2244 by a panel of the appropriate court of appeals to contain—

"(1) newly discovered evidence that, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that no reasonable factfinder would have found the movant guilty of the offense; or

"(2) a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable.".

SEC. 906. LIMITS ON SECOND OR SUCCESSIVE APPLICATIONS.

(a) CONFORMING AMENDMENT TO SECTION 2244(a).—Section 2244(a) of title 28, United States Code, is amended by striking "and the petition" and all that follows through "by such inquiry." and inserting ", except as provided in section 2255.".

(b) LIMITS ON SECOND OR SUCCESSIVE APPLICATIONS.—Section 2244(b) of title 28, United States Code, is amended to read as follows:

"(b)(1) A claim presented in a second or successive habeas corpus application under section 2254 that was presented in a prior application shall be dismissed.

"(2) A claim presented in a second or successive habeas corpus application under section 2254 that was not presented in a prior application shall be dismissed unless—

"(A) the applicant shows that the claim relies on a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable; or

"(B)(i) the factual predicate for the claim could not have been discovered previously through the exercise of due diligence; and

"(ii) the facts underlying the claim, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that, but for constitutional error, no reasonable factfinder would have found the applicant guilty of the underlying offense.

"(3)(A) Before a second or successive application permitted by this section is filed in the district court, the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application.

"(B) A motion in the court of appeals for an order authorizing the district court to consider a second or successive application shall be determined by a three-judge panel of the court of appeals.

"(C) The court of appeals may authorize the filing of a second or successive application only if it determines that the application makes a prima facie showing that the application satisfies the requirements of this subsection.

"(D) The court of appeals shall grant or deny the authorization to file a second or successive application not later than 30 days after the filing of the motion.

"(E) The grant or denial of an authorization by a court of appeals to file a second or successive application shall not be appealable and shall not be the subject of a petition for rehearing or for a writ of certiorari.

"(4) A district court shall dismiss any claim presented in a second or successive application that the court of appeals has authorized to be filed unless the applicant shows that the claim satisfies the requirements of this section.".

SEC. 907. DEATH PENALTY LITIGATION PROCEDURES.

(a) ADDITION OF CHAPTER TO TITLE 28, UNITED STATES CODE.—Title 28, United States Code, is amended by inserting after chapter 153 the following new chapter:

"CHAPTER 154—SPECIAL HABEAS CORPUS PROCEDURES IN CAPITAL CASES

"Sec.

"2261. Prisoners in State custody subject to capital sentence; appointment of counsel; requirement of rule of court or statute; procedures for appointment.

"2262. Mandatory stay of execution; duration; limits on stays of execution; successive petitions.
"2263. Filing of habeas corpus application; time requirements; tolling rules.
"2264. Scope of Federal review; district court adjudications.
"2265. Application to State unitary review procedure.
"2266. Limitation periods for determining applications and motions.

"§ 2261. Prisoners in State custody subject to capital sentence; appointment of counsel; requirement of rule of court or statute; procedures for appointment

"(a) This chapter shall apply to cases arising under section 2254 brought by prisoners in State custody who are subject to a capital sentence. It shall apply only if the provisions of subsections (b) and (c) are satisfied.

"(b) This chapter is applicable if a State establishes by statute, rule of its court of last resort, or by another agency authorized by State law, a mechanism for the appointment, compensation, and payment of reasonable litigation expenses of competent counsel in State post-conviction proceedings brought by indigent prisoners whose capital convictions and sentences have been upheld on direct appeal to the court of last resort in the State or have otherwise become final for State law purposes. The rule of court or statute must provide standards of competency for the appointment of such counsel.

"(c) Any mechanism for the appointment, compensation, and reimbursement of counsel as provided in subsection (b) must offer counsel to all State prisoners under capital sentence and must provide for the entry of an order by a court of record—

"(1) appointing one or more counsels to represent the prisoner upon a finding that the prisoner is indigent and accepted the offer or is unable competently to decide whether to accept or reject the offer;

"(2) finding, after a hearing if necessary, that the prisoner rejected the offer of counsel and made the decision with an understanding of its legal consequences; or

"(3) denying the appointment of counsel upon a finding that the prisoner is not indigent.

"(d) No counsel appointed pursuant to subsections (b) and (c) to represent a State prisoner under capital sentence shall have previously represented the prisoner at trial or on direct appeal in the case for which the appointment is made unless the prisoner and counsel expressly request continued representation.

"(e) The ineffectiveness or incompetence of counsel during State or Federal post-conviction proceedings in a capital case shall not be a ground for relief in a proceeding arising under section 2254. This limitation shall not preclude the appointment of different counsel, on the court's own motion or at the request of the prisoner, at any phase of State or Federal post-conviction proceedings on the basis of the ineffectiveness or incompetence of counsel in such proceedings.

"§ 2262. Mandatory stay of execution; duration; limits on stays of execution; successive petitions

"(a) Upon the entry in the appropriate State court of record of an order under section 2261(c), a warrant or order setting an execution date for a State prisoner shall be stayed upon application to any court that would have jurisdiction over any proceedings filed under section 2254. The application shall recite that the State has invoked the post-conviction review procedures of this chapter and that the scheduled execution is subject to stay.

"(b) A stay of execution granted pursuant to subsection (a) shall expire if—

"(1) a State prisoner fails to file a habeas corpus application under section 2254 within the time required in section 2263;

"(2) before a court of competent jurisdiction, in the presence of counsel, unless the prisoner has competently and knowingly waived such counsel, and after having been advised of the consequences, a State prisoner under capital sentence waives the right to pursue habeas corpus review under section 2254; or

"(3) a State prisoner files a habeas corpus petition under section 2254 within the time required by section 2263 and fails to make a substantial showing of the denial of a Federal right or is denied relief in the district court or at any subsequent stage of review.

"(c) If one of the conditions in subsection (b) has occurred, no Federal court thereafter shall have the authority to enter a stay of execution in the case, unless the court of appeals approves the filing of a second or successive application under section 2244(b).

"§ 2263. Filing of habeas corpus application; time requirements; tolling rules

"(a) Any application under this chapter for habeas corpus relief under section 2254 must be filed in the appropriate district court not later than 180 days after final State court affirmance of the conviction and sentence on direct review or the expiration of the time for seeking such review.

"(b) The time requirements established by subsection (a) shall be tolled—

"(1) from the date that a petition for certiorari is filed in the Supreme Court until the date of final disposition of the petition if a State prisoner files the petition to secure review by the Supreme Court of the affirmance of a capital sentence on direct review by the court of last resort of the State or other final State court decision on direct review;

"(2) from the date on which the first petition for post-conviction review or other collateral relief is filed until the final State court disposition of such petition; and

"(3) during an additional period not to exceed 30 days, if—

"(A) a motion for an extension of time is filed in the Federal district court that would have jurisdiction over the case upon the filing of a habeas corpus application under section 2254; and

"(B) a showing of good cause is made for the failure to file the habeas corpus application within the time period established by this section.

"§ 2264. Scope of Federal review; district court adjudications

"(a) Whenever a State prisoner under capital sentence files a petition for habeas corpus relief to which this chapter applies, the district court shall only consider a claim or claims that have been raised and decided on the merits in the State courts, unless the failure to raise the claim properly is—

"(1) the result of State action in violation of the Constitution or laws of the United States;

"(2) the result of the Supreme Court recognition of a new Federal right that is made retroactively applicable; or

"(3) based on a factual predicate that could not have been discovered through the exercise of due diligence in time to present the claim for State or Federal post-conviction review.

"(b) Following review subject to subsections (a), (d), and (e) of section 2254, the court shall rule on the claims properly before it.

"§ 2265. Application to State unitary review procedure

"(a) For purposes of this section, a 'unitary review' procedure means a State procedure that authorizes a person under sentence of death to raise, in the course of direct review of the judgment, such claims as could be raised on collateral attack. This chapter shall apply, as provided in this section, in relation to a State unitary review procedure if the State establishes by rule of its court of last resort or by statute a mechanism for the appointment, compensation, and payment of reasonable litigation expenses of competent counsel in the unitary review proceedings, including expenses relating to the litigation of collateral claims in the proceedings. The rule of court or statute must provide standards of competency for the appointment of such counsel.

"(b) To qualify under this section, a unitary review procedure must include an offer of counsel following trial for the purpose of representation on unitary review, and entry of an order, as provided in section 2261(c), concerning appointment of counsel or waiver or denial of appointment of counsel for that purpose. No counsel appointed to represent the prisoner in the unitary review proceedings shall have previously represented the prisoner at trial in the case for which the appointment is made unless the prisoner and counsel expressly request continued representation.

"(c) Sections 2262, 2263, 2264, and 2266 shall apply in relation to cases involving a sentence of death from any State having a unitary review procedure that qualifies under this section. References to State 'post-conviction review' and 'direct review' in such sections shall be understood as referring to unitary review under the State procedure. The reference in section 2262(a) to 'an order under section 2261(c)' shall be understood as referring to the post-trial order under subsection (b) concerning representation in the unitary review proceedings, but if a transcript of the trial proceedings is unavailable at the time of the filing of such an order in the appropriate State court, then the start of the 180-day limitation period under section 2263 shall be deferred until a transcript is made available to the prisoner or counsel of the prisoner.

"§ 2266. Limitation periods for determining applications and motions

"(a) The adjudication of any application under section 2254 that is subject to this chapter, and the adjudication of any motion under section 2255 by a person under sentence of death, shall be given priority by the district court and by the court of appeals over all noncapital matters.

"(b)(1)(A) A district court shall render a final determination and enter a final judgment on any application for a writ of habeas corpus brought under this chapter in a capital case not later than 180 days after the date on which the application is filed.

"(B) A district court shall afford the parties at least 120 days in which to complete all actions, including the preparation of all pleadings and briefs, and if necessary, a hearing, prior to the submission of the case for decision.

"(C)(i) A district court may delay for not more than one additional 30-day period beyond the period specified in subparagraph (A), the rendering of a determination of an

application for a writ of habeas corpus if the court issues a written order making a finding, and stating the reasons for the finding, that the ends of justice that would be served by allowing the delay outweigh the best interests of the public and the applicant in a speedy disposition of the application.

"(ii) The factors, among others, that a court shall consider in determining whether a delay in the disposition of an application is warranted are as follows:

"(I) Whether the failure to allow the delay would be likely to result in a miscarriage of justice.

"(II) Whether the case is so unusual or so complex, due to the number of defendants, the nature of the prosecution, or the existence of novel questions of fact or law, that it is unreasonable to expect adequate briefing within the time limitations established by subparagraph (A).

"(III) Whether the failure to allow a delay in a case, that, taken as a whole, is not so unusual or so complex as described in subclause (II), but would otherwise deny the applicant reasonable time to obtain counsel, would unreasonably deny the applicant or the government continuity of counsel, or would deny counsel for the applicant or the government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

"(iii) No delay in disposition shall be permissible because of general congestion of the court's calendar.

"(iv) The court shall transmit a copy of any order issued under clause (i) to the Director of the Administrative Office of the United States Courts for inclusion in the report under paragraph (5).

"(2) The time limitations under paragraph (1) shall apply to—

"(A) an initial application for a writ of habeas corpus;

"(B) any second or successive application for a writ of habeas corpus; and

"(C) any redetermination of an application for a writ of habeas corpus following a remand by the court of appeals or the Supreme Court for further proceedings, in which case the limitation period shall run from the date the remand is ordered.

"(3)(A) The time limitations under this section shall not be construed to entitle an applicant to a stay of execution, to which the applicant would otherwise not be entitled, for the purpose of litigating any application or appeal.

"(B) No amendment to an application for a writ of habeas corpus under this chapter shall be permitted after the filing of the answer to the application, except on the grounds specified in section 2244(b).

"(4)(A) The failure of a court to meet or comply with a time limitation under this section shall not be a ground for granting relief from a judgment of conviction or sentence.

"(B) The State may enforce a time limitation under this section by petitioning for a writ of mandamus to the court of appeals. The court of appeals shall act on the petition for a writ or mandamus not later than 30 days after the filing of the petition.

"(5)(A) The Administrative Office of the United States Courts shall submit to Congress an annual report on the compliance by the district courts with the time limitations under this section.

"(B) The report described in subparagraph (A) shall include copies of the orders submitted by the district courts under paragraph (1)(B)(iv).

"(c)(1)(A) A court of appeals shall hear and render a final determination of any appeal of an order granting or denying, in whole or in part, an application brought under this chapter in a capital case not later than 120 days after the date on which the reply brief is filed, or if no reply brief is filed, not later than 120 days after the date on which the answering brief is filed.

"(B)(i) A court of appeals shall decide whether to grant a petition for rehearing or other request for rehearing en banc not later than 30 days after the date on which the petition for rehearing is filed unless a responsive pleading is required, in which case the court shall decide whether to grant the petition not later than 30 days after the date on which the responsive pleading is filed.

"(ii) If a petition for rehearing or rehearing en banc is granted, the court of appeals shall hear and render a final determination of the appeal not later than 120 days after the date on which the order granting rehearing or rehearing en banc is entered.

"(2) The time limitations under paragraph (1) shall apply to—

"(A) an initial application for a writ of habeas corpus;

"(B) any second or successive application for a writ of habeas corpus; and

"(C) any redetermination of an application for a writ of habeas corpus or related appeal following a remand by the court of appeals en banc or the Supreme Court for further proceedings, in which case the limitation period shall run from the date the remand is ordered.

"(3) The time limitations under this section shall not be construed to entitle an applicant to a stay of execution, to which the applicant would otherwise not be entitled, for the purpose of litigating any application or appeal.

"(4)(A) The failure of a court to meet or comply with a time limitation under this section shall not be a ground for granting relief from a judgment of conviction or sentence.

"(B) The State may enforce a time limitation under this section by applying for a writ of mandamus to the Supreme Court.

"(5) The Administrative Office of United States Courts shall submit to Congress an annual report on the compliance by the courts of appeals with the time limitations under this section.".

(b) TECHNICAL AMENDMENT.—The table of chapters at the beginning of part VI of title 28, United States Code, is amended by adding after the item relating to chapter 153 the following new item:

"154. Special habeas corpus procedures in capital cases ..... 2261".

(c) EFFECTIVE DATE.—Chapter 154 of title 28, United States Code (as added by subsection (a)) shall apply to cases pending on or after the date of enactment of this Act.

SEC. 908. TECHNICAL AMENDMENT.

Section 408(q) of the Controlled Substances Act (21 U.S.C. 848(q)) is amended by amending paragraph (9) to read as follows:

"(9) Upon a finding that investigative, expert, or other services are reasonably necessary for the representation of the defendant, whether in connection with issues relating to guilt or the sentence, the court may authorize the defendant's attorneys to obtain such services on behalf of the defendant and, if so authorized, shall order the payment of fees and expenses therefor under paragraph (10). No ex parte proceeding, communication, or request may be considered pursuant to this section unless a proper showing is made concerning the need for confidentiality. Any such proceeding, communication, or request shall be transcribed and made a part of the record available for appellate review.".

SEC. 909. SEVERABILITY.

If any provision of this title, an amendment made by this title, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this title, the amendments made by this title, and the application of the provisions of such to any person or circumstances shall not be affected thereby.

H.R. 1745

OFFERED BY: MR. SCHIFF

AMENDMENT NO. 2: Page 19, after line 14 (after subsection (j) of section 3), add the following:

(k) SEARCH AND RESCUE.—The Secretary of the Interior shall permit any Federal agency, element of the Armed Forces (including the reserve components thereof), the National Guard, and any State or local agency to use mechanized vehicles and equipment, aircraft, and other form of mechanical transport for purposes of search and rescue within any area designated by this Act as wilderness.

SENATE—*Wednesday, December 13, 1995*

The Senate met at 9 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Knowledge we ask not
Knowledge Thou hast lent
But Lord, the will
There lies our bitter need
Give us to build above the deep intent
The deed; the deed!—Drinkwater.

Dear God, help us to put into action what we believe. You have made faith and works inseparable. Application of our convictions is our challenge. Help us to apply the absolutes of our faith. We believe in You as Sovereign of this Nation; strengthen our wills to seek and do Your will. Out motto is "In God we trust"; help us really to trust You in the specific decisions we must make today. Particularly, we ask for Your guidance in our decision about the extent of our involvement in Bosnia. We believe You have called us here to serve; help us to be servant-leaders distinguished for diligence. We affirm Your presence, we accept Your love, we rejoice in Your goodness, we receive Your guidance, and we praise Your holy name. Amen.

RESERVATION OF LEADERSHIP TIME

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

EXPRESSING OPPOSITION OF CONGRESS TO PRESIDENT CLINTON'S PLANNED DEPLOYMENT OF GROUND FORCES TO BOSNIA

The PRESIDENT pro tempore. Under the previous order, H.R. 2606 will now be laid aside and the Senator from Texas [Mrs. HUTCHISON] will be recognized to submit a Senate concurrent resolution. The able Senator from Texas.

Mrs. HUTCHISON. Thank you, Mr. President. I send a resolution to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 35) expressing the opposition of the Congress to President Clinton's planned deployment of United States ground forces to Bosnia.

The Senate proceeded to consider the concurrent resolution.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER (Mr. INHOFE). The Senator from Texas.

Mrs. HUTCHISON. Mr. President, this is a very simple resolution. It is the Hutchison-Inhofe resolution that says, very simply, we oppose President Clinton's decision to deploy American troops into Bosnia.

The second part is also very simple. It says we support the troops of our country 100 percent.

Congress must exercise its responsibility under the Constitution. We must say "no" when there is a bad decision that will cost American lives. Congress has not been consulted. Congress has not authorized this deployment. It is not an emergency.

The President is talking about a year. Congress should not authorize any deployment of troops that will put them in harm's way for a 1-year period.

This is not within the parameters of the NATO agreement. I have a copy of the NATO agreement here with me. If any Member of the U.S. Senate can show me the provision in this agreement that somehow makes it our responsibility to send troops into a civil war in a country that is not a NATO country, I invite them to come to the floor and do that.

Mr. President, it is not there. The NATO treaty is a mutual defense pact among nations that were trying to make sure that we would have the ability to repel a large and onerous foreign invader. There is no such potential foreign invader for our NATO countries and, therefore, rather than run around the world and react to crisis upon crisis where there is not a U.S. security threat, it is time for us to look at NATO and our agreement and make it strong by planning ahead, by having a strategic vision about what is needed now to make Europe stable.

America wants to be part of making Europe stable, but, Mr. President, going into a civil war in Bosnia is not the way to make Europe stable. The way to make Europe stable is to help the people of Bosnia by making sure there is parity, by making sure that the people are able to defend themselves, but not to put United States troops on the ground.

I am just going to end this morning by quoting from a letter that I got from one of my constituents, and I think it really sums it up:

I remain to be convinced that we have a greater moral obligation to the Bosnians than we do to our own soldiers and their families.

Mr. President, this is a bad decision, and it is the responsibility of Congress to fulfill our constitutional duty to say, "No, Mr. President. Come to us. Let's discuss it before you deploy American troops. Sending them to Haiti without our authorization, expanding the mission in Somalia without our authorization has not worked, and sending our troops to Bosnia without our authorization will not work."

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

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise in support of the concurrent resolution offered by the distinguished Senator from Texas, Senator HUTCHISON, myself, and others.

For the past couple of months, I have made statements on the floor and in hearings conducted by the Senate Armed Services Committee expressing my grave concerns over the commitment that President Clinton made to the Presidents of Bosnia, Serbia, and Croatia to deploy United States military ground forces to implement and enforce a peace agreement to end the fighting in Bosnia.

I continue to have those concerns. To date, the Senate Armed Services Committee has conducted eight hearings on the situation in Bosnia and the use of United States military forces to enforce the Bosnia peace agreement. In testimony before the committee, administration witnesses and experts in the area of national security, foreign policy, and intelligence have stated that it is in the vital national interests of the United States to deploy ground forces in Bosnia to avert a wide-scale war in Europe to save NATO and maintain United States leadership in NATO and to preserve the good word of the United States.

Mr. President, as I have stated before, as a superpower, I believe it is important for the United States to show leadership in matters of national security and foreign policy. I also support NATO and do not want to endanger NATO as a security organization which was largely successful in bringing the cold war to an end.

I also believe that it is important to follow through with commitments. However, I will not rubberstamp a decision by the President, just because he has the constitutional authority to deploy military forces. The administration has testified that the President would proceed with the deployment of United States forces to Bosnia, regardless of the concerns expressed by Congress.

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

Despite this testimony, I believe Congress has a constitutional responsibility to review decisions of this magnitude. In the conduct of that review, I have yet to be convinced by the President, the Secretary of Defense and the Secretary of State, that there are vital national security interests that warrant the deployment of United States military forces to Bosnia; or that our national security is threatened.

I am not convinced that the mission is clear, that the objectives of the mission are achievable, or that there is a clear exit strategy.

I have great confidence in NATO's ability, under the operational and tactical control of the U.S. military, to manage the operation—more confidence than I ever had in the United Nations. However, there will be a number of non-NATO nations participating in the implementation force, a great number of them deployed in the United States sector. While they will be under the operational control of the United States military commanders, I have concerns about their perception or interpretation of actions by the people for whom they are supposed to be securing peace, and the paramilitary forces in the area who may not support the peace effort.

This operation is supposed to be a peacekeeping action, and at the same time, a peace enforcement action, as necessary. I am concerned that there is great potential for disaster, despite robust rules of engagement, if there is not a clear understanding among all the parties in the sector, as to interpretation of military action, and what constitutes the use of force.

Further, I am not convinced that United States military forces participating in the Bosnia peace implementation force will not get bogged down with nonmilitary activities such as providing assistance to international organizations. From reading the I-For mission statement, it is quite clear to me that the mission statement is ambiguous and unclear. Specifically, it states that I-For will not conduct election security, provide humanitarian assistance or conduct mine or obstacle clearing activities. At the same time, though, it says that members of I-For will assist international organizations in these activities, if requested.

Mr. President, I supported lifting the arms embargo so that the Bosnian Moslems could protect themselves, and so the United States could avoid sending U.S. troops to Bosnia. The President and the international community repeatedly rejected the bipartisan effort to lift the embargo.

I still support the idea that a stable military balance is necessary to enable Bosnia to defend itself. However, now that United States troops will be deployed in Bosnia, I have concerns for their safety, if the United States becomes directly involved in providing equipment, arms, training, and the logistics to the Bosnian Moslems.

Mr. President, regardless of the outcome of this debate, I want to strongly emphasize my support for the U.S. military forces who have already been deployed to Bosnia and Croatia, and who may shortly be deployed to Bosnia to participate in the implementation force. I will be monitoring very closely the situation in Bosnia, so that we can ensure that our military forces can return to their families as soon as possible.

Mr. President, I urge my colleagues to support the concurrent resolution offered by Senator HUTCHISON, myself, and others.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PELL. Mr. President, after a great deal of reflection, and with some reservations, I have decided to support the President's decision to send United States troops to Bosnia to help enforce a peace settlement. When the peace agreement was initialed in Dayton 3 weeks ago, I wholeheartedly welcomed the peace, congratulated the peacemakers, but expressed my skepticism about the need for U.S. ground troops to enforce that peace.

When President Clinton first suggested almost 2 years ago that United States troops might become involved in Bosnia, I outlined my strong concerns about such a course of action in a letter to the President. I noted two minimum conditions that I thought should be met before we even considered committing troops to Bosnia. I said that the mission should be a multinational one, conducted either under U.N. or NATO auspices, and that the United States should provide less than a majority of troops to that effort. Both of those conditions have, of course, been met, but for me, that is only a starting point.

My qualms about sending United States troops to Bosnia stem from my fear that we will become stuck in a Balkans quagmire. To my mind, throughout history, the Balkans have been a place of war and strife, and I worry about involving United States troops in conflicts that are centuries old.

But I also have said that it was up to the President to make the case for sending troops, and that I would listen with an open mind. During the past 3 weeks, the President and other members of the administration have put forth their case to me in private and in public, and I have been listening. I found President Clinton's address to the Nation to be particularly compelling. I believe the President did an excellent job of laying out exactly what is at stake in Bosnia. I agree that the Dayton Agreement, which was brokered by very talented U.S. diplomats, offers us the chance, as the President said "to build a peace and stop the suffering" in the heart of Europe, which is of course very important to U.S. national security interests.

In that speech and in subsequent presentations, the President and other members of the administration have defined the limited peacekeeping role our troops will be asked to play. They have been appropriately reassuring to the families of the young men and women who will be sent to Bosnia. Our troops know already that they are the world's best equipped and trained fighting force. The President, in a clear statement to any would-be troublemakers, has stated flatly that our troops will be well trained, heavily armed, and ready to retaliate against any threat to their own safety.

While our troops will have broad discretion to respond to any challenges or threats, there also will be limits on their role and mission in Bosnia. In a hearing before the Senate Foreign Relations Committee on December 1, Secretary Christopher, Secretary Perry, and General Shalikashvili testified that there are limits to what our troops will be asked to do. The fact that there will be limits has gone a long way in convincing me to support our President's decision. Our troops are not going to fight a war, but rather to help implement a peace to which the parties themselves have agreed. Their objective is to achieve a concrete set of military goals outlined in the Military Annex to the Dayton agreement. They are not, I have been reassured, going to get dragged into the conflict itself. I have also been assured that our military will not be engaged in rebuilding Bosnia. That is a responsibility of the parties themselves, with such civilian assistance from the international community as the Dayton Agreement provides.

Mr. President, I do continue to have some questions about the implementation of the peace plan. While these concerns will not cause me to withdraw my support of the President's decision, they are serious.

First, I would like to see a more precise rendering of the circumstances under which the implementation force will carry out or provide direct support for such civilian tasks as creating secure conditions for elections, assisting humanitarian missions, preventing interference with the movement of civilians, and mine clearing. General Shalikashvili and Secretary Christopher told the Foreign Relations Committee that the implementation force—or I-For—has the authority to engage in such activities but that this authority would be used rarely and at the discretion of local I-For commanders. I would hope that before the main body of troops are sent to Bosnia, we will have a better sense of the specific guidelines being given to local commanders about involving I-For in these

activities. Otherwise, I fear that there may be an uneven enforcement of the peace plan, and more importantly, that we may see mission creep develop.

Related to this issue is my concern that there be a strong and effective civilian program that will ensure that free and fair elections are held, refugees are resettled, and that reconstruction begins. Moreover, I hope that there will be tight coordination between the civilian and military aspects of the implementation program. Although I do not want to see I-For involved in the civilian aspects of the peace implementation, I do, after all, want to ensure that we achieve the maximum progress possible on the civilian side. Without such progress, the exit strategy for our troops becomes much more murky and problematic. If sufficient progress is not made on elections, refugees, reconstruction, and related matters by the time I-For does withdraw in a year's time, I fear that there will be backsliding on the military side and that United States troops will have done nothing more than preside over a year long cease fire.

Finally, I hope that the administration will define more clearly how it hopes to achieve a military balance in Bosnia once I-For leaves. I do not think anyone would quibble with the goal of achieving a balance, but we need more details about how that is to come about, consistent with the Dayton Accords and U.N. Security Council Resolutions.

To me, it is unfathomable that we would want to see more arms in that part of the world. Moreover, I am uneasy about any U.S. plans to arm and train one side—the Federation—while participating in an Implementation force which is supposed to be even-handed. One need only remember the ill-fated U.S. military involvement in Lebanon to be reminded of the danger of taking sides in such a situation. While it might ultimately make sense for the United States to coordinate such an effort, for U.S. citizens—be they military personnel or private contractors—to actually engage in arming and training may make our troops particular targets. To this end, I welcome President Clinton's assurance that providing arms and training to Federation forces will not be done by either I-For or U.S. military forces. Before our troops are sent to Bosnia, we should know definitively how we plan to proceed on this issue.

Mr. President, Balkan history has been a source of my skepticism about sending troops to Bosnia. I have spent long years of service in Europe: first as a Coast Guard lieutenant based in Sicily during World War II, then as a Foreign Service officer in Prague, Bratislava, and Genoa as the Iron Curtain was drawn between East and West, and as an official with the International Rescue Committee working in Vienna with refugees fleeing Hungary's Communist regime. Because of my experience, I am deeply and personally conscious of how important Europe's freedom and stability is to the United States. I am also acutely aware of how fragile the current peace engulfing most of Europe is. If left unchecked, the Bosnian war could threaten the peace on the rest of the continent.

The people of Bosnia have suffered untold misery and horrors. To them, the Dayton Agreement is long-awaited and good news. For us, the agreement offers an historic opportunity to end Europe's worst conflict since World War Two. We all hope it presages a lasting peace.

That is why I believe we must support the President's call to participate, with our NATO allies, in an effort to stem the tide of war in Bosnia.

Mr. GRAMS. Mr. President, I want to rise today as a cosponsor and strong supporter of the Hutchison resolution. I want to commend Senator HUTCHISON, Senator INHOFE, and other Senators whose outspoken and persuasive leadership has given us this opportunity to send a clear message to the President on the Bosnia issue.

Like my 28 colleagues who have cosponsored this resolution, I believe the Senate must express its opposition to President Clinton's planned deployment of United States ground forces to Bosnia.

I encourage all of my colleagues who have strong reservations about the President's actions to vote for the Hutchison resolution.

As a member of the Foreign Relations Committee, I am convinced that this resolution is the only way to send a clear, unambiguous message to the President without hurting American troops who are already on the ground or who will be arriving imminently in Bosnia.

The President has failed to convince the American public of his basic premise—that such vital national security interests are at stake in Bosnia that we should risk the lives of United States soldiers to enforce a fragile peace there. Letters and calls from my home State of Minnesota continue to oppose sending troops 3 to 1.

Unfortunately, I hold out little hope that the Hutchison resolution, even if it passes, will prevent United States troops from being deployed to Bosnia.

If the President is willing to begin the Bosnia operation despite strong and sustained public opposition, it is difficult to imagine that one more vote in Congress will change his mind.

We all understand the President has the constitutional power to commit troops without congressional approval, but a far more worrisome question is whether he should sustain this dubious military operation without a solid base of public support.

In 1993, during the height of the civil war in Bosnia, President Clinton made a regrettable mistake: He pledged to commit 25,000 United States ground troops to enforce any future peace agreement between the warring parties in the Balkans.

The President made this promise without knowing the exact terms of the peace agreement that would emerge, without conducting a thorough review of the operation's dangers and without consulting Congress.

Now, he has essentially dared Congress to break his ill-considered commitment of U.S. forces and thereby, he says, risk undermining the peace agreement, our international credibility and our relations with NATO allies.

In doing so, the President has effectively painted the American soldier and Congress into an uncomfortable corner. As a result, United States troops are already on the ground in the Balkans as part of NATO's advance force, and thousands more American soldiers will find themselves in Bosnia for Christmas.

Moreover, the President has repeatedly blocked efforts by Congress to end the unjust arms embargo on the Bosnians. This embargo has prevented the Bosnians from defending themselves and has encouraged continued Serbian aggression against their outnumbered foes.

Even the Clinton administration is admitting that a military balance between warring factions is the key to stability in Bosnia and the eventual withdrawal of United States troops.

How tragically ironic it is that the necessary outcome of NATO's operation in Bosnia could have been achieved without shedding American blood if the President had only allowed the Bosnians to arm themselves.

Congress should not rubber-stamp the President's premature decision. We must not compound this Presidential blunder by abdicating our congressional responsibility.

First, Congress should continue to express specific concerns about the scope of the NATO mission in Bosnia. While administration officials have made claims to the contrary, most Americans realize there is real potential for this operation to become increasingly open-ended and dangerous.

During hearings before the Foreign Relations Committee, Secretary of State Christopher said that the NATO implementation force's only obligation was to carry out military objectives—namely, the separation of Bosnia's warring parties.

But he also said that the peace agreement "authorizes" NATO forces "to take additional [civilian] actions if the local commander desires to do so."

Well, undoubtedly, giving NATO forces this discretionary power to support nation-building activities will put our troops at greater risk. So far, there have been many reports about the lack of coordination among international

organizations charged with achieving civilian provisions in the peace agreement. If progress is not made on these civilian missions, the temptation for NATO forces to advance civilian goals—such as refugee resettlement—will only increase.

In addition, without an effective exit strategy, the Bosnia operation's supposed 1-year time limit could evaporate. As I mentioned earlier, the key to an exit strategy for United States troops is the establishment of a military equilibrium among the warring parties.

If the United States does not take a leading role in the arming and training of the Bosnians, it is very doubtful that it will be done to our satisfaction.

Opponents who claim that a strong American role in arming the Bosnians will jeopardize the neutrality of United States troops are simply deluding themselves. The Serbs never have and never will consider the United States a neutral power in this arrangement. Have we forgotten that only months ago United States planes were bombing Serb positions? For the Serbs, an indirect American role in arming the Bosnians will hardly be more reassuring than a direct one.

Indeed, one of my strongest concerns about the United States role in this operation is that we are mistakenly assuming we will be perceived as neutral by all parties in Bosnia. In 1983, a similar tragic miscalculation failed to prevent the deaths of 241 United States marines in Lebanon.

Without question, the scope of the Bosnia mission must be narrowed and an effective exit strategy developed. For this reason, I appreciate what the majority leader and Senator MCCAIN are trying to accomplish in their resolution and I know they are acting solely with the safety and well-being of our troops in mind.

However, I cannot vote for the Dole resolution, which authorizes the President's deployment of United States troops to Bosnia. Given the manner in which the President has chosen to pledge our soldiers' lives for this peace agreement, I cannot vote to give him Congress' seal of approval. The President's strategy simply does not deserve it.

Yet, while I am not willing to acquiesce to the President's plan, I also will not support cutting off funding for our troops while they are already on the ground. Although this action is within the constitutional powers of Congress, it would potentially endanger the men and women in our Armed Forces even further.

We must learn from our past mistakes. We should not repeat the 1993 debacle in Somalia where United States troops were actually denied the equipment and weapons their commanders had requested. Soon afterwards, 18 American soldiers were killed when they were trapped during a tragic firefight.

Therefore, the Senate's vote today on the President's plan to deploy troops in Bosnia is only the beginning of Congress' obligation to our men and women who serve and defend this Nation. We will closely monitor the Bosnia operation to ensure that it is fully funded, that our troops are adequately supplied and that the mission remains strictly focused.

Mr. President, we owe our soldiers, their friends and family, and the American people nothing less.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, first, I want to commend my colleague, Senator HUTCHISON, from Texas, for the initiative she has taken, addressing what I think is one of the most critical and important issues the Senate will face in a long, long time. It is appropriate we give proper deliberation to this issue. There really is no more serious, wrenching decision than one similar to what we face today, because it not only has consequences for America's role in the world, but consequences for the lives of young men and women, poised at this very moment for deployment in Bosnia.

We have two burdens in this debate. One is to exercise American leadership and the second is to justify American sacrifice.

Let me state at the beginning, I firmly believe in American leadership. Our active engagement in the world is an expression of our interest and our values. But in exercising this leadership, I think it is important that we understand that justifying American sacrifice is the higher and the harder and the heavier responsibility that we face because it demands not just plausible goals, but compelling reasons.

It is not enough to say that a questionable promise has been made, or that an alliance needs to be politically repaired, or that we feel guilty or somehow compromised and helpless. These are factors that may contribute to a case for intervention, but I do not believe they are determinative factors in terms of deciding whether or not we intervene. Because, in the end, I think we have to be able to say certain things with confidence, that there is no other, more viable option consistent with our interests and that there is no honorable alternative to the risk of American lives. This is a decision that has to be made deliberately, not by default.

Like many of my colleagues here, I faced these questions before. I voted to send United States marines to Lebanon to be a presence in a land that was factionalized and fractionalized like Bosnia, and I will always regret that decision and that vote which resulted in the deaths of 241 marines who saluted smartly when ordered to what clearly, in retrospect, was an ill-defined mission.

I also voted to send American troops to the Gulf to fight aggression. When America's interests are clear, as I believe they were in the gulf, even great sacrifice can be justified, but when America's interests and goals are vague and murky and unobtainable, the loss of one life is too much.

In the administration's proposed police action in the Balkans, there are a number of operational questions, some of which I will briefly raise, but I want to begin by stepping back and asking some fundamental questions of philosophy and strategy.

Why Bosnia? Why this region? Why this moment? It is said we have a moral responsibility to end the bloodshed. But I think that goal is too broad to be useful. Bosnia, unfortunately, is not unique when it comes to undeserved suffering. Bloody civil wars rage today in Rwanda, Sudan, Liberia, and other places of the world. There were far more civilians killed in a year in Kabul than there were in Sarajevo.

So, how do we choose where American troops are used to end the world's civil wars? Is that a decision made by TV news, determining which country has the most telegenic suffering? Clearly, this alone cannot be a sufficient basis for intervention.

It is said the Bosnia conflict is a direct threat to the security of Europe, an area where American interests are implicated. It has been repeatedly stated by the administration that intervention is necessary to prevent the spread of the Bosnia conflict to other nations, including Hungary, Albania, even Greece, and that failure to intervene now will inevitably lead to a broader conflict and a greater involvement at greater sacrifice of American troops. But I believe this to be a serious exaggeration.

Europe today is not the Europe of 1914, deeply factionalized and arming for a broader war. In fact, the Balkan war has not been expanding, but contracted. It is a serious crisis, but it is not an expanding crisis. No European leaders are seriously convinced that the dominoes of France, Germany, Italy, Greece, and the rest are about to fall, pushed by Balkan violence.

It is said that our vital national interests are challenged by a Balkan civil war, but this is simply not credible. What resources are threatened? What trade route is interrupted? What strategic military threat to the United States has developed? What American citizens are being placed in danger? The term "national interests" cannot be stretched indefinitely. It must mean something or it means nothing.

So, it seems that we are left with one reason, one explanation why 20,000 American troops are headed for the Balkan winter: Because the President

gave his word, and we cannot go back on it. Is this what the administration means by credibility? National interest is not found in the Balkans themselves but found in closing a credibility gap that the administration itself has opened.

Henry Kissinger summarizes this point as follows: "The paradox of the decision before Congress is that while we have no inherent national interest to justify the sending of troops, a vital national interest has been created by the administration's policies: If other nations," Kissinger says, "cease to believe our assurances, our capacity to shape events to protect American security and values will be jeopardized."

I do not want to minimize this concern. Many scholars and experts that I deeply respect believe that this reason alone is sufficient to justify American intervention. But, if that is the case, I have two questions that have yet to be answered in this regard.

First, how do we come to this place? Why should the world's only superpower, fresh off the success of Desert Storm, need to prove its credibility in a Balkan civil war? Have we so squandered American leadership and credibility that now it needs to be bought back with the presence of American troops and the risk of American blood?

This brings me to my second question: Will this intervention actually rebuild American credibility?

It is possible, but only under one circumstance: The mission must be an obvious success. Credibility is not determined by the promises we keep but by the outcome we achieve. An outcome similar to Somalia or Lebanon would be difficult to calculate. the important questions are: Is this Bosnian mission likely to add to American credibility? And what is the prospect of success?

These are questions I asked in the hearing process. In several key areas, and I have yet to find adequate answers.

How can the United States remain neutral and build up the Bosnian Army? Is not this logically contradictory, and inherently dangerous?

Though it is not entirely clear what form these arms and training will take, does anyone believe that the Serbs will stand by while their military advantage is reduced as the Bosnians arm and train with the best quality arms to the best extent possible? The Dole resolution portion of that—and I commend Senator DOLE, Senator MCCAIN, Senator LIEBERMAN, and others for a well-intentioned and serious effort at outlining the conditions of American involvement—and much of this resolution contains language I can enthusiastically support, but a portion of it is deeply disturbing to me, particularly section (2)(b)3 which says the United States will "lead an immediate international effort to provide equipment, arms, training and related logistics assistance of the highest possible quality to ensure that the federation of Bosnia-Herzegovina provide for its own defense, including, as necessary, existing military drawdown authority." And on it goes.

America, in effect, will be acting as a shield while one faction in a civil war aggressively arms. Taking sides in previous peacekeeping efforts have brought tragedy—not success. Clearly, the implementation agreement to an implementation of this section (2)(b)3 of the Dole-McCain resolution could lead to both a mission impossible to achieve and potentially disastrous consequences.

A second question is, How certain are we that a Bosnian Moslem-Croat federation is politically sustainable?

The Dayton agreement presupposes the survival of this fragile alliance—an alliance that is not even 2 years old. It was not even in existence when the Bosnian conflict began. It was the Bosnian Moslems and the Croats that were the warring factions—the Croats on the same side as the Serbs, each trying to carve up Bosnia for its own benefit.

What we have today is a marriage of convenience between some very reluctant partners. Are we going to stake American credibility on the assumption that eventually these uncomfortable allies will continue to enjoy each other's company? Henry Kissinger has cautioned that, "It is naive to expect the Croat-Moslem marriage of convenience to last indefinitely." He argues that the relationship is more of a time bomb than a permanent political identity.

A third question: What exactly is our mission, and how will we define success?

The President believes our mission is to supervise the separation of the forces and to give the parties confidence that each side will live up to their agreements. He wants the U.S. military to serve in this capacity for 1 year in order to "break the cycle of violence."

The most clear portion of the proposed mission is keeping the warring factions separated. That will not be easy. But at least its effectiveness can be measured, and I think it can be accomplished. I argue, however, that it is a mission that should not be necessary if, in fact, there is a real peace agreement reached.

But the second component of the President's mission statement, that of "giving the parties the confidence that each side will live up to their agreements," is dangerously unclear. These confidence-building measures include establishing the foundation for economic, social, and political reconstruction in the region. But, as I just previously stated, it is the explicitly stated but not agreed to by the parties to this agreement, it is that explicitly stated mission of arming and training one side in what I believe to be a civil war that is most disturbing to me.

I have struggled to understand this. I have struggled to find answers to these questions. I have struggled to find agreement with this so that I could support the Dole-McCain resolution. But I cannot resolve in my mind what I believe to be an inherent contradiction between a stated, written, agreed-to-by-all-parties portion of this Dayton peace agreement that calls for disarming of the parties, an achievement of a military balance, and the contradictory goal of immediately leading an effort to ensure arms and training to one faction of the three warring parties.

This militarization—not demilitarization—inevitably will lead to an arms race and, I believe, will inevitably lead to a failure of mission. And that failure of mission then squanders the last opportunity to establish or regain American credibility.

I ask the question I asked before. Have we since the gulf war so squandered American leadership and credibility that now we must regain it by engaging in a civil war in the Balkans at great risk of loss of American lives and at great risk of squandering future American credibility?

All these problems conspire to create a very difficult situation. We have staked our credibility on one outcome in the Balkans—peace. But that is the outcome that is the least likely of the many possibilities. On the one side, we have the evidence of 600 years of bitter conflict and, more recently, 34 broken cease-fires. On the other, we have the desperate hope that all the participants will show good will and good sense. I trust and pray that they will. That would be contradictory to 600 years of history.

The problem here is simple. Our credibility is at sake, but we do not control the outcome. Our success or failure will be determined by the parties and factions that have demonstrated that they cannot control themselves.

If, at the end of 12 months, there is chaos in the Balkans, the pressure on American credibility will be even greater than it is today. We will have invested American lives, American resources, and American leadership. So then how can we walk away at that moment with our leadership enhanced? Will there not be inevitable pressure to expand our efforts, to extend them?

Jeanne Kirkpatrick has commented that "failure to provide ground troops might do superficial damage to America's credibility, but committing troops and failing to achieve our goal would do major damage to America's credibility—really major damage. It is not possible to contemplate the damage to America's credibility that would result," she said.

Mr. President, I am convinced that this Bosnian crisis is a symptom of a

deeper foreign policy crisis, the evidence of a basic misunderstanding of what it means to be a superpower. The will to intervene, to spend lives and money, is a limited resource of any nation. It must be carefully preserved for essential missions that concern our vital interests and maintains stability in the world.

Endless and pointless interventions squander that limited resource of national will. It is precisely because we cannot be isolationists that we must be deliberate and realistic in our actions. It is because intervention must remain an option of American policy that our interventions must be wise. In Bosnia, discretion is wisdom.

This does not mean America should be and can be indifferent about situations like the Balkans, but it does mean we should consider other options—alternatives to ground forces—in conflicts where our interests are not directly engaged. One of those options available to a superpower is to lead our allies instead of following them. Unfortunately, that course has not been taken.

Gen. John Shalikashvili has conceded that "from a purely military standpoint" the West Europeans could undertake the Bosnian mission on their own. They have chosen not to do so. Rather, they have insisted that America make a symbolic commitment—not so symbolic when you consider it is 20,000 troops—to the extension of an unwise NATO policy of peace enforcement among ancient enemies. It is not the kind of mission for which American troops are trained or suited. It is a mission much closer to the British in Belfast than the Americans in the gulf war, and it is clearly not a mission to be achieved in 12 months. I am deeply troubled that American lives should be sacrificed to prove loyalty to an organization—NATO—that America should be leading, not following it into mistakes that can be reliably predicted by our experience in Lebanon and Somalia.

Once these troops are placed in the field—and they are being placed now—I will do everything in my power to assure that they succeed. But I cannot accept the responsibility of voting to place them there in the first place simply for the purpose of preserving U.S. credibility. It will do nothing in the long run for American credibility to follow our allies into this misguided deployment.

I will reluctantly be opposing the Dole resolution for reasons that I have stated and supporting the Hutchison-Inhofe resolution that we will be voting on shortly today.

Again, I thank Senator HUTCHISON, Senator INHOFE, and others for their efforts in attempting to address what I think is an extraordinarily difficult situation.

Mr. President, I yield the floor.

Mr. HEFLIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. HEFLIN. Mr. President, throughout the Bosnian conflict, I have had grave reservations about the involvement of American ground troops in that troubled region. After the President made his speech on November 27, 1995, I continued to have serious concerns, because I felt that U.S. ground troops should not be involved in such a violent area that should be, primarily, a European responsibility.

Following his speech, I expressed these concerns in view of the fragility of the tentative Dayton peace agreement and the prospects for similarities to our peacekeeping efforts in Lebanon. I recalled the changes of attitude on the part of Congress and the public when the disastrous consequences in Beirut and Somalia unfolded on the nightly news.

Over the last several days, I have immersed myself in a study and evaluation of our present posture regarding the situation in Bosnia. I have listened and talked to military, political and foreign policy leaders, Members of Congress, and individuals in other related fields as well.

First, let me say that I hope during this debate over our role in Bosnia, we will rethink America's role as the sole remaining superpower and its participation in foreign disputes. We must recognize that other countries will want to use our military and financial resources to solve problems that basically they should remedy themselves. In my opinion, there should be less military involvement by the United States, as well as reduced foreign financial assistance, unless there is a vital U.S. interest involved. Furthermore, this need for rethinking is augmented by the movement to achieve a balanced budget.

Having said that, I want to share some of the thoughts that have entered my mind after reflection and discussions.

Like most Americans, I am thankful that a cease-fire and hopefully an effective Bosnia peace agreement has been reached between all of the warring factions in this long-standing conflict. I pray that the cease-fire holds, that the agreement succeeds, and that the Bosnians can live in peace. We have watched for nearly 5 years as these neighbors have cruelly and methodically torn each other apart.

On the surface at least, the Dayton agreement does hold promise for peace. It allows the thousands of refugees, theoretically at least, to return to their homes; it removes the foreign "holy warriors" from Bosnia; it withdraws heavy weapons; it preserves the October 5 cease-fire; and hopefully, it will stop the genocide and other atrocities that have plagued that part of Europe for far too long.

My primary concern with the agreement and the NATO mission it calls for is the requirement of having to send American ground forces to implement its provisions. This should be, essentially, a European mission. The use of air power on the part of the United States was very effective. That was, I believe, the extent to which most Americans expected U.S. forces to be involved. Perhaps this was then and is now the appropriate extent of our involvement.

NATO is probably the only military force that can be counted upon to do the job of peace implementation in Bosnia. The NATO air strikes, which were largely responsible for forcing the warring parties to the negotiating table in Dayton, were proof positive of their effectiveness. The strikes also proved that the Serbs do respond to the power of military might. Still, the mission in Bosnia seems to go beyond the defensive purpose for which the alliance was established nearly 50 years ago, and might set a dangerous precedent for NATO. If NATO's role is to be different from its treaty responsibilities, it should be tailored on an ad hoc basis to limit U.S. participation in what are primarily European internal problems.

Throughout this debate the question arises, "Is it in the vital national interest of the United States to become involved in Bosnia?" The term "vital national interest," however, seems to mean different things to different people. I would therefore like to take a moment to reflect on my idea of a vital national interest and how it differs from other interests our Nation may have.

A vital national interest is one that a country considers to be crucial to its national security. These are issues that are so important they are not open to compromise or negotiation. A country has no choice but to risk war to protect a vital national interest. With a major interest, on the other hand, the country is not at immediate risk. Instead, a decision must be made as to whether the use of force is justified. The use of the military is a question of risks, benefits, capabilities, and, in this case in particular, conscience.

Applying these definitions, it is questionable whether participation in Bosnia is a vital national interest of the United States. Some have stated their belief that the Bosnian conflict could spill across national boundaries and engulf Europe in bloodshed. They use our vital national interest of a stable Europe to justify action in Bosnia. We have, however, effectively managed to prevent the spread of this conflict for nearly 5 years without committing ground troops to the region.

We must also remember the peace keeping mission in Beirut, Lebanon. Many argued back in 1983 that if we did not end the fighting in Lebanon, it

would soon spill across the borders and the entire Middle East would be at war. However, our national interest was in a stable Middle East, not necessarily a stable Lebanon. After we pulled out our marines, we rightly redoubled our efforts on preventing the war from spreading across the borders to Israel and Syria.

Another problem we faced in Lebanon and may face in Bosnia is our apparent lack of neutrality. It is essential that peacekeepers enforcing an agreement or cease-fire not take sides. Yet in Beirut, we bombed and shelled the Syrian-backed forces in support of the Lebanese Army and Christian militia. This lack of neutrality made our men targets and led to the fatal bombing of the Marine compound.

In the present situation, United States planes have bombed numerous targets in Bosnia and killed hundreds of Serbs. Do we believe the friends, comrades, and commanders of these dead men view the Americans as neutral? And if we begin to arm the Moslems to achieve military balance among the three parties, will any Serbs view us as neutral? If any of the warring parties become convinced that the Americans are their enemy, it could mean real trouble, not the least of which could come in the form of terrorist attacks similar to Beirut in 1983.

There are other problems to consider as well, such as the divided feelings among the Serbs themselves about the Dayton agreement; divisions among the Croats and Moslems; the remaining residuals of the presence of foreign "holy warriors"; the millions of land mines; probably unfriendly or hostile police forces; and the lifting of the arms embargo after 6 months.

Having outlined some of my reservations about this operation, we have to be realistic. Some of our troops are already in Bosnia. The remainder of the 20,000 have been committed and will soon be there. Furthermore, the constitutionally-suspect War Powers Act allows the President to deploy troops for 60 days without congressional approval. It is also highly unlikely that Congress will vote to cut off funding at any time during the mission.

There is no Member of this body who does not support our troops when they are put in harm's way. While we might disagree over strategy or whether or not to support the peace plan itself, on the matter of supporting our troops, we do not differ. Since their deployment to Bosnia is a matter-of-fact, our task as Members of Congress, then, is to see that they have every possible means to succeed from weaponry to intelligence.

Another point to be raised is whether a failure to support the mission at this point will in some ways undermine the forces sent to Bosnia. This is a real possibility, since those rogue elements who may not believe that we are united on this issue, or that we are looking for an excuse to withdraw, could cause much greater danger to our troops.

While the impact of our vote on our troops is of paramount importance, there are a number of other issues that we must take into account as well. For instance, we must consider the constitutional role of the Commander in Chief and the War Powers Act; the respect we have for the military professionals; the constitutional roles of both Congress and the Executive; and the credibility of the United States.

Our decision must take into account the constitutional role of the Commander in Chief. Even strong opponents of the mission concede that the President has the power to deploy troops with or without the consent of Congress. The War Powers Act allows him to deploy troops for 60 days without congressional authorization. No President, however, has ever acknowledged the constitutionality of the War Powers Act, and it has never been invoked by Congress. Since it is constitutionally suspect, in all reality, the only way for Congress to stop the deployment is to stop funding. Otherwise, a constitutional crisis could be precipitated, with Congress invoking the act and the two branches ending up in court while troops are in the field.

Our decision should also take into account the great professionalism of the military. In my discussions with military leaders, I have been reassured of the fact that we do have the most highly skilled, educated, and trained military in our history. I am confident that if we give them every means necessary to succeed, they will succeed. While mistakes and unforeseen circumstances may arise, there is no reason to doubt their bravery, dedication, or professionalism in carrying out their task.

The respective constitutional roles of both the Congress and the executive branch should also influence our thinking here. The President is the Commander in Chief and head of state. The Congress has the power of the purse, the power to declare war, and the role of approving treaties and ambassadors. But we must be realistic. The President is supported by the Joint Chiefs of Staff, the Pentagon, the CIA and other related security agencies, and the State Department. He therefore has, at least in terms of numbers and experience, superior resources than the Congress in deciding the feasibility of committing military forces. This reality must be taken into account. However, this is not to say that Congress does not have independent, knowledgeable resources and a role to play in such a decision.

I also believe that the credibility of the United States is on the line in this situation, and we should carefully consider what would happen if we do not live up to the commitments made by the head of state, even if we disagree with those commitments. We only have one President, who is also the head of state, and he speaks for the country on matters of foreign policy. I fear that our credibility will be seriously damaged if we fail to support the mission. Such a vote will not prevent a deployment, but it will, however, send a message to the factions in Bosnia and to our allies and enemies as well. Without abdicating the role of the Congress, it is crucial that we give the President some degree of flexibility in conducting foreign affairs.

Finally, there is certainly a moral dimension to this issue. During our history, whether we were facing fascism or communism, we fought knowing our cause was just and that America was in the right. Our conviction that we were right was strong because we were certain that fascism and communism were wrong.

Mr. President, we all know that ethnic cleansing is wrong. We all know rape is wrong. We all know that murder is wrong. And without a doubt we all know that genocide is wrong and a great evil. It is a wrong so great that it shocks our humanity and lets our conscience know that it is right to take action.

The intense debate and congressional action regarding the Persian Gulf war was proof that even a deeply divided Nation and Senate will rally around a cause once a decision has been made. The vote to authorize the use of military force was 52 in favor and 47 against.

Yet, 5 days later, on January 17, 1991, the Senate voted 98 to 0 in favor of a resolution which commended and supported the efforts and leadership of the President as Commander in Chief in the Persian Gulf hostilities and expressed unequivocal support of the men and women of the United States Armed Forces. I remember many Senators who had voted against the authorization of force saying before that vote in which we supported our Commander in Chief, that no one should doubt that the Senate and the Nation would be united once the authorization had been approved. I hope the same will be true once the votes have been cast with regard to the Bosnian troop deployment.

For the reasons I have stated and to demonstrate United States resolve and, most importantly, to give our American troops every means of success, I will support the deployment of America's military might to Bosnia.

Mr. President, I yield the floor.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER (Mr. FRIST). The Senator from Texas.

Mr. GRAMM. Mr. President, I rise to oppose sending American troops to Bosnia. The Dole resolution asks us to agree to, support, and expand the mission that the President has subscribed to in Bosnia. I intend to oppose that resolution because I think that the

President's mission is deeply flawed. I think we are making a mistake, and I intend to make it very clear that I oppose the policy we have undertaken with respect to Bosnia.

What we are being asked to support is the sending of American troops into the line of fire as a buffer force between two warring factions which have broken every cease-fire and violated every treaty over the past 500 years.

Historically, in our country, we have set high standards for sending Americans into harm's way. Each of us has set standards a little differently, but in general, we have all tried to ask ourselves, "Do we have a vital national security interest?"

Our President has, for 3 years, tried to make the case that we have a vital national security interest in Bosnia. I submit that the President has failed, not because he is not a great salesman, but because he has no product to sell.

What is happening in Bosnia is terrible. Many Members of the Senate have been to the Bosnian region. Every American has seen on television what is happening there and we are all outraged about it. But when you get down to the bottom line, whether we have a vital national security interest in Bosnia, the answer is clearly no.

It seems to me the second question we have to ask ourselves is, "Will our intervention be decisive in promoting the objectives we seek?"

It is one thing to have good intentions and pure motives, but it is another thing to have a plan that would allow you to put those good intentions and pure motives into force.

I see no evidence, whatsoever, to substantiate the claim that our intervention, as a buffer force between warring factions in Bosnia, is going to be decisive in promoting the objective we seek. I have always tried to apply a third test in committing Americans to combat and harm's way, a test which has come about in my own mind because I represent a large State of over 18 million people. Texas has a lot of people in uniform; many people born in other parts of the country have been stationed in Texas at one time or another, and, for myriad reasons, have become citizens of my State.

So when Americans died in the Persian Gulf and when Americans died in Somalia, Texans died. I was called upon to console the parents and spouses of Texans who had made the supreme sacrifice for our country. As a result of this experience, I have concluded that there is one additional question that I need to ask myself before committing Americans to combat and before putting Americans in harm's way. This test goes beyond whether or not we have a vital national interest and it goes beyond the question "Will our intervention be decisive in promoting our interest?" This test concerns my two college-aged sons and it asks "Am I so convinced that we have a vital national security interest in Bosnia, and do I have strong enough belief that our intervention will be decisive in promoting those interests that I would be willing to send one of my own sons?"

Until I can answer that question with a very decisive yes, I cannot feel comfortable in sending someone else's son and someone else's daughter.

We are told by the President that if we do not send troops to Bosnia, that we are going to undermine NATO. I submit, Mr. President, that this is an absurd notion. NATO is a defensive alliance. NATO was established in Western Europe to keep Ivan back from the gate, to keep the Soviet empire out of Western Europe. NATO has been one of the most successful alliances in history, but never, ever—not when NATO was established, and not to this point in its functioning—have we viewed NATO as an alliance which should intervene in civil wars. I submit that this is a change in the mission of NATO. To claim that a defensive security alliance will be undercut if the United States of America does not intervene in a civil war, simply has no merit and no justification. I am also very concerned about the Dole resolution. I am concerned about the fact that in the initial presentation, the President argued that we would be part of a NATO force that, on a neutral basis, would be a buffer between warring factions. My concern, under these initial circumstances, was that the cease-fire would not hold—every other cease-fire in recent history has not held—or that the peace agreement would be broken, something which has happened consistently for over 500 years.

The Dole resolution only increases my concerns by injecting a new element into the mix. Since the President has no exit strategy, and since the President's plan is very specific as to how we get into Bosnia but not very specific as to how we get out, the Dole resolution imposes an exit strategy by having the United States of America take sides in this conflict, by having us arm and train one of the warring factions. I submit, Mr. President, that if we take sides in this conflict, any protection in neutrality that our troops might have had will be lost. If there were to be any security in neutrality for our troops, then agreeing to take sides in the conflict, by arming and training one side, can only serve to further endanger American lives.

Paradoxically, if we were debating not to intervene in Bosnia in a peacekeeping role, but rather to be part of an effort to try to bring a balance in military power by lifting the arms embargo, by bringing the leadership of the Bosnian army to Germany to be trained by Americans, and to have an international effort to supply arms, in all probability I would be supportive of that proposal. But when we take on the role of a neutral peacekeeper, by the very nature of that role, we eliminate our capacity to take sides in the conflict, to be a source of weapons, or to be a source of training. I understand the desire to find an exit strategy, but, quite frankly, I believe the Dole resolution takes a flawed policy and goes one step further by making it more flawed. I intend to vote against the Dole resolution.

Let me raise a concern that I have thought about now since Somalia, and I raise it because, by going back to Somalia, I can divorce this issue from partisanship since it was President Bush who sent troops to Somalia. We could get into an argument about how he sent them there in one role and President Clinton used them in another role, but that is a subtle argument that I am not interested in.

I am very concerned about the fact that we are setting American foreign policy by channel surfing. I am very concerned about the fact that we went to Somalia for one, and only one, reason, and that was because the suffering and misery in Somalia was on television. Similar pictures could have been shown from a dozen other spots on the planet, but when one network decided to highlight Somalia, and when the public saw these pictures politicians in Washington responded by establishing a policy to intervene.

I submit that you cannot, and should not, run our Nation's foreign policy as if it were social work. You cannot always be looking for some good to do around the world. We, even as powerful as we are, and even as the greatest and most powerful nation in the history of the world, cannot fix everything that is broken. We cannot right every wrong. We cannot take unto ourselves the mission of seeking out all human suffering or all injustice on the planet, with the goal that we, through our power, should solve these problems. Quite frankly, we have a lot of problems of our own; we have a lot of human suffering in our own country. But I believe that we made a mistake in Somalia, and I believe that we are making a mistake in Bosnia.

I think in conducting foreign policy, you have to define your vital national security interests first. Then when something in the world threatens those predefined national security interests, you can determine whether or not, given your abilities, you can be decisive in protecting these interests. I think in the Persian Gulf the answer was, yes; our vital national interests were threatened. We had a military dictator who was developing, as we now know and have convincing evidence of, both chemical and nuclear weapons. His invasion of a neighboring country threatened the whole Middle East, it threatened Saudi Arabia, and threatened our ally, Israel. We had a vital national security interest in the Persian

Gulf, and we had the capacity, through our intervention, to be decisive in promoting that interest. This, however, is not the case in Bosnia.

I am very alarmed about this new approach—which is the foundation of foreign policy in the Clinton administration—of viewing foreign policy as simply an extension of social work.

One final point on this subject. The cold war is over. We are debating the powers of the President to use American military power around the world. Virtually everyone in this body has served in the Congress during a period where we were in a life or death struggle. Some of our Members served, not here, but in the service of the country, when that enemy was fascism. Every Member, except the newest Members here, has served in the Congress when we were in a life-and-death twilight struggle with world communism. While that struggle was underway, either against fascism or communism, American intervention around the world as a way of promoting our national interests was the most successful policy of this century—it won the cold war. Under those circumstances, when Ivan was literally at the gate, it made sense to give the President the benefit of the doubt. As a result, we have all conditioned our foreign policy thinking in terms like "partisanship ends at the water's edge."

I submit that this conditioning of our thoughts comes from an era that no longer exists. It was from an era when there was a worldwide struggle for survival underway. I submit that this sort of logic does not apply in this case. Why should the President have more benefit of the doubt while engaging in police activity in Bosnia than he has while engaging in police activity in Cleveland, OH?

I submit that there is no reason to give the President this additional benefit of the doubt. But even if one did, there is no evidence to substantiate the belief that we have a vital national interest at stake nor that our intervention can be decisive in promoting this interest. I am very concerned that, unless we are very lucky, the outcome of this intervention might simply be to add American names to a casualty list, but not to end the tragedy that we all want to see ended.

I am going to vote against the Dole resolution. I am going to vote for the Hutchison resolution, and I am going to vote for the resolution denying funds for the deployment of troops to Bosnia. I believe that we must take the strongest stand possible. I believe that the current plan is a mistake and that it is not a logical way to promote American interests. I do not want to send troops to Bosnia. I know they are going and I understand that the votes are here to assure that the President is going to not only be able to send troops to Bosnia, but also is going to be able to cloak himself in congressional support.

But I want to make it very clear. I do not support this policy. Since stopping funding is the only way to prevent the troops from being sent, I will vote to stop funding. There are those who will say, "Well, then, are you not supporting the troops?" The answer to this is that I am not concerned about the troops doing their job—I know they can and will do what they are ordered to do. I am concerned about the U.S. Congress doing its job. I know that our warriors will do their duty and I know they will serve proudly. I know that if this mission can be made to work then they will make it work. I know that every Member of the Senate and every Member of the House will be supportive of our troops, and I know we will give them the supplies, the weapons, and the support they need. But knowing all of this does not mean that this is not a bad decision which should not be undertaken. I oppose the deployment, and I intend to vote against it.

I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, the legislation before us concerns one of the most important issues the Senate ever considers—whether to send American servicemen and women into danger. The decision to send American troops on this military peace operation is a huge responsibility, and we must weigh it with the greatest care and caution.

President Clinton has demonstrated impressive leadership in achieving the Bosnian peace agreement, to be signed tomorrow in Paris. The United States troops being sent to Bosnia are going there to help implement that peace plan. Because of U.S. leadership so far, they are not going there to fight a war—there is no longer a war to fight. And with U.S. leadership in the year ahead, there is a good chance the war will never resume.

Everything depends on the parties' own commitment to peace. We have given that question very careful consideration in our Armed Services Committee hearings in recent weeks, as well as in consultations with Secretary of Defense Perry, the Chairman of the Joint Chiefs of Staff, General Shalikashvili, and Assistant Secretary of State Holbrooke.

Secretary Perry and Ambassador Holbrooke made very clear that the parties initialed the Dayton peace agreement and will sign the Paris peace agreement because they are tired of war, not because the United States or anyone else imposed it upon them. The parties met painstakingly for 21 days and nights in Dayton and reached a landmark accord to end the 4-year-long war that has plagued all of Bosnia and destroyed much of that country.

President Clinton is now sending United States troops to Bosnia to help all sides implement the peace agreement. Without American leadership, there would have been no agreement, and without American troops to implement the agreement, there will be no peace.

The role of United States forces in Bosnia serves American interests in several ways. Most important, this mission is the only real chance to achieve peace in Bosnia. That peace is essential to prevent a wider war in Europe; a wider war would inevitably involve the United States and with vastly greater risk of casualties. Twice in this century, tens of thousands of Americans have lost their lives in world wars that destroyed much of Europe. Containing such wars before they spiral out of control will save future American lives.

Sending United States troops to Bosnia will also serve the American goal of ending the massacres, ending the ethnic cleansing, and ending all the other atrocities that have claimed a quarter million lives in this war and driven 2 million more people from their homes.

The United States cannot be the world's policeman, and this deployment does not make us one. But our country was founded on respect for human rights, and on a responsibility to help those in need where we can. In this case, we can stand up for those principles by ending a war and helping a war-ravaged nation heal itself.

It is also in the U.S. national interest for NATO to succeed in this mission. This is a clear test-case for NATO. This alliance, created during the cold war to meet cold war threats, faces the massive challenge of reshaping itself to deal with security threats in the post-cold-war era. Meeting the challenge of Bosnia, using military forces to enforce a peace in a local conflict that threatens to escalate into a wider war, is the type of threat that NATO must be able to meet. If the alliance fails the test, it may well not survive. Surely, no one can deny that the vitality of NATO is in America's national interest.

Many of us had hoped that the U.N. peacekeeping force could have dealt with this conflict and produced a lasting peace, but that was not possible. Cease-fires came and went—the only certainty was that the war always resumed.

Now, the United States and NATO face this challenge. NATO air strikes, led by the United States, were the key factor in producing the most recent cease-fire, and NATO forces, led by the United States, will be the key factor in keeping that peace and giving it the chance it needs to take root in the hard, bitter, blood-stained fields of Bosnia.

This is no Gulf of Tonkin resolution blank-check commitment. The military mission is limited and achievable.

The United States and NATO are not assuming open-ended responsibility for peace in Bosnia. That is very important. The mission of the U.S. and NATO forces is to give the people of that divided nation new breathing room, not more breathing room to implement a specific peace plan. There is no commitment by the United States or NATO to nation building or to provide a long-run guarantee of peace. President Clinton has made clear that if the war resumes, he will withdraw our forces. He has also placed an approximate 12-month deadline on our troops' stay in Bosnia.

The war in Bosnia went on too long. The United Nations, the United States and our allies in Europe made many mistakes along the way. The war claimed too many lives, and it often threatened to spread to other nations. But now that all sides in Bosnia have chosen peace themselves, the United States is in a position to lead NATO and over 25 nations from around the globe, including Russia, in an unprecedented effort that is also a limited but clearly needed effort to continue the peace and give it time to stick.

We all recognize that the mission may fail to achieve a lasting peace. But the real failure would be not to try.

I commend President Clinton for his leadership. I commend our brave men and women going to Bosnia to serve American interests and American ideals. We stand behind them, and we wish them a safe and successful mission.

Mr. FEINGOLD. Thank you, Mr. President.

I begin by thanking Senator HUTCHISON and others who are leading the effort on the amendment regarding the disapproval of the deployment of United States ground troops to the Republic of Bosnia and Herzegovina.

Mr. President, on today's local NBC-TV news, it was just simply stated that there would be Senate debate today on Bosnia and that there would be a vote. But then the newscaster said, "But the President does not need congressional approval. The troops are already committed." This statement was made as if it is a simple matter of fact. More accurately stated, as if it is an undisputed point of law rather than the subject of what I believe to be one of the oldest and most important debates in our country's history: The question of whether the President can deploy troops without congressional approval.

I, and several other Members of the body, have said that we do not agree with this notion and that Congress must—must—approve such deployment, whether it be under article I of the Constitution's war-making powers or under the War Powers Resolution or under a more general notion of the checks and balances between the Congress and Executive.

In any event, Mr. President, it is obvious that this institution, this Senate, does not have the will to challenge decades of executive aggrandizement of congressional war powers. This is only the last and most recent chapter of that syndrome. It is certainly not only the act of President Clinton. It has been the act of Presidents of both parties ever since World War II.

So it is with disappointment in, what I consider to be, the falseness of this process that I rise to support the only amendment that allows some semblance of what I believe to be Congress' role in this process, and that is to approve or disapprove the sending of tens of thousands of troops into what is indisputably harm's way.

This notion that Congress has to approve a deployment is not something in my imagination or just a relic of America's past. It is one of the most important opinions that has been expressed throughout American history. I first ran into it as a high school student, when we were involved—in fact, trapped—in the Vietnam war. During my undergraduate years, I followed the debate and passage of the War Powers Act which was designed because of that crisis. I remember well, when I was a little younger, hearing about the very few Senators—a precious few Senators—who stood up and questioned the Gulf of Tonkin resolution. Of course, it was that resolution which let us slip into the quagmire that became known as Vietnam.

But my views on this are not just a throwback to Vietnam or the Gulf of Tonkin resolution, although I think appropriate parallels can be made between how we got into Vietnam and what is happening here with regard to Bosnia. There are several recent serious efforts to look at the role of Congress vis-a-vis the Executive in deploying troops. I am specifically thinking of two which were published this year. In his 1995 book "Presidential Power," Louis Fisher carefully documents the constitutional role of Congress. Mr. Fisher dedicates the book to the republican principle that warmaking is reserved for the legislature, and says "this definition of Executive power"—meaning the prevailing view that seems to dominate our proceedings now—"this definition of Executive power, to send troops anywhere in the world whenever the President likes, would have astonished the framers of the Constitution."

"It would have astonished the framers of the Constitution." Mr. President, it astonishes me today. I fear it is completely out of sync with our national interests, our international interests, and our capacity to make decisions as a nation in this post-cold-war world.

In another book published just this year entitled "A Culture of Difference; Congress' Failure of Leadership in Foreign Policy" by Stephen Weissman, it says: "It is not too much to say that Congress has substantially ceded its fundamental constitutional role in foreign policy."

As a Senator and as a member of the Senate Foreign Relations Committee and as a believer in Congress' role in the constitutional system, it is painful to hear that kind of assessment in 1995. But even more painful is to see this acquiescence and timidity played out in the context of Bosnia.

Late yesterday afternoon, the debate on various resolutions of support for and opposition to the deployment in Bosnia really began. Unfortunately, the resolution of authorization I would have hoped to have voted on will not be presented. In any case, the debate began yesterday afternoon and will conclude later today, with three votes, leaving essentially just 1 day of debate on a subject involving the sending of upward of 20,000 U.S. troops, or perhaps more, into harm's way.

Earlier this year, we spent a month out here on the balanced budget amendment, and I think it was well worth the effort. But just 1 day or 1½ day on the commitment of U.S. ground troops seems to me to be insufficient.

I have listened to just about all of the statements that several Senators have made since last night, either here or on the television. When I was listening, I heard mostly Republican Senators speaking in opposition to the deployment. And, although I do not agree with the conclusions, I was especially interested and impressed with the remarks of the Senator from Maine, Senator COHEN. I appreciated several things he said.

The first point he made is that President Clinton is not doing this for political reasons; that President Clinton is sincere in his motives. I believe that, too. I believe he is doing this, not to get votes, but because he believes it is the right thing to do. It is essential that we say that because there are those—including people who agree with me on this issue—who have suggested otherwise. I strongly believe the President, in his heart, believes this is the right thing to do, and that's why he's doing it.

I also appreciate what the Senator from Maine said, in candor, about the importance of the debate about constitutional power. He said it is important to resolve the issue of what is the role of Congress and what is the role of the Executive in deploying troops overseas. But then he quickly conceded that it is not going to be resolved on this one.

Do you know what, Mr. President? I have been here 3 years and we have already struggled with troop deployments in Somalia, Haiti, Rwanda, and Bosnia. That is an awful lot of intervention in just a few years when we do not even have an enemy like the Soviet Union threatening us. Yet on each occasion I have heard Senators say, "We have to do something about this, but it

is not going to be resolved on this one."

To refer to Senator COHEN's statements again, I want to echo his observation that what is at stake here is not really just that the President has tried to assert warmaking powers. The fact is, Congress has not done its job of using our power either as an institution, as the U.S. Congress, to exert our war powers. In fact, Senator COHEN used the phrase from the law, "possession is 90 percent of ownership," which, in effect, means you have to use the power or it goes away.

I remember a scene from the television show "Dallas," years ago, portraying a much more mundane expression of this same concept. It was the episode where the senior Ewing, Jock, was confronting his son, Bobby, who was complaining about his brother J.R. Ewing taking control of the oil company. Bobby said, "Daddy, you gave me the oil company." But Jock said, "Son, nobody can give you real power. You have to take it."

That is what Congress must do with regard to the war power: it must take the powers that the framers intended for it and use them. Here we have allowed the President of the United States to commit 20,000 or 25,000 troops without even having a binding vote on it.

What do the Members of the Senate who support the deployment say? They say, "The President should not have done it, but it is too late. He is the President. War Powers Act does not work." Even more puzzling, I've heard, "We have to get this thing done today because the peace treaty will be signed tomorrow." These are the excuses that are being used for not exercising our constitutional role of approving or disapproving this action.

We have been presented a fait accompli, a done deal. As was said by several Republican members at the Senate Foreign Relations Committee hearing last week, this is really a situation where we are being asked to participate in what is a pseudo-decisionmaking process, where the decision was already made a long time ago in the back rooms of the White House and within NATO, and maybe even in some of the back rooms of this building. That does not take away from the sincerity of the people who came to such understandings, but it does represent an affront to Congress. In effect, the Senate, in its constitutional role, is being co-opted here. The fix has been in for a long time.

Again, it is not really just the President's fault. It is Congress' failure to challenge and insist on a procedure whereby there is a true, organized debate, involving public participation, and culminating in a vote that the public will understand to mean that if we say it is a good thing to do, it will happen, and if we say it is not a good thing to do, at least there will be a serious consideration on the part of the Executive that it should not go forward.

But that is not what we have here. Senator COHEN pointed out, the Executive should seek a real vote on this mission, if for no other reason than the President and all of us may need—down the road as this operation goes forward and the going gets tough—we may need that understanding and public support which cannot be generated in this context.

That is why I introduced, on October 20, Senate Resolution 187. It simply says, "It is the sense of the Senate that Congress should vote on a measure regarding deployment of U.S. Armed Forces in the Republic of Bosnia and Herzegovina as a part of the implementation force as part of the North Atlantic Treaty Organization prior to the United States entering into a commitment to carry out such deployment." That is the sort of resolution that I would have hoped would have gone through this body before the treaty was signed.

Another step we should have taken was to lift the UN arms embargo against the Republic of Bosnia and Herzegovina. I was the first Member of the 103d Congress, as a new freshman Senator, to introduce a resolution calling for lifting the arms embargo. I am certainly not the only one who has advocated that, but I was involved early on, and was pleased to work with Senator DOLE who played a great leadership role later on.

But I must say, for the leader of this body to suggest that the President failed to lift the arms embargo and that Congress did everything it could do is false. We voted to lift the arms embargo, on S. 21, on July 26, by a vote of 69 to 29; theoretically veto proof. I know the President might have called a few of us and tried to get his numbers up, but where was the attempt to override this veto on the floor of the Senate?

Where was Congress in saying we will exert our role and—although we must defer to the President on foreign policy, in many cases—where were we to say that this one was different? Instead, I feel some of the leadership is trying to have it both ways, saying we do not want to confront the President, and that we support him; saying we support the troops, but we did not support the deployment. This is a masterful way to try to have it all ways. I think Senator BROWN had it right last night. The more truthful characterization of what is going on here is we are ducking our responsibility. I am very concerned about the process. Mr. President, assuming the vote today really was going to decide whether these troops are going to go or not, I'd like to address the merits, briefly, because I know many other Senators wish to speak. I believe that the United States has a very important interest in Europe—very important. But I am not convinced that we need United States ground troops in Bosnia to protect those interests for us or for Europe. I think the European countries certainly could provide all the ground troops in this case.

The list of issues and concerns about this operation are a mile long, whether it be the commitment of troops for just 1 year, or the challenges of the terrain, or to tie in the rationality of this approach with the discrepancy between the arms of the different sides. They are all important issues that have been raised. But, to me, to just come on the floor of the Senate and hear people say it is all about U.S. leadership or European stability, really does not tell me anything. I am not sure what those terms mean in the post-cold-war era. Why cannot the U.S. leadership in this context be defined as air power, naval power, intelligence, resources? Why does the definition inherently have to include the deployment of ground troops? I do not think ground force is inherent in the term "leadership," especially for a country that has shown such leadership already and will continue to show leadership throughout the world.

In my mind, ground troops indicate an ultimate physical threat to the United States. What is the ultimate physical threat to the United States that requires the sacrifice of American lives in this case? Is it a threat to Europe? Is it refugees on our doorstep? Is it just the pictures on CNN? I will show you pictures from Liberia, Angola, and East Timor and they are the same or worse. There is a very strong justification to stop the horror in those places as well with American troops.

When we look to our European allies in this case, I am not sure whether this is a question of whether we are leading. I am not so sure we are not just being led when it comes to being forced to put our ground troops in to the tune of a third of the I-For forces. As far as I understand, the possibility of not committing U.S. troops was not even seriously discussed during the negotiations in Dayton.

Again, we have to be cautious about analogies. People ask me if this is like the Persian Gulf or Vietnam. I want to be careful, but I guess I would have to say it is a lot more like Vietnam than the Persian Gulf.

Senator SMITH spoke last night, as a Vietnam veteran, about the justification for the process of the Vietnamization in Vietnam, and made the parallel that much of the language and things being discussed for the Bosnia mission are not unlike the extremely unsuccessful effort with the Vietnamization of South Vietnam during the Vietnam war. We must learn the lessons of history. I think there are very serious lessons from that quagmire.

Also, how does this effort fit in with our main goal of this Congress to balance the budget? We are having a terrible time trying to prevent severe damage to our important domestic programs and to balance the budget. Yet we have already had a $7 billion expense on the Bosnia deal—$7 billion, I say, because the President was determined to veto the defense appropriations increase of $7 billion until this proposal came down the road. I call that $7 billion the opening ante in Bosnia. I think it is going to cost a lot more.

Mr. President, I also worry about whether or not this intervention would have so much support if we still had the draft. I have always believed that it was good to have a volunteer Army, but I remember the Vietnam era, and I remember the people from all classes of society and all backgrounds who started to question the war because everybody's kid could possibly go to Vietnam. That is not what is going on here.

Have we thought about the economic status, the racial status, the ethnic status of the people who are more likely than others to die in Bosnia? It worries me. It worries me that we are not learning these lessons of history from that period either.

Finally, Mr. President, I think we have to ask the question in the post-cold-war era: What are the limits of American power? We are the most powerful country in the world, and we certainly want to stay there. But there are limits.

I remember the discussion years ago of the danger that we may try to create or enforce a Pax Americana, as Rome tried to do with a Pax Romana. Rome became overextended and ultimately could not withstand the strain on their own internal well-being.

I think this action—which, to me, is the first step toward our attempting to police the world—threatens our own national security. We need a new foreign policy that reflects post-cold-war realities, including our vital interests and our domestic needs.

Mr. President, I finish by simply saying that in addition to the fact that we are not following a constitutional procedure which could strengthen us in this kind of commitment, by not avoiding the deployment of ground troops we also run the risk of sapping America's strength from within.

So, regretfully, I have to oppose the President on this, which means I will support the Hutchison amendment, and oppose the Dole resolution in support of the deployment.

I thank the Chair. I yield the floor.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, earlier this week we had a debate on what it means to support the flag. Now we are voting to stand behind that flag—and that means voting to support our troops.

No American ever wants to send our troops into harms way. Certainly no one wants to do this days before Christmas.

All over this country, and as our troops are doing abroad, families are planning for the happiest time of the year. They are visiting family, trimming trees, and singing Christmas carols.

But instead, as for our troops in Germany, they are planning to spend a year away from loved ones. And they are preparing for the risks that are part of any military mission.

After consultation with the President, the Vice President, the Vice President, the Chairman of the Joint Chiefs of Staff, and our Ambassador to the United Nations. And after prayerful reflection—I am voting to do just that.

Why? Because after 4 bloody years, the people of Bosnia have decided to give peace a chance. Only NATO can enforce this peace. But without the United States, NATO cannot and will not enforce the peace.

The fighting will continue. The savagery could continue. Mass murders and rapes could continue, and ethnic cleansing will continue unless NATO and the United States involvement takes place. Older people and children will continue to be pushed from their homes, but lights will go out once again in Sarajevo, and the lights will go out for any peace, or any possibility of peace.

But even as I say this, I want to speak directly, if I can, to the troops and to their families. I want them to know that I would not support this vote unless there was a specific, focused, and limited mission. Over and over again at every meeting I have spoken out for the fact that there must be clear criteria for going in and clear criteria for getting out.

Those are the questions that I asked the President and the Vice President—not what will send our troops there, but what will bring them back home. They gave me these following answers, and I shared this with the military, with our troops, and I share this with the families all over the United States of America who are watching what I think is a debate of great stability.

What we have been told—and I believe—is that the U.S. military, first of all, will only go if all sides agree to abide by the peace agreement. No peace agreement, no troops. No peace agreement, no troops. When our troops go, it is to create the climate for the Bosnians, all parties in Bosnia will take hold and make peace among themselves. We are to create the framework and the climate. If that dissolves, we are going to pull out.

Our troops will have these criteria for leaving as soon as the following things are accomplished: The cessation of hostilities; creation of a zone of separation; and the return by the Bosnians of the Serbian-Croatian troops and weapons to their home bases.

You, our men and women of the military, will be there to enforce the peace, not to rebuild Bosnia. But while you are enforcing the peace, the international community will provide humanitarian aid, resettle refugees, oversee elections, and also that there needs to be a military balance created between the Bosnians and the Serbs.

I would not vote to send those troops unless I was assured that they had received excellent training, the best equipment in the world, the best technology to find landmines and the right to use every means possible to defend themselves, and also that they would serve under an American commander.

To our troops, I want to say, you will not be alone. Over 25 nations will participate. They will be sharing the burden also of the risk as well as the financial one. Our oldest NATO allies, England and France, as well as new democracies like Poland, will be there—the countries that you helped liberate by winning the cold war. The Congress must back you. I believe that Congress will back you. And I know as always the American people will support you.

I would not vote to send you if your mission was not essential and honorable. Your mission is essential because without you, there will not be peace or stability in Europe. Without you, NATO, the world's strongest military alliance, would be destroyed. Without you, I am concerned the war in Europe might spread to Macedonia and Albania. It could bring Greece and Turkey into this situation.

Your mission is honorable because you are crucial to stopping the bloodshed in Bosnia. The people of Bosnia have endured misery, suffering, and brutality; 250,000 people died in this war. Families and communities, cities have been ravaged. Children were killed as they played. Old people were killed as they shopped for food. Hospitals were attacked as they tried to care for the wounded. War crimes that remind us of the Second World War were committed. We are asking you not to do this for some abstraction like NATO or Bosnia. Actually, we are asking you to do this for the people of Bosnia, for families that are just like yours, for children just like yours, for a child that I met named Zlata, a 9-year-old girl who keeps a diary and speaks to the world. They call her the Anne Frank of Sarajevo. Because of you, she will have a far better fate than Anne Frank endured. She is a child who tried to tell the world the suffering the war has caused and a child we hope we keep in our mind as we go forth in this mission.

So to you, the American troops, while you train for war, you will be

there to enforce the peace. The American people greatly appreciate you and are grateful for your heroic sacrifice. We thank you for taking the risk so that others could have the opportunity to give peace a chance. We thank you for being there when you are needed. I say to you as we vote on this, may the grace of God be with you and protect you as you go forward to protect us.

Mr. President, I yield the floor.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER (Mr. DEWINE). The Senator from Idaho.

Mr. CRAIG. Mr. President, Congress will respond today to President Clinton's decision to deploy United States troops in the former Yugoslavia as part of the Bosnia peace accord that was negotiated and initialed in Dayton, OH, and which will soon be signed in Paris.

President Clinton has articulated his policy to all of us, to the citizens of this country, and has now requested congressional support. Yet even as our troops are headed to Bosnia, the President has, in my opinion, failed to supply a defined goal or mission, strategy for achieving the goal, an exit strategy and/or the national and security interests of our country.

The President has raised three concerns to justify U.S. participation in implementing the peace accord: The potential spread of conflict throughout Europe, our leadership in NATO and international communities, and the need to end the carnage in the Balkans.

I do not question the concerns raised by our Commander in Chief. All of them have some degree of legitimacy. Mr. President, we would all like to respond to what we will refer to as the moral imperative President Clinton and others continue to emphasize as it relates to the devastation and the human suffering that has gone on in the Balkans and has left us all a tremendous feeling of frustration to which many Senators, including myself, have come to the floor of this Senate over the last 3 years to speak.

These feelings are not new. Four years ago, I was contacted by a Croatian-American constituent of mine when the conflict first raged between the Serbs and Croatians. This gentleman is a friend who was concerned, maintaining contact with my office, and his fears and frustrations were all very real to me, as all of us have experienced that with some of our constituents.

The moral imperative existed then. However, then, like now, our options for involvement, in my opinion, were very limited, and we still face the fundamental difficulty of trying to make the peace a greater victory than winning the war. While we all understand and agree with the moral imperative, we have yet to hear why this action would serve our national interests and our security needs.

I have listened to the President's proposal as presented by his representatives, and I have listened to my fellow Idahoans. I have read and I have reviewed the agreement and the proposed deployment. My conclusion is this: the answers I have been seeking such as defined goal, exit strategy, national security interests, have not been satisfied—not just to this Senator but to the American people.

Therefore, I am pleased to join my colleagues, Senator HUTCHISON, Senator INHOFE, and others, in offering an amendment to oppose this President's actions. Let me be clear, Mr. President, so that there is no effort to cloud what is being debated here. I oppose the President's decision to deploy our troops. I will, however, as I always have, support our troops if they are ordered by our Commander in Chief to implement a Bosnian peace agreement. I will not allow our brave men and women to become pawns in what I believe is rapidly becoming a high-stakes political game.

I find it ironic that as the Senate prepares to vote on United States ground forces in Bosnia, the Serbians there will be exercising their own voice as they have been in an unofficial referendum to vote on the peace agreement. I also find it ironic that we in the Senate conclude a historic vote on protecting the honor and the sanctity of our national symbol, the United States flag, while it is being trampled, torn and burned in the streets where our soldiers will be sent to make the peace. I think this Senate and this Congress has to explain to the American people why they cannot express a clear and strong opposition to our President.

The debate on the President's plan to deploy U.S. troops as peacekeepers to Bosnia is not a new debate but the continuation of a long and ongoing one over the President's desire to deploy ground forces in the Balkans. The Congress has spoken in opposition to this idea in the past, and I hope we will speak clearly on this issue again today. That argument is one that must be clarified for the American people.

I know of no other time when my constituents in Idaho have spoken more clearly to me.

Last weekend as I walked across the Boise airport, a crowd gathered around me as one man reached out and grabbed hold of my arm and said, "Senator, I have to talk to you for a moment. You," he said, meaning me, "cannot allow this President to put our young men and women at risk when there is no defined need to lose human life. We are not at risk nor is our security."

While this man and others in that crowd were clearly concerned about the loss of human life in the former Yugoslavia, they could not justify the spilling of American blood to stabilize that situation when this Congress stood on an arms embargo and tried to express our will, and this President refused; and we refused as a nation then to allow that kind of equity to exist.

The more I review the information on the agreement in the proposed peace mission, the stronger my concerns have become. As part of this agreement, our President, our Commander in Chief, will be deploying U.S. troops into extremely rugged terrain during the middle of what appears to be a very severe winter. In addition to poor conditions and freezing temperatures, there is the problem of about 3 million land mines that exist within the sector assigned to the American forces.

Mr. President, as my fellow Idahoans and I know, winter in the mountains can be demanding at best. The area where our troops will be is like an area in Idaho that we call Stanley. And I will tell you that in Stanley, ID, in December and January, if you are living in a tent, you are challenged as would be the most extremely capable survivalist. And that does not include the snipers, the civil disorder, or the land mines. I suggest that we are sending our troops into a most difficult situation.

During the December 1 hearings before the Senate Foreign Relations Committee, even the Secretary of Defense, William Perry, underlined the difficulties facing our troops. In addition to the snipers and the civil disorder, they include extreme elements of undisciplined militia and the hostiles that are there.

The dissatisfaction of some Serbian factions should not be taken lightly. There is a strong likelihood that our troops will be challenged, even attacked, in carrying out their mission of peace. How in that effort can it be called peace other than engaging us in an ongoing war? Yet we are continually told that our men and women are not going to fight a war, they are simply going to keep a peace.

In these conditions, Mr. President, the lines are so gray that they are no longer discernible. I believe this President cannot clarify them, nor can he define them. I have opposed the use of ground forces in Bosnia in the past. And I will continue to oppose that policy today.

It is most frustrating that the use of American ground troops is not the only option at hand. I am frustrated that the President has refused to lift what I viewed was an illegal arms embargo on Bosnia and Herzegovina. I have strongly supported the efforts of the majority leader and others in a very strong bipartisan voice on this floor to pursue the best policy options in a difficult situation. And one of the best policy options was to lift the illegal arms embargo on Bosnia and Herzegovina. It would not have caused us to take sides. It would have simply allowed fair play and the right of self-defense in those circumstances.

The last vote on this issue occurred as recently as July of this year. At that time, Mr. President, I asked how many bills will be passed, how many U.N. resolutions presented, how many cease-fire agreements will be broken before the people of Bosnia and Herzegovina will be allowed to stand against their aggressors and defend themselves?

Mr. President, there is ample reason to question the enforcement of the 1991 embargo against Bosnia in the first place. The embargo was not imposed on Bosnia, because Bosnia did not exist in 1991. Rather, it was imposed on Yugoslavia. In addition, enforcement of this embargo could arguably violate Bosnia's right to self-defense under article 51 of the U.N. Charter.

Many Americans hoped that the passage of S. 21 would end the arms embargo and finally allow the Bosnian Moslems the right of self-defense. With rough parity in this conflict that might have happened, a lasting peace agreement would be far more likely than the kind that we are stumbling into. Instead, we have a very unequal situation going into the implementation phase of a peace agreement that at best could erupt into major fighting with our forces being squarely in the middle of it all.

Mr. President, I will just add, the United States did not need to do anything. Well, I think that is not true. We have done a great deal in the past 3 years. We have provided the support, the air cover, the naval logistics, all that we needed to do as a participating member of NATO.

It is now time for us to define much more clearly our role in foreign policy around the world. I would suggest to this President that every time we are called upon or led into a skirmish, deployment of our ground troops are not necessarily a demonstration of leadership. To lead means to try to solve it by alternative means. In this instance, I think the President has failed, and in failing, he risks now the loss of American life in a very tragic situation.

So I hope that we could support a strong voice today. I think the American people expect us to lead on these issues. I think they expect us to speak out as strongly as we can. And I hope that we can oppose today, with our vote, the President's deployment of United States ground forces in the former Yugoslavia.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair.

Mr. President, later today the President of the United States will leave for Paris to participate in a historic event, the signing of an agreement which will open the door to peace in the Balkans. Think about it, Mr. President.

The year 1995. Think about the conflict in the Balkans that marked the beginning of this century and how it was left to run wild, leading to World War I and in some ways leading to the imbalance and incompletion of that war that ultimately led to World War II.

The year 1995. Conflict breaks out in the Balkans, and today the President of the United States is leaving for Paris to participate in the signing of an agreement which opens the door to peace in the Balkans, which implements, as my friend and colleague from New York, Senator MOYNIHAN, has said and hopefully will say again, some basic tenets of international law.

Mr. President, much has been said in the last month about the role the United States played, first, in bringing the parties to the negotiating table, and second, in hammering out a complicated agreement which all the warring parties would be willing to sign and, most importantly, would be willing to live with. Much has also been said about the role the United States must continue to play if this agreement is going to have a chance of bringing the benefits of peace to the people of Bosnia, stability to Europe, and increased security to the world.

So, Mr. President, I would say that this is another one of those historic days in the life of the U.S. Senate. It is one of those defining moments in our history. Most of us in the Senate today faced a similar situation on January 12, 1991, when we stood to vote for or against authorizing President Bush to use American military forces in a war in the Persian Gulf. That situation in fact was very different from the situation we face today.

There, on January 12, 1991, the President had already committed a half million American military personnel to the gulf region, within range of Iraqi Scuds. There the war the President was about to engage in would find American forces facing a dug-in, fortified Iraqi force, fighting a war. And casualty estimates stated on this floor and elsewhere went as high as the thousands.

Here we are being asked to support, not a war, not to send our troops into war, but to send them on a mission of peace, to implement and monitor the peace that the parties to the war want as opposed to fighting as we did in the gulf war an untractable, unyielding enemy.

And remember, though the forces that fought in Desert Storm were international, they were primarily American. Here, on this peacekeeping mission, two-thirds of the implementation force will be non-American; one-third will be American.

Many of my colleagues believed that the best course of action in the early days of 1991 was to allow economic sanctions to continue to bite at Saddam and so did not vote for the authorizing resolution which Senator WARNER and I offered.

I understand the sincerity of that position. But the Senate did support President Bush on January 12 and voted 52 to 47 for Senate Joint Resolution 2 which stated, and I quote:

> The President is authorized . . . to use United States Armed Forces. . . .

While 47 Members of this body did not vote for that resolution, let us not forget that when the President exercised this authority and ordered Desert Storm to begin, every Senator, and I daresay every American, supported our troops and the President of the United States. And I hope and sincerely believe this will be the conclusion of our discussions and deliberations and votes this week with regard to the mission our troops are going to carry out in Bosnia.

Mr. President, the debate we have heard over the past days and weeks has been a good one, a thorough one, a sincere one. We have had numerous opportunities, as Members of the Senate, to hear directly from the President of the United States, the Secretary of Defense, the Secretary of State, the Chairman of the Joint Chiefs of Staff, the President's National Security Adviser, Ambassador Holbrooke who negotiated the agreement, and a variety of former Government officials, academics, and thinkers.

The administration has, in my view, gone to extraordinary lengths throughout the negotiations and afterward to consult with Congress and to provide us ample opportunity to ask questions and to express our views. And so we find ourselves now, in the week when the Dayton agreement is to be signed by the warring parties. In the days following the signing, U.S. forces and those of our allies in NATO and 16 other non-NATO countries will move into the region to implement the peace which has been agreed to.

These forces go not to impose a peace on unwilling participants, they go because the parties to the conflict asked them to go. They go because the world community, acting as a result of American leadership and through the mighty force of NATO, finally struck from the air to bring some pain to the aggressors, aided by an increasingly strong ground force of the federation of Bosnians and Croatians.

Our troops will go because the parties to the conflict are fed up with the killing and slaughter, the deprivation and denial of their right to live in peace and civility, and they have asked us to come in and give them a chance to make this peace work.

They have asked us to come in, in the case of the Serbs, because of the effectiveness of the economic sanctions the world community imposed on the government in Belgrade and on the former Yugoslavia, on Serbia and Montenegro. That is a point worth noting. People criticize economic sanctions and say they are irrelevant, they

are useless, they are wrong. They worked here. That, as much as the failure, the increasing opposition that Serbian forces were facing in Bosnia certainly brought Mr. Milosevic to the peace table.

Mr. President, we have been briefed on the missions which our military forces will perform. We have reviewed the rules of engagement which will be followed by our forces. We have seen the nature of the force which we will be sending to the region. And we can conclude with some confidence from all of this that the highly trained, heavily armed professional force of volunteer soldiers, sailors, marines, and airmen we are sending will be able to do their assigned military missions within a reasonable time, and they will carry out this operation successfully.

The operation is not without risk. No one in the administration has said otherwise. None of us who support the deployment of American troops to Bosnia to implement this peace has said otherwise. No one in this administration or this Congress is eager to send our forces to a place where A some of these brave young men and women might be injured or, God forbid, killed. But I believe that with their training, the best in the world, their professionalism, the finest in the world, their sense of service and duty which impelled them to volunteer, their numbers and composition, the limited scope of their mission, the flexibility and robustness of their rules of engagement—which basically means that if these troops are threatened in any way, they will respond with overwhelming force.

Remember what happened in Haiti when American troops there were challenged at that police station. They responded with overwhelming force and were essentially never challenged again in Haiti. All of this provides as much safety as one can hope for when a military force is deployed to what was, until recently, a combat zone.

Of course, all Americans will be praying for the safety of our forces in the days and months ahead. All of us will understand and empathize with them and their families as they see Christmas, Hanukkah, and New Year's come and go separated from their loved ones and their friends. But these concerns, as real and deep as they are, are not sufficient reason to decide not to send our military to perform this important mission: To bring peace to Bosnia, to bring a greater level of assurance that there will be stability in Europe and in the former Soviet Union, to revive NATO, to reestablish at an ever higher level the strength and leadership of the United States of America.

For the first time in nearly 4 years, the people of Bosnia—who have engaged the minds and hearts of every one of us in this Chamber as we watched their suffering, as we watched them be the victims of aggression and genocide—for the first time in nearly 4 years, these people in Bosnia can see a ray of hope for their future, they can picture a day without running from snipers or praying that mortar rounds do not land in the marketplace while they are shopping with their children, or land on the snowy hills where their children go to sled and to act like children rather than targets for the irresponsible cowards who have fired on them now for 3 or 4 years.

Mr. President, we do not have the luxury of turning back the clock to a time when we might have done something other than sending our troops to serve on the ground as peacekeepers in Bosnia. As you know, in the past 4 years, I have spoken on the floor numerous times, joining with colleagues of both parties, in calling for a lifting of the arms embargo which was immoral, as the Senator from Idaho said before me. It was immoral, it was illegal, it was outrageous to deny a people the right they are given under the U.N. Charter, let alone and what might be referred to as natural law, to defend themselves and their families and their country.

So I, and others here, finally a strong bipartisan majority, called for a lifting of the arms embargo against the Government of Bosnia and Herzegovina and the conduct of airstrikes by NATO forces, to try to create some balance of force on the ground, to try to deter the aggressors, those who were committing genocide.

Finally, this summer, thanks in large measure to American leadership after the fall of Srebrenica which led to a slaughter of thousands of men and boys buried in mass graves, finally NATO struck at the Bosnian Serb aggressors from the air.

I will not go into all the what ifs which fill the minds of many of us.

I wish we had followed a strategy of lift and strike long ago. Had we done so, there might well have been an end to the killing before now. But let me say, Mr. President, in supporting the lift and strike strategy, I never thought it was a substitute for an ultimate peacekeeping force. At its best, I believed that the lift and strike strategy would create that balance of force on the ground that would bring the parties to the peace table—exactly what has happened now. I believe if we had implemented that policy earlier, we would have brought them to the peace table earlier because we would have removed from the aggressors, particularly, the motivation to continue to fight. But I have always felt that when they got to the peace table, if they could agree on the peace, there would be a need for an international peacekeeping force. That is where we are now.

Mr. President, it was important to many of us that on the day after the Dayton agreement was signed, the United Nations acted with the force of international law to lift the arms embargo—the goal so many of us in this Chamber had for so many years. In some ways, I regret that in the excitement over the Dayton agreement, and the questions raised about it, that extraordinary act did not receive sufficient attention and appreciation. The fact is that we have acted now. Thanks to American leadership, the parties came to the negotiating table and agreed to an extensive peace treaty; and tomorrow they will sign that treaty in Paris.

We have brought the parties this far. It is American leadership, joined with our allies in NATO and Europe, and impelled by the will of the combatants in the field themselves that have brought us this far. We cannot abandon these people or the cause of peace now. Nor can we abandon our allies in NATO who are sending their forces in to implement this agreement.

The President made it clear that he is prepared to send our forces, with or without the support of Congress, just as President Bush correctly made clear in 1990 and 1991 that he would send the United States' forces to the gulf war, even if Congress did not support his efforts. You come to a point where decisions and judgments of this kind cannot be made by 535 Members of Congress. That is what we elect Presidents for. In this case, I think President Clinton has demonstrated the leadership and courage we expect of our Presidents, just as President Bush before him did in the gulf war.

When we speak of defining moments in history, post-cold war, this decision will stand alongside the decision in the gulf war, as a marker as to where we would go and the extent to which the forces of Western civilization—particularly regarding Europe—were joined together to stop conflict and deter war.

Now it is this Senate's turn to demonstrate courage and leadership. Now it is this Senate's turn to support, in very clear terms, both the American troops, who will be on the ground, and the policy which has, at last, brought us to the point where the Bosnian Prime Minister Haris Silajdzic, could tell me last week when he was in Washington, "We are an inch from peace. Do not abandon us now when we are this close."

So, Mr. President, we have three choices before us. First is the resolution that comes from the House, which would effectively cut off funding for any peacekeeping operation by American forces in Bosnia.

Second, we have the amendment cosponsored by the Senator from Texas and the Senator from Oklahoma, which supports the troops but opposes the mission.

Third, we have what is now described as the Dole-McCain resolution, offered by the distinguished majority leader

and the Senator from Arizona—but I am sure it will be a bipartisan resolution when it comes to a vote—which offers support for the mission and the troops, the support contingent on terms that are stated in the resolution that the President has agreed to.

Mr. President, I want to speak for a moment about the language of the resolution offered by Senator HUTCHISON and Senator INHOFE, which "opposes President Clinton's decision to deploy United States military ground forces." Yet, it says that "the Congress strongly supports the United States military personnel who may be ordered by the President to implement the General Framework Agreement."

Mr. President, it is my sincere belief—and I say this with the greatest regard for my colleagues who are sponsoring this resolution—that we cannot support the troops and oppose their mission. I remember the words from the Bible, "For if the sound of the trumpet be uncertain, who will follow into battle?"

Mr. President, the Hutchison-Inhofe resolution, with all respect, sounds a very weak and uncertain trumpet. Of course, we support our troops. No one ever doubted that. But how can we claim to both support the troops and oppose the mission"? How would we feel if we were in uniform, heading to Bosnia, and the Congress of the United States says, "Well, we are behind you, folks, but we do not support your mission"? I would not feel secure. I would not feel I had the support that I would want to have for my country going into a peacekeeping mission in a potentially dangerous zone, which the Commander in Chief has decided to send me into. I would want to see a closing of ranks in the same way that occurred at the time of the gulf war, to receive strong support, the kind of support that is involved and stated in the Dole-McCain resolution.

The Hutchison-Inhofe resolution, in my opinion, sends a muddled message to every one of our troops, to their loved ones back home and, most worrisome, to those in Bosnia who would like to see this framework wrecked by keeping the United States and NATO forces out of Bosnia.

To say that this Congress opposes the decision, the mission to deploy our forces, tells the war criminals in Pale and the rogues and terrorists in Bosnia who do not want peace and want the United States and the international implementation force out of Bosnia, that they can work their mischief against American forces, and because this Congress does not support the mission, this Congress may well pull the rug out from under the President and the troops and try to force him to withdraw those forces if damage is done to the troops by these rogue elements in Bosnia.

I am very concerned about this possibility. I know it is not the intention of the sponsors of the resolution. But, frankly, I do not see how we can have it both ways. I do not see how we can support the troops and say we are supporting them if we so clearly oppose their mission.

The Dole-McCain resolution offers a very thoughtful and credible alternative. It is not, to put it succinctly, a statement of unconditional support for the decision the President has made, but it is support for the mission. As one of the witnesses before our Senate Armed Services Committee said last week, the question now is not whether the commitment to send American forces to be part of this international implementation force should have been made—that is history and is done—the question now is whether we will honor that commitment, and that is what the Dole-McCain resolution offers us the opportunity to do. Many of my colleagues have come to the floor in recent weeks and spoken of their concerns about the danger associated with the terrorist, rogue, unreconciled Bosnian Serb groups and what harm they may do to our forces. But why, then, would we want to do anything which will give them hope that they can sabotage this peace effort of which American forces are so critical a part? This is a time to close ranks. This is a time to go back to the great moments in our history—obviously through the world wars, but then afterward as well.

We associate the ultimate in this with the Truman-Vandenberg relationship, but it has happened throughout the cold war and continued through Operation Desert Storm. To close ranks, to honor the commitment that is made, understanding, as the Dole-McCain resolution says clearly, that it is in the interests of the United States to preserve American credibility, that it is, in the words of this resolution, a strategic interest.

In that regard, I was very honored to receive yesterday a letter, which I suspect many of my other colleagues received, from retired Gen. Andrew Goodpaster, a former Supreme Allied Commander in Europe, respected soldier, statesman, and patriot. General Goodpaster signed the letter on behalf of five other retired general flag officers: Gen. Michael Davison, Gen. Walter Kerwin, Gen. William SMITH, Adm. Harry Train, and Lt. General William McCaffrey.

Here is a sentence from that letter from General Goodpaster and the others:

> As you consider our country's involvement in Bosnia, we encourage you to send a message to our Soldiers, Sailors, Airmen and Marines wherever they may be . . . [and to all others as well] that our country is giving them its full backing . . .

But listen to the final words of this sentence. Not just full backing—

> . . . its full backing in the accomplishment of their assigned mission. We believe it is time to close ranks, support our troops in the field, and concentrate on helping them do their job in the best possible way.

Mr. President, I ask unanimous consent a copy of this letter be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. LIEBERMAN. Mr. President, for all these reasons I will vote against the Hutchison-Inhofe resolution, and I urge my colleagues to do so as well. Frankly, if people oppose this mission I think the choice is really to step up to the plate and vote for the first resolution from the House to cut off funding. But to oppose the mission and support the troops I respectfully do not think works. I do not think it goes together.

Again, the Dole resolution speaks in thoughtful and supportive terms. The Congress, it says, "unequivocally supports the men and women of our Armed Forces who are carrying out their missions in support of peace in Bosnia and Herzegovina." I am quoting from the latest draft of that Dole-McCain resolution. And I continue:

> . . . and [the Congress] believes they [the troops] must be given all necessary resources and support to carry out their mission and ensure their security.

It goes further, as I suggested earlier, to offer support for the President's commitment, to offer support for the mission based on the fulfillment of certain conditions in carrying out that mission. Again I say, the President has accepted those conditions. The resolution particularly includes language which expresses the high priority that so many us in this Chamber, led by the distinguished majority leader, have given to the issue of equipping and training the forces of the Bosnian Federation.

I am pleased the President has now sent the majority a letter on this subject, dated December 10, in which he said:

> We believe establishing a stable military balance within Bosnia by the time the implementation force leaves is important to preventing the war from resuming and to facilitate IFOR's departure. We have made a commitment to the Bosnian Federation that we will coordinate an international effort to ensure that the Federation receives the assistance necessary to achieve an adequate military balance when IFOR leaves.

Mr. President, I have raised this question of equipping and training the Bosnian Government with the President personally and with members of the administration on a number of occasions, as have other Members of the Senate and members of the Senate Armed Services Committee particularly, and the assurances we have received are strong and clear and unequivocal. This administration, in supporting the Dayton peace treaty which finally led to the lifting of the immoral, illegal arms embargo, is going

one step further. This administration is committed to leading the coordination of the international effort to arm, equip and train the Bosnian forces so that they will be able to protect their families, their cities, and their nation, and deter aggression by a stronger neighbor, which, as Secretary Perry said in marvelous words, was "a causative factor" of the war in Bosnia. The imbalance of forces was "a causative factor," Secretary Perry's words, in the outbreak of war in Bosnia. We want to eliminate that causative factor.

So, between the assurances we have received from the administration orally and in writing, including the letter the President has sent us and the requirement stated in the Dole-McCain resolution, I am confident that the Bosnian forces will be equipped and trained to their satisfaction.

In fact, when Prime Minister Silajdzic visited the Capitol a week ago, I asked him specifically if he was satisfied with the commitment that was made to him and the other leaders of Bosnia at Dayton before they signed the peace treaty, and he said yes. In fact, he made it very clear that he, frankly, did not care whether it was United States forces who did the equipping and training or it was third parties, so long as his people were provided the means to defend themselves if the need should arise after the implementation force leaves Bosnia. And he said, deeply, he was confident that that would be the case thanks to American leadership and support.

So we come to the time of voting today. We, in the Senate, have an opportunity with our vote on these three pending resolutions to tell our men and women in uniform, to tell the governments which have signed the Dayton accords and all that might want to do harm to our forces once they arrive in Bosnia, that we will stand behind our military and behind our President as he executes his foreign policy responsibilities in Bosnia, whether or not we think the original commitment was wise.

We have the opportunity to avoid instability in Europe which twice in this century has drawn us into dreadful wars. We have the opportunity to send a message loud and clear to all the other ethnic groups in the former Soviet Union and elsewhere who have begun or are prepared to seek advantage over one another by force of arms, and, yes, by genocide. We have the opportunity here to take this NATO alliance and make it so strong that it protects the security of the world and relieves us, the United States, of our solitary burden for maintaining the peace of the world.

Some have said that NATO, by its charter, is a defensive institution meant to defend against Soviet invasion of Western Europe. It was, and it did that task magnificently.

We are at a different point in history now. For all of us who said on this floor that the United States cannot be the policeman of the world, NATO is the way for us to make sure that the United States is not the policeman of the world. Just as we turned to our allies in Europe to help us in Operation Desert Storm, and they responded by joining us heroically, today they turn to us to ask us to help them implement this peace in Bosnia. If we say no, what will they say to us the next time we turn to them and ask for help? But if we say yes, as we have, we will see NATO loom large in Europe and beyond as a force for stability and peace. It has already begun. For the first time in three decades the French are sitting in the same room at the same table, planning and implementing a NATO military operation.

So, let us not let this opportunity slip from our fingers. Let us take the long view. Let us understand that sometimes we are called upon to make a decision that is not popular with our friends and neighbors at home. Let us understand that foreign policy cannot and should not be made on the basis of public opinion polls, but must be made on the basis of each of our sincere calculations of America's national interests and national security needs.

Let us stand together to open "the door of future to the Bosnian children" as Zlata Filipovic, the young Bosnian girl whose diary of life in Sarajevo so moved the world. As Bette Bao Lord, chair of Freedom House has said in an open letter: "As our youth and our compatriots embark on this mission of peace, let them hear but one voice—that of America, a country of conscience and constancy, a country whose most enduring export is hope."

I say to my colleagues, let us stand together and approve the Dole-McCain resolution.

EXHIBIT 1

WASHINGTON, DC,
December 12, 1995.

Hon. JOSEPH I. LIEBERMAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR LIEBERMAN: As American military forces are being prepared for commitment in Bosnia, we believe it is essential that they go with a clear understanding that they are supported by their country—that is, by the whole American people—in their difficult and dangerous assignment.

Our military forces serving in Bosnia will be under American command, acting in concert with military forces from NATO and other nations that participate in the military implementation of the Dayton peace agreement. The mission statement and the NATO chain of command make it clear that the military forces are not to be drawn into mission-creep nation-building but are to be used for tasks military in nature, and will not be subjected to attempts at micro-management from afar, or to "dual-key" aberrations.

As you consider our country's involvement in Bosnia, we encourage you to send a message to our Soldiers, Sailors, Airmen and Marines wherever they may be (and to all others as well) that our country is giving them its full backing in the accomplishment of their assigned mission. We believe it is time to close ranks, support our troops in the field, and concentrate on helping them do their job in the best possible way.

On behalf of the retired general and flag officers listed below,

Sincerely,

MICHAEL S. DAVISON,
General, U.S. Army (Ret.).
ANDREW J. GOODPASTER,
General, U.S. Army (Ret.).
WALTER T. KERWIN,
General, U.S. Army (Ret.).
WILLIAM J. MCCAFFREY,
Lt. Gen., U.S. Army (Ret.).
WILLIAM Y. SMITH,
General, U.S. Air Force (Ret.).
HARRY D. TRAIN,
Admiral, U.S. Navy (Ret.).

I thank the Chair. I yield the floor.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. INHOFE. Mr. President, will the Senator yield?

Mr. ROTH. Yes. I am happy to yield.

Mr. INHOFE. Mr. President, for a point of clarification, the Senator from Connecticut was accurate when he talked about the three resolutions, or votes that we will be having today. But he did not mention the order that they will be in. At 12:30 today we will be voting on H.R. 2606, which is the Hefley bill that was passed in the House of Representatives.

I want to suggest that I have quite a lengthy statement that I wanted to make. But I will withhold that statement, and only make a comment on 2606 which will be coming up in 40 minutes from now.

I will read this very briefly. It merely says "prohibits the use of Department of Defense funds for deployment on the grounds of United States Armed Forces in the Republic of Bosnia and Herzegovina as a part of the peacekeeping operation."

So that is clearly what the Constitution gave the power to Congress to do.

When the Senator from Connecticut characterized the resolution, I think it must be a little inaccurate to say how enthusiastic they are. I, finally, 2 minutes ago, received a copy of this. I did not have it before. It states "notwithstanding reservations expressed about President Clinton's decision to deploy United States Armed Forces to Bosnia and Herzegovina."

That is kind of the preamble. So it is does not sound like to me what I would interpret as enthusiastic.

Last, Senator FEINGOLD so accurately described what our constitutional rights were in this body, and what the President's were. He quoted

Louis Fisher, who I think we all consider to be a foremost authority on the Constitution, wherein he said:

The framers knew that the British King could use military force against other countries without legislative involvement. They gave to Congress the responsibility for deciding matters of war and peace. The President, as Commander in Chief, was left with the power to "repeal sudden attack."

In fact, Mr. President, I ask unanimous consent that this be printed in the RECORD, this article by Louis Fisher.

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

[From the New York Times, Dec. 2, 1995]

WHAT POWER TO SEND TROOPS?

(By Louis Fisher)

WASHINGTON.—There seems to be an impression that President Clinton has constitutional authority to send troops to the Balkans without first obtaining approval or authority from Congress. But the case for Presidential power is not so open and shut.

The Framers knew that the British king could use military force against other countries without legislative involvement. They gave to Congress the responsibility for deciding matters of war and peace. The President, as Commander in Chief, was left with the power to "repel sudden attacks." He has no general power to initiate military action. This principle was an axiom of republican government.

In 1787, James Wilson said the checks-and-balances system "will not hurry us into war" and that "it is calculated to guard against it." He said: "It will not be in the power of a single man, or a single body of men, to involve us in such distress."

The Framers deliberately separated the powers of the purse and sword. To Madison, in 1793, those who were to "conduct a war" could not be safe judges on whether to start one.

NATO does not authorize offensive actions or general peacekeeping activities. The North Atlantic Treaty of 1949 was a defensive pact, intended to contain the Soviet Union. The treaty's parties were "resolved to unite their efforts for collective defense" and "resist armed attack." None of these conditions exists in Bosnia.

To argue that NATO authorizes Mr. Clinton to act as he likes is to argue that the President and the Senate, through the treaty process, can eliminate the House's war power. Treaties do not amend the Constitution. One argument is that Mr. Clinton sponsored the talks, put our prestige at risk and thereby committed us to using force. Are constitutional and legislative processes skirted so easily?

In 1969, after the Vietnam buildup, the Senate passed a resolution challenging the President's right to commit the nation without first obtaining Congressional approval. Passed with strong bipartisan backing, it states that whenever our forces are used on foreign territory, or there is a promise to assist a country by using our military, such commitments result "only from affirmative action taken by the executive and legislative branches." This resolution has no legal effect, but it articulates a constitutional principle violated by President Lyndon B. Johnson and now threatened by President Clinton.

It might be argued that the "war power" is not involved because Mr. Clinton will use American forces for peace, not war. "America's role will not be about fighting a war," he said. He said he refused "to send American troops to fight a war in Bosnia," and "I believe we must help to secure the Bosnian peace."

Mr. Clinton has already authorized air strikes against the Serbs. He now intends to send ground troops. By making an "overwhelming show of force," he says, "American troops will lessen the need to use force." Note the word "lessen." Anyone who takes on our troops, he said, "will suffer the consequences."

Whenever the President acts unilaterally in using military force against another nation, the constitutional rights of Congress and the people are undermined.

Mr. INHOFE. Mr. President, I agree with the Senator from Connecticut that, if you really do in your heart oppose the deployment of troops over there in that hostile area, this is the strongest message that we can send; that is, voting in favor of H.R. 2606 at 12:30 today.

I yield the floor.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

PRIVILEGE OF THE FLOOR

Mr. ROTH. Mr. President, I ask unanimous consent that Frederic S. Baron, a Pearson Fellow, and Maureen Fino, an Industry Fellow, be permitted floor privileges for the duration of the debate on the resolution on Bosnia.

I do that on behalf of my distinguished colleague from Connecticut.

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

Mr. ROTH. Mr. President, life can only be understood backward; but it must be lived forward. As such, we often find ourselves forced to respond to the consequences of decisions and even indecisions that were and were not made at the most appropriate moment in time.

As a Nation, we have no oracle—only history—and the wisdom of God has given us to govern our affairs and to support our democratic ideal among sovereigns and allies.

Often we overlook the majesty of our role—our responsibility—that is, until a man of Shimon Peres' standing reminds us that our Nation is "a commitment to values before an expression of might * * *" That our strength has saved the world from "Nazi tyranny, Japanese militarism, and the Communist challenge." That we have "enabled many nations to save their democracies even as [we] strive now to assist many nations to free themselves from their nondemocratic past."

This, Mr. President, is our legacy. And I am grateful to Prime Minister Peres for reminding us of who we are and what—since our divinely-appointed founding—has been our mission: freedom for us and self-determination for our fellow man.

Certainly, there are many ways to pursue this mission. We cannot be the world's policeman; nor should we. We must cherish the strength of America, and that means using it wisely, sparingly—certainly with some sacrifice—but never with imprudence, undue risk, and wanton disregard for our best interests.

The territorial aggression and horrific atrocities in the Balkans bring us to the floor today. The death and crimes committed in the former Yugoslavia have bruised our collective spirit, especially as the international community has been unable to resolve the conflict and establish reconciliation and lasting peace.

There was a time when, perhaps, America's resolved leadership could have minimized and even resolved the crisis by lifting the arms embargo against the Bosnians—by allowing them to defend themselves against the well-armed Serb aggressors.

At the same time we could have provided tactical and strategic air support to the Bosnian forces.

But President Clinton chose another road, one that brings us to the floor today. Life can only be understood backward; but it must be lived forward. Today we are forced to respond to the consequences of the President's decisions and indecisions, and history must be our guide.

The outcome here will not only have an influence on the security and lives of thousands of young American men and women, but it will affect us as a society, our leadership among allies, and the future of Europe—particularly the war-torn region known as the Balkans.

It is a difficult debate, one that must be entered thoughtfully, solemnly, and with the object of finding solutions rather than playing politics. It would be tempting to fill the air with "what ifs" and "if onlys," but we are beyond that point.

President Clinton has committed U.S. ground forces. He has done this as part of a peace process whose success will largely depend upon how we, the Congress, react—upon our determination and demonstration of support for the young American men and women who are even now moving into that region.

If we appear divided, we risk sending a message to those who would thwart the peace process that if they only hold out long enough support for our troops will weaken. This is not a risk that I am willing to take.

Much of the support leaving our shores is leaving from Dover Air Force Base. I have met with many of these young men and women; I know their concerns; I know their courage. And I know that every individual being sent into the Balkans is just like them. And I will not trifle with their security, with their future, and with the future of their families, their children.

When they wear our uniform in Bosnia I want them to know that they have my unqualified support.

I want them to know that they are there for a reason, they are on a mission—a mission with a purpose that was outlined so eloquently by Prime Minister Peres, to help this war-torn land free itself from its undemocratic past.

We cannot avoid our leadership, nor can we dismiss our legacy. Certainly, President Clinton could have embraced our earlier proposal and taken America down another road; but he did not. And the fact is, we do have an interest in seeing that peace is maintained in this region.

To date, more than a quarter million men, women, and children have been killed—many in the most horrible and atrocious manner. Over 2 million have been displaced and forced to flee. We have proof of mass executions, rapes, and other unspeakable crimes. Our legacy of support for human rights abhors these conditions.

America has gone to Europe to advance our ideals in two world wars. We have spent untold resources and dedicated countless lives to winning the cold war for the same reason—to advance the principles of freedom, democracy and self-determination. Perhaps the time has come to finish the task, to take a step toward bolting down our successes and see that the foundation for a peaceful European future is strong and sure.

This is not inconsistent with our responsibilities as a member of the North Atlantic Treaty Organization.

In fact, this peace-keeping mission will be the largest NATO mission in its history and the first since the end of the cold war. An unwillingness on the part of America at this point could do irreparable damage to the Transatlantic Partnership and its central institution, the North Atlantic Alliance.

Failure to follow-through on the commitment President Clinton has made would also undermine our position as a world leader. Our allies must know that they can depend on us.

This is critically important, because if we fail to keep the peace in the Balkans it is possible that the conflict may well spill beyond the borders and into NATO territory. Under those circumstances we would not be sending our young men and women to strengthen the peace, but to prosecute a war. I would rather have them there to strengthen the peace.

Mr. President, life can only be understood backward; but it must be lived forward. Perhaps President Clinton should have heeded our earlier counsel.

I would rather see peace in the Balkans and negotiations based on parity of strength, rather than on the presence of our ground troops.

I would rather see our involvement limited to strategic and tactical air and sea support. But those are not options, not anymore. When President Clinton picked up one end of the stick, he picked up the other. Now we must give the troops he has committed to the Balkans our full support.

An absolute requirement for success is to have Congress and the Nation united over the mission now under way. We must have bipartisan support.

This is why I have been so impressed by Senator DOLE's and Senator MCCAIN's role in the negotiations between Congress and the executive branch.

Through their statesmanship, they have offered an approach that captures our commitment to protect and support American troops deployed to the Balkan and that defines the core requisites to the success of the peace process.

Supporting the Dole-McCain endeavor is the appropriate response to our responsibilities as a world leader and as member of NATO. The most useful contribution this body can make to the peace process is to help ensure that America's role in the peace process will be guided by clearly defined objectives and strategies. In doing so, we would be living up to our responsibilities to support the American men and women assigned to this mission of peace and to the interests of America in post-cold-war Europe.

Mr. President, I yield back the floor.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER (Mr. ASHCROFT). The Senator from New York.

Mr. MOYNIHAN. Mr. President, first may I congratulate the Senator from Delaware on a wonderfully cogent and compelling statement, with that marvelous phrase of Kierkegaard's that "life can only be understood backwards; but it must be lived forwards." I would like to use that as the theme for my remarks. We are responding today to what we have learned from the past. What we have learned about the importance of law and of collective security.

It is for that reason, Mr. President, that I rise in support of the resolution developed by the majority leader, Senator BOB DOLE, and Senator MCCAIN. At the appropriate time I would ask, as I am sure many others will, to be a cosponsor.

This morning's debate has been, as the Senator from Connecticut suggested, a defining day in the history of the Senate. I think not least because of the quality of remarks not just of the Senator from Delaware, but the Senator from Idaho, although he is, perhaps, on the opposite side of the issue. He spoke of the arms embargo imposed on Bosnia and Herzegovina as being illegal, and indeed it was illegal, and it is illegal under article 51 of the U.N. Charter, which provides for the inherent right of collective and individual self-defense. This is a provision Senator Vandenberg, at the San Francisco conference, insisted be in the U.N. Charter, so that there would not be a conflict with the Rio Treaty for the defense of the Western Hemisphere. But that is singularly an American provision.

Then the Senator from Connecticut spoke of the way sanctions bit in Serbia. This has been the first ever successful use of sanctions in the course of enforcing international law after a century of advocacy of such measures by groups looking to a world of law, a world of international law, and consequently of a measure of order.

The failure of sanctions after the Italian invasion of Abyssinia, now Ethiopia, discredited the idea so severely it has rarely been attempted. It has worked somewhat in Iraq, let us grant, but it has not brought a regime to the peace table. Sanctions bit in Yugoslavia.

We have before us a resolution which begins:

> Whereas beginning on February 24, 1993, President Clinton committed the United States to participate in implementing a peace agreement in Bosnia and Herzegovina without prior consultation with Congress;
>
> Whereas the Republic of Bosnia and Herzegovina has been unjustly denied the means to defend itself through the imposition of a United Nations arms embargo;

And now the third clause. I do not know that there has been such a statement on this floor in half a century. Since, that is, 1945, when the U.N. Charter came to the Senate under bipartisan sponsorship. The clause reads:

> Whereas the United Nations Charter restates "the inherent right of individual and collective self-defense," a right denied the Republic of Bosnia and Herzegovina whose population has further suffered egregious violations of the international law of war including ethnic cleansing by Serbian aggressors, and the Convention on Prevention and Punishment of the Crime of Genocide, to which the United States Senate gave its advice and consent in 1986.

This is a rousing statement of the centrality of law to the actions that the United States, the NATO alliance, and the extraordinary assembly of other countries, some 29 in all, are now undertaking.

We sometimes forget how central international law has been to our understanding of what would follow World War II. The Genocide Convention, as it is called in shorthand, and which is specifically referred to in the Dole-McCain resolution, was in effect proposed by the General Assembly of the United Nations on December 9, 1948, when it declared that "genocide is a crime under international law."

To make it a crime required a treaty. In time a treaty was drafted, and in time ratified by the United States. As a treaty it is the supreme law of the land. This land, Mr. President.

The resolution also refers to the "egregious violations of the international law of war." By that, sir, we refer to the Geneva Conventions, which

were agreed to in the city of Geneva in 1949. A little history here. The Nuremberg tribunals, and the equivalent in Asia that followed World War II, were arguably extralegal, in that individuals arguably were not subjects of international law at that time for most of the issues that were involved in those trials. To resolve any question the Allied Powers determined to remove any shadow of doubt by adopting treaties to establish that the laws of war apply to individuals.

Four treaties were drawn up concerning the treatment of particular classes of vulnerable persons during war. These nearly universally accepted treaties are known as the Geneva Conventions of 1949. The conventions make it illegal to target civilians as the objects of military operations. Each of the four conventions has a common Article 3, which states:

In the case of armed conflict, not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:

(1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms . . . shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

Note "sex," Mr. President.

To this end, the following acts are and shall remain prohibited at any time and any place whatsoever with respect to the above-mentioned persons:

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To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons: (a) violence to life and person, in particular merder of all kinds, mutilation, cruel treatment and torture; (b) taking of hostages; (c) outrages upon personal dignity, in particular humiliating and degrading treatment; (d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

It is under that common article 3 of the Geneva Conventions that the war crimes tribunal has been convened in the Hague and indictments have been handed down. The Dole-McCain resolution specifically provides that the President will regularly report to the Congress on the progress of the tribunal.

Mr. President, the United States is in the process of assembling the most formidable and broadly-based collective effort to maintain international peace and security the world has ever known. This represents a triumph of an American position concerning the law of nations which goes back to the beginning of the Republic, a position that has defined American policy for much of this century, at least until mid-century. But which until this moment, with this resolution, a tradition that has been singularly absent from statements about the Dayton agreement by the President, the Secretary of State or the administration generally.

They have spoken about moral imperatives, which no doubt exist, but there is nothing in the Constitution that speaks of moral imperatives. The Constitution says, "The Congress shall have Power * * * To define and punish * * * Offenses against the Law of Nations." It says "Treaties * * * shall be the supreme Law of the Land. And in a lifetime of searching through article II, I have never found any real duty assigned to the President of the United States other than that "he shall take Care that the Laws are faithfully executed." We are now saying that he is doing this.

This goes back a very long way. S. 1, the first bill introduced in the first session of the first Congress of the United States in 1789, written if I may say, by Oliver Ellsworth of Connecticut, who in 1796 would be appointed Chief Justice of the United States, was titled "An Act to establish the Judicial Courts of the United States." It was the 20th public law enacted. Among other things, the legislation provided that—

. . . the district courts shall have . . . cognizance . . . of all causes where an alien sues for a tort only in violation of the law of nations or a treaty of the United States.

An alien can sue in U.S. court for a tort violation of the law of nations or a treaty of the United States which occurred outside our territory.

That was 206 years ago. Eight weeks ago the U.S. Court of Appeals of the Second Circuit unanimously held that under that statute the leader of the Bosnian Serbs, Radovan Karadzic could indeed be sued in the Southern District of New York for offenses against the law of nations committed in Bosnia and Herzegovina. The suit was brought before Karadzic was indicted for war crimes by the International Criminal Tribunal for the Former Yugoslavia. It is not likely that Mr. Karadzic will appear soon in Foley Square. Yet in the unanimous ruling, the Court of Appeals for the Second Circuit, said, yes, indeed, our laws do provide for such actions.

That spirit infused our early Republic. We thought of it as the basis of our legitimacy. When Chancellor Kent published his "Commentaries on American Law," lectures given at Columbia University, his first lecture in his first volume was entitled "Of the Law of Nations." That tradition goes back to the Constitution itself which gives Congress the power "To define and punish Offenses against the Law of Nations."

At the beginning of this century, there was a strong movement, the peace movement so-called, consisting of those who hoped that law could be used as a device for preventing war altogether. George Kennan has described this as follows:

At the outset of the present century, there emerged in the United States, England and other parts of northern Europe, a vigorous movement for the strengthening and consolidation of world peace, primarily by the development of new legal codes of international behavior.

This is from an introduction by Ambassador Kennan to a reprinted volume of a report on the Balkan wars of 1912–1913 which was sponsored by the Carnegie Endowment for International Peace. Elihu Root, then a U.S. Senator from New York, was, as I recall, chairman. I might say, when the Carnegie endowment was established in 1910, such was the degree of optimism in the world that the bequest provided the moneys be used for further objectives once "the establishment of universal peace is attained."

Ambassador Kennan is, as always, generous. In retrospect, the peace movement, he writes, might seem "unrealistic, naive, and pathetic. But they were * * * profoundly prophetic and well justified in the concerns they reflected." You had no more to see the First World War than to realize that.

Then came Woodrow Wilson's effort to create an international organization, the League of Nations, and the failed effort on the Senate floor to enact it. A failure that was far more the President's fault than the Senate's fault. He could have had the Treaty of Versailles if he made a few concessions, which were not of any consequence. But it failed.

We withdrew from the world. The world brought us back in with the Second World War. Then the U.N. Charter was signed and then the great effort began to see that law became the arbiter of relations between States.

That was reflected not least in the Genocide Convention, and in the Geneva Conventions, reflecting such deep convictions and beliefs on our part.

But there followed a time when, among many liberals, international law began to be seen as a set of doctrines that always got you into trouble, that said you had to do this, you had to do that in distant places of which, as the phrase goes, "we know little."

Next, in a conservative period that followed, for quite different reasons, the same rejection of law occurred. International law in the eighties came to be seen as a system of negative restraint saying what cannot be done. So damn the treaty: Mine the harbors.

Those are inadequate understandings both of what our laws are and what our interests are. We have a profound interest in a world with a measure of order, a measure of predictability, and a capacity to enforce it in some measure at least. As do others. Twenty-nine nations are going to join us in this effort, at last count. Forty-two nations met in London to discuss reestablishment of a civil society in the region.

So, Mr. President, I know my colleague from Nebraska would like to say a word, and that a vote is scheduled at 12:30. May I simply welcome this resolution for its ringing reaffirmation of a central tradition in American statecraft, American diplomacy, American military operations: The centrality of law, the legality of what we are doing and the importance of the fact that we are doing it in a collective mode, anticipated by the U.N. Charter.

I was once our Representative to the United Nations. I once represented the United States as the President of the Security Council. I did not know I would live to see such a hopeful hour as this.

None of us knows how much resistance the implementation force will face. There will surely be losses. I made my way into Sarajevo 3 years ago this Thanksgiving and I saw the dangers the French, Egyptian, and Ukrainian forces faced, along with the air crews of a dozen nations. And that, in theory, was a peace-keeping exercise. This is much more. We have settled for the partition of Bosnia and Herzegovina, however little we may like the term. With half the population of that state either dead or displaced in 4 years of war imposed on it from the outside, this is surely something.

Peace may come, in the sense of the absence of war. But stability is surely a long way off. Even so we have at length recognized the necessity to address the legal obligations of the parties involved, which include all members of the United Nations by treaty definition. We will do what can be done, and do it according to law. That has the potential for rescuing us from the shame of having done so little until now.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I know the Senator from Nebraska has been waiting, and I am not going to take long because I want him to have his chance. But I do want to take this time to respond to the Senator from Connecticut who said he did not understand how someone can say they support the troops but do not support the mission. I just want to say, I think it is very easy to say you do support the troops but you do not support the mission. I think we have sent troops into harm's way in this country when we should not have done it.

No one would ever not support the people who are giving their lives, putting their lives on the line to protect our freedom.

Mr. REID. Will the Senator from Texas yield? The two leaders are on the floor. I would like to, while they are here, find out, since Senator EXON and I have been waiting most of the morning, if the time can be extended to speak for a few minutes.

Mrs. BOXER. If the Senator can add the Senator from California.

The PRESIDING OFFICER. Does the Senator from Texas yield?

Mrs. HUTCHISON. I would like to finish my statement, unless the majority leader is seeking recognition.

Mr. REID. I just ask, if the Senator will withhold for a second.

The PRESIDING OFFICER. The Senator from Texas has the floor.

Mr. REID. Can I direct a question to the majority leader?

Mrs. HUTCHISON. Certainly.

Mr. REID. The majority leader and minority leader are now on the floor. I know they have been to the service for Reverend Halverson. But we have been on the floor most of the morning, all four of us, waiting to speak, and I wonder if there is a way for a limited period of time. I only need a few minutes. Senator EXON said he needed a short time. I do not know how much time the Senator from California needs.

Mrs. BOXER. Fifteen minutes.

Mr. DOLE. I do not have a problem with that, unless somebody has already made plans on voting at 12:30 and then doing something else off the Hill on either side.

Mr. DASCHLE. If the majority leader will yield, does this pertain to the pending amendment, or is it to the larger issue of Bosnia?

Mr. REID. I think, to be candid with the two leaders, I can speak later. It is inconvenient, but it is on the issue and I could speak later.

Mr. DASCHLE. This may not work——

Mr. DOLE. The vote is for 20 minutes.

Mr. DASCHLE. We can get unanimous consent that those Senators who are here be recognized immediately following the vote, if that will accommodate our Senators. I think it would be better to try to keep the schedule, if we can.

Mrs. HUTCHISON. Reserving the right to object, let me just say that Senator FRIST also should be put in that group, and I will not object. He has been here all morning. He finally left. I told him that I would protect his rights. I have no objection to the people who have been waiting, but I think we should add Senator FRIST and Senator SPECTER, who is also on his way in, for 15 minutes.

Mr. DOLE. I do not know which order over here, but whatever the order——

Mr. DASCHLE. Senator EXON, Senator REID, Senator BOXER and then Senator Bob KERREY I am told on our side were here. Senator MOYNIHAN spoke.

Mr. DOLE. And then Senator SPECTER.

Mrs. HUTCHISON. For 15 minutes and Senator FRIST and Senator DOMENICI.

Mr. DOLE. Senators SPECTER, FRIST, AND DOMENICI.

Mr. EXON. If the majority leader will yield for a question to try and straighten this matter out. The vote is scheduled at 12:30. Is there a time scheduled for the second vote?

Mr. DOLE. Not yet.

Mr. EXON. Several of us have been waiting a long, long time. Maybe we can get some agreement so I can keep my schedule. Nobody can keep schedules these days because of what is going on. If I could be recognized following the vote for 12 minutes, I would be glad to cooperate.

UNANIMOUS-CONSENT AGREEMENT

Mr. REID. Mr. President, I ask unanimous consent that following the next vote the Senator from Nebraska be recognized first, the Senator from Tennessee next, the Senator from Nevada next, the Senator from Pennsylvania, and the Senator from California be recognized.

Mr. DASCHLE. And we have two additional Senators. I would hope that we can alternate back and forth if we have additional Republicans. But our order would be as Senator REID has suggested.

Mr. REID. The Senator from Nebraska needs 15 minutes. I need 12 minutes. Two Senators that are Republicans need 15 minutes each.

Mr. DOLE. There are no time limits. We will just get a sequence. The only time limit is that the President would like to have us complete action on these by 6 or 7 o'clock so they can go to the House and they can be addressed there, if not tonight, tomorrow, shortly after they sign the peace treaty in Paris. So we are trying to accommodate the administration here.

Mr. REID. I ask, Mr. President, that the unanimous-consent request be granted.

Mrs. HUTCHISON. Reserving the right to object, I want to make sure it goes back and forth, a Republican and a Democrat.

Mr. DOLE. Yes, it will.

The PRESIDING OFFICER. The Chair believes the following unanimous-consent request has been made: After the vote, to recognize first, Senator EXON, the Senator from Nebraska; second, Senator FRIST, the Senator from Tennessee; third, Senator REID, the Senator from Nevada; fourth, Senator SPECTER, the Senator from Pennsylvania; fifth, Senator BOXER, the Senator from California; sixth, Senator DOMENICI, the Senator from New Mexico; seventh, Senator KERREY, the Senator from Nebraska.

Are there any additions?

Mr. DASCHLE. Mr. President, I suggest another Republican Senator and then Senator ROBB on our side. So we would hold open the slot for a Republican Senator, to be announced at a later time.

The PRESIDING OFFICER. Is there objection to the request?

Without objection, it is so ordered.

PROHIBITION OF FUNDS FOR BOSNIA DEPLOYMENT

The Senate resumed consideration of the bill.

Mr. DOLE. Mr. President, I ask for the yeas and nays on H.R. 2606.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill (H.R. 2606) was ordered to a third reading, was read the third time.

Mr. DOLE. Mr. President, I ask unanimous consent that Senator WARNER be inserted into the Republican spot there, following the Senator from Nebraska, Senator KERREY.

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

Mr. MOYNIHAN. Mr. President, does the majority leader accept cosponsors at this point of the Dole-McCain amendment?

Mr. DOLE. Absolutely.

Mr. MOYNIHAN. I would like to be added.

Mr. EXON. Put me on.

Mr. DOLE. So we have the Senator from Connecticut, the Senator from Nebraska, the Senator from South Dakota, we will be accepting cosponsors throughout the day.

I will proceed for 2 or 3 minutes before the vote on this bill. I will speak later on the Hutchison amendment and on my own amendment.

Let me speak to the Hefley resolution because I think it is important. Just for the RECORD, I went back and had the Congressional Research Service check my votes and the debates I was participating in between 1969 and 1973 when it came to cutting off funds in Vietnam. We had one debate that lasted 7 weeks, and I was the leader of the effort not to cut off funds because we had people like John McCain who were in prison, and we had other young men and women who were on the ground in Vietnam. I thought it would have been a tragedy. We had long, rancorous, heated debates, on the so-called Cooper-Church amendments—Senator COOPER from Kentucky and Senator CHURCH from Idaho.

So let me say on the so-called resolution before us now, and having a lot of experience in efforts to try to avoid cutting off funds once we have our young men and women committed somewhere around the world, we have a couple of choices. We can cut off funds for this operation and our forces who are already underway; second, we can loudly protest the President's decision and express our opposition; third, we can require the President to take measures that will enhance the safety of our troops and ensure that they will return quickly—without their withdrawal leading to resumption of hostilities.

I have given this matter a lot of thought, and I have been engaged in a lot of these debates on the Senate floor. I have thought about my own personal experience during World War II and deliberations I have had since that time. I have thought about the American troops spending a Christmas overseas in the mountains of Europe. I have also thought about the experience of our brave war heroes like Senator JOHN MCCAIN and BOB KERREY. JOHN MCCAIN was in a Vietnamese prison while tens of thousands of Americans were marching to protest the war, and Congress regularly debated cutting off funds for United States military operations in Southeast Asia. As some may remember, the Congress spent weeks—even months—on debating Cooper-Church, McGovern-Hatfield, and other measures to cut funding for the war in Vietnam, Laos, and Cambodia.

I recall that in the spring of 1970, I led a filibuster against the Cooper-Church amendment cutting off funds for military operations in Cambodia and Laos. In that debate, I offered an amendment that would have allowed the President to waive the funding restrictions if he determined United States citizens were being held as prisoners of war in Cambodia by North Vietnam or the Viet Cong. This amendment failed. Believe it or not, the amendment failed by 36 to 54, and Cooper-Church passed, but only after troop withdrawal had begun.

Mr. President, while I understand opposition to and disagreement with the President's decision to send American ground forces to Bosnia, I believe that action to cut off funds for this deployment is wrong. It is wrong because it makes our brave young men and women bear the brunt of a decision not made by them, but by the Commander in Chief.

I will vote against H.R. 2606, sponsored by Representative HEFLEY, which was passed by the House last month. H.R. 2606 prohibits any use of Department of Defense funds for deployment of United States Armed Forces on the ground in Bosnia participating in the NATO implementation force—unless such funds have been specifically appropriated by subsequent law. There has been no appropriation for this operation, so the effect would be to cut off funds to our troops who are on the way or already on the ground in Bosnia. I do not believe we should limit the funds for food, supplies, and ammunition for our troops. It was wrong during Vietnam, and it is wrong now.

I believe that passing the Hefley resolution would undermine our troops, as well as our credibility.

I believe that even at this late date, the Congress can play a constructive role—supporting the troops by enhancing their prospects for a timely and safe withdrawal, and ensuring that there is a military balance upon the departure of our forces.

President Clinton does not have an exit strategy for our troops. Let us be clear: A date is not an exit strategy. In my view, it would be irresponsible to send thousands of American forces in without a concrete plan to bring them out. We will be debating that at a later time.

Furthermore, we need to do what we can to make certain that the sacrifices being made now—by our men and women in uniform, by the U.S. taxpayer—are not for nought. It would be inexcusable to undertake this immense endeavor, only to leave Bosnia, a year later, in the same situation it is in now—virtually defenseless and at the mercy of its bigger and stronger neighbors.

Later today, we will have an opportunity to vote on the Hutchison-Inhofe and Dole-McCain resolutions. Now, we should speak decisively in support of our troops and defeat H.R. 2606.

This is not the way to go—cutting off funds. As I have said, in all the debates that I have engaged in, these are the records of my votes between 1969 and 1973. It never seemed appropriate for me, when you had young men like JOHN MCCAIN, a prisoner of war, that we would cut off funds in the U.S. Congress, and I still have that same attitude today.

The PRESIDING OFFICER. The question now occurs on H.R. 2606. The question is: Shall the bill pass?

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

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

The result was announced, yeas 22, nays 77, as follows:

[Rollcall Vote No. 601 Leg.]

YEAS—22

Brown	Grassley	Nickles
Campbell	Gregg	Pressler
Craig	Hatfield	Smith
D'Amato	Helms	Thomas
Domenici	Inhofe	Thompson
Faircloth	Kempthorne	Warner
Feingold	Kyl	
Gramm	Murkowski	

NAYS—77

Abraham	Bennett	Boxer
Akaka	Biden	Bradley
Ashcroft	Bingaman	Breaux
Baucus	Bond	Bryan

Bumpers	Harkin	Mikulski
Burns	Hatch	Moseley-Braun
Byrd	Heflin	Moynihan
Chafee	Hollings	Murray
Coats	Hutchison	Nunn
Cochran	Inouye	Pell
Cohen	Jeffords	Pryor
Conrad	Johnston	Reid
Coverdell	Kassebaum	Robb
Daschle	Kennedy	Rockefeller
DeWine	Kerrey	Roth
Dodd	Kerry	Santorum
Dole	Kohl	Sarbanes
Dorgan	Lautenberg	Shelby
Exon	Leahy	Simon
Feinstein	Levin	Simpson
Ford	Lieberman	Snowe
Frist	Lott	Specter
Glenn	Lugar	Stevens
Gorton	Mack	Thurmond
Graham	McCain	Wellstone
Grams	McConnell	

So, the bill (H.R. 2606) was rejected.

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

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

The motion to lay on the table was agreed to.

EXPRESSING OPPOSITION OF CONGRESS TO PRESIDENT CLINTON'S PLANNED DEPLOYMENT OF GROUND FORCES TO BOSNIA

The Senate continued with the consideration of the concurrent resolution.

The PRESIDING OFFICER. The Senate will now resume consideration of Senate Concurrent Resolution 35, offered by the Senator from Texas, Mrs. HUTCHISON.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. Mr. President, I ask unanimous consent the Senate resume consideration of Senate Concurrent Resolution 35 and it be in order for this Senator to offer my Senate joint resolution and that no amendments or motions to commit be in order to either vehicle.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. DOLE. Mr. President, let me indicate that we now have had our first vote. We would like to complete action on the concurrent resolution authored by Senators HUTCHISON, NICKLES, and others and then have that vote very quickly if we can. I know a lot of people want to talk, but I think it is general debate. We would also like to have the vote on my joint resolution, the Dole-McCain joint resolution, sometime, hopefully by 6 o'clock this evening. So that gives us about 5 hours of debate. We have already had a number of Members, I would say about 20 Members, each requesting from 10 minutes to 15 minutes to 90 minutes.

Now, we are not going to be able to accommodate everybody, or I hope they can accommodate us, and I hope we can, as much as we can, keep our remarks limited to 5 or 7 or 8 minutes, because if I just add up these requests, this will take us beyond 6 o'clock, probably 7 or 8 o'clock. And I would say as the Republican leader, we are trying to accommodate the President of the United States. So, hopefully, we will have cooperation on both sides. I think the Senator from Texas would like to have a vote about what, midafternoon, on her concurrent resolution?

Mrs. HUTCHISON. Mr. President, yes, I would like to vote as early as we can. I think most people are speaking in general terms so I think midafternoon. And then I would like to see the final vote on yours around 5 so that the House could have the opportunity, if that is possible.

Mr. DOLE. We will do our best.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. DASCHLE. Let me just add to what the majority leader said. Obviously, a lot of Senators wish to speak, for good reason, about this issue and on these resolutions. I hope, though, that we could accommodate all Senators who wish to speak by shortening the length of our statements to the extent that it is practical to do so. Obviously, we will have more opportunities once the resolution passes to come to the floor and continue this exchange and to continue to express ourselves.

But if we are going to allow every Senator an opportunity to speak, we are going to be constrained somewhat in the time allotted for each Senator. So I hope everyone will bear that in mind and cooperate to the extent it is possible so that we can have a vote at the earliest possible time.

I yield the floor.

Mrs. HUTCHISON. Mr. President, we need to get aunanimous consent on the next sequence of speakers. I wish to do that so that people know how to plan their afternoon.

This is the second list after the one that was agreed to earlier, and it would include Senator DEWINE, then FEINSTEIN, then LOTT, then BIDEN, then ASHCROFT, KOHL, HATFIELD, LEVIN, INHOFE, BYRD, FAIRCLOTH, WELLSTONE, D'AMATO, MURRAY, LEAHY, SIMON, BRADLEY, and NUNN, and there will be Republicans between MURRAY, LEAHY, SIMON, BRADLEY, and NUNN. Senator MURKOWSKI would be after Senator BYRD. I ask unanimous consent that we put that order in place so that people can begin to plan. And I urge, but do not ask for unanimous consent, that people hold their remarks to 5 minutes so that everyone will have a chance, with the hope that we would be able to vote around midafternoon on the Hutchison-Inhofe resolution and then around 5 on the Dole-McCain resolution.

The PRESIDING OFFICER. Is there an objection? The Chair hears none, and the additional Senators will be added to the list.

Mrs. HUTCHISON. I thank the Chair.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from Nebraska [Mr. EXON] is recognized.

Mr. President, for the past few weeks, military and civilian officials from the administration have come to Congress to make the case as to why United States ground troops must be a central part of the international peacekeeping force that will go to Bosnia following the formal signing of the Dayton peace accord this Thursday in Paris. To date, I have withheld final judgment on the advisability of this action and kept an open mind to arguments on both sides of the debate. I listened closely to President Clinton's national address on Bosnia and have discussed, in both public and private forum, some of my concerns with members of his cabinet and top military advisers. In addition, I have sought and received the advice of my constituents in Nebraska, many of whom are members of the Armed Forces or have relatives in the services.

I have been impressed by the bipartisan leadership on this issue by Majority Leader BOB DOLE and Senator MCCAIN. I support their bipartisan amendment.

The facts are that the President has exercised his constitutional authority to dispatch troops to Bosnia. What we do by vote here today does not start nor can it stop troop deployment. It's a done deal whether we like it or not.

I have carefully deliberated on the question of blessing or condemning the deployment of American peacekeepers in Bosnia. I believe there is no more solemn an action the President can take or we as Senators can take or vote to endorse the process. The deployment of American men and women overseas into a potentially harmful environment even though it is advisory, is a legislative action that requires particular care and a need for thoughtful introspection that is typically not required in the conduct of our day-to-day business. Let no one be under any allusions, the collective voice of Congress on the issue of troops to Bosnia along with the President's decision as our Commander in Chief will have great historic significance, affecting not only the short-term prospect of peace in the Balkans but also the long-term role of America in NATO and as a worldwide leader.

Some seem to believe that some of us who have served our country in the past by being placed in harm's way have some special insight or superior wisdom or license to be holier than thou in these decisions. Our wartime experience provides us with just that—experience—but not necessarily a priviledged status in reasoned decision-making because of our past valor.

While the perils of participation in the international peacekeeping force in

Bosnia are unquestionable, I believe a reasonable case has been made for the deployment of American troops there.

Once the three parties sign the peace agreement in Paris on Thursday. For me, the debate boils down to this central question: By risking the safety of American troops in the next year do we avoid an even greater threat to our national security interests and possible loss of life in the future? That is a judgment call. There is no certainty. The question is: Will this stitch in time save nine?

If the United States was to renege on its promise by its President and constitutional Commander in Chief to join 27 other nations in the NATO-led peacekeeping force, I am concerned the consequences would be dramatic and irrevocably harmful to the pursuit of peace and the furtherance of our security interests. If the United States does not followthrough with its commitment to provide one-third of the Bosnian peacekeeping force, it would be the end of American leadership in NATO, and likely the end of NATO itself. NATO has been a stabilizing force for peace for 50 years. To pull the rug out from under it now at a time when a peace agreement has been brokered that will hopefully end a brutal 3-year war filled with ethnic cleansing, rape, mass executions, and torture would be unconscionable. To scuttle the agreement now would throw the region back into the horrific morass of war, guaranteeing more civilian deaths, more refugees, more instability in Europe, and the very distinct possibility that the fighting will spread and soon ensnare other bordering nations, allies of the United States, into armed conflict with one another. Opponents of the President's policy are fond of delving into history to discuss centuries old animosities that exist between the warring factions in Bosnia. Let us not conveniently skip over, however, the lessons of World War I and what happens when one regional ethnic conflict, left unchecked, draws in other nations, which in turn brings still other nations to arms. European incubation of World War I and World War II eventually cost us 522,000 deaths and 875,000 in military casualties. Whether or not we like it, it is clear what happens in Europe does affect us.

Bosnians, Serbians, and Croatians came to Dayton because they sought an end to the fighting. The peace agreement reached in Ohio is their peace, not a peace that the United States or any other nation is imposing upon them. The Dayton agreement is quite clear about what is expected of each of the signatory parties. If the agreement is broken by any of the three parties, we and the other peacekeeping nations are under no obligation or commitment to remain in that troubled country. More importantly, the military tasks required of our troops in Bosnia have been explicitly set forth and can be accomplished within 12 months, the 12-month timeframe set by the administration. Our peacekeeping troops will be in Bosnia to assist in the separation of forces along a 4-kilometer demilitarized zone of separation. We will assist in transferring of territories as called for in the Dayton agreement. We will be there to break the cycle of violence and ensure that all sides are living up to the requirements of the Dayton accord. Our ground troops will not be in Bosnia as a police force. They will not be asked to disarm militias or move refugees or deliver aid. Nor will they be required to perform many of the civilian tasks set forth in the Dayton agreement, such as economic reconstruction, supervising new elections, or bringing about a military force balance among the three entities within Bosnia. These tasks will be performed by nongovernmental organizations and other nations. In short, the United States military mission in Bosnia is narrow, specific, finite in length, and, most importantly, unencumbered by any limitations on American unit commanders to preemptively strike at hostile forces and otherwise defend our forces using whatever means necessary.

Secretary of Defense Perry, Chairman of the Joint Chiefs, General Shalikashvili, Secretary of State Christopher, and Ambassador Holbrooke have gone the extra mile in my opinion to spell out as best they can all the intricacies of our involvement in the implementation force. Over many long congressional hearings they have detailed how our troops are being trained and prepared for mission, how and when the forces will enter the region and the Tuzla Zone, the steps involved with implementing the military tasks set forth in the peace agreement, the time line for transitioning to peace, and our exit strategy and have all been spelled out. The administration has been as forthcoming as possible in addressing congressional concerns with respect to rules of engagement, the additive cost of the operation, the command and control of our forces, and so forth. The steps also have been spelled out that will be taken to bring about a balance of military power in the region once the peacekeeping force is withdrawn.

Mr. President, no military operation is risk free. Even during peacetime, we lose scores of men and women each year due to training mishaps and other duty-related accidents. Life in the Armed Forces is inherently dangerous. Like law enforcement and firefighting, they are professionals. The profession of soldier is also a voluntary one, filled with uncertainty and peril. That is the history of service to the United States of America. There are no guarantees about what will happen in Bosnia in the next 12 months. With or without congressional authorization, the President of the United States, as our Nation's Commander in Chief, has the constitutional authority to commit troops to the multinational operation in Bosnia. He has done that.

Over the past 3 years a large number of Senators have taken to this floor and given an even greater number of speeches deploring the bloodshed in Bosnia and the desperate need to do something—anything—to end the fighting, end the ethnic cleansing, end the raping, end the mass executions. Now, after years of handwriting, a window of opportunity has presented itself to see that the ceasefire becomes a peace and that the peace, in turn, can mature into lasting stability and the restoration of a nation figuratively and literally bled dry. I hope that those same Senators who called for action are now ready to get behind the President's policy. The reality is that for this process to succeed, our Nation's leadership is essential. We cannot simply wish for a happy ending in Bosnia. If we want the United States to continue to be the world's preeminent power, if we want NATO to remain strong and relevant into the 21st century, if we want to prevent the Bosnian war from rekindling and potentially spreading into neighboring countries, then the United States cannot disengage itself and stand on the sidelines and act as a critic.

Mr. President, preserving stability on the European continent and strengthening NATO is in America's national security interests. If it was not, then we should bring home the 100,000 Americans we have stationed there, close dozens of bases, and cut our $264 billion national defense budget by a healthy percentage. But I suspect that those who are critical of the President's policy would squeal loudly over such a suggestion. Well, Mr. President, you cannot have it both ways. If we do not want to be the leader of NATO, then we should withdraw our forces and cut our defense budget. If we want to stop the slaughter of innocent men, women, and children in Bosnia, we must be willing to act, even if it means assuming some risks. The world's problems are often complicated. Sometimes it is too much to expect antiseptic, risk-free solutions, because they are unreasonable. The alternative of isolationism is no alternative, in my opinion, and only guarantees our Nation greater problems down the road. We are not declaring war, we are declaring peace in conjunction with 27 other countries sending in peace-keeping forces at the invitation of the previous warring parties. If we were to renege now, America would lose its world respect and surely darken and make more somber other challenges in the future that could come home to haunt us.

I urge support for the bipartisan amendment offered and led by the majority leader and the Senator from Arizona.

Mr. President, I yield back the remainder of my time, and I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Tennessee [Mr. FRIST] is recognized.

Mr. FRIST. Mr. President, I rise to discuss the issue of American troops in Bosnia and Herzegovina. I respectfully, but strongly, disagree with the President's decision to deploy U.S. troops there. It was the wrong decision. And it is that decision that I will address in the next few moments.

However, before I do, I want to make it as clear as possible that I am 100 percent behind our troops now that the commitment has been made and the process has begun to deploy them. I will support them and their efforts in every way possible. I will work to see that their mission is a narrow one, that the exit strategy is clearly defined, and that they return home as quickly and safely as possible.

There are several unsettling aspects of the President's plan to send troops to Bosnia. They are questions that, in other circumstances, would have been asked and answered during open and public congressional debate. Unfortunately, that debate has effectively been denied to the American people by the President's unilateral action in committing American troops to foreign soil. But I still think it is important to ask these questions because, perhaps if they are asked this time, then next time they will be answered before we take action.

The first question: Is this action in the vital national interest of the United States? Vital national interests can be clearly and specifically defined. They include defense of U.S. territory, support of allies who are threatened, support of treaty obligations, or protection of economic interests, international waters or U.S. citizens in operations abroad. In other words, Mr. President, vital national interests are interests clearly worth fighting and dying for.

I listened to much of the debate yesterday and today and heard many of my colleagues address this very issue. Time and time again, the debate returned to the question of whether our reasons for being in Bosnia would satisfy the mother or the father whose son or daughter is killed there and who turns to us directly and asks, "Why?"

Like my colleagues, I have failed to hear a satisfactory answer. Some say because our credibility is at stake. But is it truly our credibility or perhaps NATO's credibility? Mr. President, I believe the two may be very different, particularly in a post-cold-war world.

Others say, because without us there will be no peace. But where have we been for the last 3 years, and do we really believe that we can create peace among people who do not want it? Do we really believe that our presence for 12 months—for 1 year—will suddenly make the warring factions who have been at it for nearly 500 years suddenly forget what they and their ancestors have been fighting for and live as neighbors peacefully? I do not believe so. Mr. President, the situation in Bosnia, no matter how tragic, does not equate to a vital national interest.

A second question: What is Congress' role under the Constitution in the determination to send combat troops into a conflict such as the one we face in Bosnia?

Certainly the President has the authority to deploy forces in situations requiring immediate action, especially in situations where vital national interests are threatened. But committing 20,000 American troops to hostile territory in an action where no vital U.S. interest is at stake, where there is no clearly defined goal or mission, where the factions have been warring for centuries, where the situation, since the initialing of the peace agreement, has clearly deteriorated and where casualties, by the administration's own admission, are certain, in my view, necessitated first a full and fair discussion between the executive branch and Congress. We owe that to the American people and particularly to the American service men and women.

The need for an open debate on this matter is further highlighted when we focus on the peace accord that was reached in Dayton. There are real questions as to whether a bifurcated Bosnian state will survive or, more importantly, whether two separate political entities can function as one country without the constant presence of troops to keep the peace.

Even if the Bosnian conflict did involve the vital interests of the United States, I am concerned that the underlying peace agreement is fundamentally flawed. Already we have seen towns burned, American flags burned, and demonstrations against the Dayton accord because this is a forced peace. And, Mr. President, the fact that we are sending our troops to support this imposed peace plan with little debate in Congress and virtually no support from the American people troubles me greatly.

Third, and perhaps most importantly, how can we prevent this situation from occurring again in the future? Before that question can be answered, we must first understand how we got to where we are. The slippery slope upon which we have now embarked began largely with the end of the cold war, when the world reverted to the ethnic, regional and subnational violence that characterized it before the rise of the bipolar world.

Unfortunately, at that time, America failed to define adequately the role it would play. Instead, we began a pattern of committing U.S. forces on hastily decided and hastily defined missions of peace, of peacekeeping or, tragically, the potential quagmire of peacemaking without the advice, consent or even the confidence of the Congress and the American people.

In each instance, we have seen a President obligate funds and scarce military resources and place U.S. lives on the line for missions well outside what can reasonably be called the vital national interest. And in each instance, rosy administration projections and lofty humanitarian goals bear no resemblance to the outcome of the missions. Just look at Somalia and Haiti today. They are sad mockeries of what we were promised they would become once the most powerful military in the world cleaned them up.

So we again face the question, How is it that we ultimately discover such a radical difference between the intentions and the outcome and that the mission is murkier and the price too high?

In each and every instance, this disturbing and dangerous precedent has been reinforced, making it ever more likely that the pattern will be repeated again and again, with Congress offering fewer and fewer objections under its authority under the Constitution.

It is very similar to the case whereby States' rights fell by the wayside in the push for a stronger and ever more powerful Federal Government.

In the absence of vital national interests, a lack of clear mission has combined with the lack of support of the American people, and we have faced a loss of American life. We have ended these missions without reaching our goals, without achieving any semblance of peace and democracy, and at great cost to the real mission of our Armed Forces: To be ready to defend, with overwhelming force and resolve, the real threats to our life, liberty, and well-being—or those of our allies. Again, Mr. President, we need only look toward our recent experiences in Somalia and Haiti.

In each of these instances, United States and Presidential credibility is offered as a reason such ill-conceived initiatives cannot be opposed. In the case of Bosnia, the Congress and the people are not even given the opportunity to approve or disapprove—but simply to give our approval and comment after the fact. Some argue that this is the President's prerogative under the Constitution, but it is not a shining moment in the life of American democracy. We are asking America's finest men and women to face possible death for a commitment outside of our national interests.

And finally, Mr. President, will we continue to commit our blood and treasure to every cause which captures the moment, and which appeals to our

collective sense of justice and compassion? Or will we finally define our interests and our policies, so that when a dangerous situation arises again—and it will—and when our credibility and vital national interests are truly on the line, we will be fully prepared to defend them.

It's an unfortunate and dangerous chapter in the life of our beloved democracy, Mr. President, when we are told it was inappropriate to ask these questions earlier, because the matter had not been settled, and that is inappropriate to raise them now, because the decision has already been made.

At what point do we have the chance to answer those questions? When they are placed before us, and when it may be too late? The question then becomes, Mr. President: At what point will Americans define American interests? I think the time has come to answer these questions now—before we are faced with our next Bosnia.

I thank the chair and I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Nevada is recognized.

Mr. REID. Mr. President, there is a unanimous-consent order already in effect regarding the Senators who will speak. I ask unanimous consent that the next grouping, following me, would be, first, a Republican, and that name will be supplied by the leader. After that, Senator SARBANES, and then another Republican, and after that, Senator KERRY of Massachusetts.

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

Mr. REID. Mr. President, as Members of the Senate, the most important and really solemn votes that we cast are those which put at risk the lives of American servicemen and women.

I have long been concerned about the conflict in Bosnia and the potential United States military role in ending the conflict in Bosnia. Mr. President, I have stated on many occasions on this floor, and in various places in the State of Nevada, that I personally do not believe that U.S. ground troops should be committed to keep the peace in this centuries-old civil war in Europe. But still, Mr. President, I recognize that I am not the Commander in Chief of the armed services of the United States, nor does the President need congressional approval to dispatch U.S. troops on this type of a peace mission.

Mr. President, I am going to support the resolution that has been drafted by the Senator from Arizona, the majority leader, and the ranking member of the Armed Services Committee, Senator NUNN. But I say that I support that resolution, not because President Clinton is in office and is a Democrat. I would remind my colleagues, that I stood here and was the first Democrat to publicly support the Desert Storm operation in Iraq. I was standing here, and I received a call from then-President Bush. I was getting ready to speak on the floor. I told him that he did not have to ask me, I have already agreed. So I am going to support this resolution because I believe it is the right thing to do, not because the President is a Democrat. I would do the same for a Republican, as I have shown in the past.

There comes a time that we in Congress, despite our opinions about a President's prerogatives, must lay our criticisms aside. I have given plenty of criticism on this issue. This is a time, Mr. President, when, despite our opinions, we must lay our criticism aside. As I speak, troops are being deployed in Bosnia. As I speak, troops are on their way to Bosnia by train and airplane and other vehicles. Whether this Bosnian peace agreement will be recorded in the history books as the end of a centuries-old conflict remains to be seen. In the meantime, the President has made his decision, and I now believe all Americans should stand behind those whose lives will be on the line in Bosnia.

A number of my colleagues have cited the war in Vietnam in their statements in opposition to the deployment in Bosnia. I also would draw a comparison between the two situations, but for a different reason. The fine young men and women who risked their lives and, in many cases, sacrificed their lives in Vietnam had to perform their missions in the face of enormous disagreement at home about their presence overseas. They came home to protests, and they came home to anger. We should have learned by now that dissent at home costs American lives, because dissent encourages the enemy to kill Americans. Dissent at home costs American lives.

Our colleague, the distinguished senior Senator from Arizona, understands what a blow that kind of civilian denunciation can mean to our military forces. His statements in this Chamber gave me great pause, as I pondered the vote I must make relative to my own personal misgivings. I commend Senator MCCAIN, a war hero by any measure, for the work he has done on this resolution. I understand that in Arizona the vast majority of people think the President's decision is wrong. It is the same in Nevada. Therefore, it gives me even more pause to think how difficult this was for Senator MCCAIN, but how right it was for Senator MCCAIN.

I also commend the distinguished majority leader for crafting a compromise that gives congressional support for the deployment of troops, but that better clarifies and defines the U.S. mission and the criteria that will determine its success.

This mission must not fall into the trap of what is known as mission creep, where an initial goal grows vague and extended. Our troops must go in with a clearly defined and achievable goal and come out in a timely manner. This resolution, the McCain-Dole-Nunn resolution certainly does that.

I intend, I think, along with a number of my other colleagues, to closely monitor the progress of the United States mission in Bosnia, to do it throughout the year. I look forward to the return of the American troops—hopefully before the year is out, certainly by the time the year is up.

The commanders of NATO and the U.S. military leaders who trained our troops for the mission have taken every step possible to ensure the troops' security, but we know it would be naive to think there will be no casualties and we will all grieve the loss of even one American life. But if there is any lesson we learned from Vietnam, it is that we cannot send American troops overseas with a denunciation of their mission.

I choose now to support the Dole-McCain resolution containing some defined parameters for American involvement rather than disagree with the President's decision.

I was on the floor earlier today, right before the first vote, when the majority leader made a statement. He clearly defined the resolution, and he talked about heroes. JOHN MCCAIN was one he mentioned. He mentioned others. But it was interesting to note that he did not talk about himself.

We have in this Chamber some people who have sacrificed a great deal for our country. Senator MCCAIN, of course, was a prisoner of war in Vietnam for 6 years, in solitary confinement for half that time. We have other people who sacrificed a great deal. Senator JOHN CHAFEE was a hero in the Second World War and the Korean conflict. Senator HEFLIN saw service in the Second World War. Senator GLENN was a marine pilot in the Second World War, in Korea, and then, of course, was an astronaut. We could go on and on with the list of people who sacrificed a great deal who now are serving their country in the U.S. Senate. But I think it is interesting to note Senator DOLE did not talk about himself. He has sacrificed as much as anyone in the service to his country. During the Second World War, he was wounded. He almost died.

So I think the record should reflect the courage of Senator DOLE in sponsoring this amendment and drafting this resolution. It would have been very easy for Senator DOLE—not only the majority leader but a Presidential candidate, who likely will be the Republican nominee for President next year—to have taken the easy way out. Would it not have been easy for him to demagog this issue and to be opposed to Bill Clinton? That would have been the easy thing for ROBERT DOLE to do, but he did not do that. It is because of what he did and what Senator MCCAIN did that there are people like Senator

REID of Nevada, willing to swallow, maybe, a little bit of pride, and support this resolution about which these two men, who are certifiable heroes, have said: Our troops are on their way there. Some of them are already there. It is wrong not to have this body support them in everything that they do while they are there.

So I want the record to reflect the fact that Senator DOLE in his statement this morning did not mention his own name. I understand that shows humility, but I want the record to reflect that of all the people who served in the U.S. Senate who have records of heroism in service in the military, to our country, no record tops that of Senator ROBERT DOLE.

I do not want the men and women who go to Bosnia—not to make war but to support a peace—to wonder whether the American people support them, whether this Congress supports them, and whether this Senator from Nevada supports them. I support them.

The holiday season is upon us. My thoughts and my prayers are with the families who will not be together this year because of this deployment. We have seen them interviewed on CNN and in other news stories, how they are going to spend Christmas away from their wives and children and husbands. I commend the men and women who will serve this Nation with honor and courage in Bosnia. I do so with faith and hope in their ability to achieve this mission of bringing peace and stability to Europe.

UNANIMOUS-CONSENT AGREEMENT

Mr. REID. Mr. President, I have a unanimous-consent request I would like to propound.

I ask unanimous consent to add to the sequence that has presently been placed in the RECORD a Republican Senator; following that will be Senator DODD; after that, a Republican Senator; after that, Senator BRYAN; after that, a Republican Senator; after that, Senator DORGAN; after that, a Republican Senator; after that, Senator GLENN; after that, a Republican Senator; after that, Senator HARKIN; after that, a Republican Senator, and after that, Senator LAUTENBERG.

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

Under the previous order, the Senator from Pennsylvania, Senator SPECTER, is recognized.

Mr. SPECTER. Mr. President, the most weighty factor in deciding how to vote on the Bosnian resolution is that United States troops will be deployed in Bosnia regardless of what Congress does, since there are not enough votes to cut off the funding. In fact, the advanced troops are already in Bosnia. Not only is the congressional vote nondeterminative, but the debate has been advanced and the votes expedited in the expectation that there will be some show of congressional support to bolster our troops' morale. Certainly we should do that. So that with the troops on the way and the congressional vote nondeterminative, all the Congress can do now is to make the best of it.

After extensive discussions with my constituents, my colleagues in the Senate, and executive branch officials, it is my view that the United States does not have a vital national interest in Bosnia to justify sending United States troops there. When President Clinton called me, almost 2½ weeks ago, seeking my support, I asked the President what was the vital United States national interest. He responded by commenting on the widespread killing.

I said I was very concerned about the atrocities, the mass killings and genocide, but asked him how that distinguished Bosnia from Rwanda or other trouble spots around the world. President Clinton then warned about the conflict spreading to other nations of Central Europe.

I asked if that posed a security threat to members of NATO, which would activate our treaty obligations on the principle that an attack on one is an attack on all. The President said that he was not basing the national security interest on a treaty obligation on that issue.

In extended informal discussions with colleagues, some Senators have argued that a vital United States national interest arises in a number of contexts. For example, some contend that the stability of Central Europe is vital to U.S. security. Other Senators have said that an opportunity to involve Russia in the joint action with NATO rises to the level of a vital national interest. Others say that there is a vital United States national interest in ousting the Iranians from Bosnia, so that the fundamentalists do not gain a foothold in that important region.

Former Secretary of State Henry Kissinger articulates a vital U.S. interest in the following way.

> The paradox of the decision before Congress is that, while we have no inherent national interest to justify the sending of troops, a vital national interest has been created by the administration's policy.

Dr. Kissinger continues:

> If other nations cease to believe our assurances, our capacity to shape events, to protect American security and values will be jeopardized.

The problem with Dr. Kissinger's analysis is that it gives the President the power to create a vital national interest by unilaterally making an American commitment without the consent of Congress in the context where the consent of Congress is necessary to bind the United States. My own judgment is that those considerations do not aggregate to a vital United States national interest.

U.S. national security is not imminently threatened, and we are not the world's policeman. It may be that at some point there will be consideration to the deployment of U.S. troops for international moral commitments or from some other standard, but the vital national interest context has been that which has traditionally governed the deployment of U.S. military personnel. So far, they are proposed to be only peacekeepers. But it is a short distance from being peacekeepers to being in harm's way, and really, even being peacekeepers is in harm's way, with the troops that are already there being apprehensive about taking a step off a tarmac out of concern about stepping on a landmine.

In 1991 on this floor I had the privilege to participate in the debate on the resolution for the use of force as to the gulf war. I believe that it was indispensable that Congress pass on that matter, even though it was a Republican President, President Bush, who in late 1990 said a number of things about dispatching troops there involving the United States without congressional approval. But ultimately the President did bring back the issue to the House and to the Senate. And we had debates about vital national interest. A number of us were on the floor at that time—Senator WARNER, Senator NUNN, and others—and comments in the media were that it was a historic debate about what are United States vital national interests.

At least, in my own judgment, we have not seen the establishment of the vital national interest in what we have present today in Bosnia. But that is a judgment call like so many other judgments that we have here.

In the absence of a vital national interest, it is my judgment that the Congress should support the troops, without endorsing the President's policy. Our congressional action should show as much national unity as possible under the circumstances and project American leadership to the maximum extent possible consistent with congressional policy not to give the President a blank check.

It is obviously going to be a tough winter and a tough year for our troops so we should be as supportive as possible where they are concerned.

I am encouraged by the testimony presented to the Senate Intelligence Committee from the executive branch. We convened those hearings in the Intelligence Committee, which I chair. The executive branch officials testified that our troops will be authorized by the rules of engagement to defend themselves on their finding of hostile intent rather than hostile action.

That means that our troops will not have to wait until they are shot at; but they can take preemptive action if they conclude that there is hostile intent. The anticipation of hostile action gives them the discretion to make the judgment that preemptive action is warranted.

It is obviously problemsome on U.S. international relationships for the Congress to pull out the rug from the President's unilateral commitments to our allies. However, it is fundamental in our constitutional separation of power that the President's authority in foreign policy and as Commander in Chief is limited by Congress' authority on appropriations and the declaration of war. And the Founding Fathers were explicit in having that kind of a separation of powers, and that is what we are concerned about here today.

My preference, as I expressed it to the President in our conversation, was that the President come to the Congress with authorization in advance of dispatching the troops to Bosnia. We have learned from the bitter experience of Vietnam that the United States cannot prosecute a war, or really any extended military operation, without the backing of the American people. And the first line of that determination is to have the backing of the Congress. The President chose not to do so.

When we take a look at what our allies' expectation has been, or should be, we have to note that repeatedly congressional action in opposing President Clinton's Bosnia policy has put our allies squarely on notice that the Congress might well disavow the President's promises. It was plain on the public record that the Congress voted overwhelmingly to lift the arms embargo unilaterally to allow the Bosnian Moslems to defend themselves against Serbian atrocities. In the Senate we had a vote of 69 to 29. In the House the vote was 298 to 128. All of that required a Presidential veto. And it was only after those overwhelming votes occurred in both Houses of Congress that the President's policy in Bosnia was activated.

For a long period of time many of us had urged the executive branch to undertake massive bombing using our tremendous air power, and we were met with the response that in the absence of ground troops the bombing would not be effective. Once that bombing was initiated, however, quite the opposite occurred from what the administration and the Department of Defense officials had predicted, and it brought the Bosnian Serbs to their knees. It brought them to the bargaining table. And this agreement has been worked out.

But it is in this context of the very severe disagreement that has been expressed by this Senator—and many others on this floor and in the House of Representatives—that the allies, the other party signatory to the agreement in Dayton, have been squarely on notice that the Congress might well disagree with the President.

The institutional conflicts between the Congress and the President on foreign policy have a long history. Many have challenged the President's actions in ordering United States troops to fight wars without congressional authorization in Korea and Vietnam. The War Powers Act was an effort to establish constitutional balance. But that War Powers Act met with little success.

President Clinton took the initiative in ordering an invasion of Haiti in the face of overwhelming congressional resolutions expressing disapproval of that Presidential action. Fortunately, it turned out to be a bloodless invasion when potential opposition withdrew.

So, Mr. President, our allies have been on notice. Depending on future events, the Congress may have to assert its authority to cut off funding, if we conclude that the President has exceeded his authority or has pursued unwise policies. Those are congressional prerogatives, and under our constitutional system of separation of powers they have to be zealously guarded and observed. But since the President is not now usurping congressional authority to involve the United States in war, and since the votes are obviously not present to cut off funding, we should make the best of the situation in formulating a resolution to support the troops, and demonstrate as much national unity as possible.

To the extent possible, the resolution should impose the maximum pressure to strengthen the Bosnian Moslems militarily to establish a balance of power in that area so that our troops may be withdrawn at the earliest practical date. An exit policy from Bosnia will turn on there being a balance of power there.

It is critical for the United States and its NATO allies to articulate a plan for equipping and training the Bosnian Army. Regrettably, the administration has been reluctant to articulate such a policy. But, in letters just publicized yesterday and today, we may have those assurances. And those assurances and that action ought to be subject to the maximum possible congressional power and persuasion.

Arming the Bosnians is critical for two reasons.

First, it will help ensure a balance of power in the region—a balance that currently favors Serbia and Croatia.

Second, the Bosnian Army must be armed before the NATO implementation force can leave. As former Under Secretary of Defense, Paul Wolfowitz, recently noted, "Until the Bosnians have the capability of defending themselves, it will be impossible for us to withdraw without terrible consequences."

In addition, we should do our best to use the current situation in Bosnia to establish important international law precedents against genocide, and to prosecute war criminals.

Bosnian-Serb leader Radovan Karadzic and army commander Ratko Mladic and others under indictment should be brought to trial in the War Crimes Tribunal. This is a unique opportunity to follow up on the Nuremberg precedent and to establish an international rule of law.

Since 1989 the United States has been a signatory to the International Genocide Convention. The United States has been a leader in instituting the War Crimes Tribunal.

For years, I have pressed resolutions adopted by the Congress to set up an international criminal court with the principal thrust to control international terrorism and drug dealing.

It has been my view that, while it has been impossible to get countries like Colombia to extradite to the United States, if there were an international criminal court, that might be doable in a practical political context. And we have yet to be able to put our hands on the Libyans under indictment for the terrorism against Pan Am 103.

And there again, if an international criminal court were present, it might be possible to have extradition to such a court if extradition to Scotland or England or the United States cannot be obtained. And it is very important for us to press ahead on these prosecutions under the War Crimes Tribunal.

In 1993, my amendment was adopted to provide $3 million to assist the prosecutor in gathering evidence against those who committed atrocities and mass killings in Bosnia. We should press all parties to the peace agreement to make their maximum efforts to bring the war criminals to trial. My recent meeting with Chief Prosecutor Justice Goldstone provides encouragement that a significant international legal precedent can be achieved in that tribunal. International action against mass killings and genocide would promote an important goal of the law of nations.

My discussions with Secretary of State Warren Christopher and National Security Adviser Anthony Lake provide reassurance on the firm U.S. policy to bring the war criminals to trial. For myself and many others in the Congress, continued support of the Bosnian operation would be materially affected by the intensity demonstrated to bring such war criminals to justice.

While I do think it an unwise policy to deploy United States troops to Bosnia, I am very much concerned about the kind of isolationist rhetoric that we have heard in this Chamber in the past 2 days. I have consistently supported a robust national defense and a robust foreign policy by the United States, an attitude gleaned from my earliest days studying international relations as a student many years ago at the University of Pennsylvania.

The United States should not turn to isolationism, but neither should we turn to being the policeman of the world when there are incidents around

the world, and so many of them, without having a vital U.S. national interest involved. But weapons systems, army divisions, and aircraft carriers are not enough to ensure our security. We must be committed to the notion that the United States needs to be engaged throughout the world diplomatically, economically, militarily, and always carefully. We need to use all our instruments of national power to shape the international security environment in a way that guarantees American security. In my judgment, for the reasons I have outlined, Bosnia and the Balkans do not rise to that level. But by the same token, we must be careful to resist instantaneous or knee-jerk reactions to any use of U.S. military force even where we did so in Desert Storm.

Mr. President, these are obviously matters of great complexity. We vote on them in a series of resolutions trying to exercise our best judgment, knowing that the troops are on the way, whatever we do. We obviously will follow the matter very closely through our congressional action in a variety of committees, including the Senate Intelligence Committee, which I chair, to bring our best judgment to bear on the Bosnian situation, to support the troops wherever we can and to bring them home as soon and as safely as possible.

I yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER (Mr. KYL). Under the previous order, the Senator from California is recognized.

Mrs. BOXER. I thank the Chair very much.

I rise today in support of the peacekeeping mission in Bosnia as long as it remains a peacekeeping mission. I also rise to express my strong support for our men and women in uniform who will be one-third of the peacekeeping force.

We are here debating one of the most difficult and important decisions to face us as legislators, the deployment of American troops overseas. The commitment of our troops is never an issue to be taken lightly, so I thank the leadership for bringing this issue to the floor.

I also wish to thank those committees that have held hearings on this issue over the past few weeks and the administration witnesses who have answered questions openly, candidly, and directly. These hearings have proven very informative and have helped me to reach my decision.

I support the participation of U.S. troops in I-For first and foremost because the mission as spelled out by the President and subsequently by the Secretary of Defense and the Chairman of the Joint Chiefs of Staff is a true peacekeeping mission. This is not like the Persian Gulf war when we were sending our men and women off to fight a war. We are sending our men and women to be one-third of a peacekeeping force, keeping the peace as a result of the Dayton peace accord which is supported by all the parties involved.

This is a point I believe must be made perfectly clear. The major combatants in Bosnia support this peace agreement. We are not going to Bosnia to force a United States vision of peace upon them. We are going to help implement their vision, their agreement.

If we were not truly peacekeepers, I could not support this mission, and if at some future date the Dayton peace agreement changes course, I will immediately reevaluate my position.

I have listened with great interest to Secretary Perry, General Shalikashvili, and other military and civilian leaders who have explained the rules of engagement for our troops in Bosnia. When I was a member of the House Armed Services Committee, I realized how crucial it is for our troops to have very clear rules of engagement. I have seen tragedy occur, and we have lost men and women in uniform because the rules were unclear. In my view, it is essential that our troops have the ability to aggressively respond to threats to themselves or to their mission. They must not be required to consult with anyone before responding to a potentially life-threatening situation.

On this point, I quote the Secretary of Defense, William Perry, who said:

> If our forces are attacked or if hostile intent is demonstrated by opposing forces, our rules of engagement will permit the immediate and effective use of deadly force.

In all of his speeches, the President has been very clear on this point. The message he has sent is clear and unmistakable: the first enemy that tries to harm our troops will never forget the lesson of the fateful misjudgment of our power.

So the mission is clear and the rules of engagement are robust. The final element is to assure that our exit strategy is adequate and, in my view, it is. After close examination, I am satisfied on these points.

The administration has publicly stated that our troops will come home in about a year. I support that kind of a timeframe. Our mission is to keep peace for about a year, and after that it is up to the parties to the agreement to sustain it. When we leave, we must leave with a much more balanced situation in terms of military balance. And I am pleased that Members of Congress have talked to the administration about this, and have received clear assurances that when we leave we will not go back to the status quo. This is very important.

I want to make it clear that I support our participation in the peacekeeping force, not because the President wants it but because I believe it is the right thing to do. I know that some have argued we should support deploying our troops simply because the President has committed us and we must not act to undermine the Presidency. However, I take a different view. I believe that as the President accepts responsibility for his decision as Commander in Chief, we must accept full responsibility for our vote on this matter.

I believe that the Congress has the absolute right to deny any President the funds to carry out this or any other mission. In this case, I did not vote to deny the President the funds, and I will not support the Hutchison amendment. However, the Senator from Texas has every right to offer it, and every Member here has every right to vote for it, just as they had every right to vote for the prior amendment we just disposed of which dealt with cutting off funds.

So I believe that when I cast a vote for the Dole-McCain-Nunn amendment, I am doing the right thing, and I take full responsibility for it. I am not ducking behind it and saying it is because the President thinks it is the right thing to do. I have not voted with this President before on the question of Bosnia. I have voted, in fact, against him on two other occasions. When I vote for this, I do not do so as a weak partner of the executive branch but as a strong partner. If at some future time I disagree with the administration policy, as I have done in the past, I will speak out and vote accordingly.

We now have the opportunity to help bring peace to Bosnia. I believe that as long as our troops are part of a larger force, as long as the mission is peace and as long as we have an approximate exit date, I will be supportive of this mission.

Mr. President, it is a rare moment in history that we have a chance to stop a genocide and generations of hatred. It is rare that we have a chance to stop the spread of war in a region where we have lost thousands and thousands of Americans. Some of our very own colleagues walk on this floor with the wounds of those wars.

This is not some area of the world where war is unknown. Sadly, it is. We have seen war spread. Now, maybe, just maybe, the President has done something here that will stop a war from spreading. We do not know that. I may be back on this floor saying, "Bring the troops home. I was wrong."

But in the war that I well remember that got me into politics, the Vietnam war, we said, "Give peace a chance" in those days, and I think "give peace a chance" has not lost its meaning in this circumstance, after generations of genocide and hatred. I lost part of my family in a genocide.

Now we have a chance to stop it. At the minimum—at the minimum—if things go reasonably well, when we leave there we will leave there in a way where the various parties to this conflict are at least on a level playing field, which I think is very, very important. If there is a pause in the fighting,

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it may lead to a lasting peace as a result of our participation in this force.

So let us give this peace a chance as long as it is truly a peacekeeping operation. Let us support our men and women who are going over there in a tough time, Christmastime. Let us not send signals of equivocation about that support. Let us support the Dole-McCain-Nunn amendment.

I thank you, Mr. President, and I yield the floor.

The PRESIDING OFFICER. Under the previous order, Senator DOMENICI and then Senator KERREY are to be recognized.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. I thank the Chair.

I ask unanimous consent that I be recognized to speak at the time that Senator DOMENICI was originally to be recognized in the unanimous-consent agreement, and that he take the place that I had.

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

Mrs. HUTCHISON. Would the Senator from Virginia let me make one more unanimous-consent request?

Mr. WARNER. Absolutely, Mr. President.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the names of Senators HATCH and CHAFEE be added to the next available Republican slots, which I believe would follow LEAHY and SIMON.

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

Mrs. HUTCHISON. I thank the Chair. And I thank the Senator from Virginia.

Mr. WARNER. Mr. President, before the distinguished Senator from California leaves the floor, I'd like to say I was greatly taken by her closing remarks. And I think I jotted it down accurately. I may be wrong. "I may be back here on the floor asking that we bring our troops home."

I say to the Senator, that is precisely why I oppose this Presidential decision to send to Bosnia a third significant element of United States troops—that is, troops on the ground. This Nation experienced the problem of Congress acting to withdraw our troops from Lebanon. This Nation experienced that problem in Somalia. I happened to have been on this floor protecting Presidential prerogative—at the time we took serious casualties in Somalia, some 18 killed in one day and some 80-plus wounded on that same day—and I said it is the President's decision as Commander in Chief when a military mission is completed and when our forces should be brought home.

We had a very vigorous battle right here on the floor of the Senate about that Somalia situation. And it was a tough fight to establish the President's clear right to determine when to bring those troops home and not rush to judgment in the sorrow of those severe casualties.

Mrs. BOXER. May I respond?

Mr. WARNER. This is what bothered me. The credibility of the United States of America will be far more endangered if we are faced in 6 or 8 months with a decision to bring our troops home because of casualties and other unforeseen problems, than if we make the stand now not to go forward with this mission.

Mrs. BOXER. Would the Senator yield for a very brief moment?

Mr. WARNER. Yes. I do not yield the floor, but for a question.

Mrs. BOXER. I understand.

I just wanted to respond to my friend. I will, of course, put it in the form of a question. But the deployments that my friend talked about I did not support. I come here to say that I think it is worth a try in an area of the world where we have lost thousands and thousands and thousands of Americans.

If the Senator believes that there is no chance that this war can spread and this mission cannot change that and is not important and is not worth trying, then he should absolutely vote against the Dole-McCain amendment. And I respect his right.

All this Senator is saying is that I have waited, and I believe—and I take full responsibility for that vote, and I respect my friend if he comes down on the other side—in this part of the world we have an opportunity to make a difference for peace. If it does not work out, we at least have tried to do so.

I do view it quite differently than in the other areas that my friend has pointed to. I did not support those deployments, I say to my friend.

I guess I did not have a question. I merely wanted to respond, but I have the utmost respect for my friend for whatever conclusion he reaches, and I hope he would have that same respect for this Senator if she comes down on the other side.

Mr. WARNER. Mr. President, I say to my colleague from California, this vote is a clear vote of conscience, not politics, and each of us has to draw on our own life experiences, our own best judgment and make this tough decision.

Mrs. BOXER. I agree with my friend.

Mr. WARNER. I am on the side opposite the Senator from California and will oppose the President's deployment decision.

Mr. President, I will go into some detail regarding my concerns. Indeed, this is one of the most important debates that I have been privileged to participate in in the recent history of the U.S. Senate. Our Nation has experienced a gradually growing involvement of its Armed Forces in the tragic civil war in Bosnia and other contiguous areas in the former Yugoslavia.

Over the past year, U.S. airmen have flown the majority of the air missions over Bosnia, and U.S. Navy and Marine Corps personnel stationed in the Adriatic off the Dalmatian coast have provided a very significant percentage of the ships and personnel involved in the naval operations in that region.

America is heavily committed militarily with its NATO allies and others at this very moment. There is a misconception that we are not involved in Bosnia and that we have to go. Wrong. We are there, very significantly, at this particular time, and we have been there for almost two years.

But now the President has directed a further and very significant expansion of U.S. military involvement. I credit the President, the Secretary of State, and others for working out an agreement which I do not refer to as a peace agreement. Nevertheless, it is an agreement that has led to a very substantial lessening of the hostilities. It is an agreement that possibly could at some future date form the foundation for a cessation of hostilities, but I do not find that condition to exist now.

Therefore, the President has ordered ground troops, some 20,000, for actual deployment to Bosnia and approximately another 14,000 to be deployed to nearby geographic regions as support and backup forces.

It is interesting, when this mission was first described by the President back in February 1993, it was always said that we were going to send in 20,000 ground troops. But now we learn that almost a force of equal size will be required as backup. That is prudent military planning, but the initial impression across the land was of a lesser number.

Ever since this Presidential decision nearly 2 years ago, I have consistently expressed my concerns. Today, I join with many other Senators in expressing my total disagreement with the President. I do so respectful of his role as President, as Commander in Chief, but I am sure the President recognizes I have a right to express my views and I do so as a matter of conscience.

President Clinton made this decision on his own, without that level of consultation from the Congress that I believe was necessary and might have contributed to a different decision.

And now the Congress is left with trying to decide how best, as the elected representatives of the people, we can ensure that the voice of the American people is heard. I am privileged to do so on behalf of many, many Virginians with whom I have visited and from whom I have heard over the past months.

Mr. President, I have always been a strong supporter of Presidential constitutional prerogatives in the area of foreign policy—I expressed that in my colloquy with the distinguished Senator from California—and particularly

the President's authority as Commander in Chief. This very phrase is embodied in our Constitution. As Commander in Chief, the President has the right to deploy, send beyond our shores into harm's way if necessary, the men and women of the Armed Forces of the United States.

Presidents have judiciously exercised that awesome power since the very formative days of our Republic. Therefore, I do not challenge the constitutional authority of the President to deploy United States ground troops to Bosnia. He has that right under the Constitution. I do, however, challenge the wisdom of President Clinton's decision to involve this third significant element of United States forces, namely on the ground in the territory of Bosnia.

On the question of constitutional authority on this matter, I ask unanimous consent, Mr. President, to have printed in the RECORD following my remarks a very fine analysis of that issue by Lloyd Cutler, former Counsel to the President.

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

(See exhibit 1.)

Mr. WARNER. Mr. President, since the beginning of the conflict in Bosnia in 1992, as I said, I have consistently opposed the use of United States ground troops. Today, we are faced with the situation of what do we do now, given the President's commitment? My votes today expressing opposition to this Presidential decision go back to the fundamental question: Does the United States have a vital—and I repeat and emphasize the word "vital"—national security interest at stake in this region of the world, such vital security interest of a level that would justify the added deployment of United States ground troops into a region that we know is fraught with risk?

I see on the floor the distinguished Senator from Nebraska. I was privileged to accompany him to this region, the region of Krajina, in early September. We saw with our own eyes the ravages of this war-torn region. We looked into the faces of the refugees, combatants and noncombatants alike. This was the fifth in a series of trips I have conducted to this region over the years since the conflict has started.

I wish to acknowledge, Mr. President, to my colleague, how much I value the opportunity to travel with this distinguished Senator, a former naval officer, highly decorated, a man whose judgment and opinion I greatly value on military matters.

The reason I raise this is that I wish to apply a test to this deployment decision along these lines: Would I be able to go into the home of a service person who had been either killed or wounded in Bosnia as a consequence of this proposed deployment and explain to a parent or a spouse or a child why their loved one was sent to Bosnia and why their sacrifice was justified?

This is a duty I performed earlier in life as a young Marine officer and again as Secretary of the Navy, and it is not an easy one, Mr. President. I apply that test today.

I could not justify such a sacrifice, given the current situation in that region and the current status diplomatically and militarily of all the circumstances surrounding this peace accord.

I have listened carefully to the administration's justification for this deployment, but I do not find a vital United States national security interest at stake in Bosnia that would justify the use of ground troops at this time in that nation.

I do not want to see further American casualties in trying to resolve a civil war, based on centuries-old religious and cultural hatreds, which none of us understand. I certainly say, as hard as I have studied, and based on five trips, I do not understand how people in this civilized age of mankind can treat one another this way. These are well-educated people. Yet, they behave in such a manner as to be on the borderline of savagery. I cannot understand it, Mr. President.

I remember so well a hearing of the Armed Services Committee in the aftermath of Somalia. I remember a Col. Larry Joyce, the father of a young Ranger who was killed in the October 3-4 raid in Somalia which I described earlier. He came before the committee and he said to the Senators as follows:

> Too frequently, policymakers are insulated from the misery they create. If they could be with the chaplain who rings the doorbell at 6:20 in the morning to tell a 22-year-old woman she is now a widow, they would develop their policies more carefully.

I would hope that the Somalia experience would cause us to more carefully consider the policy decisions that put at risk the men and women who serve in the Armed Forces.

I have been deeply moved, as has every other Member of the Senate, and indeed all Americans, by the suffering we have seen in Bosnia as a consequence of the hatreds and atrocities in that region. I have seen it in their faces, in the hospitals we visited and in the wanton destruction of the homes and properties—homes which are so essential for the return of the many refugees. Senator KERREY and I witnessed, as we went through the villages, a row of houses, and one house with the geraniums out, the fresh laundry hanging out, and the house right next to it was flattened to the ground—flattened because it was once occupied by a Serb. That Serb had fled this village where he or she or the family had lived for years with their neighbors, but they were forced to leave in the face of the Croatian military advance. And the locals destroyed the Serb house—the house being a symbol of their hatred for that individual—and they blew it up, destroyed it, so that it would be of no use to anyone ever again. We saw that, as the Senator will recall, in village after village—a manifestation of hatred, which we cannot understand.

I remember so well the Secretary of Defense in his testimony before our committee saying, "My greatest fear in this operation is the hatreds among the people in the region." That is what concerns me. I do not want to see 20,000 U.S. troops placed in the middle of this 500-year-old sea of hatred.

Mr. President, we have heard President Clinton say that United States troops are not being sent to Bosnia to fight a war, but rather to help implement a peace agreement. According to a December 2 radio address by the President, "It is a peace that the people of Bosnia want. It is a peace that they have demanded."

Yet, I say to my colleagues, most respectfully, I disagree with the President's assessment. I think the events of recent days, of recent weeks, of recent months, have been a harbinger of things to come. At the very time IFOR is beginning its deployment to Bosnia, Bosnian Croats are burning villages which will be returned to Bosnian Serb control—villages which we, the West, will have to rebuild. Reach into your pockets and take out the funds we are going to be asked to contribute to rebuild these houses, which have been wantonly destroyed, not as a consequence of troops marching through—in some instances, yes—but largely because of the hatred that exists.

These are not the actions of a people who have embraced a peace. At this point, all we can really say is that the three leaders of this region have done their best to work out an agreement. But only time will tell the extent to which the people will eventually embrace this agreement.

Nevertheless, the President has made a decision, and it is within his constitutional authority. The troops are being deployed. Initial elements have already arrived. We have seen the pride with which the Marines and others have unfurled Old Glory on Bosnian soil. We salute them and we say: One and all, we in this Chamber unanimously support our troops.

It has been my privilege to work for 17 years on the Senate Armed Services Committee and to visit our troops many times throughout the world, wherever they have been deployed—in the Persian Gulf region, Somalia, and other areas—and to see our troops in action. So I commit myself unequivocally, in the same way I have throughout my entire adult life, to their support.

On that point, I would like to address an issue which I do not think has been addressed by any other Senator to date, and it concerns me greatly. Frequently, I have heard a few individuals

in high positions, both in the executive branch and in the Congress of the United States, make a statement along the lines that, "Well, they are volunteers, they can go."

Mr. President, we are very proud in our country to have the All-Volunteer Force. It originated, again, when I was privileged to be the Secretary of the Navy in the Department of Defense, and it was a direct decision from the then-Secretary of Defense Melvin R. Laird. Having heard these statements and becoming greatly troubled, I contacted the former Secretary and asked for his views. For the RECORD I would like to explain how we decided to have this force. During Vietnam there was a great strife across this Nation, much of that strife directed at force conscription and the draft, and President Nixon and Secretary Laird said they were going to take a risk and initiate the All-Volunteer Force.

I will read from Mr. Laird's letter of December 12, 1995. I ask unanimous consent that it be printed in the RECORD.

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

MELVIN R. LAIRD,
Washington, DC, December 12, 1995.

Hon. JOHN W. WARNER,
U.S. Senate,
Washington, DC.

DEAR SENATOR WARNER: The President's decision to commit United States military forces to Bosnia has brought renewed attention to the high level of patriotism and professionalism of the women and men who serve as members of the All-Volunteer Force.

The All-Volunteer Force was instituted during our service at DoD, yours as Secretary of the Navy and mine as Secretary of Defense. I regard the termination of the draft and the successful creation of the All-Volunteer Armed Force as the most defining action taken during my service as Secretary.

At this time of placing American military personnel in harms way, it is well to recall that the All-Volunteer Force came into being to end the inequities of pay and service of military conscription and to pay, train, and equip our military forces as professionals. That has been accomplished in large measure. Our country has the finest military force in its history. Because they have volunteered, as opposed to being drafted for military service, does not mean there can be less of a standard for when it's in our vital national interest to interject them into a dangerous environment.

It is important that the genesis for the All-Volunteer Force be a part of consideration for the justification for deployment of our military force.

With best wishes and kindest personal regards, I am

Sincerely,

MELVIN R. LAIRD.

Mr. WARNER. He stated:

Because they have volunteered, as opposed to being drafted for militry service, it does not mean there can be less of a standard for when it is in our vital national interest to interject them into a dangerous environment.

That is right on point, Secretary Laird. You are the father of the All-Volunteer Force. It has worked, and worked beyond our expectations, to the benefit of this country. I would not like to see this debate, in any way, erode the proud All-Volunteer Force concept that we have today.

The clear implication of those critics that use this phrase, "Well, they are volunteers," is that we are willing to send those who serve in the volunteer force to a foreign land to do missions and take risks that we would not have asked of a military draftee. Wrong. This is an atrocious implication. I hope the Members of this Senate will dispel any idea that, because currently the members of the Armed Forces of the United States are all volunteers, that they should be treated with any less concern than we have for generations treated previous members of the Armed Forces, whether they were draftees, Reserves called up, voluntarily or involuntarily, whatever the case may be. Once they don that uniform they deserve no less than the highest concern by the Congress, and indeed the President.

Americans willing to ask these volunteers to risk their lives in the performance of missions that do not fit the clear test of being in the vital national security interests of this country have to ask themselves a question. When the Congress decided we would fill the ranks of our military with volunteers—a policy, as I said, that was initiated in the latter part of the Vietnam war, 1972–73—one of the concerns expressed at that time was that our military might be viewed as a mercenary force. Is that now the case?

You will recall from your history that the concept of mercenaries prevailed through much of Europe, in the history of the Middle Ages and, indeed, into this century. In fact, Great Britain sent mercenaries to our colonies, often, to try to subjugate us.

Anyway, I believe that every Senator in this body will agree that while soldiers, sailors, airmen, Marines, today are volunteers, they are not mercenaries. So let us put to an end any comment about, "since they are volunteers, they deserve any less measure of concern by the Congress." The Congress stands, 24 hours a day, 7 days a week, 12 months a year, as trustees—trustees to guard the safety and the welfare of those who wear the uniform and of the families here at home who await them.

There are many aspects of this I-For deployment which I find troubling. First and foremost, I do not believe the mission of I-For has been carefully and clearly articulated. In addition to the specific military tasks with which I-For is charged in the Dayton accords, there are a list of supporting tasks which, in my view, will inevitably lead to mission creep and to I-For's involvement in implementing the nonmilitary aspects of the peace agreement.

For example, I-For is called on to assist the UNHCR, the U.N. High Commissioner for Refugees, and other international organizations, in their humanitarian missions, to prevent interference with the movement of civilian populations and refugees, and to respond to deliberate violence to life and person. It is not clear what guidelines, if any, have been given to the commanders on the ground to help those commanders determine when I-For should get involved in these supporting tasks. This must be clarified and the mission strictly limited to implementing the military aspects of the agreement. I think that should be done before another soldier, sailor, airman, or marine departs to go to that region.

I am also concerned about the administration's lack of an adequate exit strategy and an announced time limit of 12 months for this mission. Just announcing that we will leave in 12 months is not an exit strategy. We have to make sure that there is a balance of military power between these warring factions. That balance will serve as a far better deterrent, far better than anything else we can do.

I salute the distinguished majority leader, the Senator from Kansas [Mr. DOLE]. I have joined him in the past year, in trying to implement the concept of assisting one of those factions, the Bosnian Moslems, and bringing their level of armaments up to where they can possess a deterrent to attack.

I think it is naive to believe in 12 months the United States and NATO military involvement will wipe away centuries-old hostilities. What I fear we are facing is a temporary lull in the fighting until the international community withdraws its troops. Then, I ask my colleagues, what will happen to the credibility of the United States and NATO if this mission ends inconclusively, or is possibly even judged to be a failure because the conflict resumes after we depart?

Remember, remember those pictures of our brave Marines as they left Somalia with the people on the shore firing at them as they disembarked in their small craft to go out to a larger American warship and return home. I do not forget that. I do not forget those instances.

Because of the serious concerns which I have outlined, I will vote to oppose this deployment of U.S. ground troops. This was not an easy decision for any of us to make but I do it as a matter of conscience. However, if that full deployment is to occur and does occur, then I will, as I have in every day I have served in this U.S. Senate, support the troops 100 percent in every way I know how.

Mr. President, I ask unanimous consent that recent editorials on this situation by the former distinguished Secretary of the Navy James Webb, and by a former professional Army officer,

Col. Harry Summers, be printed in the RECORD and I yield the floor.

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

[From the New York Times, Nov. 28, 1995]

REMEMBER THE NIXON DOCTRINE

(By James Webb)

The Clinton Administration's insistence on putting 20,000 American troops into Bosnia should be seized on by national leaders, particularly those running for President, to force a long-overdue debate on the worldwide obligations of our military.

While the Balkan factions may be immersed in their struggle, and Europeans may feel threatened by it, for Americans it represents only one of many conflicts, real and potential, whose seriousness must be weighed, often against one another, before allowing a commitment of lives, resources and national energy.

Today, despite a few half-hearted attempts such as Gen. Colin Powell's "superior force doctrine," no clear set of principles exists as a touchstone for debate on these tradeoffs. Nor have any leaders of either party offered terms which provide an understandable global logic as to when our military should be committed to action. In short, we still lack a national security strategy that fits the post-cold war era.

More than ever before, the United States has become the nation of choice when crises occur, large and small. At the same time, the size and location of our military forces are in flux. It is important to make our interests known to our citizens, our allies and even our potential adversaries, not just in Bosnia but around the world, so that commitments can be measured by something other than the pressures of interest groups and manipulation by the press. Furthermore, with alliances increasingly justified by power relationships similar to those that dominated before World War I, our military must be assured that the stakes of its missions are worth dying for.

Failing to provide these assurances is to continue the unremitting case-by-case debates, hampering our foreign policy on the one hand and on the other treating our military forces in some cases as mere bargaining chips. As the past few years demonstrate, this also causes us to fritter away our national resolve while arguing about military backwaters like Somalia and Haiti.

Given the President's proposal and the failure to this point of defining American stakes in Bosnia as immediate or nation-threatening, the coming weeks will offer a new round of such debates. The President appears tempted to follow the constitutionally questionable (albeit effective) approach used by the Bush Administration in the Persian Gulf war: putting troops in an area where no American forces have been threatened and no treaties demand their presence, then gaining international agreement before placing the issue before Congress.

Mr. Clinton said their mission would be "to supervise the separation of forces and to give them confidence that each side will live up to their agreements." This rationale reminds one of the ill-fated mission of the international force sent to Beirut in 1983. He has characterized the Bosnian mission as diplomatic in purpose, but promised, in his speech last night, to "fight fire with fire and then some" if American troops are threatened. This is a formula for confusion once a combat unit sent on a distinctly noncombat mission comes under repeated attack.

We are told that other NATO countries will decline to send their own military forces to Bosnia unless the United States assumes a dominant role, which includes sizable combat support and naval forces backing it up. This calls to mind the decades of over-reliance by NATO members on American resources, and President Eisenhower's warning in October 1963 that the size and permanence of our military presence in Europe would "continue to discourage the development of the necessary military strength Western European countries should provide for themselves."

The Administration speaks of a "reasonable time for withdrawal," which if too short might tempt the parties to wait out the so-called peacekeepers and if too long might tempt certain elements to drive them out with attacks causing high casualties.

Sorting out the Administration's answers to such hesitations will take a great deal of time, attention and emotion. And doing so in the absence of a clearly stated global policy will encourage other nations, particularly the new power centers in Asia, to view the United States as becoming less committed to addressing their own security concerns. Many of these concerns are far more serious to long-term international stability and American interests. These include the continued threat of war on the Korean peninsula, the importance of the United States as a powerbroker where historical Chinese, Japanese and Russian interests collide, and the need for military security to accompany trade and diplomacy in a dramatically changing region.

Asian cynicism gains further grist in the wake of the Administration's recent snubs of Japan: the President's cancellation of his summit meeting because of the budget crisis, and Secretary of State Warren Christopher's early return from a Japanese visit to watch over the Bosnian peace talks.

Asian leaders are becoming uneasy over an economically and militarily resurgent China that in recent years has become increasingly more aggressive. A perception that the United States is not paying attention to or is not worried about such long-term threats could in itself cause a major realignment in Asia. One cannot exclude even Japan, whose strong bilateral relationship with the United States has been severely tested of late, from this possibility.

Those who aspire to the Presidency in 1996 should use the coming debate to articulate a world view that would demonstrate to the world, as well as to Americans, an understanding of the uses and limitations—in a sense the human budgeting of our military assets.

Richard Nixon was the last President to clearly define how and when the United States would commit forces overseas. In 1969, he declared that our military policy should follow three basic tenets:

Honor all treaty commitments in responding to those who invade the lands of our allies.

Provide a nuclear umbrella to the world against the threats of other nuclear powers.

Finally, provide weapons and technical assistance to other countries where warranted, but do not commit American forces to local conflicts.

These tenets, with some modification, are still the best foundation of our world leadership. They remove the United States from local conflicts and civil wars. The use of the American military to fulfill treaty obligations requires ratification by Congress, providing a hedge against the kind of Presidential discretion that might send forces into conflicts not in the national interest. Yet they provide clear authority for immediate action required to carry out policies that have been agreed upon by the government as a whole.

Given the changes in the world, an additional tenet would also be desirable: The United States should respond vigorously against cases of nuclear proliferation and state-sponsored terrorism.

These tenets would prevent the use of United States forces on commitments more appropriate to lesser powers while preserving our unique capabilities. Only the United States among the world's democracies can field large-scale maneuver forces, replete with strategic airlift, carrier battle groups and amphibious power projection.

Our military has no equal in countering conventional attacks on extremely short notice wherever the national interest dictates. Our bases in Japan give American forces the ability to react almost anywhere in the Pacific and Indian Oceans, just as the continued presence in Europe allows American units to react in Europe and the Middle East.

In proper form, this capability provides reassurance to potentially threatened nations everywhere. But despite the ease with which the American military seemingly operates on a daily basis, its assets are limited, as is the national willingness to put the at risk.

As the world moves toward new power centers and different security needs, it is more vital than ever that we state clearly the conditions under which American forces will be sent into harm's way. And we should be ever more chary of commitments, like the looming one in Bosnia, where combat units invite attack but are by the very nature of their mission not supposed to fight.

[From the Washington Times, Dec. 11, 1995]

AFTER THE DOUBTS, SALUTE AND OBEY

(By Harry Summers)

When it comes to the Bosnian intervention, "the proverbial train has left the station," said Rep. Floyd Spence, South Carolina Republican, chairman of the House National Affairs Committee. But that did not mean he agreed with that deployment. "I believe we will all eventually regret allowing American prestige and the cohesion of the NATO alliance to be put at risk for a Bosnian peacekeeping operation."

Many senior military officers would privately agree with his assessment. But now is not the time to publicly express their doubts. Before a decision is made, the duty of a military officer is to speak up and express any reservations about a proposed course of action. But once the decision is made, the duty is then to salute and obey and wholeheartedly support the task at hand.

And that support especially includes keeping their doubts to themselves. Commanding a rifle company in the 2nd Armored Division in 1965, my executive officer, Lt. Thomas E.M. Gray II, had grave reservations about our emerging Vietnam policy. Expressing those concerns in a Troop Information lecture, he was surprised when the soldiers turned on him with a vengeance. Many were already alerted for Vietnam, and they wanted to believe in what they were being ordered to do. They had their own doubts and fears to contend with, and what they needed from their leaders was reassurance that the task was both necessary and doable.

Like Jesus' centurion, a soldier is "a man under authority," and when his civilian and military leaders say go, "he goeth." Despite

his misgivings, Lt. Gray himself went to Vietnam and was tragically killed in action while serving with the 1st Infantry Division's 1st Battalion, 16th Infantry. Like Lt. Gray, many others served in Vietnam, and will serve in Bosnia as well, despite their private reservations.

One who did so in Vietnam was Vice President Al Gore, and on the day of the president's address, the vice president invited several of us to the White House for a briefing on Bosnia. In the course of our talk, he called attention to a Nov. 27, 1995, New York Times article headlined "Commanders Say U.S. Plan for Bosnia Will Work." But those comments may not be as telling as he believed. They may well reflect only the traditional military reluctance to undermine soldiers' confidence and morale on the eve of a hazardous operation.

Whether the military commanders have private misgivings about the Bosnian operation is not knowable, but what is becoming clear is the lengths they have gone to ensure that the military mission was limited to doable military tasks.

Until recently, according to press reports, the military operation was to include not only the "peacekeeping" task of keeping the warring parties separated, but the "nationbuilding" task of rebuilding the Bosnian political and economic infrastructure and also the job of training and equipping the Bosnian Muslim military to bring it up to par with its enemies.

At our White House meeting, the vice president took particular pains to disavow any such "mission creep." The "nationbuilding" notion that led to such grief in Somalia will not be a U.S. military mission, he said. That will be a task for the Europeans, specifically the OSCE, the Organization for Security and Cooperation in Europe, which has several ongoing missions in the area. Training of the Muslims, originally said to be a task for the U.S. Army's 10th Special Forces Group, will now be done by third-party nationals. And the vice president categorically ruled out any manhunts for war criminals, such as the one that led to the disaster in Mogadishu.

To their credit, the senior military leaders have done their best to limit the mission to doable tasks. But the one thing they have not succeeded in doing is resolving the issue of military casualties. This is an issue of major concern, and at the vice president's briefing and later in the presidential address to the nation, it was emphasized that the Bosnian operation is not risk free, and that casualties will occur.

But casualties per se are not the limiting factor. It is whether those casualties are disproportionate to the value of the mission. In World War II, the value was national survival, and we willingly paid more than a million casualties in its pursuit. In Somalia, the value was never established, and 16 became too many. The task for President Clinton is to establish the value of what we are trying to do in Bosnia as the basis for the costs in both lives and treasure that such an operation will entail.

If the polls are correct, that value has not yet been established. And if that task remains undone, then even one casualty may prove to be too many and Mr. Spence's warning will prove to have been only too correct.

[From the Washington Post, Nov. 26, 1995]

OUR PIECE OF THE PEACE—SENDING TROOPS TO BOSNIA: OUR DUTY, CLINTON'S CALL

(By Lloyd N. Cutler)

After months of sustained effort, the Clinton administration has succeeded in negotiating a peace agreement among the three warring ethnic factions in Bosnia. The agreements initialed in Dayton would require us and our NATO allies to place peacekeeping units of our armed forces in Bosnia for a year or more. This raises once again the biggest unresolved issue under the U.S. system of separate executive and legislative departments: Is the constitutional authority to place our armed forces in harm's way vested in the president or in Congress, or does it require the joint approval of both?

President Clinton has said he would follow the precedent set by George Bush before the 1991 Desert Storm invasion and seek a congressional expression of support before committing American units to the enforcement of the Bosnian peace agreement. But he has also asserted the constitutional power to act on his own authority, just as Bush did. This time, it is Republican congressional leaders who are challenging a Democratic president's view that the president can lawfully act on his own, but, more typically it has been Democratic Congresses challenging presidents of either party.

During the coming debate, Congress would be wise to bear in mind, as it did five years ago, that the world will be watching how the one and only democratic superpower reaches its decisions, or whether it is so divided that it is incapable of deciding at all. Congress needs to recognize that we cannot have 535 commanders-in-chief in addition to the president and that some deference to presidential judgments on force deployments is in order. That is especially true when, as in Korea, Iraq and Bosnia, the president's proposed deployments are based on United Nations Security Council resolutions that we have sponsored and on joint decisions with our allies pursuant to treaties Congress has previously approved.

In the case of Bosnia, the argument for committing U.S. forces to carry out a peace agreement is a strong one. All of us are revolved by the ethnic cleansing and other human rights abuses that the various factions have committed. These abuses are likely to continue if the peace agreement is not formally signed in mid-December as now scheduled, or if it is signed but not carried out. If the war goes on or soon resumes, it may well spread to other parts of the former Yugoslavia and to the rest of the Balkans, still the most unstable region of Western and Central Europe. Any widening of the Balkan wars could well spread to Eastern Europe and the Middle East and pose a substantial potential threat to U.S. national security.

Some foreign forces are needed to separate the contending armies and to control the standing down of heavy weapons. Under our leadership, and only under our leadership, NATO is ready to supply the necessary forces. The stronger the forces, the better the chance that they will not be attacked and that they will accomplish their mission. All these reasons argue for a significant U.S. military commitment, now that a promising peace agreement has been reached.

In 1991, the Democratic Congress narrowly approved President Bush's decision to reverse the Iraqi invasion of Kuwait, thus mooting the issues of whether the president could have acted alone. Today, the Republican congressional leadership, while sounding somewhat more conciliatory than in recent weeks, is challenging President Clinton to make his case for the proposed deployment. This war powers question has come up repeatedly since the 1950 outbreak of the Korean War, when President Truman committed our forces without first seeking congressional approval, but has never been resolved.

In foreign and national security policy, as in domestic policy, neither Congress nor the president can accomplish very much for very long without the cooperation of the other. This is so for both constitutional and practical reasons. The Constitution gives Congress the power to "declare war," but both Congress and the president share the power to raise armies and navies and to raise and appropriate funds for their maintenance and deployment. Only Congress can enact such measures, but it needs the president's approval or a two-thirds majority of both houses to override his veto. Only the president can negotiate treaties, but he needs a two-thirds vote of the Senate to ratify them. The president's separate powers are limited to receiving ambassadors, serving as commander-in-chief of the armed forces and faithfully executing the laws. If as commander-in-chief he orders our armed forces into a combat situation, he still needs congressional approval to finance such a commitment over an extended period of time.

Before the United States became a superpower, disputes over the authority to commit our forces rarely arose. We had few occasions to deploy our military units abroad, much less commit them to conflict. Armies, navies and news of battle traveled very slowly. Air forces and long-range missiles did not exist. There was plenty of time after learning of a threatening event for the president to deliberate with Congress about the proper response. Occasionally, presidents committed us unilaterally, as in our attacks on the Barbary pirates in Tripoli in Jefferson's time, but it was rare for Congress to claim that its own prerogatives were being usurped by the president.

Since World War II, all this has changed. As commander-in-chief of the democratic superpower, presidents now deploy our armed forces all over the world. We can attack, or be attacked, within moments. On numerous occasions, presidents have committed our forces to armed conflict, sometimes of a sustained nature as in Korea and Vietnam, without asking Congress to declare war. In Vietnam, as it had in Korea, Congress initially supported the president's initiatives by appropriations and other measures. But as the duration and scope of our military actions in Indochina escalated, an increasingly restive Congress enacted the War Powers Resolution over President Nixon's veto. The resolution laid down a series of rules that require a president "in every possible instance" to "consult with Congress" before he commits our armed forces to combat or to places in which hostilities are "imminent." It also requires the withdrawal of those forces if Congress fails to adopt an approving resolution within 60 days.

President Nixon and all subsequent presidents have challenged the constitutionality of these prescriptions, but the Supreme Court has never accepted a case that would resolve this dispute and is unlikely to do so in the near future. When presidents "consult" with Congress before committing forces, they are careful to avoid saying they do so "pursuant to" the War Powers Resolution; they say they do so "consistent with" the resolution.

There are obviously situations where modern technology makes advance consultation with Congress impractical—most notably the case where our sensor equipment indicates that a missile attack has been launched on the United States or our NATO allies, or where speed and secrecy are key factors, as in the rescue of American hostages or reprisals against a terrorist act abroad.

But presidents have continued to commit our forces to armed conflict or situations where conflict was clearly "imminent," whether or not split-second timing was imperative. President Ford, for example responded forcefully to an attack on a U.S. vessel (the Mayaguez) off the Cambodia coast; President Carter launched a military mission to rescue our hostages in Iran; President Reagan put our forces into Lebanon, the Sinai, Chad and Grenada and ordered bombing attacks on Libya; President Bush sent troops into Panama, Liberia, Somalia, Saudi Arabia, Kuwait and Iraq.

As for President Clinton, he has already ordered our forces into Somalia, Rwanda, Haiti and Macedonia and has authorized our air units to enforce the U.N. no-fly zone over Bosina itself.

Moreover, in the 22 years since the War Powers Resolution became law, Congress has never undermined these presidential uses of force by action (or inaction) in a way that would have blocked the mission or required withdrawal within 60 days.

All this does not mean that Congress must cede the power to make national security decisions to the president. Congress successfully forced Johnson and Nixon to limit and finally to terminate the undeclared Vietnam War. Congress successfully stopped Reagan's covert sales of weapons to Iran and his covert and overt military aid to the contras. As these examples show, presidents cannot effectively exercise their separate constitutional powers over national security and foreign policy over an extended period without the cooperation of Congress. That is why Clinton, like Bush in 1990, has invited Congress to express its views before our forces are committed to support the peace agreement in Bosnia.

A week ago Friday, while the Dayton negotiations were still going on, House Republicans passed a bill that would bar the expenditure of any funds to sustain U.S. forces in Bosnia. Fortunately, the Senate is unlikely to follow, and even if it did, a presidential veto would be difficult to override. But the House Republicans who launched this preemptive strike would do better to emulate former Republican congressman Dick Cheney.

In 1990, when we had a Republican president and Democratic majorities in both houses of Congress, Cheney was the secretary of defense. As he said before we entered the Gulf War, "When the stakes have to do with the leadership of the Free World, we cannot afford to be paralyzed by an intramural stalemate." The decision to act, he noted, "finally belongs to the president. He is the one who bears the responsibility for sending young men and women to risk death. If the operation fails, it will be his fault. I have never heard one of my former [congressional] colleagues stand up after a failed operation to say, 'I share the blame for that one; I advised him to go forward.' "

This does not mean that Congress must approve the president's proposed commitments without change. For example, following the Lebanon precedent, Congress could require its further approval if the forces were not withdrawn within, say, 18 months, a period that expires after the next elections. The president and Congress have the shared responsiblity of finding a solution that shows we can function as a decisive superpower and as a responsible democracy at the same time. The public expects no less.

It may be too late to help in the Bosnia debate, but there is one change in our process for making national security decisions that ought to be adopted. The National Security Council (NSC), the statutory body created to advise the president on national security affairs, consists entirely of officials in the executive branch. When the NSC takes up issues related to the potential commitment of our forces, the president could invite the attendance of the speaker, the majority and minority leaders of the House and Senate and the chairmen and ranking members of the national security and foreign policy committees of each house. Since the NSC role is purely advisory, no separation-of-powers issues would arise. In this way Congress, in its own favorite phrase, would be effectively consulted before the takeoff, rather than at the time of the landing. The cooperation on national security issues that the nation wants and expects might still elude us, but the president would have done his part to carry out George Shultz's admonition that trust between the branches must be Washington's "coin of the realm."

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is next to be recognized under the previous order.

Mrs. HUTCHISON. Will the Senator from Nebraska yield for a unanimous consent request?

Mr. KERREY. I am pleased to yield.

Mrs. HUTCHISON. I ask unanimous consent Senator SNOWE be sequenced following Senator BRADLEY in speaking order.

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

The Senator from Nebraska is recognized.

Mr. KERREY. Mr. President, first, the Senator from Virginia just gave very eloquent testimony, not just to the U.S. abilities in the past to accomplish good things, but the risks contained in them.

I did have a great honor to be able to travel with the Senator from Virginia earlier this year, to Zagreb and down to Split and down to Knin in the Krajina Valley where the Croatian forces had succeeded in driving, by some estimates, close to 200,000 military and civilian personnel from that valley. It was very clear to me that I was in the presence of a man who understood, not just that particular region as well as any, but understood the great value and importance of we Americans leading where we can and doing what is possible to make the world a safer and better place. I have many of the same misgivings the Senator from Virginia just expressed and I know that, in expressing opposition to the resolution and the deployment, in his own statement just now he wants this mission to be successful. He wants this operation, this NATO operation to be a success.

I also must say——

Mr. WARNER. Mr. President, I wish to thank my distinguished colleague. We will travel together again to other places in the world on behalf of our Armed Forces.

I will be pleased to hear the Senator's remarks.

Mr. KERREY. I look forward to the travel. I learned a great deal in a relatively short period of time from the distinguished senior Senator from Virginia. I look forward to having a chance to travel and learn again.

The goal of any policy, particularly a foreign policy, I presume and hope, is success. But, in a complex and confused conflict, such as this one, which has festered for centuries, success is extremely hard to define. The civil war in the former Yugoslavia is the consequence of a very confusing sequence of events that very few people understand fully. Yugoslavia itself was an intricate construct of religions and nationalities. Even the future consequences of U.S. inaction now are not immediately clear. Also, there has been considerable disinformation put out by all sides in the conflict, to justify the claims that all sides have to the status of being a victim.

The international solution coming out of the Dayton agreement is not exactly simple either. A NATO force, including non-NATO units and even Russian units, is to separate the parties along a meandering 600-mile boundary line and then oversee the restoration of civilian government functions in Bosnia.

Meanwhile, the European Community and international donors put together a financial program to rebuild Bosnia's infrastructure. The plan may or may not be brilliant, but it certainly is not simple.

So it is not surprising, Mr. President, that well-informed citizens—and I am thinking in my case of Nebraskans who I had the honor of visiting with this week to discuss this policy—do not fully understand the Bosnian case.

As I indicated earlier, I had the opportunity to travel to the former Yugoslavia, have attended hours of briefings in the intelligence community, and have visited the National Military Joint Intelligence Center in the Pentagon the last two Fridays. I must say I do not fully understand this problem, either.

Mr. President, I do understand that American leadership has already made it better. My response to those who despair of improving this tangled region is that from the moment of President Clinton's decision last summer to lead the way to a solution, the former Yugoslavia has become a more peaceful place. Bosnia is now a safer place for its inhabitants.

Mr. President, it was only last summer that the only access to Bosnia's capital, Sarajevo, was over the dangerous Mount Igman road. Three American diplomats were killed in July on that road. The airport was closed. Sarajevo's very life was at risk from mortar attacks, from snipers, and from the cutoff of the energy and food on which life depends.

Then came the United States commitment to lead, Ambassador

Holbrooke's full-court press, and today Bosnians are safer as a consequence. C–130's now land at Sarajevo. Sarajevans' daily brushes with death are over, we pray forever. Energy and food deliveries are resuming, Mr. President. I am describing the indicators of success—success we have already achieved.

The distinguished Senator from Virginia earlier indicated, and I think quite properly, a test that all of us should apply to an operation, to a mission of this kind. That is, would we be able to go into the home of a family who had lost a loved one in a conflict and tell them what their loved one had accomplished? Was it worth their sacrifice?

Mr. President, you would, I think, be hard pressed not to be able to go into the homes of the three diplomats who gave their lives to secure peace in Yugoslavia and not be able to say that, thanks to their bravery in July, being willing to run the risks associated with travel to Sarajevo at the time, that as a consequence of their bravery we now have peace in that city.

There are many people who are planning trips there and lots of travel going on there. Mr. President, there has been a tremendous success accomplished already.

Last August when I visited Yugoslavia, Sarajevo was judged so dangerous that the administration said that I and the delegation that I traveled with should not go there. We could not get to the capital of the country which is at the heart of this problem. Today, not only is Sarajevo accessible, but Tuzla, where our troops will be stationed, is accessible as well. Already, several congressional delegations have traveled there in the past few weeks to see for themselves the conditions our troops will face. That access is the fruit of policy success.

But success in any enterprise, Mr. President, is temporary unless you are willing to secure it and to build on it. The Dayton agreement provides for military forces to enforce separation of the parties and to ensure compliance with the agreement. If all the parties comply with the agreement, success will be achieved and a peaceful, secure Bosnia will not just be a possibility but an odds-on likelihood.

Mr. President, given what has happened in Bosnia and what could happen without the decisive impact of American leadership, I contend this would be a highly successful outcome, one in which all Americans could take great pride.

Mr. President, much has been said—I have listened to many colleagues, and I have heard, particularly on talk radio, concern expressed—about President Clinton as Commander in Chief. First of all, let it be said that Mr. Clinton, our President, is the architect of this policy and he is the Commander in Chief of our Armed Forces. As the distinguished majority leader has correctly stated, we only have one President, one Commander in Chief. Our Armed Forces have a high level of good order and discipline. They recognize that fact. They will follow the orders the President gives them. They will proceed to the places named in his orders.

When we do our constitutional duty of debating deployment such as this one, we should not say or do anything which might separate the Armed Forces from their properly constituted chain of command. A resolution of this body declaring support for the troops but opposition to the action the President has ordered the troops to take could have very negative consequences for the morale of the Armed Forces as well as for the outcome of the mission.

A statement by one Senator such as I read in this morning's New York Times to the effect that this Senator has spoken to soldiers at a military installation and said, "They're with me. They're mixed. They know I'm for them and I'm trying to keep them out," is not helpful. The troops are with their Commander in Chief and with no one else, regardless of the outcome of this debate.

There is also a good deal of talk, as I said, on talk radio criticizing Bill Clinton's right to deploy American forces and his ability to command those deployed forces because he did not go to Vietnam.

I will address this topic, Mr. President, head on. Having not served, I must say, can be a handicap for people serving as Commander in Chief of the military, no two ways about it. There are parts of a job you grow into, and I believe strongly that the President has really grown as a Commander in Chief. He inherited Somalia from the Bush administration, and as Commander in Chief of the Somalia operation, Bill Clinton has experienced the human tragedy of being the leader when United States casualties occur. He has not flinched from hard talks with the families of casualties that occurred on his watch. Those talks are a sobering and maturing experience for any commander, even a President. He is not naive or starry eyed about what he is ordering young Americans to do.

There is another aspect of Presidential service that must be considered, particularly as we engage in this kind of debate. Bill Clinton may not have been in combat in Vietnam, but in a very real way he, like all his predecessors, is experiencing combat now. He is experiencing the daily danger which, unfortunately, is part of his job. His residence has been attacked twice. He suffered the loss of a friend and ally, Prime Minister Rabin. He knows firsthand every day the sense of an unknown but ever present threat to your life and the life of your family, which is an essential part of combat. In this sense, too, he has matured a lot. The job has that effect on people.

In the final analysis, though, the most important tool that the President brings to being Commander in Chief is the fact that he is properly sworn. He is the duly elected President of the United States of America. Mr. President, that is all it takes. Every American soldier, every American sailor, every American airman and marine must understand it.

As far as a national interest, Mr. President, it does fall to the President of the United States to define the Nation's vital interests and then act to defend them. Such interests are at issue in the former Yugoslavia. The most important one, in my judgment, is the stability of Europe.

We have learned in this century that we ignore European instability at our peril. Twice we have made the mistake of thinking Europeans, with their money and sophistication and long experience as countries, could maintain their own stability. Twice we have had to send millions of our soldiers to fight in Europe to correct the mistake and to lead Europeans into stable, peaceful arrangements with each other. There may come a time when Europeans can do this all by themselves, but the Yugoslavian experience of the past 4 years shows that time is not yet here.

At the end of World War II, America determined to shore up the stability and security of Europe. Former friend and foe alike were a shambles, communism was a growing force in European domestic politics, and the Soviet Union showed both the ability and the inclination to incorporate all the continent into his family of satellite states.

To our farsighted leaders of the period, a crisis was apparent. They responded with a decisive commitment of American leadership. They organized an alliance of the United States, Canada, and 13 European countries, an alliance with a simple but breathtakingly open-ended commitment, an attack on any member was an attack on all. In other words, we would go to war to defend any NATO member. With the implementing vision of the first Supreme Allied Commander, Dwight D. Eisenhower, the NATO alliance began a record of achievement that climaxed not a year later but 40 years later with the fall of the Berlin wall and the collapse of Soviet communism.

Whenever we give speeches about what we are proud of in America's accomplishments since World War II, we brag, and very properly so, about our victory in the cold war and the U.S. leadership of NATO which made victory possible. Mr. President, our commitment in 1949 was not totally assured of success. Far from it. And our commitment was not accompanied by a congressional requirement for an exit strategy. In 1949 our leaders acted boldly to leverage American leadership

into an alliance with a good chance of success. Today, with a new situation in Europe, we face a requirement to act again, boldly, to restore and maintain European stability. Again, NATO is the instrument of choice. If we do not act, instability will spread more broadly in a region in which major European powers have historic interests and have not shrunk from war to advance those interests. If we do not use NATO as our instrument, this alliance will not be available to continue its 40 year role as the guarantor of a peaceful, stable Europe.

It was not so long ago that our major European allies were usually at each other's throats. NATO created a framework of defense cooperation in which shared interests outweighed rivalries. Today NATO expansion carries the potential to extend the same cooperation into Eastern Europe and I hope, eventually, Russia and other former Soviet states. I cannot think of a better way to lock-in the benefits of the end of the cold war. But without NATO as a vibrant, capable organization, it will not happen. NATO cannot be such an organization without U.S. leadership. Mr. President, stability in Europe and the continued viability of NATO are our vital interests, and they are at issue today in the Balkans.

We have other lesser, but important interests there. We have an interest in a peaceful, stable, Russia which cooperates with us and with NATO on defense matters and with which we can share mutual confidence. The deployment of Russian units to the I-FOR under United States command provides a potentially priceless opportunity to build such a relationship. Also, we have an interest in developing a better relationship with the Moslem world. Moslems have clearly been the underdog in the Yugoslav war, and American leadership to preserve and secure a Bosnia which is again safe for Moslems will have positive effect on United States relations with the Moslem world. It will show the truth of our national character, which is we seek justice and fairness and do not play ethnic favorites.

DRAFT A RESOLUTION TO SUPPORT SUCCESS

What we vote today matters. We should not hamstring our commanders with requirements that make success harder to attain. When we require the administration to supply armaments of the highest quality to one of the combatants, the highest quality being the best the United States has in its own arsenal, or when we pass a resolution which sets an artificial time limit on an operation which should only be bounded by accomplishment of the assigned task, we are placing handicaps on Admiral Smith's ability to accomplish the mission. I know none of us wants to do that. Once our troops are committed, all of us want them to succeed.

I must also add my concern about Congress declaring U.S. creditability to be a strategic interest. We may be issuing an open-ended invitation to Presidents present and future to make unilateral commitments and require Congress to support them on the fuzzy basis of creditability. The stability of Europe is reason enough for this operation, in my view.

Mr. President, I have been to briefings at the Intelligence Committee and have spent the last two Friday afternoons at the National Military Joint Intelligence Center at the Pentagon, trying to learn all I can about this mission and the intelligence support our commanders will be getting. I am immensely proud to have a military that can do a mission like this—to go into difficult terrain in tough weather conditions and be able to provide its own support and security while being prepared to engage any or all of three contending armies. I am proud of the work our national and military intelligence communities have done and are doing to support our troops with the best intelligence available, and also support the NATO and foreign forces in the I-FOR. No one else in the world could do this, except the United States. We are doing it, as I said, to protect vital interests. We are doing it in a good cause.

If all the parties to the Dayton agreement abide by it, our leadership will have brought peace to the Balkans. More importantly, we will have extended the guarantee of European stability to which we have been committed, in NATO, since 1949. If we lead with the vision of our post-war predecessors, we can achieve success in Bosnia.

Mr. President, finally, let me point out what should be obvious. The success that has been achieved thus far has been a success of the President of the United States committed to achieve peace in the Balkans, but a success that has been put together by diplomats, by politicians, some elected and appointed leaders, not just of the United States but of all three of the nations in the Balkans. And if success is to be the end goal, and if we are to achieve that success, the military can only do part of it. In order for the military to be successful, we political leaders are going to have to do the hard work of making certain that all the parties adhere to the agreement that we expect them to sign in Paris tomorrow.

I believe there is a good chance of success—of further and continued success—a chance of success that is worth the risk that we take, the risk of lives and the risk of capital in the Balkans.

I hope that the debate about this resolution—a nonbinding resolution that does not necessarily impact the President—I hope that the President hears throughout all of this debate perhaps some criticism. But even critics have to grudgingly, I hope, acknowledge that there is peace in the Balkans, that you can fly to Sarajevo, that children and civilians in Sarajevo markets do not worry on Sundays—as they did when I was there on the 28th of August—that 120-millimeter rockets and mortars were going to rain down on them and take their lives. That fear is gone today. The fear of sniper attack is gone.

If the standdown of forces occurs in the first 30 days and in the next 45 days and the next 180 days, if we can just stand down the forces, the United States of America will continue to be able to say that we are saving lives. There are people alive today in Sarajevo that would not have been alive were it not for the leadership of the President of the United States and the people of the United States backing that President.

I hope we understand and appreciate the great success that only the United States of America could achieve under the leadership of Bill Clinton. I hope this debate does not cloud that success, and I hope this debate does not prevent and make more difficult a continuation of our efforts to build upon that success.

Mr. President, I yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that Senator LOTT be traded in speaking order for Senator DOMENICI, who would be next, and also that Senator KASSEBAUM be added after Senator NUNN in the speaking order.

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

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I thank the distinguished Senator from Texas for accommodating my schedule and allowing me to change the order of the list of speakers. I also want to thank her for her leadership in this area. It is not easy. It takes a lot of courage, and the Senator from Texas has done an excellent job on this issue. I support her resolution because it best reflects my views on this issue.

This resolution expresses opposition to the decision to put United States troops on the ground in Bosnia, and also it says that we support our troops. Certainly, we all do, whether they are in the Continental United States or anywhere around the world. This resolution is simple. It is direct. It is to the point. And, I agree with it. I oppose the decision to send U.S. ground troops to Bosnia.

Conversely, I intend to oppose the resolution by the distinguished majority leader, and the Senator from Arizona, Senator MCCAIN. They have done

excellent work on their resolution. They have improved it considerably. But it still has language that to me—leaves the impression that a vote in favor of the resolution equates to authorizing, or agreeing with the decision to deploy ground troops. It does not say exactly that, but it still has language that gives me discomfort in that area.

I also have difficulty with our putting United States troops on the ground—supposedly as neutral I-FOR troops between the Serbians, the Bosnians, and the Croats on the other side—all while the United States leads an effort to train, equip, and arm the Bosnians. That is a precarious position for U.S. forces. I think that is a very impractical arrangement. You cannot appear to be, or try to be neutral while you are, in fact, leading an effort to train one party of the three factions involved. So I have not been able to get that problem worked out in my mind with the language that is before the Senate in the resolution by Senator DOLE.

Mr. President, in 1921, Oliver Wendell Holmes wrote:

A page of history is worth a volume of logic.

Without an understanding of history, it is easy to repeat the mistakes of history, and it is in that context of history that we must carefully review President Clinton's decision to send United States ground troops into Bosnia.

On November 21, 1995, President Clinton announced that an agreement had been reached in Dayton, OH, an agreement which he believed would secure peace in the former Yugoslavian Republic of Bosnia. According to him, key to its success would be participation of 20,000 American military personnel on the ground. Without American involvement, the President suggested there would be no peace and U.S. leadership of NATO would suffer, perhaps to the point of rendering NATO useless. But the President's dire warnings must not be simply conceded under the assumption that he is right. The decision to send United States troops to Bosnia should not be reached because of feared diminution of United States leadership in the world or of NATO.

The fundamental decision should be based on answers to two simple specific questions: Are vital United States national security interests under threat in Bosnia? Do we have an effective exit strategy?

Before going further, I want to say that the President deserves credit for creating a negotiating framework which brought together the leaders of the warring parties and for fostering an environment of serious work to bring peace to war-torn Bosnia.

But the decision to deploy United States troops to Bosnia is much more complex than just simply affirming a peace agreement negotiated in Dayton. Much more must be considered before our troops are deployed en masse.

Before addressing the two immediate questions regarding this decision, though, whether to deploy the troops, we must understand the history of Bosnia, if for no other reason than to gain some sense of the potential success or failure of that Dayton agreement.

In his second State of the Union Address in 1862, President Lincoln counseled the Congress to remember that we cannot escape history. That same counsel applies to the strife-ridden Bosnia.

The former Yugoslavia found its birth in 1918 as the Kingdom of the Serbs, the Croats and Slovenes united under the reign of King Alexander. In 1929, the country was renamed Yugoslavia, but the recent civil unrest in Bosnia can be traced much further back than that. The deep hatred and animosity of the Serbian, Bosnian, and Croatian peoples was not born from their forced union in 1918. It reaches back to the mid-1300's when the Ottoman Turks subdued the Serbian state.

History is clear that death, civil strife, and general mayhem between the Serbs, Croats, and Bosnians was prolific between the mid-1300's until Tito solidified his control of Yugoslavia at the close of World War II. In most cases, the hostility between the parties was based on religious and cultural divisions and the leadership of the day, whether it be King Alexander or Tito, used these religious and cultural hatreds as tools to suppress, to check, and to trump the national aspirations of each of the parties in the region. The result was nearly continuous bloodshed between the three warring factions.

This backward, bloody, and ugly history led British Prime Minister Benjamin Disraeli to tell the House of Lords in 1878 these words, which are applicable to today's situation. He said:

No language can describe adequately the condition of that large portion of the Balkan peninsula—Serbia, Bosnia, Herzegovina and other provinces—political intrigues, constant rivalries, a total absence of all public spirit—hatred of all races, animosities of rival religions and absence of any controlling power . . . nothing short of 50,000 of the best troops would produce anything like order in these parts.

That was in 1878. If it would have taken 50,000 troops then, how many troops would it take today?

When King Alexander was assassinated in 1934 byy Croatian extremists, Yugoslavia began to split apart at the seams. Why was King Alexander assassinated? Well, in 1929 he tried to create an autonomous Serb, Croat, and Slovene government under a unified federalist structure called Yugoslavia. While one central government was to remain under his ledership, the three parties would achieve independence.

The Dayton agreement—at its fundamental base—seeks to resurrect much of King Alexander's failed plan of 1929. But instead of creating three separate states under one central government, the Dayton agreement seeks to create two parts, the Croat-Bosnian Federation and the Serbian Republic, all under one central government.

Just as President Lincoln said, "We cannot escape history," neither can President Clinton escape the history of Yugoslavia, nor can any of us afford to ignore it. Based on this history, it is likely—and unfortunate—that there will be no peace in Bosnia with or without United States troops on the ground to support it.

No international troop presence on the ground in Bosnia will restore peace to a region which has forgotten peace, does not remember peace, and does not forgive past violations of peace. United States troops should not be squandered on such a prospect.

Yes, we all hope for peace, but the peace must be achieved in the hearts and minds of the people there who have been warring for centuries. America cannot impose it with military troops.

The United States has a history, a noble history, and a heritage born from war in search of peace. Ours is a noble history and heritage, but this heritage should not and does not commit us to blind military commitments, the goal of which is to right historical wrongs or impose tranquility where tranquility does not exist or has not existed for over 600 years.

War is an ugly, gruesome undertaking. War should not be pursued or waged for mere political expediency or humanitarian gains.

Now, there are those who will say there is not war here; this is a tenuous peace. Yes, but how long will it be that way? As I pointed out, one of the things that worries me is if we go in saying we are neutral but acting in a partisan way supporting one faction, how long will that peace hold?

While we must be good at waging war, not all wars are fit for the United States to come in and solve the problem. Why must we always be the one that sends our troops in, no matter where it is around the world, when we do not have a vital national security interest? The United States should only participate militarily on the ground in places in which U.S. interests are clear and understandable.

I have looked long and hard to find United States vital security interests which are under threat by the civil strife in Bosnia. I have not found any. The United States does have vital security interests in Central and Western Europe, but the civil war in Bosnia does not threaten these interests. Therefore, we should not go. That is the fundamental hurdle that I cannot go over.

If our vital security interests dictate that we should place troops in harm's

way, then we must go. We should and we will. We will be prepared to fight for our vital national interests and win. We should go, though, as combatants prepared to fight, to do whatever is necessary, but only if our vital security interests are required.

The President has talked about robust rules of engagement.

But he has not clearly and specifically outlined his commitment and intent to respond disproportionately should U.S. troops come under attack or siege. If our troops go, there must be no limits. If Serb forces take hostages, or others, or attack U.S. patrols, the President must be willing, committed, and intent on taking the conflict to the safe haven of other countries that are involved, specifically Belgrade.

I have not heard this commitment from the President, nor do I read this level of commitment as his intent. Anything less will sentence U.S. ground personnel to a hunkered-down, bunker existence suffering casualties in disparate hit-and-run attacks. U.S. personnel would become targets, plentiful and ripe.

We have made that mistake in the past. We made it in Somalia. And we should not repeat it. It may not happen immediately. Maybe it will not happen in the cold, snowy winter months after we first arrive. But it would, I think, happen sooner or later. And the price of American lives should not be set so low for a goal so distant from our own vital security interests.

As President Clinton announced his intention to send U.S. troops to Bosnia, I pulled out his National Security Strategy, a document that the President presented to the Congress in July 1994. Under the section addressing peace operations, on page 14, it says:

> Two other points deserve emphasis. First, the primary mission of our armed forces is not peace operations; it is to deter and, if necessary, to fight and win conflicts in which our most important interests are threatened. Second, while the international community can create conditions for peace, the responsibility for peace ultimately rests with the people of the country in question. That is what President Clinton had to say just in July of 1994—only 17 months ago.

The President's own national security strategy does not warrant sending troops into this area. Bosnia does not represent a conflict in which our most important interests are threatened, nor have the people of former Yugoslavia assumed the responsibility for peace.

The second issue which must be considered prior to sending troops is the question of identifying a clear, definitive exit strategy. How will we know when the mission is completed and it is time to leave? We have been told a year, or was it about a year? Will it be 14 months or 15 months? How much will it cost? We were told, well, $1.5 billion. And then we were told, $2 billion. We all know it will be $4 billion or $5 billion.

The President said the U.S. mission in Bosnia will be "clear, limited, and achievable." But I have not heard articulated the most important point: How will we know the mission has been achieved so that we will know it is time for us to leave? If we do not have a clear, identifiable exit strategy, we will be suspect to expanding our reason for going. New missions will be added, like we have seen in other instances. Success will be harder to identify.

A successful exit strategy cannot be driven by a time limit as the President has suggested and as, quite frankly, the Congress has sought. Is it just that we will stay 1 year, wait for the Bosnians to be sufficiently trained and equipped, and then leave? I do not think that is what was intended, but perhaps that is the real exit strategy. It must be constructed with the intention of leaving behind a locally supported peace that does not require an open-ended commitment of U.S. troops. Once again, the history of the region does not lead to any rational conclusion that is what would happen.

I do not believe that the American people are willing to support a prolonged occupation by U.S. troops in Bosnia, and we will have one if no clear exit strategy exists.

In the Persian Gulf we had a clear, measurable, and definite exit strategy—expel Iraq from Kuwait. Many people think we should have gone further. I am not one of them, because, you see, we had a strategy. It was to remove Iraq out of Kuwait and then leave, period. No one disputes the results of the gulf war.

This is not the case in this present situation. Under the President's own National Security Strategy, he acknowledges that successful peace operations can only be sustained when the responsible parties want peace. Once again, the history of the region does not lead anyone to believe that the leaders of Serbia or Croatia and Bosnia want peace at all costs. And this plan will not grow the seeds for such a desire.

I urge my colleagues to look at the proposed settlement map. As I understand it—and there has been some disagreement and controversy about this—but there will be some repatriation of displaced Serbs into Croatian-held territory. Maybe we will not be actually doing that, but as I understand the agreement, we will be responsible for protecting them and at least in some ways assisting in this operation.

How do you think the Croatians will react to this repatriation? Approvingly? Or the Bosnians when people of Serbian descent are repatriated to Bosnia? Do not forget that this current conflict started when the Serbs decided they wanted to exterminate the Bosnian people from territory they considered theirs from centuries before.

I just do not believe this plan will work. If it could work, it could work without U.S. ground troops on the ground. King Alexander tried it 68 years ago. He paid the price with his life at the hands of a Croatian loyalist and extremist. If we try it, Americans will die in a faraway land, one steeped in hatred and one in which we have no vital security interests under threat.

The United States should not resign itself to rubber stamp this decision—one based on noble intent, yet ill-conceived. The President has tried to explain the logic of deploying U.S. troops on the ground in Bosnia, but only one page of the history of this troubled region explains why we should not go.

I urge my colleagues to vote for the Hutchison resolution and against the Dole-McCain resolution.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that Senator MACK be added in speaker order after Senator SARBANES and Senator JEFFORDS be added after Senator KERRY of Massachusetts.

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

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Under the unanimous-consent order, the next speaker on the Democratic side was to have been the Senator from Virginia.

Does the Senator from California ask unanimous consent to change that order?

Mrs. FEINSTEIN. Yes. It is my understanding that for the time being I am taking his place.

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

Mrs. FEINSTEIN. I thank the Chair.

Mr. President, I have really come full circle on the question of whether or not to send U.S. troops to Bosnia to try to keep the peace. I must say I was initially very skeptical. I believed that you could not keep a peace that the people in Bosnia do not want kept. And in the earlier meetings of the Foreign Relations Committee I was not convinced by the arguments presented by Secretaries Christopher and Perry and the Chairman of the Joint Chiefs of Staff.

But as events have developed, I have come to the conclusion, after attending every classified briefing and every Foreign Relations Committee meeting, that the President's policy is the only way to stop this war and prevent its spread. I believe there is far greater risk in doing nothing and seeing the spread of this war than there is in doing something and trying to bring about a just peace.

The Dayton peace agreement would not have been reached without U.S.

leadership, and it will not be successfully implemented without our leadership either.

I have also become deeply convinced that the United States has a moral mission here, that the cause is noble and the cause is just. Today one-half of the people of Bosnia are either dead or homeless. Rape has become an instrument of war. Atrocities have been committed that have not been seen since World War II. This must end. People have had enough of war.

The United States is being asked essentially to provide one-third of the peacekeeping forces. The other day I was visited by the new British Ambassador. He pointed out to me that Great Britain is going to provide 16,000 troops, a nation far smaller than ours; 13,000 in Bosnia itself and 3,000 in Hungary and Austria.

He also said, "Know this. If the United States goes, we go, too. We in Great Britain and in Europe look at you as the leader of NATO." If NATO is to function, the United States must lead and perform. And I believe that is essentially the way it is today, whether we like it or not.

At our most recent Foreign Relations Committee hearing on December 1, I was deeply impressed with the arguments put forward by Secretary Christopher, Secretary Perry, and General Shalikashvili. They laid out not only the rationale for our involvement but a clear and well-defined plan for carrying out our mission.

Some of the opponents of this policy are making the argument that they oppose the policy but they support the troops to carry it out. In fact, the Hutchison resolution that we will be voting on shortly says exactly that. But as I listened to these arguments, I must say that to me they strike me as a figleaf at best and disingenuous at worst.

We all support our troops. That goes without saying. But what message do we send to our troops if we send them off to do a job and in the same breath declare that the job that they are doing is illegitimate? How can you say, "I condemn the mission you are being sent to do, but I support you in doing it"? Will our troops really believe they have our support if this is what the Congress of the United States says?

Some have raised the specter of a repeat of Vietnam in Bosnia, but the real repetition of Vietnam would be to send United States troops to carry out a mission without supporting that mission. Some of my colleagues have asked: "Does anyone believe we are really going to stand by our young men and women that we are going to send to Bosnia?" Well, I certainly am, the President is, the full force of the United States military is, and I believe that the Senate will in the long run as well.

In my view, the Hutchison resolution undercuts the troops. It says it supports the troops, but it is designed to give the President a back door to pull the rug out from under them. Instead of giving lukewarm support to the troops by questioning the wisdom of their job, we should unify behind the policy and commit to giving our troops every advantage, all the equipment and all the support they need to carry out the mission successfully.

We cannot have it both ways. If we support the troops, we should support the policy.

I have had an opportunity to review the Dole-McCain resolution, and I support it and I support it strongly. I would like to set aside some of the myths that I think have been raised by those who are opposed to it.

The first is the myth of the intractable nature of the conflict. There are some who appear to have bought into the argument of ultranationalists on all sides. Yes, there have been wars for hundreds of years in the Balkans, but there has been a history of war and brutal atrocities in Britain, in France, in Germany. Today these nations are at peace.

As the distinguished Senator from Ohio pointed out yesterday, we had Prime Minister Shimon Peres on the floor of the House yesterday speaking about the long history of violence in the Middle East. That goes back to the Crusades, and even beyond. Conflict has been endemic to the Middle East for centuries, but today peace is beginning to take hold.

What about Northern Ireland? That conflict has gone on for a long time as well. But I do not think anyone here would suggest that the Middle East or Northern Ireland are beyond help and doomed to an eternity of conflict, and I do not think we should come to the conclusion that the only way of life in Bosnia is a way of death and atrocities and the spread of the war.

The fact is that there is now an opportunity for peace, perhaps the only opportunity that we will have. If we fail to take this opportunity, this war will surely spread to Kosovo, to Macedonia. It then involves two NATO allies— Greece and Turkey—and then it involves the rest of Europe, and Europe has always been a vital interest to the United States. Our men and women have fought two wars on the European Continent because of that interest.

There is also the myth that there is no clear and defined mission, and I would like to debunk that.

Some of my colleagues have complained that this operation is not clear, and that it is not achievable. But if you listen to the President, to Secretary Christopher, to Secretary Perry, to General Shalikashvili, to General Joulwan, and to others in our military, it is clear that this mission, in fact, is clearly defined. As a matter of fact, General Joulwan said yesterday he should know within the first 3 months whether the mission can succeed or not.

There is a clear exit strategy. Our troops are not being asked to go to Bosnia to engage in all sorts of nation building activities. The military mission and the goals are explicit, and they are limited. We will not be engaged in civilian policing. We will not be engaged in refugee resettlement. We will not be engaged in civilian reconstruction. We will not be engaged in election monitoring.

The President and NATO leaders have been quite clear. Our forces in Bosnia will monitor the military aspects of the peace agreement, the cessation of hostilities, the withdrawal of forces to their respective territories, and the lines of demarcation. They will monitor the redeployment of forces and heavy weapons to designated areas and the establishment of zones of separation. That is the mission.

I want to speak about the one part of the Dole-McCain joint resolution that does concern me, and that is the part that appears on page 4 and speaks to the balance of power. A major portion of this effort is to see that when the United States pulls out in approximately 1 year, there is a defensive balance of power so that the Bosnians, if need be, can defend themselves. This can be a deterrent to future wars if it is carried out correctly. However, it cannot become the launching point for radical Islamic fundamentalism on the European Continent, and I want to stress that.

The Dole-McCain resolution very clearly describes periodic reports on the armaments provided to the Bosnians that the President will make to this Congress, and I think that is extremely important. I think every Member of this body should be militant in seeing that destabilizing weapons do not go into this area and that the balance of power that is achieved is a defensive balance of power. I think that is extraordinarily important, and I think it has to be clearly stated.

There is another myth about the lack of U.S. interests in the region. People have said, "You know, many of our citizens can't recognize Bosnia on a map. We don't want to send our people there. They may die. We have no major national interest in the area." And I thought this originally. But I believe the United States does have an interest in a safe, secure, and stable Europe. The United States does have an interest in assuring that this conflict does not spread and become the third general European war of this century.

The United States does have an interest in supporting our NATO allies and assuring that NATO can continue in its role guaranteeing European security.

Because of World War II and because of the threat of Communist aggression from the Soviet Union, the NATO alliance was set up to provide peace and

stability for the NATO nations, and this Nation has always been in the leadership of that effort. We have made the commitment to it throughout the years, and the reason we have done so is because of the failure of Europe in World War I to protect itself, in World War II to protect itself, and, I am sorry to say, that same failure we see there today. You see, very few strong European leaders are willing to come forward and say, "We will tackle this job alone because it's on our back door."

Now, we can be repelled by this, we can be reviled by it, we can view it with dismay and with some shock, but it is the real world out there, and, therefore, this is where the credibility of the NATO alliance comes in. The United States is critical to the success and survival of the NATO alliance.

As the British Ambassador said to me 2 days ago, "We will be there as long as the United States is. If the United States leaves, Great Britain leaves." Period. The end. That, to me, spoke volumes of the importance of U.S. leadership. There was no European country that could effect the peace. It took the United States of America to effect the peace. So I believe we have an interest in reaffirming our own position as the global leader of the free world and protecting that leadership and that freedom.

I believe the United States has a moral interest in ending crimes against humanity. I, myself, could have been born in Eastern Europe, in Poland. I would never have been privileged to have a good life had that been the case. Well, the same circumstances are present today in Bosnia. I remember all during the 1940's, when people were saying, "How could we not have responded?" "How could we not have known?" "How did we not know that these boxcars were traveling throughout Europe and turn a deaf ear to what was happening?"

It is moral. It is just. It is noble. We are not asked to fight a war. We are asked to give peace a chance.

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

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, Senator HATFIELD is on his way to the floor, and he is next in line to replace Senator DEWINE in the order. I wanted to take this opportunity until he gets here to answer what several Senators have said on the floor—most recently, the Senator from California, and before that, the Senator from Connecticut—regarding people who would support my resolution, who are in full support of the troops, though they have questions about this mission.

I think it is very important that every one of us in this body give to each other Member the right to have a vote of conscience. And there are many of us who do not think this is the right mission, but who are going to go full force to support our troops. In fact, we believe we are supporting our troops in the most effective way by opposing this mission because we think it is the wrong one.

I do not question anyone's motives, or how they feel, if they vote against the Hutchison-Inhofe resolution. But, by the same token, I think it is important that those who are going to support the Dole-McCain resolution and the Hutchison-Inhofe resolution—that it be known that they, too, are doing what they think is right.

It is a tough decision for anyone to vote to put troops in harm's way. And if someone decides that they can best support the troops by opposing the President's decision, I think that everyone knows, or should know, that that is the right of every Senator to do.

There have been other missions in the history of this country, in which the people have been good people, supported by America, well equipped, given everything they need to succeed in their mission, but nevertheless the same people in America have not agreed with the mission.

I think the mission in Vietnam was certainly controversial. But the people of this country loved and revered the people who went to Vietnam from our Armed Forces and fought there for our country. So I do not think there is any question whatsoever that you cannot support a mission and support the troops fully. I think that each of us has the ability to make this decision for ourselves.

As I have said, I think it is incumbent on a Member of Congress to make this decision. It is a constitutional responsibility that we were given by the Founders. They did not want it to be easy to send troops into a foreign conflict. That is why they put Congress in the power to declare war. I do not know that our Founders had even thought about peacekeeping missions and the nuances that we would have on declaring war. I do not think they thought about a Commander in Chief sending our troops into what is talked about as peace, but which, in fact, is sending our troops into military conflicts. I think they would have envisioned that Congress should authorize a peacekeeping mission that the President and the Secretary of Defense and the Chairman of the Joint Chiefs have said is going to put troops in harm's way, where there may be casualties, and I believe our Founders would have wanted authorization by Congress.

They did not want it to be easy to send our troops into harm's way. That is why they made it the decision of Congress to declare war, while the Commander in Chief would run the operation. The Commander in Chief does have the right to run the military. There is no question about it. But it is very clear in the Constitution that Congress should be consulted and authorized any time our troops are sent into harm's way.

I was holding the floor for the distinguished senior Senator from Oregon, who has now arrived. I yield the floor to him for his comments.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. HATFIELD. Mr. President, on Thursday, the leaders of the warring parties in Bosnia and Herzegovina will formally sign a peace agreement that was initialed last month in Dayton, OH. This formal signing will pave the way for the deployment of the 60,000-strong NATO peace implementation force.

Congress has a role to play in making decisions about the use of U.S. troops in hostile situations. In fact, we have an obligation to our constituents to raise questions about any mission that will lead to our troops being put in harm's way.

After the Vietnam war, Congress insisted that it have a partnership role with the President in future conflicts. So the Congress passed the War Powers Act. Under this act, the President retained the power to dispatch troops when there was an emergency. But within 60 days of the deployment Congress had to take action to specifically authorize the deployment, tell the President to bring the troops home, or to continue to evaluate the situation after another 60 days extension. It was intended to force Congress to take action, to participate in the decision.

Unfortunately, Congress has found ways to avoid taking action. Since 1965, Congress has voted only twice to authorize the deployment of United States troops and, in recent years, we have voted on nonbinding resolutions, in some cases, and we have allowed troops to be deployed in the Persian Gulf, Somalia, Rwanda, and Haiti, without authorizing legislation. We are about to do so again today.

During the course of this debate, the Senate will have the opportunity to vote on three different measures relating to the use of United States forces in Bosnia. We have already completed the first one. The President has requested congressional authorization, but has said that he intends to deploy U.S. troops with or without that authorization.

Of course, he would like to have Congress' support. The Senate's consideration of these measures will provide us with the opportunity to participate in the debate. However, do not be misled. With the exception of the measure passed by the House that we have defeated today, the other two resolutions which we will consider, and likely pass, are not legally binding.

Mr. President, I want to reflect for just a moment on some very interesting history on Vietnam. Many who can recall during that war period, Members of the Senate, particularly, would stand before the television cameras for the evening news and wring their hands about how awful this war was and why it should not continue. But at no time during that period was any Member of Congress willing to take responsibility. All they wanted to do was to criticize the President. I have a feeling that there is a reluctance over the last few years, since we passed the War Powers Act, for Congress to stand up and take responsibility. It is much easier to criticize the President, whether Republican or Democrat, than to assume a partnership role, as provided under the War Powers Act.

Let me say that while I know that the President is sincere in his attempt to bring peace to Bosnia, I find it hard to believe that anyone can define a successful military mission which will ensure a lasting peace in the region.

The ethnic struggles which have led to war in Bosnia and Croatia are the result of more than 800 years of hatred and mistrust. How are we going to change the course of history in one short year? In my view, this is an impossible and unrealistic military mission.

I will go back to school-teaching days and say I hope that people would take the time to read one very brief synopsis of the history of this region of the world. Robert Kaplan's "Balkan Ghosts" is a very straightforward treatise on the history, and the impossibility of this kind of a mission I would apply to that history. Read the history. We do so little reading, we do so little reflection on how we got to where we are and what were the forces that made that possible in our own country, let alone an area of the world that is probably one of the least understood areas of the world from either political, economic, social, or cultural history.

During the last 3½ years we have seen more than 50 partial and general cease-fires signed in this region with these contestants, these parties. All have been broken within several weeks of their signing. My dear colleagues, they have been doing this for 800 years, lying to one another, not meaning what they were doing, because of that deep hatred that they have. To see this happening here, even in our own day we do not seem to be taking much lesson from it.

In addition, we have seen three previous peace agreements come and go. Given this history, it is impossible for the President to promise he can protect U.S. troops. No one can guarantee their safety if the peace agreement falls apart.

The Dayton peace accord calls for the immediate transfer of peacekeeping control from the U.N. peacekeeping forces to the NATO peace implementation force. The approximately 20,000 U.N. peacekeepers in Bosnia will be replaced by 60,000 heavily armed troops under NATO command.

Mr. President, this is not a peacekeeping force. This is an army. It proves that we are trying to solve a political dilemma, a religious dilemma, a cultural dilemma, with military troops rather than through diplomacy and negotiation.

One must only look at the peace agreement to see this. The primary mission of this course will be to implement the military aspects of the peace agreement. This includes monitoring and enforcing the requirements that each entity promptly withdraws their forces behind a zone of separation which will be established on either side of the cease-fire line, and that within 120 days each entity withdraws all heavy weapons and forces to barrack areas.

However, under the agreement, the current warring armies will continue to exist. Each entity is permitted to maintain their army. The NATO forces will be made up of enough firepower to, in the President's words "respond with overwhelming force" to any threats to their safety or violations of the military aspects of the agreement.

This does not sound like a peacekeeping mission to me, and it should not be promoted to the American public as a peacekeeping mission.

Furthermore, while the agreement calls for the parties to enter into negotiations before the Organization for Security and Cooperation in Europe on future arms and heavy equipment restrictions, the agreement also contradicts that arms control goal by lifting the international arms embargo on Bosnia, Croatia, and Serbia.

Now, get this. We are not only sending our troops in there and letting them maintain their own troops; we are saying we are going to lift the arms embargo so that they can look forward, after 180 days, to getting into an arms race, escalating their military equipment, their arms.

The agreement states that no side may import arms for 90 days after the agreement enters force. There is this 180-day restriction, I repeat, on the importation of heavy weapons, mines, military aircraft, and helicopters. After that, all bets are off. In fact, administration officials have indicated that, if necessary, the United States Government will begin rearming the Bosnian army as early as next summer in an effort to bring a balance of power between the warring factions.

In other words, arms beget arms, violence begets violence. And we are going to continue this worldwide arms merchandising that we have been doing with such efficiency during and ever since the Cold War.

In addition to equipping the Bosnians, the United States will also provide necessary training. The agreement sets a precedent that military arms must be maintained to achieve stability in the region. In my view, this will only lead to an unfettered arms buildup and further undermine our ability to bring lasting peace to the region.

The arms embargo was not a success to begin with. At the same time we now go through that charade, to think we are going to do something to reduce the arms. We should be pushing to get the region disarming; disarming, not rearming.

There is no question that the war in Bosnia has had a terrible human toll. More than 140,000 Bosnians have been killed during the conflict. Another 3.6 million refugees and internally displaced persons have been created by this action and have had to flee their homes. Although the peace agreement includes provisions allowing refugees to return to their homes, it is unclear how many will be willing or able to return. And we see in the news of the sacking, the burning of those homes that are being vacated for the transfer of population.

Cases of ethnic cleansing continue to come to light as mass graves are uncovered near the so-called safe havens that have been overrun by the Bosnian Serb Army.

No side to this conflict has clean hands. I can assure you that during the time that this was happening, there were some of us who were raising the question of choking off the arms, choking off the arms that were flowing down the Danube from our allies, from our friends—from Greece, from France, from Italy, from Germany. And who knows what kind of arms out of our country were in a third-party transfer? We never did try with great effort to stop the flow of arms, even under the embargo. Now we are going to lift the pretense of an embargo in order to make them much more available and accessible.

In order to end this human tragedy, we must take away the means to make war. A successful peace will be one that includes a strategy to diminish the war-making capability of all sides to this conflict. It is amazing how we can orchestrate 25 countries of the world for a common purpose to fight a war for oil, but somehow we do not find our ability to orchestrate our allies for the cause of peace, or to disarm an overly armed area of the world that is a great trouble spot..

During the course of congressional consideration of the war in Bosnia, we have failed to take the steps necessary to limit the war-making capability. The only votes that the Senate has taken since the war began in 1991 have been to unilaterally lift the arms embargo. I have opposed these resolutions in the past because I felt that lifting the arms embargo would only lead to

more bloodshed. Those who supported the lifting of the embargo did so because they felt, if we arm the Bosnians, they would be able to defend themselves, thereby doing away the need for U.S. troops to become involved in the ground war.

Rather than joining with our allies to secure and enforce the embargo against all warring parties in the region, we could only see military might as the solution to the complex problem. How many people do we have to kill in actions of war to realize the total fallacy of that thesis? We now say we are going to send more troops in. We are talking about injecting our own troops into the war—and that is what it is, because there has been no peace reached yet. As I said before, we are going into Bosnia with an army and we are going to force the peace. This is different from the traditional notion of peacekeeping missions, such as the ones we have seen in countries like Korea and others.

I do not take this deployment lightly, nor do my colleagues. American soldiers will likely be killed during this mission in Bosnia. We have to accept that reality. Our brothers, sisters, wives, husbands, and children will be at risk. In Bosnia and Croatia there are nearly 6 million landmines in the ground. These hidden enemies pose the greatest risk to our troops. In fact, landmines have become the leading cause of casualties in Bosnia of peacekeeping forces.

Even though the peace agreement requires all sides to participate in identifying and removing these mines, the reality is that little information exists about the layout of the minefields scattered throughout Bosnia. As we have seen in Cambodia and Afghanistan, mine removal is a tedious task which takes years. Landmines in Bosnia endanger not only our troops and peace implementation forces, but also civilians who are trying to return home and rebuild their lives.

I will not support any resolution that explicitly or implicitly gives the Senate's support for United States troop involvement in Bosnia. While I will wholeheartedly support our troops once they are there, not under their own doing, under the Commander in Chief, I cannot and will not endorse this military mission.

We must bring a lasting peace to Bosnia, but we must do so by limiting, not increasing, the war-making capability of all sides in the conflict. In my opinion, the mission outlined by the President fails to meet this basic requirement. I yield the floor.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, what I want to do, if we can—I know there are some people who still want to talk. I know the Senator from Texas would like to have a vote on her amendment. I would like to have that vote, if we can, at 4 o'clock.

I have just been on the phone with the President. He would like to have the vote as early as possible. I know the House is involved in debating resolutions over there. I know some of our colleagues have yet to speak, but there will still be one additional resolution; that is the Dole-McCain-Nunn-Lieberman, and others, resolution. So people could still speak in general debate.

It seems to me there is no reason not to vote on the amendment by the Senator from Texas. There is no use making a request if it will be objected to. Does the Democratic leader think we can proceed on that basis and still have plenty of time for debate?

Mr. DASCHLE. I have consulted with a number of our colleagues on this side of the aisle, and many of them feel very strongly about their need to speak prior to the time they will be called upon to vote on either measure. They would prefer to give one speech rather than two.

In my urging to limit Members to one speech, and hopefully to keep those speeches to a minimum length, I will have to accommodate them and their interest in speaking and being protected in their opportunity to speak prior to the time that they would be called upon to vote.

I am compelled at this point to object to the scheduling of the vote prior to the time that they have had the opportunity to speak.

My preference would be that we have both votes back to back to accommodate the speeches, and I think we can get some cooperation in limiting the lengths of time, if that can be done.

Mr. DOLE. Certainly this Senator does not have any problem with back to back—anything that would expedite the process. I think most people have spoken with reference to one or two of the amendments. I do not know how many more speakers are on this side. Some have spoken a number of times.

I think if we limit our speeches to one per Member, or at least two per Member, that would help some. Maybe we can have a back-to-back vote at some time.

How much more time do you think it will take on your side?

Mr. DASCHLE. A lot of our colleagues are not willing to commit to a time limit yet. We are working on getting at least an agreement that everybody speak just once and then hopefully limiting their time for speaking.

At this point, I am not able to give the leader any specific estimate as to the amount of time we need.

Mr. DOLE. I do not make the request, then, because the Democratic leader has obviously not been able to give me the consent, so there is no need doing that.

In the meantime, we will try to see if we cannot find some consensus, some agreement here, where we could have back-to-back votes at some reasonable hour.

We have how many speakers left now?

Mrs. HUTCHISON. Mr. President, if I could answer, I think there are at least 20 people signed up to this point.

I was, of course, hoping that the distinguished minority leader might be able to put a time agreement together, and then I think we could gauge the length of the speeches a little more and perhaps reach a conclusion, and I assume that everyone would like to do this before the President leaves at 6 o'clock or so.

Mr. DOLE. I think there is a phone on the plane.

Mrs. HUTCHISON. I am sorry to hear that.

The PRESIDING OFFICER (Mr. THOMPSON). The Senator from Virginia.

Mr. ROBB. Mr. President, I ask unanimous-consent the Senator from Florida, Senator GRAHAM, be added in the next Democratic slot on the list of speakers.

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

Mrs. HUTCHISON. Will the Senator from Virginia yield for a unanimous consent request to add Senator HELMS in the next available slot?

Mr. ROBB. I am happy to yield.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent Senator HELMS be added in the next available Republican slot.

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

The Senator from Virginia.

Mr. ROBB. Mr. President, we cannot and should not attempt to act as the world's policeman. But that eminently sensible acknowledgment of the limits of U.S. power cannot and should not deter us from acting when it is the United States and only the United States that can end aggression and bloodshed, or in this case the genocide that has already claimed the lives of over 200,000 human beings and left over 2 million as refugees.

I understand the concerns and reticence of many of our colleagues, indeed most of the American people. Calls in most congressional offices remain overwhelmingly against putting United States ground forces in Bosnia. But without U.S. leadership, there would be no peace. The Europeans tried nobly but in vain. The fighting did not stop until the United States led NATO in the air and led the diplomatic efforts which culminated in the initialing of the agreement in Dayton and the final signing that will take place tomorrow in Paris.

Without U.S. leadership and active participation on the ground, the peace will end and the carnage will continue. We now represent the last, best hope to bring the war in the Balkans to a close.

Are there risks? Certainly there are risks, serious risks. Of course there are

some risks to our troops even in normal training exercises. But I believe the risks are even greater if we fail to honor this commitment. I do not relish putting our troops at risk in the barrens of northeast Bosnia.

But for each of us, I would suggest that there are some risks—something that we consider so important that we are willing to work, that we are willing to risk dying for it. I think, for example, we would all agree that we would do whatever it was necessary to do in order to protect immediate members of our family. But there are also larger risks that are worth dying for—as a Nation worth putting our troops at risk for. I have seen some of these risks. I have seen war. I have had men literally die in my arms in combat. I have written letters and talked to the parents of those who have lost their lives under these circumstances. It is not easy. But the cost of freedom is high. Yet, it is a price that I believe that we have to be willing to pay.

We cannot shrink from the role that only the United States of America can play in making peace work in faraway lands when America is now the only nation with the capacity to lead this effort to a successful conclusion. No one supports the atrocities which have occurred daily in Bosnia. But the question we face is whether the lives of American service men and service women are worth risking to stop it. And I believe that risk is appropriate. I believe we have a moral responsibility to act.

In that vein, I was struck by Elie Wiesel's comments this morning when he said, "We in the United States represent a certain moral aspect of history. A great nation owes its greatness not only to its military power but also to its moral consciousness." He went on to say "What would future generations say about us, all of us, here in this land, if we do nothing?" And I remember his deeply-felt plea to the same effect some 2½ years ago at the dedication of the Holocaust Museum when he turned and urged President Clinton to stop the war in the Balkans.

Mr. President, doing nothing represents an abdication of our responsibilities as the leader of NATO and the larger community of nations. Doing nothing increases the likelihood of a larger war in Europe. Doing nothing amounts to tacit acceptance of more slaughter in Bosnia.

The Prime Minister of Israel, Shimon Peres, yesterday at a joint session of Congress was eloquent and powerful in saying to us

> You enabled many nations to save their democracies, even as you strive now to assist many nations to free themselves from their nondemocratic past. You fought many wars. You won many victories. Wars did not cause you to lose heart. Thanks to the support you have given, and to the aid you have rendered, we have been able to overcome wars and tragedies thrust upon us, and feel sufficiently strong to take measured risks to wage our campaign of peace.

Mr. President, we now stand alone as the only country capable of restoring order and a sense of hope in Bosnia and Herzegovina. The American imprimatur carries enormous weight among the community of nations. We can and should seek to spread the word of peace to places like the Middle East, and Ireland—and, yes, Bosnia—that have known the language of violence and war for too long.

Mr. President, these war and peace decisions are difficult, and they reach deep into our emotions. I believe our Founding Fathers were wise to vest in the President the responsibilities of being the Commander in Chief of our Armed Forces while providing Congress with the power of the purse and the exclusive right to declare war.

We have only one President at a time, and he has acted in his capacity as Commander in Chief. Were we in his shoes we well might have taken 100 different courses of action in the Senate, and perhaps as many as 435 different courses of action in the House. Indeed, I have long urged more assertive action by the United States for several years.

But, Mr. President, it is the President of the United States who is ultimately responsible for this decision, and the American people and ultimately history will hold him accountable. His choice to deploy troops to Bosnia may not be popular with the American people. But you cannot lead by following the polls, and for this I commend his courage.

The President has made a choice in favor of leadership over isolation—in favor of standing shoulder to shoulder with our allies instead of abandoning them, in favor of morality rather than allowing the crimes against humanity to continue. I applaud his choice to grapple with these problems and to seek a comprehensive solution. He deserves enormous credit for taking on this cause of peace and freedom that is so ingrained in our American way of life.

I happen to have a very high level of confidence in our troops who are the best led, best trained, and most powerful fighting force that the world has ever known. When they have successfully completed their limited mission in Europe, there is clearly going to be more to do with respect to a residual force. And, in that respect, I believe that Europe will step up to its responsibility at the appropriate time.

In the same context, Mr. President, I would like to salute our majority leader, BOB DOLE, and Senator JOHN MCCAIN in particular, who have risen above whatever partisan gain might have accrued to them by taking a different course of action, to join the President in leading the country to support our troops—just as I was pleased to help lead the effort and support our troops, and support President Bush when he asked for our help in the gulf war.

Mr. President, I believe the President of the United States has made a strong case for U.S. leadership. Absent American participation peace will fail in the Balkans, and ongoing war will have continued to threaten our national security interests.

Mr. President, I believe our security depends on joining with our allies in times like this, and I urge my colleagues to do what I believe in this case is the right thing to do. And that is to support the deployment and to support our troops in the commitment that the President of the United States acting in his capacity as Commander in Chief has made there and on our behalf.

With that, Mr. President, I ask our colleagues to vote against the resolution which would be a resolution of disapproval, and vote for the bipartisan effort that the majority leader and others have sponsored to support our actions, notwithstanding some of their own reservations, so that our troops carrying our flag will know that they have our backing when they are placed in harm's way.

With that, Mr. President, I thank the Chair. I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, how much time has been reserved for the Senator from New Mexico?

The PRESIDING OFFICER. There are no time limits.

Mr. DOMENICI. I will try to finish in 8 minutes. Would you notify me when I have used 7?

Mr. President, fellow Senators, first of all, I think everybody knows of my great support for Senator DOLE. I am, for the most part, at his side in all the battles that are fought in the Senate. I cherish that relationship very, very much. I am also fully cognizant, at least as cognizant I can be, of the Commander in Chief concept that is discussed here so eloquently by many who know more about it than I and by people like the distinguished Senator from Virginia, who understands it from the battlefield.

Mr. President, I have heard other Senators talk about the derivation of that constitutional power of the Commander in Chief. I heard one of the eloquent Senators last night, Senator COHEN, describe it in a way that I will repeat very briefly. Between the Congress and the President, the exercise of this constitutional power is somewhat like a race—whomever gets there first has this power. If Congress, 6 months ago, would have enacted an appropriations bill prohibiting United States involvement in Bosnia and prohibiting the expenditure of funds for that purpose, then it would be illegal to spend

these funds. There would be no constitutional issue because the Commander in Chief would have no authority to spend any money.

The power of the purse strings and of using the taxpayers' money to pay for events, whether they are here or overseas, is that of the Congress. If the President decides to involve our troops in an issue such as this, in a commitment such as this, and the troops are deployed before congressional action, then it is said that we must support this decision because he had the inherent power as Commander in Chief.

Now, I do not want any misunderstanding as far as this Senator is concerned. There is no one in the Senate that I take a back seat to in terms of supporting the defense of our Nation, and I have had a lot to do over the last 15 years with how much we spend on defense, not necessarily the details, but a lot to do with the total that we spend. I have come down for the most part on the side of spending more rather than less. We must have the best equipped force rather than take any risks. We must pay our All-Volunteer Army enough so that it remains an all-volunteer army in the concept originated under the Nixon administration. They must be paid with some parity to civilian jobs so we get and keep the very best.

All of this is said by this Senator to suggest that I want a very strong American military. I am proud of the fact that when we send our military to get involved in the world, they do their job. As far as our soldiers are concerned they always come out of it, with few exceptions, as being good people, if you can do that and have war. We are a good nation and we have good motives, and, with few exceptions, that is how we behave.

But, Mr. President and fellow Senators, in spite of these inherent powers, we are each elected as a Senator from our State. American men and women are going to be assigned to a foreign country in large numbers—20,000, maybe 25,000—to accomplish a mission, and I believe paramount to all of these various powers is my right as a Senator to express myself either in favor of it or opposed to it.

I am opposed to the involvement of the 20,000 American troops with 40,000 from other countries, mostly the countries that were formerly NATO. Now we have expanded NATO's role and we have a few countries involved that were not part of NATO. I believe it is my right to say I do not think this is the right thing to do.

Now, nobody should doubt that this view is going to lose and that the American troops are going to go there, and nobody should doubt that once they are there they will find this Senator agreeing to pay to keep them there and keep them the very best. When our generals say you need money to make sure they are as safe as possible, I will be right here among the first and the clearest saying I am for it.

I am expressing myself, fortunately, before the troops are there. There is a small contingency there. And let me even say that my remarks might not even be addressed at them because that is a small contingency. They are there, and I do not want to see anything happen to them. But this issue I am addressing is—should we put 20,000 Americans there to maintain the peace? Frankly, I think it is a mistake almost any way that I look at it. We are powerful, and if we go there, people will think we are powerful. If we go there, Europe will think it is great. They will say, America is leading again.

But the question is, leading what? What are we trying to do? And is there a real, bona fide probability that what we are trying to do will not work? I happen to know less than most around here about what went on in that country for the last 600 years. But I do know something. I do know that the only times these people have lived together in peace and harmony in modern times were two events in history: One, when the Germans occupied it. Clearly we do not intend to keep the peace among these people who do not seem to want to have peace among themselves with an occupancy like Hitler's. I hope we do not, and we are assured we do not.

The other peaceful time in modern history was the reign of the dictator Tito. The Communists' most pervasive way of keeping peace and harmony is block by block behavior that must be consistent with the state or something happens to you, right? That is a simple way of saying you behave or we kill you. This was maybe not like the Nazi occupation, but that also maintained the peace.

We are not going to do that. There is no one around suggesting that anyone is going to do that. And so we have three new countries born of new boundaries and we are going to ask of that leadership, the leadership of those countries, what I perceive to be impossible. We are going to ask them to do a "Mission Impossible"—disarm those who would cause harm with weapons. How are they going to do that? I do not believe they are strong enough, and I do not believe they will get it done. There will be plenty of guns around for rebels who want to kill each other, who are angry because they do not belong in that country or their houses are occupied by people they do not want.

We are also asked to be part of making sure that these countries get a balance of military power amongst themselves. I am not even so sure that will work. We have been talking about it for a long time, but I am wondering even if a military balance is reached then pull our troops out, that Bosnia could be an even bigger tinderbox and more war with more killing. So my own feeling is we are sending our troops to do something that will not work, to exhibit our leadership in a situation that we ought not be leading or even supporting.

Now, obviously, it is easy to get up on the floor of the Senate and talk about how great America is, and how wonderful our military men and women are. We can almost envision in our mind's eye the great, beautiful sight when they arrive and show up with all of our new tanks and all of the American flags. It is going to be a great scene. And believe you me, I am going to feel very proud, because it is a fantastic—a fantastic—accomplishment of the people of the United States who regularly have been paying taxes. Let me mention right now, they are paying about $270 billion for the defense of our country, so that we can have men and women like these that we are sending there.

So I close today very simply by saying I would not send any more people in, and I am voting for the resolution that says we do not approve of this. It is with reluctance that I will vote against the Dole resolution when it comes up because I do not think it is the right thing to do.

I hope I have explained myself that I am not trying to pass judgment on these constitutional powers, be they inherent or otherwise. I am talking very, very simply about what I perceive to be my right and my responsibility. I express it as best I can here on the floor. And that is the way I feel. For those who have led this cause, with far more effort than I, I thank them for it. And I thank the junior Senator from Oklahoma for his leadership.

I do believe we are going to be there for quite awhile and spend a lot of money. I pray that is all we spend there, and we do not spend any lives there. I truly believe it is possible that we will lose a lot of lives. But I am not standing up here saying I am frightened singularly of that. I just do not think we ought to do this. I do not think it is the right mission for us. And since I feel that way, neither our tanks nor our resources nor our men and women should be there trying to accomplish this job. I yield the floor.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, today or tomorrow the Senate will be voting on the President's decision to deploy United States military forces as part of a NATO peace enforcement mission in Bosnia.

There are many different views of how we got to this point. You have my own views on that. I will discuss them at another time. I have already discussed them in the past on numerous occasions.

But it is my hope that the Senate will now be able to concentrate its focus on the choices that are now before us. There are few things about the current situation that we know; a few things that we believe based on reasonable judgments but not certainty; and many unknowns that are subject only to reasonable speculation at this point, even if it is reasonable speculation.

The things that we know are what I will try to deal with in a short and brief set of remarks today.

First of all, we know that President Clinton has decided to commit United States military forces to this mission in Bosnia.

Second, we know that NATO has decided to commit the NATO alliance to this peace enforcement mission. And we know that all NATO nations that have military forces are participating.

Third, we know that several hundred American troops are now on the ground in Bosnia; and several thousand troops will be on the ground in Bosnia in the next few weeks.

Fourth, we can debate the constitutional power of the Commander in Chief, as we have many times in the past and we will again, and we can debate congressional responsibility to declare war, but we all know that Congress has neither the ways nor the means to prevent this deployment unless we cut off the funds. We know that. It has already been decided by the Senate today that we are not going to cut off the funds. We know that.

Fifth, we know that the Defense appropriations bill has passed, been signed, and the President, like his predecessors of both parties, will finance the operation out of operation and maintenance funds and then seek reimbursement of these funds next year in a supplemental appropriation.

Sixth, we know that if Congress cuts off the funds at this point, it would require a majority in both Houses to pass and two-thirds vote in both the Senate and House to override a certain veto. The Senate rejected this cutoff of funds decisively today when we voted on the first resolution because I believe the Senators concluded this would have an adverse effect on our own military forces, an adverse effect on our allies, an adverse effect on our leadership in NATO and the world, as well as an adverse effect on the parties on the ground in Bosnia.

The President has decided on deployment. The NATO alliance has decided on deployment. The United States forces are on the way to Bosnia. What then is the congressional role in this important national security decision?

Mr. President, I would like to talk at length today about some of the constitutional challenges we have in terms of determining the role of Congress in the post-cold war era. I will return to that subject shortly.

But today we must face a world of reality. The cards have been dealt. The administration's actions—starting with the President's commitment almost 3 years ago—and that was a public and international commitment that United States forces would participate in a NATO force to implement a Bosnian peace agreement—have put Congress in a situation in which a great deal is at stake, including United States reliability and leadership, but also including the peace agreement itself, the ending of the tragedy in Bosnia, as well as the future of NATO as an alliance.

We also know that a cut off of funds will not become law, but passage of this type of legislation—followed by a veto and a vote to override, if the House passes it or we pass it today—would put our military forces in limbo in the middle of their deployment—when they are most vulnerable. To me this is unthinkable and unacceptable.

We also know that the effect of such action would erode the value of U.S. commitments around the world and would increase the danger to U.S. military personnel in harm's way that are stationed in dangerous places around the world.

That danger certainly would be an increase to our military forces whether in the Korean Peninsula or in Europe or in the Middle East because the greatest thing they have behind them is United States credibility and the credibility of our own word.

The bottom line—Mr. President—if today Congress found a way to prevent the President from going forward with his commitment, the damage to America and the increased danger to our troops in the world is certain. There is really no doubt about that.

If we do give the President the green light and permit the mission to go forward in a carefully prescribed manner, the risks are considerable but there is at least a chance of success if that term is narrowly and carefully defined.

I will not dwell on the definition of success in these remarks today. But before the week is out I do want to give a much more detailed presentation including what I think we should do in terms of the definition of success, including the risk of this operation as well as the opportunities of this operation.

Mr. President, my main concern today however is the message the Senate sends to our military forces who are about to embark on this NATO mission to Bosnia.

I would like to read into the RECORD and place in the RECORD a letter I received today. It was dated December 12. It is signed by Michael S. Davison, General, U.S. Army, retired—many will remember General Davison for his service to our Nation—Andrew J. Goodpaster, General, U.S. Army, retired, who also served as the Supreme Allied Commander in Europe as well as the head of NATO forces, Walter T. Kerwin, General, U.S. Army, retired, who had a very distinguished career in the Army, William J. McCaffrey, Lieutenant General, U.S. Army, retired, William Y. Smith, U.S. Air Force, retired, Harry D. Train, Admiral, U.S. Navy, retired, and others.

For those of us who have been here very long in the Senate, this is a sterling list of outstanding military leaders that have served our Nation with distinction. Here is what they say:

DEAR SENATOR NUNN: As American military forces are being prepared for commitment in Bosnia, we believe it is essential that they go with a clear understanding that they are supported by their country—that is, by the whole American people—in their difficult and dangerous assignment.

Our military forces serving in Bosnia will be under American command, acting in concert with military forces from NATO and other nations that participate in the military implementation of the Dayton peace agreement. The mission statement and the NATO chain of command must make it clear that the military forces are not to be drawn into mission-creep nation-building but are to be used for tasks military in nature, and will not be subjected to attempts at micro-management from afar, or to "dual-key" aberrations.

Continuing the quote from these distinguished retired military officials.

As our leaders consider our country's involvement in Bosnia, we encourage them to send a message to our Soldiers, Sailors, Airmen and Marines wherever they may be (and to all others as well) that our country is giving them its full backing in the accomplishment of their assigned mission. We believe it is time to close ranks, support our troops in the field, and concentrate on helping them do their job in the best possible way.

And then the letter is signed by these generals.

Mr. President, I ask unanimous consent that the letter be printed in the RECORD.

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

December 13, 1995.

As American military forces are being prepared for commitment in Bosnia, we believe it is essential that they go with a clear understanding that they are supported by their county—that is, by the whole American people—in their difficult and dangerous assignment.

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is time to close ranks, support our troops in the field, and concentrate on helping them do their job in the best possible way.

MICHAEL S. DAVISON, GENERAL, U.S. ARMY (RET.)
RUSSELL E. DOUGHERTY, GENERAL, U.S. AIR FORCE (RET.)
JOHN R. GALVIN, GENERAL, U.S. ARMY (RET.)
ANDREW J. GOODPASTER, GENERAL, U.S. ARMY (RET.)
WALTER T. KERWIN, GENERAL, U.S. ARMY (RET.)
WILLIAM P. LAWRENCE, VICE ADMIRAL, U.S. NAVY (RET.)
WILLIAM J. MCCAFFREY, LT. GEN., U.S. ARMY (RET.)
JACK N. MERRITT, GENERAL, U.S. ARMY (RET.)
BERNARD W. ROGERS, GENERAL, U.S. ARMY (RET.)
BRENT SCOWCROFT, LT. GEN., U.S. AIR FORCE (RET.)
GEORGE M. SEIGNIOUS, II, LT. GEN., U.S. ARMY (RET.)
WILLIAM Y. SMITH, GENERAL, U.S. AIR FORCE (RET.)
HARRY D. TRAIN, ADMIRAL, U.S. NAVY (RET.)

Mr. NUNN. Mr. President, I agree with every word in this letter. I think they are absolutely right on target. This is where we are today. And this is the kind of consideration that the Senate must take into account today. We will have plenty of time to debate how we got to this point. But today I think we first and foremost need to consider the effect of what we do on not only the military forces themselves that are in the process of deploying, but on their families and on their mission.

Mr. President, I urge the Senate today to support—or tomorrow, whenever we vote—the Dole-McCain resolution. This resolution has been the subject of intense and constructive negotiations on a bipartisan basis with a Democratic working group headed by Senator DASCHLE, Senator PELL and myself.

The Dole-McCain resolution, as now worded, has a key paragraph which I believe conveys the kind of support our American troops and their families both need and deserve. I quote that paragraph because I think it basically follows almost exactly what these distinguished retired military generals and admirals have said to us in the way of advice.

Quoting the paragraph in the Dole-McCain resolution:

The Congress unequivocally supports the men and women of our Armed Forces who are carrying out their mission in support of peace in Bosnia and Herzegovina with professional excellence, dedicated patriotism and exemplary bravery and believes that they must be given all necessary resources and support to carry out their mission and ensure their security.

Mr. President, that is the heart of what we are going to be voting on. I hope that our colleagues on both sides of the aisle will understand the importance of what we are doing, and I hope they will put the military forces first and foremost in their minds.

Mr. President, before we vote on the Dole-McCain resolution, it is my understanding we will vote on the Hutchison-Inhofe resolution. I have great respect for both Senators who sponsored this resolution. They are on the Armed Services Committee, and they do a sterling job of representing their States and representing the American people on this committee. But the Hutchison resolution does not provide what our troops need. It does not provide a sense that the Senate backs them and their mission. It tells our military forces, in effect—"We don't agree with your mission. What you're doing is not important to the United States. It's not important enough for you to risk your life."

These are the people who are going to be risking their lives. "It's not important enough for you to risk your life and neither is the NATO alliance and its mission."

"Enforcing the peace agreement in Bosnia"—and this is my paraphrasing of the Hutchison-Inhofe message; these are not the words. I do not want anyone to think I am quoting the words. This is the effect of those words. "Enforcing the peace agreement in Bosnia is not something we agree with." That is what we are going to be saying implicitly if we adopt this resolution. Certainly we will be saying it if we adopt this resolution and do not pass the Dole-McCain resolution. We are also saying implicitly the President is totally on his own without the backing of the Congress and the American people.

We go forward and say in the Hutchison-Inhofe resolution—again, in effect, these are my words—"We will pay you, we will equip you and we will wish you well. We don't agree with the mission, we don't think it's important enough for you to risk your life, but we are going to equip you, support you and wish you well."

Now, how are our military men and women and their families going to feel about undertaking this kind of mission where, indeed, many of them will be risking their lives? I hope not many will end up being injured or killed. I hope none. But nevertheless, there is a very serious risk here. We know that. How are they going to feel if we send them off on this undertaking with this message from the U.S. Senate?

Mr. President, I understand the temptation of my colleagues to vote for the Hutchison-Inhofe resolution. It gives Senators the ability to say we were against this mission from the beginning but we support our troops. This resolution, which will be voted on today or tomorrow, may be what some Senators need, but it is not what our troops need at this juncture.

It is entirely possible—I hope it does not happen—but it is entirely possible the Hutchison-Inhofe resolution could be agreed to and the Dole-McCain resolution could fail. If this occurs, then our American military will have the worst of both worlds. We will be saying, "Full speed ahead on a risky mission that we don't agree with, don't approve of"—and that is what we are going to be saying—"Full speed ahead on a risky mission with the clear knowledge the mission is denounced at the outset by the U.S. Senate."

I urge my colleagues to vote against the Hutchison-Inhofe resolution, and I urge them to vote for the Dole-McCain resolution.

I urge all of those who at this stage are thinking about voting for the Hutchison resolution to think very carefully. It is essential for the morale of our military forces that we send the clear message of the Dole-McCain resolution which says, in effect, "We may not agree with the President or how we got to this point, but we believe the commitment of U.S. military forces to Bosnia is important; it is important to prevent the spread of the conflict, to maintain United States leadership in NATO, to stop the tragic loss of life, to fulfill American commitments and to preserve United States credibility."

There is a different message, a fundamentally different message that will go forward if we adopt the Hutchison-Inhofe resolution. If we pass the Dole-McCain resolution, in spite of the clear concern expressed in that resolution about how we got to this point, there is no doubt that the Dole-McCain resolution fully supports the American military forces and fully supports the mission that they are going to be undertaking.

I want to read again the paragraph in the Dole-McCain resolution that makes this abundantly clear, and I hope Senators will concentrate on the difference between this language and what is in the Hutchison-Inhofe language.

The language in the Dole-McCain resolution says:

The Congress unequivocally supports the men and women of our Armed Forces who are carrying out their missions in support of peace in Bosnia and Herzegovina with professional excellence, dedicated patriotism and exemplary bravery, and believes they must be given all necessary resources and support to carry out their missions and ensure their security.

Mr. President, in closing, I urge the passage of the Dole-McCain resolution so that our military forces and their families will understand not only that we in Congress support them, but that the mission they are undertaking and the risks they will bear are important to America.

I know there are others waiting to speak, and I am not going to go into great detail, but I do want to say, just in summarizing my prepared remarks, which I will not give today but will give at a later point in this debate or thereafter, that the Congress of the United States needs to take a fundamental look at the role we are playing or not playing in terms of these national security decisions.

Congress must understand—if we do not at this point, we must begin to, and I have understood it for a number of years—the War Powers Act does not work. The longer this outmoded and unworkable legislation remains on the books, the longer we will continue the illusion that Congress is playing a meaningful role in the commitment of U.S. military forces to these types of missions.

President Clinton will be viewed by most in Congress as assuming the full responsibility for the fate of the United States military mission in Bosnia. That is because this commitment by President Clinton was made in 1993 without consultation with the Congress or the congressional leadership.

There is a similarity between this and the Persian Gulf where the President of the United States, President Bush then, committed the United States internationally without an approval of Congress. That is the parallel. We are going to face this situation over and over and over again, where Presidents commit internationally before they get approval at home.

We have to address this. I think it is in our court. I think it is Congress' responsibility to make the correction. An awful lot of this comes from the illusion that the War Powers Act may some day miraculously work. It has never worked. It is not going to work. It is based on the fundamental flaw that assumes that congressional inaction can require the Commander in Chief to withdraw forces from abroad. Congressional inaction will never, ever force a Commander in Chief to withdraw forces. The only way we can do that is by cutting off funds, and we need to recognize this.

No President will or should allow U.S. forces to be withdrawn from a military mission because of simple congressional inaction. I think, Mr. President, it is time to repeal the War Powers Act and replace it with legislation that is realistic and workable. We must find a way to create regular, full, and comprehensive consultation between the President and the Congress before the President makes concrete commitments and before U.S. troops are committed to harm's way.

We do not have that mechanism now. We do not have the consultation taking place in a timely fashion, and that has been true both in Republican and in Democratic administrations.

So I hope out of this we will begin looking at the War Powers Act and begin to make changes to correct it.

I see that the Senator from Delaware is on the floor. He and I and Senator BYRD, as well as Senator WARNER and several other Republicans, several years ago sponsored a revision of the War Powers Act. I hope our colleagues will begin to think along those lines because it is leading us down the primrose path of having a law on the books that supposedly involves Congress in these decisions when, by the time Congress gets involved, the international commitment has already been made and the choices are regrettably limited.

I yield the floor.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. ASHCROFT. Mr. President, I appreciate the debate that has been undertaken here in the U.S. Senate and the remarks of individuals who are sincere on both sides of this question. I do think, however, that in characterizing the resolutions upon which we will be voting, it is important to understand the wording of the resolutions and to take them for their face value.

The distinguished senior Senator from Georgia has sought to characterize the resolution of Senators HUTCHISON and INHOFE as being one which would not signal to the troops that we really support them. I would like to read section 2, which is entitled "Expressing Support for United States Military Personnel Who Are Deployed." The wording is simple, straightforward, and unmistakably clear:

> The Congress strongly supports the United States military personnel who may be ordered by the President to implement the general framework agreement for peace in Bosnia/Herzegovina and its associated annexes.

It seems to me that that is a very clear and generous statement. It is an honest statement by the U.S. Senate, which allows that even if we disagree with the President—and many of us do—when such a deployment is made, in the words of the resolution, we will strongly support the military personnel who are ordered by the President to implement the particular mission which has been designated. In this case, it is to implement the general framework for peace in Bosnia and Herzegovina and the associated annexes.

Today, Mr. President, the United States again finds itself faced with the conflicting demands of a confused and chaotic world. Today's debate carries the name of "Bosnia," but it is a debate that this Congress has faced numerous times before—it is just the name that has changed.

At stake and at question are the specific terms, conditions, and reasons for deploying U.S. troops, and the nature of U.S. foreign policy generally. These are not small or trivial matters—not for the President or for those of us here in the Congress, not for the military, and certainly not for the families of America's service men and women, who are preparing for deployment in Bosnia.

Like all Americans, I want to see an end to the killing and cruelty that have come to define the daily existence of millions of people in Bosnia. The atrocities committed by all parties are so heinous as to offend all of our consciences and to fire within us justifiable outrage. That these horrors come to an end is not a point of debate; that the United States has a special responsibility in the world, as the only superpower, is likewise not a matter of genuine debate.

But today's debate is much more narrowly focused—it is a debate about a so-called peace plan—brokered by the United States, agreed to by the warring parties, signed in Dayton—and whether that plan warrants the involvement and possible deaths of U.S. ground troops in the Balkans. I believe that until the Clinton administration can clearly and convincingly answer why, how, and under what conditions we ought to be involved, I cannot support the President's decision to deploy American soldiers to enforce the peace agreement.

In any deployment of U.S. ground troops, I believe that we must meet at least a five-part test. I will state the parts of that test again today, just as I have consistently over the course of the last year.

First, I think we have to identify the vital U.S. national interests. It has to be a security interest. It has to be an interest which is important to the continuing existence of this country.

Second, we need to outline clear U.S. military and policy objectives.

Third, we need to construct a timetable and strategy for achieving those objectives.

Fourth, we need to develop an appropriate exit strategy; and,

Fifth, we really need to gain the support of the American people for the policy initiatives and the military objectives in any deployment.

What we determine to be our vital interests is dynamic. A geographical region that might be vital to our interests at one time may not be at another time. Technology might change. Broadly defined, "vital" U.S. interests are defined as being those interests that have a direct political and economic effect on the Nation. They ought to have an interest about our capacity to survive and succeed as a nation. Threats to strategic assets, to shipping lanes, to our strategic allies, and threats to our traditional sphere of influence, similarly represent "clear and present danger" to the United States. Less

clear is the nature of humanitarian interest, and how and when such interests are considered vital U.S. national interests.

Despite the protestations of members of the Clinton administration, it is this final category that I believe we are dealing here. In the course of the past few weeks, I have had the opportunity to hear from a number of the architects of the Dayton accord—Secretary of State, Warren Christopher; Secretary of Defense, William Perry; Chairman of the Joint Chiefs of Staff, General John Shalikashvili, and chief negotiator Richard Holbrooke. Their explanations of why we should be involved, in my judgment, lacked credibility. Their rationale has never included a valid explanation of how vital U.S. national security interests are at stake in the Balkans at the close of this century.

On the one hand, they have said that we have a risk of an expanded full-scale Balkan war that could domino its way all across Europe. Such assertions fly in the face of fact. Secretary Christopher has stated that a major reason the peace agreement was reached is that the warring parties are suffering from battle fatigue. This is an internal conflict that has raged for years, stemming from differences which have divided people for centuries. If the fighting factions are war weary, then what evidence is there to suggest that the potential for the war to spread is imminent or greater now than it has been in the past?

We have seen some 30 cease-fire in this region before, which begs the question, is this the cease-fire of the century or a cease-fire of the season, with another long winter's nap? While the threat of another massive European war makes for good headlines, baseless threats make for lousy public policy.

The President has argued that our continued leadership in NATO is at stake here. He believes that it is a vital U.S. interest to prove ourselves overseas. U.S. perception and leadership overseas are clearly vital. The question that no one has answered, however, is how the deployment of U.S. ground troops will help.

The only response I have been given that comes close to answering this question is that U.S. ground troops must be deployed in order to vindicate the President because in a speech 2 years ago, he made a promise to send troops. Retreating from that promise would somehow signal a failure in his leadership. Well, very frankly, we should not put American lives on the line just to rescue an outdated Presidential promise.

Following the gulf war, world perception of our resolve—of our determination to get things done—was clear, the United States meant what it said and acted accordingly. Since that time, world perception has taken a dramatic turn for the worse. Our foreign policy objectives have been unclear, and our resolve has been uncertain. Before we deploy U.S. troops anywhere in the world we must determine whether our vital national interests must be at stake.

I am confused about the explanations by the administration which allege that this indeed involves a set of vital interests because when you ask the administration about the deployment, they say that the deployment will be for 1 year. The achievement is not of a vital interest. The achievement here is a time of duration. If these interests are so vital, if they are critical to the success and survival of this country in the next century, why is it that they are only critical for a year, and we will leave whether or not we will achieve them in a span of a year?

The idea this is a deployment for a term of days rather than for the achievement of vital and specific interests is an idea which shakes and threatens the very foundation of the allegation that there are vital interests here. I guess there is the question about whether the United States should be a world policeman that imposes her morality on the world. The United States is the world's only superpower, and that role carries with it responsibilities no other nation has. These responsibilities include the responsibility to use our forces judiciously. We should not decide to deploy U.S. troops simply because we can. We should not exercise military prowess to conquer a mountainous civil war merely because it is there. We should not be a 9-1-1 on call to respond to every world dispute or civil disturbance. We must recognize that it is possible to squander our power and our resources by misusing them.

Mr. President, according to the administration, we have an expiration date but we have no achievement strategy. Why deploy ground troops in the first place if we are going to pull them out whether or not anything is accomplished?

There is a related issue about this agreement that troubles me. It has to do with the assignment of our soldiers that they are being asked to undertake. There are some components of the Dayton accord which really elevate values in which we do not believe. We should ask ourselves, under the Dayton accord, will we be going abroad with our troops to enforce things and values which are not things that we are willing to support or that we respect at home? As a matter of fact, are we going there to support or reinforce things which we abhor at home? Would we be going there to enforce a type of ethnic de facto segregation that we are fighting against at home? Is it possible that we are deploying America's soldiers to fight for values of ethnic isolation that run contrary to America's values? Are we asking our troops to defend territorial lines among ethnic factions which were gained through offensive atrocities? Are we validating ethnic segregation of the parties to promote peace, when our Nation painfully learned that it is only "united we stand, divided we fall."

For generations we pursued an international strategy of promoting democratic values. I think we have to ask ourselves, is that what we are doing here? There are a lot of nuances and uncertainties about foreign policies. This is not one of them. We fight abroad for our interests and our values. We must not agree to work for something that is both not in our vital national interests, but contrary to our values.

Let me just say in conclusion that I believe that we must make sure that the deployment of our troops is not merely the appetizer and that the main course becomes massive foreign aid that is felt as an obligation of this country and Congress as a result of having had the deployment of our troops on the soil of a foreign nation. All too frequently, we feel that we must follow our troops after a deployment has been concluded, with an outbreak of nation building and infrastructure construction and resources which are beyond the ability of our culture to afford for ourselves—certainly not within our capacity to provide for everyone around the world.

There is a substantial expense in this whole operation that is going to take $2 billion out of our defense budget this year, and there will be requests for additional money to support this deployment. Frankly, it will hurt—it will hurt our ability to provide defense in other areas.

I am convinced that we have to be careful not to weaken our ability to defend strategic vital national interests where they occur around the world by deploying our troops in areas which do not have clear objectives, where there are no strategic vital national interests, or where those interests are not clearly outlined and where our commitment is not for the achievement of a specific objective but it is for a term of days.

Mr. President, I intend to vote in favor of the Hutchison resolution because I believe that it is appropriate for us to indicate to our troops that when they are deployed we will provide them with all of the resources necessary for their security and success. But that Hutchinson resolution, cosponsored by a number of other Senators, including the leadership of the junior Senator from Oklahoma, Senator INHOFE, also provides an opportunity for Members of this Senate to express their disagreement with the decision of the President to deploy ground troops in Bosnia. I believe that

is the appropriate position for this Senate to take. I urge other Senators to do so. I yield the floor.

The PRESIDING OFFICER (Mr. ABRAHAM). The Chair notes the list I had indicated Senator BIDEN had spoken before Senator ASHCROFT, so the Senator from Wisconsin would be in order.

Mr. KOHL. I yield my position to Senator BIDEN, and I will speak after Senator INHOFE, if that pleases the Chair.

Mr. CHAFEE. Senator INHOFE and I have switched off, so I am taking the place of Senator INHOFE. I will follow Senator BIDEN.

Mr. KOHL. I ask unanimous consent, if I yield to Senator BIDEN, that I may speak after Senator CHAFEE.

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

Mr. KOHL. I yield to Senator BIDEN.

Mr. BIDEN. Mr. President, I think a little bit of immediate past history is important for us to recall here.

With regard to whether or not this policy that has been pursued in this administration relative to Bosnia and Herzegovina was a sound policy or not, it is the same policy that was pursued by the Bush administration. The Bush administration set a policy in motion that said we would support an arms embargo against the Bosnian Government, as well as others, and that we would not use air power to relieve the genocidal actions of the Serbs.

To my great disappointment, although there were faint efforts to change that policy by attempting to convince our allies to lift the embargo, the truth of the matter was this administration did not change the position.

Some of us, as long ago as the last 4 months of the Bush administration, argued loudly, if not persuasively, that the Bush policy was an incorrect policy. We argued that we should lift the arms embargo. In addition to that, we argued that we should supply weapons to the Bosnian Government which at that time was a multiethnic government made up of a council of Presidents, roughly divided in thirds among Moslems, Croats, and Serbs within Bosnia, and a Bosnian Army made up of Bosnian Serbs, Bosnian Croats, and Bosnian Moslems. We even passed the so-called Biden amendment through both Houses of the United States Congress that authorized the President of the United States to seek a lifting of the embargo and to transfer up to $50 million worth of weaponry, off the shelf, to the Bosnian Government. That was in the last months of the Bush administration.

I—and I do not say this to speak to what I did or did not do, but to mark it historically—I, after Senator MOYNIHAN, was one of the few people who went to Sarajevo, went to near Srebrenica, went to Tuzla, went to Belgrade, went to Zagreb, met with Karadzic, met with Milosevic, met with UNPROFOR, met with the Croatian leadership, came back and wrote a report, and was debriefed by the Secretary of State and the President. The report called for lifting the arms embargo and using air power to strike at the Serbian genocidal undertakings.

Back then, I—and I was not the only one in the world community—I came back and pointed out that this was raw, unadulterated genocide. The Serbs had set up rape camps, a policy explicitly designed to take Moslem women, primarily, into camps, rape them, have them carry the children to term, in order to intimidate and pollute the Moslem people in Bosnia. Everyone said that was not going on; this was not 1937 or 1938 or 1940. But now, no one questions it occurred.

I remember coming back—after going up through Mount Igman and over the mountains into a place called Kiseljak and going through villages—and saying, "There are graves." You could ride through a village in the mountains and see three or four homes in a row, pristinely kept, window boxes with flowers. The next home, a hole in the ground. The next home, perfectly kept. After that, two holes in the ground or a chimney sticking up. And graves at the end of the town road.

I was told by our own people as well as the French, God bless them, and the Brits, that these folks are all the same. They are all bad guys. They are all like this. They have all been doing this for all of the last 4 centuries—which is historically inaccurate and was inaccurate in terms of what was taking place at the time.

I remember when we watched on television—the Senator from Arizona and I spoke to it on the floor that night—when they overran Srebrenica. You could actually see U.N. soldiers sitting there with their blue helmets and hats on top of tanks, watching the Serb conquerors take the women and children and send them in one direction and take the able-bodied men and send them in the other direction—for extermination. This was not because they wanted segregated prison cells. They took them to the woods, they dug holes, they shot them, they dropped them in the holes, they poured lye on their bodies and bulldozed the dirt over them.

We were told no, that is not happening.

Now we have satellite imaging that uncovers this—surprise. Surprise. "Oh, my Lord this is happening."

The reason I bother to say this, because I know you all are tired of hearing me saying it for the last 3 years, is to make one very important point. One, with all due respect, I do not think the President has accurately made. And that is, what is our interest in Bosnia? Is there a vital interest? Or, as my friend from Missouri said, "Does this action represent our interest and our values?"

If this does not represent our interests and our values, then nothing that has happened since the end of World War II represents our values. How many in this Chamber, like me, have gone to Holocaust memorial events and heard the refrain, "Never again." Never again? On the same continent, in the same proximity, the same death camps—it is happening again. And it happened again.

This time it was not Jews. It was primarily Moslems. In 1935 and 1937 and 1939 and 1941 and 1943, had it been Catholics like me, or Protestants, like many in here, who were being taken to death camps, the world would have risen up years earlier. But it was not. It was Jews. And we all turned a blind eye, as a world.

I respectfully suggest, were it not Moslems this time who were in the rape camps, were it not Moslems who were being exterminated as part of this new phrase "ethnic cleansing", that the world would have behaved differently. I wonder how many of us ever thought, as students of World War II or as participants in World War II, that we would ever serve in the Senate and hear the phrase, openly used by one party in a conflict, "ethnic cleansing." Ethnic cleansing. Is that not an antiseptic term?

And notwithstanding the fact only the Serbs used the phrase, I kept hearing on this floor that, "They are all the same. They are all the same."

There have been atrocities committed by Moslems and by Croats. But they have not set up rape camps. They have not set up death camps. They have not mass murdered as part of a coherent plan for people, based upon their ethnicity and their religion. That is called genocide—genocide. That is what it is. And now, even in our move to state what our vital interest is, this administration and others who support it are afraid to use the word. We are told we are not taking sides.

I am here to take sides. Milosevic, the leader of the Bosnian Serbs, is a war criminal. He is no better than Himmler. He is no better than Goebbels. He is a war criminal. Karadzic is a war criminal.

I might add that the leader of Serbia, Milosevic, is also a war criminal, although he is the only one not indicted so far.

So I hear people stand here and say, "What is our interest? What is our interest?" Our interest is that history repeated itself.

Let me be presumptuous enough to go on a little more to what I think the next history lesson will be. The Soviet empire has collapsed—the good news. The bad news is that all of the ethnic hatreds, all of the ethnic fighting, all of the atrocities that occurred 100

years ago and 40 years ago are now uncovered again. There are 25 million Russians living outside the border of Russia, in the Ukraine, in the Baltic countries, in Kazakhstan. There is war in Armenia, in Georgia, and almost all of it is based on ethnicity.

What is the message we send to the world if we stand by and we say we will let it continue to happen here in this place but it is not in our interest? We do not fear that it will spread? I am not here to tell you that, if we do not act, it will spread and cause a war in Europe—tomorrow or next year. But I am here to tell you that within the decade, it will cause the spread of war like a cancer, and the collapse of the Western alliance. What is so important about the Western alliance? NATO for NATO's sake so that we can beat our breast?

What I am about to say is going to cause me great difficulty if I am reelected and come back here as the ranking member or chairman of the Foreign Relations Committee. But Europe cannot stay united without the United States. There is no moral center in Europe. When in the last two centuries have the French, or the British, or the Germans, or the Belgiums, or the Italians moved in a way to unify that continent to stand up to this kind of genocide? When have they done it? The only reason anything is happening now is because the United States of America finally—finally—is understanding her role.

So we do have a national interest. Our national interest goes well beyond the genocide that will spread like a cancer. I will not take the time, because others wish to speak, to explain what the rest of it is. But I do in my longer statement which I will put in the RECORD.

But there is a second question it seems to me after first asking what is the national interest of the United States. Once you establish that there is a national interest—and I believe there is one—then, is the proposed action by the President the one that can meet that national interest? I respectfully suggest this is not the best one. If the President and the administration and the last administration, in my view, had the gumption, they would have told our European allies that we are lifting the arms embargo.

This is not a Vietnamization program. The Vietnamese and South Vietnam were not sure where they wanted to be, North or South. That is why it never worked.

The Bosnians know where they want to be. They want to be free. They will fight for themselves, and all they have ever asked for is lifting the arms embargo.

Prime Minister Silajdzic came after my first visit to Bosnia. I had him in my office and 12 of my colleagues—very good men and women came, Democrats and Republicans. The word was then, if we lift the embargo, it is just going to make it worse for those poor folks and more are going to get killed. One of my Republican colleagues, who is very informed on policy, and a Democratic colleague at my conference table asked the same thing of Silajdzic. Silajdzic said something I will never forget as long as I live.

He looked at this Senator, and he said: "Senator, at least do me the honor and the privilege of letting me choose how to die."

"Senator, do not send me food to fatten me and my family in the winter only to be assured that I will be killed with the full stomach. Give me a weapon. Let me defend myself, and have the good grace to let me choose how to die."

He then went on to add, "I am not asking for you to send a single American troop. I am not asking for you to send a single American. I am asking you to lift this immoral embargo."

That is what should have been done, as a student of history of the Balkans—I suspect that I have read as much as almost anybody here, at least I have tried my best, and I have gone there twice and I have spoken with everyone I could. During the last two Balkan wars, the only time they ended was when all parties concluded that they could not achieve any more on the ground than they could at the peace table.

But events have overtaken us. And the event that has overtaken us is called Dayton. I say to my friends here in the Senate, the part that I do not like about being Senator is when Presidents do not get it right, and we do not get to make the best choice. We get to choose among bad choices.

It is that old thing about the Hobson's choice. Two bad choices is no choice at all. The best choice is to lift the embargo, provide air cover, wait while it is being done, and let the Bosnian Government establish itself because Serbia has already lost. Milosevic has no interest in continuing because he is a pariah in the Western community. Have the War Crimes Tribunal go forward and let it be settled. But we did not do that.

We have one of two choices now: One, we participate with a better than even chance. We provide enough time for the Bosnian Government to get the physical wherewithal and economic strength to defend themselves, and then we leave. Two, we do not participate at all, which means nothing happens because the Europeans have no center on this issue. Nothing will happen except the embargo will be on, the genocide will continue, our interest will be badly damaged, and the cancer will spread. My son may not go to Bosnia today, but he may be in eastern Germany in 8 years. My grandchildren may not be in Bosnia today but they will be in Europe fighting a war 15 years from now.

So given the choices, I support this resolution. I support it because we do have a vital national interest, and we do have a moral rationale for our engagement.

If we thought we had a moral interest, a national interest in restoring the Emir of Kuwait to the throne—restoring the Emir of Kuwait to the throne, God bless his soul—to send 500,000 troops there, tell me, tell me why we do not have a moral interest in stopping what was international aggression by Serbia crossing the Drina River into a U.N.-recognized country and participating in genocide?

In Kuwait we had a single example of one young woman who was raped and beaten, which turned out not to be true, to enrage people about the awful thing Saddam Hussein was doing. And here we have mass graves. I have visited with BOB DOLE a hospital in Sarajevo. Do you know who was in the hospital? Seven children. Do you know why there were only seven children? Because the Serbs sit in those hills and they have as a campaign of terror, the maiming of children. Walk with me through Sarajevo's streets and see draped across the roads blankets and sheets. I thought it was a Lower East Side in 1919 of New York.

I asked why. Do you know why they are there? To take over the line of fire from Serbian snipers shooting children. We pretended it did not happen. Ask BOB DOLE.

We stood beside a beautiful ravenhaired child who looked at us as we spoke. And the neurosurgeon said, "The reason she is not turning is she has no sight. He turned her head. The bullet had gone through the back of her head, severed the optic nerves, and came out the other side.

There were seven children in that hospital. Nobody else. It was a planned campaign by Mladic and the Serbs to terrorize the Moslem community.

So let me tell you. If your moral center is oil, I understand you. If your moral center is humanity, there is no comparing the restoration of the Emir of Kuwait with the ending of genocide in Bosnia.

But there is only one exit strategy, I say, Mr. President, there is only one.

I hope the President, with all due respect, means it. That we will not be able to leave unless—what BOB DOLE, JOE BIDEN, JOE LIEBERMAN, and a whole bunch of others insist be in this resolution—the Bosnian Government is armed and prepared to defend itself. That is the ticket home for Americans.

There is a moral reason for this. There is a U.S. interest. It is not the best way to do it, but, as Senators, we only get to choose among the bad ways offered to us. It is worth doing.

In this Christmas season, as I saw off the first group to go to Bosnia from

Dover Air Force Base, the only thing I could think to say is "thank you; watch where you walk—there are a million landmines—and God bless you. I am telling you, you are doing something right but you are being put in a position that is not the one you should have been put in in order to accomplish it." It is a hell of a way to send them off, but we have no choice, it seems to me, to meet our moral obligation and our national vital interest.

Mr. President, after nearly 4 years of indifference, half-measures, national policies of European governments pursued in the garb of international peacekeeping, and other sophistries devoid of moral content, the western world has finally been moved to put an end to the murderous fighting that has left Bosnia and Herzegovina in ruins.

While the dilly-dallying has gone on, more than a quarter-million Bosnians of various ethnic and religious affiliation have been killed, and an additional 2½ million persons—over half the total population—have been driven from their homes.

But, Mr. President, numbers alone cannot begin to convey the savagery, the barbarity, the depravity that has reigned in this small balkan country.

There have been wars since time immemorial, many on a larger scale than the war in Bosnia. There have been refugee flights in other countries that dwarf the Bosnian numbers.

This century has seen the Jewish Holocaust, the Armenian Genocide, the murderous collectivation of Ukraine, and the killing fields of Cambodia. So, Mr. President, I suppose cynics might say that we have become hardened to the unspeakable.

Yet what has happened in Bosnia and Herzegovina not only has had components of the other horrors the 20th-century, it has actually added a diabolical new feature: The unprecedented, centrally planned campaign of mass rape that the Bosnian Serbs have used as a calculated weapon of terror designed to demoralize Bosnian Moslem communities.

Mr. President, why was this allowed to happen? To help answer this question, let me offer a piece of counterfactual analysis that I have delivered before on this Senate floor:

"What if" a Moslem-dominated Bosnia-Herzegovina had attacked a peaceful orthodox Christian Serbia, carried out barbaric atrocities against Serbian civilians, and then proudly announced that its policy of ethnic cleansing had been successful—would Christian Europe then have sat idly by, conjuring up excuse after excuse for not halting the cruel and cowardly aggression?

Mr. President, I think the answer is self-evident.

European Jewry was yesterday's victim. The Bosnian Moslems are today's. If we let the barbarism in Bosnia stand, who knows who will be tomorrow's?

Now at last, thanks to the belated—nonetheless, praiseworthy—leadership of the United States, we stand on the verge of a massive international effort designed to put a stop to the depravity, to try to restore a modicum of normal, civilized life to that sorry land.

I fear that the chances for success are a long-shot. But Mr. President, make no mistake about it: if the United States does not continue to lead this effort, the chances for even a semblance of peace in Bosnia are zero.

And yet the choice is not an easy one. Like almost every other decision concerning foreign policy that a U.S. Senator has to make, our choice about whether to support President Clinton's decision to deploy 20,000 American troops to Bosnia as part of the international peace implementation force known as I-For is a reactive one.

The U.S. Congress rarely gets to formulate policy. We cannot, and should not, write arms control treaties or other international agreements. Most of the time we are asked to react to proposed solutions that are far from ideal, perhaps not even the best. But often these solutions, however risky they may be, are nonetheless better than not acting at all.

That is exactly how I feel about the proposed deployment of U.S. troops in the I-For. For more than 3 years, since September 1992, I have been calling for lifting the illegal and unjust arms embargo against the Government of Bosnia and Herzegovina, the victim of Serbian aggression, no matter what our European allies think about such a decision.

Concurrently, I have called for striking from the air at the offending Serbs while the Bosnian Government was building up its own military strength.

Finally, I have advocated making clear to the Government of Serbia that it would suffer massive air strikes upon its territory across the Drina River if it increased its assistance to the Bosnian Serb aggressors.

Moreover, the Biden Amendment, which I introduced in 1992, and which was successively approved by Congress in 1993 and 1994, authorized assistance to Bosnia through a drawdown of up to $50 million of Defense Department weapons stocks and other military equipment. This year's foreign operations conference report has increased this figure to $100 million. As soon as the President receives and signs the foreign operations appropriations bill, he will be able to use this source any time upon termination of the arms embargo.

Up until 1 month ago this policy that I proposed remained, I am convinced, the best option open to the United States. It would have created the conditions of military parity in Bosnia and Herzegovina that are essential for maintaining a lasting peace.

Then came the talks at Wright-Patterson Air Force Base. The peace agreement that emerged from those talks is not perfect—no international agreement ever is—but we have to deal with the situation now at hand.

Let me take this occasion to congratulate Secretary of State Christopher and his negotiating team for their tireless efforts that achieved what no one else had been able to accomplish for 3½ years: a multilateral agreement that offers the only real promise of ending the worst bloodshed in Europe since World War II. It is a highly significant achievement, which brings great credit to the United States of America.

Yet Secretary Christopher, Secretary of Defense Perry, and General Shalikashvili would be the first to add that the Dayton Accords are still only a building block for the structure of peace for the former Yugoslavia, which remains to be put into place.

Let me underscore that the involvement of American ground troops in the peace enforcement effort—the solution less preferable than the lift-and-strike policy I have consistently advocated—in no way lessens the necessity of equipping and training the Bosnian Federation's army in order to allow it to defend itself when all foreign peace implementation forces leave. The bipartisan resolution specifically mentions this point.

So I would like also to be perfectly clear that if the administration had not assured that this equipping and training would take place—if not by uniformed U.S. military personnel, then by contractors—I would not support the participation of U.S. ground troops in the I-For. Third countries may, of course, also contribute weapons and training to the Federation, but a failure of Americans to take the lead in this effort would quite simply be a prescription for a prolonged involvement of our ground forces in Bosnia, a policy which the American people will not countenance.

President Clinton's outstanding televised speech to the Nation went a long way toward explaining to the American people the rationale for, and mission of our troops in the I-For. I do not take issue with any of the President's arguments.

Above all, I would emphasize to those who wish to restrict America's involvement abroad that the choice facing us is not between a risky foreign mission and the status quo. If the United States does not participate in—or more precisely, lead—the I-For, I am convinced that the war will re-ignite, escalate, probably spread, and open the door for a radical destabilization of southern Europe. And that most assuredly is in our vital national interest to prevent.

Finally there is the issue of American leadership in NATO and in the larger community of civilized nations. I have long criticized some of our European allies, first for their utilization of

the purposefully hamstrung U.N. peacekeeping operation in order not to take the militarily resolute measures that could have stopped the Serbs in their tracks in 1991, and second for their obstinate unwillingness to allow NATO—principally American—air power to cripple the Bosnian Serb war machine.

It took the massacre in the Sarajevo market at the end of August and the withdrawal of the hobbled European peacekeepers, for us finally to overrule our timorous European friends.

Yet, Mr. President, the President of the United States has given his pledge of American troops; the United States was the driving force in crafting the Dayton accords; and our credibility as the leader of NATO is on the line. Bosnia has revealed strains within NATO that must be addressed, but this is not the time to exacerbate the tensions. Moreover, France has just re-entered the alliance's integrated military command, a sign that a successful operation in Bosnia may bode well for a stronger NATO in the future.

Some of the opponents of our involvement have trotted out the cliche that the United States cannot be the "world's policeman." Well, of course we can't solve every crisis everywhere. But as President Clinton said in his television speech, that obvious fact does not mean that we cannot help anywhere.

The slaughter, rape, and destruction in Bosnia and Herzegovina should be an affront to the sensibilities of every American. The I-For mission at the very least will give the brutalized people of that land a last chance to stop the killing and to re-enter the world community.

For all these reasons, then, our participation in the operation is vital. There are, however, serious risks associated with sending our troops to Bosnia, and it is incumbent upon the administration to explain how we are planning to minimize them. These risks include:

Millions of lethal mines, which will probably be hidden by snow for several months;

The brutal Balkan winter that makes driving hazardous;

Irregular forces, foreign extremists, and other rogue elements that may specially target American troops; and

The likelihood that an armed, hostile Bosnian Serb populace in several locations could both harbor attackers and engage in disruptive activity itself.

From administration testimony in hearings before the Foreign Relations Committee, I am satisfied that these concerns have been thoroughly analyzed, and countermeasures developed to the fullest extent possible.

Last Friday at 5 o'clock in the morning, I went to Dover Air Force Base in my State of Delaware to personally say good-bye to a detachment of our troops as they embarked for Bosnia. They are as fine a group of American men and women as has ever represented the Armed Forces of this country. Every possible precaution must be taken to lessen the threat to their person as they carry out their duties in Bosnia. In this regard, I emphasize that the robust rules of engagement for our troops must not be altered under any circumstances.

In larger terms, I believe that the criteria for the mission's success and a responsible exit strategy must be delineated even more clearly than has already been done. For example, is the absence of serious conflict after 1 year sufficient progress to warrant a declaration of mission accomplished?

Stated more precisely, will we withdraw our ground troops after precisely 1 year even if the envisioned democratic institutions of the Bosnian central government are not yet functioning? If so, will other international units remain for a longer period?

My own belief is that the I-For mission should be limited to creating the basic conditions for democratic institution-building to take place. There must be no mission creep for our military forces.

Yet if the civilian aspects of the agreement do not proceed, then the American troops and their international colleagues will have served in vain. Hence, a premium must be put on coordinating the mission of the American military force with the work of the international civilian agencies preparing to implement the electoral, refugee, and humanitarian aspects of the Dayton accords.

But it may well be unrealistic to expect construction of a working democracy in 365 days or less. Therefore, plans must be drawn up immediately for a follow-on force to remain in Bosnia after the United States troops leave. My strong feeling is that this force should be led by our European NATO allies, augmented by units of European neutrals with experience in peacekeeping operations.

Finally, let me repeat once again the absolute necessity of creating a balance of military strength on the ground so that when the international peacekeepers are withdrawn, the federation of Bosnia and Herzegovina will not be vulnerable to renewed attack.

The peace settlement is far from perfect. There is no guarantee that it will be implemented. The involvement of American ground forces means—although I pray I am wrong—that casualties and fatalities are likely to occur.

But, as I have indicated, we live in a highly imperfect world. To do nothing would be to invite larger problems in the future that would require a much riskier and bloodier American involvement.

If the conditions I have outlined are met: retention of very robust rules of engagement for our troops; no mission creep for our troops; but close coordination of the I-For with international civilian efforts in Bosnia; a United States lead in coordinating arming and training the army of the federation of Bosnia and Herzegovina; and a finely drawn set of criteria for mission success.

Then I believe that President Clinton's policy deserves the support of the Congress. The President has promised to meet these conditions. Therefore, I will vote for the bipartisan resolution, and I urge my colleagues to do the same.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I support the Dole-McCain resolution which authorizes the participation of U.S. military forces in what is known as the I-For, the NATO implementation force. The purpose of this is to monitor the peace agreement in Bosnia.

The Dayton peace agreement and this NATO deployment represents, in my judgment, the only opportunity to achieve a long-term peace in Bosnia and with it a more stable Europe. That is a very important point, Mr. President—a more stable Europe, which is a matter of profound interest to the United States.

The Senate's vote on the Dole resolution involves the question of what role the United States should play in Europe and throughout the world as we approach the 21st century. Let us just take a brief look into history, if we might. It was an assassination in the Balkans, in Sarajevo itself, that triggered World War I, a conflict into which the United States was reluctantly drawn. Indeed, we stayed out of it for nearly 3 years.

At the conclusion of that devastating war, the United States made a very conscious decision, and that was to withdraw from any involvement in European security affairs. From 1919 until 1942, the United States remained aloof from Europe, even though World War II raged for 2½ years during that period. Yet, inevitably, we were dragged into that war, the most costly of all wars in terms of lives and treasures.

We have now learned that the United States, the world's lone superpower and the undisputed leader of the NATO alliance, simply cannot withdraw from European security matters, nor should we. Our active engagement in Europe for the past 50 years since the end of World War II has brought enormous benefits to us, to the Europeans, and to the world at large. Western Europe has enjoyed peace, it has enjoyed freedom, it has enjoyed democracy, and it has enjoyed economic success ever since the end of that war.

This has largely been due to U.S. leadership in NATO. Our leadership has assisted in bringing about the fall of

communism and the liberation of Eastern Europe. But despite these successes, Europe today is not free of war and bloodshed and instability. We need to look no further than the war that has raged in the Balkans for the past 3 years. Others have spoken about it, and sometimes we forget these statistics: 250,000 people have lost their lives in that conflict, and more than 2 million people have been displaced or are refugees. This war has the potential to spill over into the rest of Europe.

The history which I just touched on has taught that maintaining a free, democratic and peaceful Europe is very much in our interests, in our security interests, and deployment of the NATO force in which the United States provides one-third—not one-half, not two-thirds, but one-third—of the troops will help ensure the type of Europe we want: A Europe that is free, that is Democratic, and that is peaceful.

I would ask, Mr. President, those who oppose this deployment to answer this question. If we, as part of NATO, cannot lead an effort to try and end the war in Bosnia, then why should we be members of NATO? Let us forget the whole thing, at least our participation in it. It seems to me that helping to end destabilizing military conflicts inside the borders of Europe such as Bosnia represents is the type of responsibility NATO should undertake in the post-cold-war world.

May I remind my colleagues that the implementation force includes many non-NATO forces—not just the NATO forces, but others—that share our interest in securing peace in the Balkans.

Those opposing this resolution, the Dole resolution, also argue that U.S. troops will be at a risk of being drawn into nonmilitary activities and may also suffer needless casualties.

To this I say, take a look at the Dayton peace agreement. Unlike some recent failures—we have had them in this Nation, particularly if you think of Somalia—where United States military roles were not entirely clear, the Bosnian deployment plan and the administration's pledges are very specific about what our troops will and will not do. I am reassured by this part of the written statements.

In addition to its own self-protection, the mission of our force is to oversee and enforce implementation of the military aspects of this peace agreement. Now, what are we talking about? We are talking about cessation of hostilities, withdrawal to agreed lines, creation of a zone of separation, return of troops and weapons to their encampments. Civilian authority such as the United Nations, not our troops, will be responsible for many of the nonmilitary aspects that are envisioned by the agreement.

Now, what are we talking about there? Overseeing elections, conducting humanitarian missions, helping civilians move about, acting as local police forces. You can be sure that Congress and the American people are going to be watching carefully. We are going to be monitoring this to see that our troops do not engage in any activities for which we are not responsible.

I do not want to suggest, Mr. President, that sending United States military forces to Bosnia is without risk. Regrettably, we may well suffer casualties, as is often the case in military operations such as in the Balkans. But please remember that the United States and the 25 other nations are sending a force totaling 60,000 ground troops, forgetting those that are in the air or on the waters. This is an overwhelming numerical advantage over any group or faction that would challenge our authority.

I would also point out that unlike former United Nations peacekeeping missions in Bosnia, we will be completely prepared to defend ourselves. This is a mission in which if we are shot at, we are going to reply with bullets and shells.

Mr. President, the rest of the world looks to the United States to be a leader in promoting peace and democracy, and this is certainly the case in the Balkans where the three signatories have authorized our intervention. If a United States-led NATO force can help secure peace in Bosnia, it will make an enormous contribution to world security.

On the other hand, Mr. President, if we abdicate our responsibilities to our NATO allies, it will send a clear and I believe very troubling signal that the United States has once again retreated into Fortress America. It will show that we are not there when a difficult job has to be done. That is not a signal we can afford to send. So, therefore, I urge my colleagues to support the deployment of United States troops to Bosnia and to vote for the Dole-McCain resolution.

I further would urge a vote against the Hutchison amendment, which, in my judgment, sends a very confusing message. It says, on the one hand, to our troops, we do not think you should be in Bosnia, but nevertheless we support you. I do not think that is the kind of message I, for one, would like to receive if I were risking my life or on a mission of this nature in Bosnia. The message, again, seems to say we are for you, but you should not be there. I do not find that a message of much comfort or encouragement, in my judgment.

So therefore, Mr. President, I hope that my colleagues would support the Dole-McCain amendment.

I thank the Chair.

Mr. KOHL addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Thank you, Mr. President.

Mr. President, the question of sending American men and women on a dangerous mission, whether it be to fight a war or, as in this case, to strengthen a fragile peace is always a difficult one. A healthy debate has been carried on across the Nation, and it is clear that Americans are reluctant to send U.S. forces in harm's way.

While I share that reluctance, my reluctance does not stem from a sense of isolationism; but rather, I am reluctant to commit our troops when the situation on the ground is so tenuous. I understand that the combatants themselves have asked us to help them implement the Dayton accords; however, I remain skeptical about their commitment to peace. I question whether the presence of a large NATO force will be enough to overcome the daunting challenge of national reconstruction facing all the Bosnian people. And, given the deep hatreds that exist there, I wonder how realistic it is for us to think that once United States troops leave Bosnia the peace will hold.

At the same time, what are our alternatives? I agree that the situation on the ground may have been different if the President had heeded Congress and lifted the arms embargo. However, as one of our colleagues pointed out to me recently, even if the administration had agreed to lift the arms embargo and the Bosnian Moslems had been better armed, there still would have been the need for a peace accord, and we would still be facing the difficult question of whether to send in United States ground forces to guarantee the peace.

After 4 years of anguish over the atrocities in Bosnia, I believe we have a responsibility to try to end this war. We cannot turn our backs on the innocent men, women, and children who have lived through the unspeakable atrocities committed by all sides. We cannot turn down a request that is probably the last and best opportunity to end this harrowing civil war.

At the same time, we cannot allow emotion to sway our decisionmaking about sending United States ground troops into what until now has been a war zone. We would all like to see an end to the bloodshed in Bosnia, and an end, for that matter, to bloodshed everywhere. But, it is disingenous to say that we are sending ground troops to Bosnia out of a sense of moral responsibility that we must police the entire world. We have already determined that neither do we have the desire nor the means to be the world's policeman.

Recognizing we are not the world's policeman does not mean that there are no circumstances under which we should send U.S. troops abroad. If we are to take advantage of winning the cold war and retaining our capacity to shape events in this changing era, then we must demonstrate leadership and be

willing to take risks for peace. The difficult question is, when should we take these risks?

I have always held that any determination to commit U.S. troops abroad should meet four criteria:

One, there must be a clear and compelling issue of national interest.

Two, the benefits must outweigh the cost of endangering American soldiers.

Three, there must be an established plan of action—including plans for troop withdrawal.

And, four, there must be support and involvement of the international community.

Unfortunately, without the stark black and white of the cold war to guide our foreign policy, it is less clear when our vital national interests are at stake. The world has become a far more complicated place, and there is much disagreement over whether there is a vital national interest at stake in Bosnia.

Some say this is a European problem and we should leave it to the Europeans to solve. Indeed, the Europeans realize that they have more at stake here than we do. That is why they are supplying the majority of the forces and why they are providing most of the funding and technical support for the crucial task of rebuilding Bosnia.

Then, why could not this be a European-led mission with American support? Frankly, the Europeans have been indecisive and unable to do this on their own. Yet, if this civil war rages on, it poses a serious threat to European stability. Just as that possibility poses a threat to our European allies, it also threatens us.

That is why America must assume the mantle of leadership. The future stability of Europe is, and always will be, in our national interest. We have fought two major wars in Europe, and in the 50 years since the end of World War II we have committed U.S. troops and resources to the defense of Europe and to the leadership of the NATO alliance. Because of our ties to Europe—historically and economically—it is in our interest for NATO to be strong and it is in our interest to continue to lead NATO.

That said, do the potential benefits of this mission outweigh the costs? There are many ambitious—I might say overly ambitious—goals laid out in the Dayton accords: The return of refugees, the negotiation of arms control agreements, the prosecution of war criminals, and the reconstruction of civil institutions. I am pessimistic about the prospects for realizing many of these nation building goals in the short term.

Nonetheless, I believe there is still a potential benefit to participate in a strong peacekeeping force. The ominous warnings of many opponents of this mission belie the fact that the NATO Implementation Force is not embarking on a combat mission, nor is it a mission to impose a peace. This is not Somalia. Furthermore, our troops will not be leading the nation building efforts. This is not Haiti. This mission is in response to a direct request by the combatants to help them implement a peace agreement that they negotiated. The greatest and most achievable goals of this mission are strictly military goals: Separating the forces and creating an environment for the continued cessation of hostilities. And 1 year may not be enough time to rebuild Bosnia, but we cannot underestimate the potential of a 1-year breathing period to lay the groundwork for a more stable peace down the road.

How do these benefits measure up against the potential costs? There has been a strong consensus in the United States that sending ground troops at an earlier date would have been too risky and not worth the cost. Are we now risking the same entanglement we so assiduously avoided by sending in ground forces to implement this shaky peace? As peacekeepers, will our troops be a lightening rod for some of the more controversial provisions of the peace agreement many in Bosnia are not sure they want?

Over the past few weeks, I have explored these and other issues related to the risks. I have met with the National Security Advisor, and yesterday with the Secretary of State, the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, the Vice President, and with the President himself to express my concerns directly, and to listen to their responses.

I have come to believe that it is most unlikely we will become entangled in a full-scale war. We are participating in a NATO operation to implement a peace agreement painstakingly negotiated over several weeks. The Dayton accords set forth clear military goals for the implementation force. Our troops have a limited mission—limited in the specific tasks designed to strengthen the peace and limited in its duration. We have made no commitment to stay on should the peace fail. And, should all out war break out before the year is up, then we surely will leave. Contrary to the views of some of my colleagues, I believe that Secretary Perry and General Shalikashvili have established a clear plan to action and a clear exit strategy.

In the unlikely event that our troops become targets, we have learned from earlier mistakes: Our troops will be well armed, will be sent to Bosnia in sufficient numbers, and will be operating under the right rules of engagement, allowing them to defend themselves fully.

To be sure, we can never eliminate all the risks. Even under the best of circumstances, Bosnia is a dangerous place. On balance, however, I believe that this mission is worthwhile.

Can we state with certainty that our efforts will pay off, and that the war is over? Unfortunately, it is too early to tell whether the conditions in Bosnia are really ripe for peace. But, that does not mean we should not proceed. If this diplomatic effort fails it will be a failure of the Croatians, the Moslems and the Serbs to take advantage of the international commitment to help them implement the peace. Only time will allow us to test their commitment to the peace accord. In the meantime, we cannot afford to turn our backs on the most serious diplomatic agreement to date.

Mr. President, I am disappointed that the majority leader has been compelled by members of his party to have three separate votes on Bosnia. Either we support this policy or we do not. It is too easy to say that the President has made his decision, that he has committed U.S. forces, and then take no responsibility for the mission but still vote to support the troops.

In this case, I believe that the President has demonstrated leadership. He has acted in our national interest, and he has done so cognizant of the risks the men and women of our Armed Forces will face. Now that the Bosnian people have taken a step toward peace, we have the chance to do something concrete, specific and finite to help bring this bloodshed to an end. And so I say, let us do it.

Mr. President, I will be voting against the Hutchison resolution and in favor of the Dole resolution.

I yield the floor.

Mr. FAIRCLOTH addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. FAIRCLOTH. Mr. President, at the outset of my remarks on Bosnia, I want to state for the record my total support for our men and women in uniform deployed in the Balkans. I know they will serve the Nation with honor and distinction. I commit to them today that I will make every effort to provide for their safety, to make every available resource for their defense and to work hard and look forward to their safe return home.

Let me say that I have lived my entire life in a small eastern North Carolina town that is surrounded by Fort Bragg, Camp Lejeune, Seymour Johnson Air Force Base, and Cherry Point Marine Base. My whole life, I have literally been surrounded by people who are strongly committed to serving our Nation and our Commander in Chief.

I am confident that the bravery of our soldiers deployed in Bosnia and their respect for their commanding officers will serve as an example and an inspiration to all Americans. While I have nothing but praise to offer for our troops, I come to the floor to voice my strong opposition to the President's decision to deploy United States forces in Bosnia.

Despite repeated requests by Congress and the American people, the Clinton administration has yet to show a compelling national security interest which would justify the commitment of United States ground forces in Bosnia. In fact, President Clinton's Bosnia strategy over the past 3 years has been an incoherent jumble of vacillating policies.

As a candidate, Bill Clinton criticized the policies of the Bush administration and advocated a forceful interventionist role for the United States. Once in office, President Clinton dithered while the Balkan situation degenerated into a brutal, dehumanizing ethnic civil war. Much of the tragedy we see in Bosnia occurred on President Clinton's watch.

Without consulting Congress, President Clinton entered into an agreement to commit U.S. ground forces. He has not come before a joint session of Congress to explain his policies on this issue. Rather, from the Oval Office, President Clinton delivered a televised national address and then boarded Air Force One bound for Europe. It struck me as though he was more eager to collect congratulations in European capitals than to explain his Bosnian policy to Congress and the American people.

Despite this absence of Presidential leadership, a rejection of the Clinton administration's troop deployment plans does not mean a rejection of American involvement in the Bosnia peace process, nor a retreat into isolationism.

The United States has played a significant role in Bosnia, and we should continue to do so. United States military commanders provided leadership to NATO in advocating the use of airstrikes to break the Bosnian Serb military advantage, while the Clinton administration dallied with the United Nations.

In the end, the administration failed to take a leadership role in convincing the United Nations to lift the arms embargo which would have allowed the Bosnian Moslems to defend themselves at a much earlier date and might have alleviated the need for our ground forces there at any time.

We brought the warring factions to the peace table, and we have an interest in seeing that the peace agreement is implemented, but we do not—we do not—have a vital national security interest, which is the only thing which would justify putting at risk the lives of 20,000 American soldiers and marines. The President was wrong to make this commitment, and Congress will be wrong if we endorse it.

Some believe that President Clinton's hastily concluded decision on ground forces will demand congressional approval in order to preserve international respect for the Office of the Presidency. I disagree. Respect for the power of the Presidency is preserved and enhanced when the holder of that high office has led the Nation toward a consensus on military intervention before troops are deployed. Bill Clinton has turned Presidential leadership on its head. He is trying to build a national consensus after having committed U.S. forces. This is not leadership.

On the ground, our troops will face overwhelming logistic hurdles. In addition to arriving at the height of the harsh Balkan winter, our troops will face 6 million landmines covering much of Bosnia. The exact whereabouts of many of these mines is unknown and their detection will not be easy, as many are made of plastic.

The infrastructure of Bosnia has been devastated by years of war. The bridges, roads, and railroads which remain usable are simply not capable of supporting the weight of M1–A1 tanks and any other heavy armaments. Most existing airstrips have been seriously damaged.

Clearly, we will have to spend millions of taxpayers' dollars, American taxpayers' dollars, in infrastructure before we can begin to adequately police the so-called peace agreement. Once we begin that effort, we will then spend billions more on military equipment and personnel. How much will this latest effort in nation building cost? And that is what we are doing, nation building. Some estimates are as high as $100 million a month. I suspect that probably is not high enough.

Further, I have written to the Clinton administration requesting information about its plan to start supplying foreign aid to Bosnia. I have not yet received a response.

We have an opportunity to avoid repeating the tragedies of Lebanon and Somalia. Now is the time to use our technological superiority to spare American lives. Many of those who opposed our investment in advanced military hardware and cut defense spending would now lay aside that advantage. Now is the time for the U.S. Air Force and the Navy to take the lead in enforcing this peace agreement, which grows less certain by the day. It is simply a bad policy to put U.S. ground forces between enemies who have been fighting each other for over 600 years, and that is how long this battle has been going on. One year of American troops will not end it.

President Clinton stated that our troops will fight fire with fire. However, this pledge is useless when it is impossible to distinguish between a Serb, a Croat, and a Moslem.

Mr. President, it is not impossible to identify a vital national security interest. The invasion of Kuwait and our response provides a textbook example of how to do it. It should be clear to all Americans that President Clinton has yet to measure up to the standards of Desert Storm. Until he does, I will continue my strong support and respect for our troops by opposing the President's decision to deploy ground troops in Bosnia.

I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER (Ms. SNOWE). The Senator from Michigan is recognized.

Mr. LEVIN. Madam President, as a member of the Armed Services Committee, I have spent a great deal of time analyzing the risks involved in the United States joining the NATO effort or not joining the NATO effort. There are risks both ways. I have concluded that the risks of not acting, not joining the NATO effort, are greater than the risks of acting with our NATO allies, and I will, therefore, support the Dole resolution.

The risks of acting are clear, and include the risk of casualties from mines, from accidents on the road, possibly from snipers. Those risks are real, and I think the American public should be fully aware of what those risks are. As hard as we have tried to reduce those risks—and the Joint Chiefs and the commanders have made an extraordinary effort to reduce those risks in every way possible, through training and equipment and in other ways—those risks are there and they are real.

But there are risks of not acting to join our NATO allies. Those risks of not participating with NATO are also very real and, in my judgment, are greater than the risks of joining. The risks of not acting, of not participating with NATO, include the risk of a peace agreement falling apart because of NATO's absence. That, in turn, could lead to a wider and more dangerous war, with continued killing, ethnic cleansing, rape, and other atrocities, more civilian refugees and humanitarian catastrophe in Bosnia, Croatia, Slovenia, Serbia, but also possibly in Kosova and Albania and Macedonia, and even possibly in Greece and Turkey.

The effects could be felt beyond the region as well. Of great importance here—and this is something which I do not believe has been given enough attention—is that Russia is now willing to participate with the United States and our NATO allies in the peace implementation force in Bosnia. In fact, Russia is willing to place their troops in Bosnia directly under an American commander. That would be historic cooperation with long-term benefits for European security and for world security.

But if this agreement falls apart and the war widens because we do not participate with NATO, and we know NATO will not carry out this operation without the United States, NATO would be weakened and fractured, and the United States and Russia could be pulled to opposite sides in a Europe newly divided.

Hardliners in Russia would balk at working with the United States and would gain political points domestically in upcoming elections. So, in addition to the region becoming inflamed again, in addition to the United States potentially being dragged into a widened war in Europe, just as we have been dragged in twice before this century, we could see a Russia become more threatening to Europe and to United States interests, precisely when NATO is fractured and less able to deal with that newly threatening Russia.

So the failure to participate here could well sink our efforts to improve the United States-Russia relationship, to build strong democracies in Europe, to expand NATO, and to integrate Russia into permanent European security arrangements.

When President Clinton wrote to the Speaker of the House last month, he highlighted the costs of not trying to help secure the peace efforts of the warring parties, and this is what he said:

> Unquestionably, there are costs and risks to all involved in making peace. Peace is the less risky alternative. But there will be no peace without America's engagement.

Madam President, I have asked a lot of questions about this mission over the last few weeks, as a member of the Armed Services Committee. The first question is: Are there important U.S. interests at stake? I believe the answer is yes.

The United States has an interest in helping the parties establish peace and stability in Europe. We have an interest in preventing the war from spreading, which also could fracture the NATO alliance and which could put Russia and the United States on opposite sides of a renewed and wider war.

The second question I asked: Is the mission clear, and is it limited and achievable? The Chairman of the Joint Chiefs of Staff has testified that it is, and the military commanders agree. The NATO mission has three primary military objectives: maintaining the existing cease-fire, physically separating the warring parties, and overseeing the division of territory agreed to by the leaders in Dayton.

Our military leaders have been clear about what our troops will not do, so there will not be any mission creep. They will not oversee election security; they will not conduct humanitarian relief missions; they will not help civilians relocate or act as local police.

Now, there is a fine line between actually performing those tasks, which U.S. and NATO troops will not do and that the U.N. agencies and other private organizations will attempt to do, and helping to create a secure environment, which NATO's force will do while they are there so that those other tasks can be accomplished.

NATO and U.S. military leaders say that they have sufficient guidance to make the judgment about that fine line. Our troops will not be directly responsible for disarming the Bosnian Serbs or equipping the Bosnian Government to achieve an equilibrium of forces on the ground. While both of those missions are desirable, it is appropriate for the NATO force to be able to maintain its evenhandedness in dealing with all of the parties and therefore to leave those tasks to separate mechanisms.

The third question I asked: Has the risk to our troops been minimized? Bosnia, even after this agreement, is a very dangerous environment. I have been particularly concerned, as have many of us, about the threat posed by landmines, which some have estimated to number 6 million. General Shalikashvili has testified last week that the troops have received extra training before deploying to the theater specifically against known hazards, such as landmines and snipers. They will be well-armed, equipped with robust rules of engagement that they need to protect themselves, and local commanders will have the authority that they need to make decisions about using force without any cumbersome dual-key arrangements.

Secretary Perry testified that they have the authorization to use deadly force, if necessary, and National Security Adviser Tony Lake warned that—

> . . . if anybody fools with our forces, they will get hit, hit immediately and very hard, and we expect that any other challenge or threat to our forces would be intimidated.

In addition, there is a clear chain of command with U.S. commanders at the top. General Shalikashvili testified that he believes the risk of physical danger to be small and that he would anticipate more casualties from accidents than from hostile action.

The fourth question I asked: Are there clearly defined conditions under which United States forces will not go into Bosnia? The answer is yes.

We have received repeated testimony that NATO will not fight its way in. The parties have initialed an agreement, and they are scheduled to sign it in Paris tomorrow. Vanguard NATO units are in Bosnia. We must see evidence of compliance with this agreement before deployment. Otherwise, General Shalikashvili has testified that we are not going in. We are not going to fight our way in. We are going there to help implement a peace agreement which the parties want.

The fifth question: Is there a clear exit strategy? Administration officials are clear that the deployment of United States forces with NATO will last approximately 1 year, and they have said that most of the military tasks that the NATO force is charged with achieving may be achievable in less than 12 months.

There are two key issues here. One is whether an effective equilibrium of forces can be achieved between the parties in such a way that the Bosnians can defend themselves when the NATO forces leave. There is still a lot of doubt about this. The goal is not part of the military mission itself. It is a separate commitment from the United States to all of the parties, which all of the parties, we are told, have accepted.

Now I remain skeptical, as indeed do some of the officials who testified before us, that an arms control agreement as outlined in the Dayton agreement can by itself effectively achieve that equilibrium. Secretary Perry says that he believes that the United States commitment to assure success of this effort to rearm and train the Bosnians if the arms control effort fails, will actually help that arms control effort succeed.

We will need to watch closely to see if the parties abide by their obligations to reduce armaments, working with the Organization for Security and Cooperation in Europe. For instance, they have agreed not to import any weapons for 90 days and any heavy weapons for 180 days. If they do not abide by these aspects of the agreement, the United States is prepared to assure that arms and training will be provided to the Bosnian Government. This must be premised, of course, on the most reliable possible assessment of all sides' current military capabilities, and the assessment of what constitutes an effective equilibrium: defensible territory with sufficient armaments. If the arms control agreements are not carried out, as Secretary Perry testified, the United States can and will need to try to accelerate the arming effort during the 12-month NATO deployment period.

The second key issue on exiting is whether a secure environment can continue to exist after the NATO force leaves. Annex 11, signed by the parties, establishes an international police task force assistance program to monitor, observe, inspect, advise, and train law enforcement agencies to improve public and state security. But that may not be enough. In addition to the international police task force, full and lasting implementation by the parties of all aspects of the peace agreement may require the presence of a smaller residual military force in the former Yugoslavia for longer than the 1 year planned for the NATO implementation force, and any such residual force should be comprised primarily of Armed Forces from European nations without U.S. Armed Forces.

I believe there should be planning underway now for a European residual force. The President should be encouraging European nations now to initiate contingency planning for such a force that does not include U.S. Armed Forces to maintain a secure environment for implementation of the peace agreement after the NATO forces leave.

Mr. President, there is no need to wring our hands in this body about not having a choice. Some say we have no choice, that the decision has been made. Well, we have three choices, at least.

Choice 1 is to say there shall be no funds for these troops. That was the choice that we voted against earlier today. But that was a choice. That is a constitutional capability that we have, if we decided to exercise it, to say that we will use the power of the purse so that these troops would not go to Bosnia. By an overwhelming vote, 22 to 77, we decided not to use the power of the purse, not to use that capability that this Congress has under the Constitution to restrict funding in order to prevent troops from going to Bosnia. But it was a choice. We were not in a position where we were prevented from exercising that constitutional option.

We have a second choice. We can express an opinion which is in opposition to this mission, short of using the power of the purse, but nonetheless an expression of opinion. That is what the Hutchison resolution does.

It seems to me, however, that the Hutchison resolution would be a terrible mistake and would sap the morale of our troops terribly. To tell our troops that we will support you, we are all for you, as part of the Hutchison resolution does, to say that the Congress supports military personnel who may be ordered into Bosnia, but we oppose the decision, is telling those troops who are put in a position of danger that we do not support their mission.

Now, if anything will undermine morale of troops, it would seem to me, it would be saying this to them: No matter how much we say in one paragraph of the resolution that we are behind the troops—you can say that all you want, you can proclaim that all you want in one paragraph—but it runs exactly counter and undermines that message to say in another paragraph, you are being sent on a mission which is wrong. If that mission is wrong, then the power of the purse should be used to prevent it.

It should be one way or the other. We have the authority under the Constitution. We chose not to exercise it. I think we made the right decision. But we had that choice under the Constitution. Having chosen not to exercise a power that this Congress had to prevent the troops from going to Bosnia to be put in a position of danger, it seems to me now it is totally wrong for us to tell those troops we are now for you but your mission is a mistake. If that mission is a mistake, we should have voted not to allow it. We cannot have it both ways and expect our troops, who are being put in harm's way, to do anything except react in wonderment and amazement that a Congress could decide not to restrict the funds, and then to say in the same resolution we are behind our troops, although the mission is wrong.

I hope we will defeat the Hutchison resolution and adopt the third resolution which will be voted on, the Dole-McCain resolution, which in a qualified way, in a very careful way, supports the continuation of this mission.

Mr. President, it comes down to this: We have vital security interests in trying to help prevent a war in Europe from resuming and spreading into a wider regional war which would probably fracture NATO, which could very well pit NATO ally against NATO ally. We have an interest in reducing the chance of Europe becoming divided again with Russia on the other side from most of Europe, with a Russia that would be likely, if this peace agreement failed because the United States stayed out of the NATO force, to then grow as a threat to the United States and to our allies. If this peace agreement falls apart because of United States non-participation with NATO, we would be playing into the hands of the most extreme nationalists in Russia and furthering their election ambitions next year. If this NATO military mission succeeds, Russian troops for the first time will be under American command, an extraordinary development in history, and will be a greater part of a European security solution, instead of being part of the problem as they have for so many decades.

U.S. involvement in this NATO force is essential if the peace agreement of the parties has any chance of being implemented. This is a chance, a chance that only the parties can take advantage of. But by participating, we would also be giving the parties a chance to end the slaughter and the ethnic cleansing and the use of rape as a weapon. For all of these reasons, and having answered the questions which I put to myself in good conscience over the last few weeks, I have concluded we should participate in the NATO force, and I hope the Dole-McCain resolution is adopted.

Mr. President, against all odds and against most predictions, the warring parties in the Balkans came together and negotiated a comprehensive and complex peace agreement. It is not perfect, and its success is by no means assured, but it is their agreement, and as Assistant Secretary Holbrooke testified last week, it goes farther than anyone had reason to hope the parties would go when they first started.

This agreement represents the best chance for peace in the region that we have seen after 4 years of devastating war. It is still up to the parties themselves to implement the agreement. The role of the NATO Implementation Force [IFOR] is to give them that chance, by creating a secure environment in which the many tasks set forth in the agreement can be pursued.

But if the United States does not participate in that NATO force, after the parties have signed up to an agreement we urged upon them, with the expectation that we would participate, then the war will resume and probably spread. More civilians will be killed, tortured, and ethnically cleansed in a renewed war. More refugees will be displaced and dispersed throughout Europe. As President Clinton said last month:

> If we're not there, NATO will not be there. The peace will collapse. The war will reignite. The slaughter of innocents will begin again . . . American cannot and must not be the world's policeman. We cannot stop all war for all time, but we can stop some wars.

There is wide support for this conclusion.

President Bush's former National Security Adviser Brent Scowcroft warned against the risks of this undertaking, but he said that "the alternative, in my judgment, is a clear disaster. To turn our back now would be a catastrophe. . . . If we don't go in, a lot more Americans will die, somewhere, sometime."

Former Undersecretary of Defense Paul Wolfowitz testified to the Armed Services Committee that "if we go in, there is a modest chance of success. If we stay out there is a real certainty of failure." The cost to important U.S. security interests of a wider and more deadly war spreading throughout the region, possibly putting us in direct conflict with Russia again after 5 years of improving relations, would be enormous. It is not just the relevance and usefulness of NATO as an instrument of European stability that would suffer, but United States credibility around the globe.

Mr. President, there are indeed reasons to be skeptical that the peace agreement can be fully implemented. The region has seen centuries of historic animosities, and 4 years of brutality. There are still territorial disputes whose final settlement has been put off. The man who fueled war with dreams of a Greater Serbia, Slobodan Milosevic, now claims to be the guarantor of the Bosnian Serbs' compliance with the agreement.

Resettlement of refugees, guaranteed in the agreement, promises to be exceedingly difficult. We are not sure how many refugees will even try to reclaim their homes, or who will arbitrate claims of ownership. Even this past weekend, some Croat forces looted and burned the homes of a town scheduled to be returned to Serb control.

Mr. President, I have concluded however that although there are serious risks to this mission, the costs and risks of not acting with our NATO allies, would be even greater.

People around the world are watching the United States at this moment, watching to see whether we will fulfill again the role of facilitating peace that

has long been our tradition. I recently received a letter from a old friend of mine, Eric Osterweil, now living in Brussels, but following our deliberations closely. Welcoming the Dayton peace agreement, he wrote:

I think it is in the strategic interest of the United States to ensure that peace reigns in Southeastern Europe. The risks, if we fail to act, are, I think, far-reaching. They include potential Russian intervention, a conflict between Greece and Turkey and other disagreeable eventualities. It may be difficult for the U.S. not to be involved in any major conflict on the continent of Europe. To me, the most potent argument, however, is that the U.S. has a chance to ensure that peace prevails over war and life over death.

Mr. President, the most important votes we take in the U.S. Senate are those involving the deployment of U.S. military personnel to dangerous spots around the globe. The volunteers who make up our Armed Forces are dedicated, talented women and men whose lives we value and whose service we cherish. The NATO mission before them is challenging, but it is doable, as General Shalikashvili has testified, and however individual Senators vote on this resolution, the troops should know that we all stand behind them and we all stand for them.

Mr. President, the Bosnian State outlined in the Dayton agreements has two armies, three administrations, and is surrounded by hostile neighbors. Can a civil society grow out of a land so steeped in mistrust, anger, and savage conflict? There is no guarantee. We cannot assure that there will ultimately be that successful outcome—only the people who live there and their leaders can achieve that. But at least NATO is acting to give them a chance to build a civil society and put war behind them. That is a mission that the United States should not undermine.

The PRESIDING OFFICER (Mr. BROWN). ACCORDING TO THE PREVIOUS UNANIMOUS-CONSENT AGREEMENT, THE SENATOR FROM MAINE IS RECOGNIZED.

Ms. SNOWE. Mr. President, let me say at the outset, while many of us have serious concerns with the scope and the structure of the Bosnian mission, there is no doubt about our troops' ability and competence to carry out the mission that has been assigned to them by the President of the United States. Like so many times in the past, when they have served our country well and they have made us proud, I have no doubts about the fact they will be no different in this mission.

Despite what is being said here this evening, whether you are for or against the proposition that is before us, we will obviously not change the outcome. The deal, as they say, is done, because the troops are being deployed and will continue to be deployed, no matter what we do here or how we vote.

Congress is essentially faced with a proposition of accepting the President's position on Bosnia, having come full circle from "Mission Impossible" several years ago, to "fait accompli" today. By disavowing any congressional role, the President has presented this policy no longer as the administration's policy, but now it is America's policy. That clearly places us in a very difficult position. What we can and should do today is to use this debate to express our reservations and concerns, our support—whatever the case may be.

Inevitably there are constitutional conflicts between branches of Government. Inevitably, we have been in this role before, with respect to whether or not we should assign troops and whether or not the President should come to the Congress. I happen to think it is very important to express our concerns to this and future Presidents about the fact that Congress is not playing such a role before the fact—and not after the fact. The fact of the matter is, it is in America's interests to have congressional involvement and participation. It helps the President to advance his own policy and his own mission. It helps to broaden the support if there are doubts about such a mission. But, unfortunately, that is not what is before us today.

We have also considered other alternatives with respect to Bosnia. In fact, I can remember as far back as 1993, in the spring, when I was a member of the House Foreign Affairs Committee in the House of Representatives, we voted on lifting the arms embargo so that the Bosnian Moslems could defend themselves and their families, their property. And for over 2 years we fought that battle, and the administration did not support us in that endeavor. The Europeans resisted this effort as well. I think that is part of the Balkan tragedy, the fact that the Moslems could not defend themselves; that they did not have the arms or the equipment or the training to defend themselves and their families.

Now we are faced with the proposition of deploying troops to Bosnia. This should have been the last option and not the first. We should have exhausted all other means and all other possibilities before we resorted to deploying ground troops.

Back in 1993, it is interesting, the administration presented its own criteria, guidelines for a future mission in Bosnia. In fact, Secretary of State Christopher laid out those guidelines in 1993. They said that, in order to deploy troops, four criteria should be met:

First, that the goal must be clearly stated;

Second, there must be strong likelihood of success;

Third, there must be an exit strategy;

Fourth, the action must win sustained public support.

It seems to me the administration has fallen far short in meeting some of these criteria that the administration itself has established. But I would like to take a look at some of those guidelines tonight and how this agreement fits into the context of the criteria the administration laid out for such a mission.

First, the goal must be clearly stated. When it comes to the mission of the troops, I think this Chamber and the American people certainly need to know what this deployment is or is not about. We know it is not a peacekeeping mission. In fact, it is much of a departure from a peacekeeping mission. It is a peace enforcement mission. That being the case, as the administration has suggested, is the goal simply to separate warring parties for 1 year and then leave? The administration has said yes, and so did witnesses before the Foreign Relations Committee. But at other times the administration argued that we will only achieve success if we succeed in creating a single, unitary, multiethnic Bosnian state, as Secretary Holbrooke said after the signing of the agreement in Dayton, when he said, "Otherwise, we will have failed."

So, is it a part of our mission to also create a more stable arms balance in Bosnia, by ensuring the Bosnian Government forces receive the heavy armor they currently lack? Yes, that is part of the overall intent of this administration. But the administration has also agreed that the arms buildup will not occur until we can succeed first in pursuing an arms builddown. But there is no such mechanism for that builddown to occur.

Then we have the arming and training issue. It will certainly be one of the focuses of this resolution before us that will be offered by Senator DOLE. But it still is not clear what the administration has in mind or how, in fact, it will be accomplished. The fact is, this could be accomplished without even deploying troops to Bosnia. But that, unfortunately, is not our option today.

So the arming, the training, the equipping of the Bosnian Moslems will occur in the face of opposition from our European allies and the Serbs. It was so much opposed that it was not even a part of the agreement. Yet it now happens to be, and should be, a very key component of the overall strategy. Because Senator DOLE has been working on precisely defining this mission now, because it has not been precisely defined by this administration, it will remain one of the key components of this mission. Yet it will have to be done in the face of overwhelming opposition by our allies and the Serbs. How that will be done remains open to serious question.

Is our goal, as well, to facilitate elections? Protect refugees? Undertake reconstruction activities? Track down and arrest war criminals? The administration sometimes argues no. But then

it also argues that these nation-building activities are what will determine whether or not we have succeeded. So, are these our goals as well? In fact, this case is strengthened by the fact that in the Dayton accords the United States insisted on granting our forces the power to become involved in these activities.

To quote from article 6, section 3:

Our NATO forces will have the authority to:

A. Help secure conditions for the conduct of free and fair elections;

B. Assist in the accomplishment of humanitarian missions;

C. Assist the U.N. High Commission for Refugees;

D. Prevent interference with the movement of civilian populations and to respond to deliberate violence to life and person.

If our powers under article 6, section 3, are not a recipe for mission creep, I do not know what is.

Second, there must be a strong likelihood of success. Is there? Of course, that all depends on the definition of our mission. And, as I have already stated, those goals are somewhat confused and vague. I have read the predictions of a wide range of experts on this subject, and few are truly optimistic about the long-term success of this agreement, whatever the definition of success may be. There is also a great deal of skepticism of the genuine commitment of all the parties to this agreement or to any common vision of a future for Bosnia.

But, clearly, we are not going into Bosnia with lightly armed troops monitoring a peace that has been reached voluntarily and in good will by the parties themselves. That is what a traditional peacekeeping operation is all about. But that is not what this is. Rather, we will be moving in with one of the U.S. Army's six heavy armored divisions, the 1st Armored Division which served as a cornerstone of NATO's defense against the Soviet Union. So, this becomes more like our deployments to Beirut in 1983 and Somalia, in 1993, both of which ended with disastrous consequences, and both attempted to deploy United States troops in the service of so-called nation-building activities.

Third, there must be an exit strategy.

The administration has said it has an exit strategy by promising to be out within a year. But this is an exit timetable, not an exit strategy. It says nothing about what needs to be accomplished during that year to permit our successful disengagement. Again, any viable exit strategy defines our missions and goals. And we still have seen that remains nebulous at best. How can the administration legitimately argue that it has an exit strategy if it cannot clearly define the mission? In fact, Secretary Perry said before the Foreign Relations Committee that the exit strategy will have accomplished the cessation of hostilities, a separation of warring parties, and a break in the cycle of violence. But that really does not define an exit strategy. What it does is define an end date. It defines exactly what the state of affairs happens to be at the time in which we depart. But it does not define what we have accomplished.

As Dr. Schlesinger testified before the Armed Services Committee, he said, "We do not really have an exit strategy because the situation is too messy. We have an exit hope."

Finally, the action must have sustained public support. Polls have shown that there is not strong support for this mission to Bosnia. In fact, it shows the opposite. The majority of the American people oppose the deployment of American troops into Bosnia. We know that could change as the troops are being deployed and will continue to be deployed.

But what is the reason for the concern among the American people? I think the concern stems from the fact that the administration has yet to make a compelling case on the merits of the mission or even to clearly define the mission itself in terms of our vital national security interests. The American people need to know—and they deserve to know—that the mission itself merits a military deployment of our troops. The American people have the right to know that the parties involved in Bosnia are committed to self-sustaining and enduring peace. And at the very least they should expect that these parties will be committed to a longstanding peace. That remains open to a very serious question. And it gets back again to the definition of our goal and mission.

I happen to think that it is very important that whenever we are deploying our men and women to an area of conflict, when we are putting them in harm's way, that it is absolutely vital that the parties involved are absolutely committed to securing a long-lasting peace. I think that all that we have heard thus far remains open to very serious question as to whether or not that will be the ultimate outcome.

So I think that the administration has fallen short in meeting its own criteria for this mission. But above and beyond that failure, there is another question. And that is the unprecedented nature of this deployment.

It has been said that this is the first time NATO has embarked upon a mission outside of the treaty area itself. And there are those who argue in favor of such a mission because they say that it will serve as a model for future NATO missions as well as securing the future of the alliance. That may be true. But no one has answered the question as to what harm will come to NATO and its prestige if this mission should fail. And what damage will that do to the alliance? If 2 years from now we face renewed fighting—which indeed is a serious prospect and consideration—and a partition of Bosnia, as so many analysts believe is the most likely outcome, in the end what will we have accomplished? Will it have been worth the potential loss of American lives, if that loss could have been avoided by employing other means such as lifting the arms embargo?

Mr. President, one cannot help but feel that if we had pursued and exhausted all other possibilities and alternatives, Congress, the American people, and our troops would not be faced with a situation that has now been forced upon us. But, unfortunately, the proverbial train has left the station.

In the final analysis, this is a mission in which success is in no way clear—whose mission is yet to be defined, whose goals are yet uncertain, and whose mission does not have the sustained support of the American people, and with parties who are not fully committed to peace.

Mr. President, I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. According to the previous order, the distinguished Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank the Chair.

Mr. President, of course, there is no audience—or very little—here on the floor. But I do not speak tonight to the audience on the floor. I speak to the audience that may be listening or watching through the electronic eye.

I also speak for the RECORD, Mr. President, because a year from now we are going to look back on this debate. Ten years from now we will look back on this RECORD. And this RECORD will stand 100 years; 1,000 years. So I think the RECORD should be made for future guidance.

(Ms. SNOWE assumed the Chair.)

A CONTRADICTORY BOSNIA RESOLUTION

Mr. BYRD. Madam President, one resolution we are now debating, offered by the junior Senator from Texas, directly addresses the idea of supporting the troops and the role which they have been asked to play, in what I believe is a somewhat contradictory manner. The resolution before us would sign the Senate up to supporting U.S. troops in Bosnia without supporting the mission that they are called upon to perform.

In two simple sentences, this resolution would purport to support U.S. troops while simultaneously undermining the very work they are performing. How can we, as the resolution before us states, "strongly support the U.S. Armed Forces who may be ordered by the President to implement the General Framework Agreement for Peace in Bosnia and Herzegovina. . ." after

having just stated, in the same resolution, that "the Congress opposes President Clinton's decision to deploy United States forces into the Republic of Bosnia and Herzegovina to implement the General Framework Agreement for Peace in Bosnia and Herzegovina. . ."? What kind of moral support are our troops supposed to find in that? And what kind of resolve does that demonstrate to anyone who might attempt to undermine the Bosnian peace agreement?

This is a clear flag, Madam President, to those who would target our troops telling them that, if they target our troops, we will yank them out of that mission. So, the mission is undercut and eroded from the very beginning by our own actions. That is not support of the troops, to my way of thinking.

This resolution also fails to address Congress' Constitutional responsibility to weigh in on decisions to employ U.S. troops. It is simply silent on that point. With this resolution, we again fail to dip even our toes into the icy waters of a controversial and difficult political decision to risk the lives of U.S. troops, even in support of what we all hope will be a relatively unthreatening mission in support of a peace agreement. Because we cannot guarantee that the life of not one U.S. military service person will be lost in this endeavor, we shy like a skittish horse from the halter of our responsibility.

I say to my colleagues that the lives of three diplomats have already been lost in this effort, but we do not think their lives were lost in vain, because we have reached a peace agreement. Is their effort, their sacrifice, not worth this effort to see the hard-won peace through to the end? There is no better alternative, and Congress must now stand up and shoulder its responsibility to vote on this mission, to support both the troops and the job they are undertaking.

Mr. President, it is clear from the historical record that, until recently, the President has had only limited powers as Commander in Chief. Other than repelling invasions and protecting U.S. forces, the President's authority as Commander in Chief was bound by the Congressional power to raise and support armies and the Congressional power to authorize the use of those forces in offensive operations. Congress not only supported the troops as a daily, practical matter, it played an essential role in deciding on the circumstances under which troops would be used offensively. President Jefferson and others recognized and acknowledged the limits on their presidential authority to order troops into actions that were not clearly in defense of U.S. territory and forces.

It is only recent practice in which Congress has acquiesced greater authority to the President to employ military forces in offensive or non-traditional operations without specific authorization. This has had the effect of tying the use of troops ever more tightly with the President in his role as Commander in Chief. I am sorry that this is the case, because I believe that it is a degradation of Congressional authority that undermines the delicate balance of power intended by the Framers, but it is the situation in which we find ourselves as a result of our own Congressional unwillingness to assert our Congressional role.

As Cassius said, "The fault is not in our stars, dear Brutus, but in ourselves that we are underlings."

Congress remains proud of its support of the troops in terms of providing robust, even overblown, defense budgets, but it has failed to exercise its authority under the Constitution to direct or authorize the use of troops. This was clearly not the intent of the Framers.

How can we reasonably tell troops in the field that we, the Congress, support you, the troops, but we are not willing to support the task you have been ordered to perform? This is what the resolution before the Senate says, but this is a hair that cannot be split. We must step up to the plate, and support the job as well as the laborer, or we are not fulfilling our constitutional role. I hope my colleagues will not be fooled into thinking that they can have their cake and eat it, too, by supporting the troops without supporting the mission that they have been ordered to perform.

Suppose I would say to one of my grandsons, my beloved grandsons, who might be going off to Bosnia, "Well, my dear grandson, you know I love you; I love you more than life; but I do not support the mission that you are on. I am going to slam the door behind your back when you leave the house, and you're on your own!"

This resolution is a slap in the face to our troops, telling them that we support them, but that their mission is foolhardy.

What kind of support is that? You are up there on the high dive, troops, and we support you, but we do not believe there is any water of justification in the mission bucket you are about to dive into. That is not support. Anyone can see that such a claim amounts to a hollow nut! There is no meat in it!

Let us read what the Apostle Paul said in his First Epistle to the Corinthians. It may be a little old fashioned to bring the Holy Bible in to the Chamber, but I am a little old fashioned. I am not of the religious left or the religious right, but I believe in this holy book. Here is what Paul said:

> And even things without life giving sound, whether pipe or harp, except they give a distinction in the sounds, how shall it be known what is piped or harped?
>
> For if the trumpet give an uncertain sound, who shall prepare himself to the battle?
>
> So likewise ye, except ye utter by the tongue words easy to be understood, how shall it be known what is spoken? for ye shall speak into the air.

Madam President, the Hutchison-Inhofe resolution speaks into the air, saying one thing on the one hand and another thing on the other. We are giving an uncertain sound with this trumpet. We are speaking into the air. Then in the words of Paul, "Who shall prepare himself to the battle?"

This is lighting a candle and putting it under a bushel. Jesus said, "Neither do men light a candle and put it under a bushel but on a candlestick, and it giveth light unto all that are in the house."

This resolution by the able Senators from Texas and Oklahoma does not give light to all that are in the house. It puts the candle under a bushel, and all that are in the house are left in darkness. And worse, this resolution tells the President—not just this President, but all future Presidents—that you can do whatever you want, we may not agree with you, but you can count on us to support the troops. Do what you want with the troops, we do not question your authority, and count on us to follow up with appropriations and other forms of support to the troops you have committed to the field. This dangerous precedent allows Congress to wash its hands—like Pontius Pilate—of the responsibility to authorize the use of troops, to stand in judgment on the mission the troops are called upon to carry out. We can just pass contradictory, confusing resolutions to "support the troops" in carrying out any Presidential whim, without dealing with our constitutional responsibility to deal with politically difficult decisions on how and when to employ force. I say to my colleagues, think again, before supporting this very unwise and potentially dangerous resolution.

Mr. President, now I wish to address the resolution by Mr. DOLE and Mr. MCCAIN.

I commend the majority leader, Mr. DOLE, as well as the distinguished Senator from Arizona, Mr. MCCAIN, for their resolution. And I commend them for working with the minority leader and other Senators on both sides of the aisle to fashion it.

I commend the minority leader and Senator NUNN and Senator PELL and all the other Senators who were on the task force on the Democratic side who worked with the words and with the Republicans in fashioning the final product. It is important from a historical and constitutional perspective. It is important as well from a political perspective. First, if it passes, and I hope that it will, it provides the political underpinning necessary for the President to pursue a military deployment abroad where there are going to be costs in the billions of dollars, for the risk of casualties certainly exists, and

where the credibility of the United States and NATO is at stake.

Second, I believe that the language fulfills the constitutional requirement that the Congress authorize or approve the operation in specific enough detail to draw limits around it. In doing so, the Congress fulfills the exercise of its responsibilities that the Framers expected and that has prevailed through most of American history.

I think it is important for Senators to reflect on our constitutional responsibilities in respect to our action today. The question of the actual constitutional reach of the President, acting alone, and without congressional authority to deploy forces into hostilities or substantial risk of hostilities has become a recurring modern issue between Presidents, beginning with Harry Truman and continuing through to today.

When the Framers began their work at the Philadelphia Convention, existing models of government placed the war power squarely in the hands of the king. The English Parliament had gained the power of the purse in 1665 to control the king, but the power to go to war remained a monarchical prerogative. John Locke's Second Treatise of Government (1690) spoke of three branches of government: legislative, executive, and "federative." The latter consisted of "the power of war and peace, leagues and alliances, and all the transaction with all persons and communities without the commonwealth." The federative power (what we call foreign policy today) was "almost always united" with the executive. Separating the executive and federative powers, Locke warned, would invite "disorder and ruin."

A similar model appeared in the Commentaries written by Sir William Blackstone, the great eighteenth-century jurist. He counseled that the king had absolute power over foreign affairs and war: the right to send and receive ambassadors, make treaties and alliances, make war or peace, issue letters of marque and reprisal, command the military, raise and regulate fleets and armies, and represent the nation in its intercourse with foreign nations.

These models were well known to the Framers. They knew that their forebears in England had committed to the executive the power to go to war. When they declared their independence from England, they vested all executive powers in the Continental Congress and proceeded to incorporate that principle in the first national constitution, the Articles of Confederation. Later, during their learned and careful deliberations at the Philadelphia convention, they decided to vest in Congress many of Locke's federative powers and Blackstone's royal prerogatives. The delegates emphasized repeatedly that the power of peace and war associated with monarchy would not be given to the President. As James Wilson noted, it was incorrect to consider "the Prerogatives of the British Monarch as a proper guide in defining the Executive powers. Some of these prerogatives were of a legislative nature. Among others that of war and peace.

By the time the Framers finished their labors, the President had been stripped of the sole power to make treaties. He shared that with the Senate. He had the right to send and receive Ambassadors, but only after the Senate agreed to his nominations. He had no power to issue letters of marque and reprisal (authorizing private citizens to undertake military actions). That power was vested in Congress. Although the President was made Commander in Chief, it was left to Congress to raise and regulate fleets and armies. The rejection of Locks and Blackstone was decisive.

The reasoning for this break is set forth clearly in The Federalist Papers. In Federalist No. 69, Alexander Hamilton explained that the President has "concurrent power with a branch of the legislature in the formation of treaties," whereas the British king "is the sole possessor of the power of making treaties." The royal prerogative in foreign affairs was deliberately shared with Congress. Hamilton contrasted the distribution of war powers in England and in the American Constitution. The power of the king "extends to the declaring of war and to the raising and regulating of fleets and armies." Unlike the King of England, the President "will have only the occasional command of such part of the militia of the Nation as by legislative provision may be called into the actual service of the Union". No such tether attached to the king.

In Federalist No. 74, Hamilton provided an additional reason for making the President Commander in Chief. The direction of war "most peculiarly demands those qualities which distinguish the exercise of power by a single head." The power of directing was and emphasizing the common strength "forms a usual and essential part in the definition of the executive authority."

Designating the President Commander in Chief represented an important method for preserving civilian supremacy over the military. The person leading the Armed Forces would be the civilian President, not a military officer. As U.S. Attorney General Bates explained in later years, the President is commander in chief not because he is "skilled in the art of war and qualified to marshal a host in the field of battle." He is commander in chief for a different reason. Whatever soldier leads U.S. armies to victory against an enemy, "he is subject to the orders of the civil magistrate, and he and his army are always 'subordinate to the civil power.'"

The Constitution grants to Congress a number of specific powers to control war and military affairs: to declare war; to raise and support armies and provide and maintain a navy; the power to make regulations of the land and naval forces; the power to call forth the militia; and the power to provide for organizing, arming, and disciplining the militia. Furthermore, the Constitution vests in Congress the power to regulate foreign commerce, an area that has a direct relationship to the war power. Commercial conflicts between nations were often a cause of war. Guided by history, the Framers placed that power with Congress. James Madison later remarked: "The constitution supposes, what the History of all Govts demonstrates, that the Ex. is the branch of power most interested in war, and most prone to it. It has accordingly with studied care, vested the question of war in the Legisl."

The debates at the Philadelphia Convention include a revealing discussion on Congress' power to declare war. The early draft empowered Congress to "make war." Charles Pinckney objected that legislative proceedings "were too slow" for the safety of the country in an emergency. He expected Congress to meet only once a year. Madison and Elbridge Gerry recommended that "declare" be substituted for "make," leaving to the President "the power to repel sudden attacks." Their motion carried.

There was little doubt about the scope of the President's authority. The power to repel sudden attacks represents an emergency measure that permits the President, when Congress is not in session, to take actions necessary to repel sudden attacks either against the mainland of the United States or against American troops abroad. It does not authorize the President to take the country into full-scale war or to mount an offensive attack against another nation.

I believe that any objective reading of this history would lead Senators to the conclusion that the President's scope of authority does not include the ordering of a deployment into Bosnia, even if a treaty organization such as NATO requested such action by its member states.

The Framers empowered the President to be Commander in Chief, but that title relates to responsibilities that are authorized by Congress. The language in the Constitution reads: "The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States." Congress, not the President, does the calling. Article I gives to Congress the power to provide "for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel invasions."

The title of Commander in Chief was introduced by King Charles I in 1639 and was always used as a generic term referring to the highest officer in a particular chain of command. With the eruption of the English civil wars, both the king and Parliament appointed commanders in chief in various theaters of action. The ranking commander in chief, purely a military post, was always under the command of a political superior, whether appointed by the king, Parliament or, with the development of the cabinet system in the eighteenth century, by the secretary of war.

England transplanted the title to America in the eighteenth century by appointing a number of commanders in chief and by the practice of entitling colonial governors as commanders in chief (or occasionally as vice admirals or captains general). The appointment of General Thomas Gage as commander in chief from 1763 to 1776 caused the colonists grave concern, for he proceeded to interfere in civil affairs and acquired considerable influence over Indian relations, trade, and transportation. The bitter memory of his decision to quarter troops in civilians' homes spawned the Third Amendment to the Constitution. These activities and others prompted the colonists in the Declaration of Independence to complain of King George III that he had "affected to render the Military Independent of and superior to the Civil Power."

But the colonists had no reason to fear the governors who were given the title commander in chief, even though they controlled the provincial forces, since the colonial assemblies claimed and asserted the right to vote funds for the militia as well as to call it into service. In fact, grievances came from the governors, who complained of the relative impotence of their positions. The colonists' assemblies' (and later, the states') assertions of the power of the purse as a check on the commander in chief reflected an English practice that was instituted in the middle of the seventeenth century. By 1665, Parliament, as a means of maintaining political control of the military establishment, had inaugurated the policy of making annual military appropriations lasting but one year. This practice sharply emphasized the power of Parliament to determine the size of the army to be placed under the direction of the commander in chief.

The practice had a long influence, for, under its constitutional power to raise and support armies and to provide a navy, Congress acquired a right that the colonial and state assemblies had to vote funds for the armed forces. An additional historical parallel in the Article I, Section 8, clause 13 provides that "no Appropriation of Money to that Use shall be for a longer Term than two Years." The requirement of legislative approval for the allocation of funds to raise troops underscores the principle of political superiority over military command. It also constitutes a sharp reminder that a Commander in Chief is dependent on the legislature's willingness to give him an army to command.

The Continental Congress continued the usage of the title in 1775, when it unanimously decided to appoint George Washington as general. His commission named him "General and Commander in Chief, of the Army of the United Colonies." He was required to comply with orders and directions from Congress, which did not hesitate to instruct the commander in chief on military and policy matters.

The practice of entitling the office at the apex of the military hierarchy as commander in chief and of subordinating the office to a political superior, whether a king, a parliament, or a congress, had thus been firmly established for a century and a half and was thoroughly familiar to the Framers when they met in Philadelphia. Perhaps this settled historical usage accounts for the fact that there was no debate on the Commander in Chief clause at the Convention.

President Thomas Jefferson understood the limitations of the Commander in Chief clause. in 1801, in his first annual message to Congress, he reported the arrogant demands made by Joseph Caramanly, the pasha of Tripoli. Unless the United States paid tribute, the pasha threatened to seize American ships and citizens. In response, Jefferson sent a small squadron to the Mediterranean to protect against the threatened attack. He then asked Congress for further guidance, since he was "unauthorized by the Constitution, without the sanction of Congress, to go beyond the line of defense." It was left to Congress to authorize "measures of offense."

Jefferson's understanding of the war clause underwent no revision. Like Jefferson, President James Madison was aggrieved by the punishment and harassment inflicted on United States vessels. In 1812, he expressed to Congress his extreme resentment of the British practices of seizing American ships and seamen and inducing Indian tribes to attack the United States. Madison complained but said the question of "whether the United States shall remain passive under these progressive usurpations and these accumulating wrongs, or, opposing force, to force in defense of their national rights" is "a solemn question which the Constitution wisely confides to the legislative department of the Government."

Following his 1823 announcement of what has become known as the Monroe Doctrine, President James Monroe was confronted with international circumstances that seemed to invite the use of force, but Monroe repeatedly disclaimed any constitutional power to initiate hostilities, since, he maintained, that authority was granted to Congress.

President James K. Polk may well have initiated war with Mexico in 1846, when he ordered an army into a disputed area on the Texas-Mexico border. But Polk understood the constitutional dimensions of the war power and offered the rationale that Mexico had invaded the United States, which, if true, would justify a response by the Commander in Chief.

Until 1950, no President departed from this understanding of the parameters of the Commander in Chief clause. But to justify President Truman's unilateral decision to introduce troops into the Korean war, revisionists purported to locate in the President a broad discretionary authority to commence hostilities.

Emboldened by Truman's claim, subsequent Presidents have likewise unilaterally initiated acts of war, from the Vietnam war to the incursions in Grenada and Panama. But this claim is cut from whole cloth. It ignores the origins and development of the title, the clear understanding of the Constitution's Framers, the nineteenth-century record, and the history of judicial interpretation. The Supreme Court has never held that the Commander in Chief clause confers power to initiate war. In United States v. Sweeny (1895), Justice Henry Brown wrote for the Court that the object of the clause was to give the President "such supreme and undivided command as would be necessary to the prosecution of a successful war." In 1919, Senator George Sutherland, who later became an Associate Justice of the Supreme Court, wrote, "Generally speaking, the war powers of the President under the Constitution are simply those that belong to any commander in chief of the military forces of a nation at war. The Constitution confers no war powers upon the President as such."

While the Supreme Court has held that the President may not initiate hostilities and that he is authorized only to direct the movements of the military forces placed by law at his command, it has been contended that the existence of a standing army provides the President with broad discretionary authority to deploy troops on behalf of foreign-policy goals. Although the intrusion of a public force into a foreign country may well entangle the United States in a war, Presidents have often manipulated troop deployments so as to present Congress with a fait accompli. Given the broad range of war powers vested in Congress, including the authority to provide for the common defense, to raise and support armies, and to decide, in Madison's words, whether "a war ought to be commenced, continued or concluded," it seems clear that Congress

may govern absolutely the deployment of forces outside U.S. borders. As a practical measure, Congress may choose, within the confines of the delegation doctrine, to vest the President with some authority to send troops abroad, but there is nothing inherent in the Commander in Chief clause that yields such authority.

Representative Abraham Lincoln in a letter to William H. Herndon said:

> Allow the President to invade a neighboring nation, whenever *he* shall deem it necessary to repel an invasion, and you allow him to do so, *whenever he may choose to say* he deems it necessary for such purpose—and you allow him to make war at pleasure. Study to see if you can fix *any limit* to his power in this respect, after you have given him so much as you propose. If, to-day, he should choose to say he thinks it necessary to invade Canada, to prevent the British from invading us, how could you stop him? You may say to him, "I see no probability of the British invading us," but he will say to you "be silent; I see it, if you don't."
>
> The provision of the Constitution giving the war-making power to Congress, was dictated, as I understand it, by the following reasons. Kings had always been involving and impoverishing their people in wars, pretending generally, if not always, that the good of the people was the object. This, our Convention understood to be the most oppressive of all Kingly oppressions; and they resolved to so frame the Constitution that *no one man* should hold the power of bringing this oppression upon us. But your view destroys the whole matter, and places our President where kings have always stood.

We are aware of the now familiar pattern of most recent Chief Executives in similar circumstances of invoking the title Commander in Chief and descriptions of him as being the sole organ of foreign relations or chief of administration to suggest a conclusion of constitutional invulnerability. No statutory or decisional authority is volunteered in support of the conclusion.

If Congress is to have the sole authority "to declare war," as the Constitution clearly states, then are we to suppose that, in any military action short of a declaration of war, the authority reposed in the Congress by the Constitution to declare war is shifted to another department? Are we to assume that any action short of a declaration of war, shifts the authority from the Congress to the Executive?

As we have seen, wars can be waged, and have been waged, without a declaration by Congress. Such military actions, nonetheless, still constitute wars. The shedding of blood, the taking of lives, the destruction of property, the movement of navys and armies, are all the same, whether done under a declaration of war or without such a declaration. War is war whether it is a "declared" conflict or otherwise. Are we to imagine that the authority is shifted from the elected representatives of the people in such instances to someone else, or to some other department, or to the executive? The lack of a declaration of war does not make the conflict any less a war than it would be with such a declaration. The sacrifices, the costs, the ramifications are just as far reaching in the case of an undeclared war as in the case of a declared war. Why then, should we strain our imagination to the breaking point and pretend that, short of a declaration of war, the authority rests somewhere other than in the legislative department?

President Clinton has taken the position that he does not believe that he needs the authorization or approval of the Congress to engage in a major military deployment in Bosnia, where warring parties have signed a peace agreement but where flashes of violence and hostile actions are so possible that NATO and other forces are needed to make the agreement work. His immediate predecessor, Mr. Bush, took a similar position in regard to his deployment of forces to Saudi Arabia to do battle against Iraq in Desert Storm. Nevertheless, both of them requested the formal support of the Congress in advance of their actions. I requested President Clinton on a number of occasions to seek the support and approval of the Congress and the American people, before committing troops. The Senate "authorized" Mr. Bush, in S.J. Res. 2 on January 12, 1991, "to use United States Armed Forces" against Iraq, by a vote of 52–47.

Again, here today in the Resolution offered by the Majority Leader, the Senate is providing clear authorization for the President to undertake a specific action, and in this case in somewhat more specificity than was the case with regard to Mr. Bush, and for a limited time. The operative words are in Section 2, that "the President may only fulfill his commitment to deploy United States Armed Forces . . . for approximately one year to implement the general Framework Agreement and Military Annex, pursuant to this Resolution, subject to the conditions in subsection (b)." That language fulfills the Framers' intent, from a constitutional perspective, for the Congress to authorize the President to undertake war making powers that he would not otherwise have.

The emphasis of the authority given here today is its limitation in scope and time. If, in the future, the missions engaged in by our forces go creeping into nation-building, to doing the job of civil authorities for reconstruction or refugee movements, then the President would have exceeded his authority. I, for one, would certainly be prepared to pull the plug on the operation—as I did in the case of Somalia—and cut off the lifeblood of its appropriated funds, if that kind of backsliding were to occur. The same is true if we went beyond "approximately one year", language that I insisted be included in this resolution. Our military leaders repeatedly testified that they were highly confident that the military implementation tasks could easily be completed within a year, and the Dayton Accords obligated us to, specifically "approximately one year." Thus, the resolution holds the parties' feet to the time clock. In the interim, the Bosnian Muslims should be properly prepared, from a military standpoint, to defend themselves. Furthermore, we ought to be considering putting into place a follow-on European-manned security force, if further military security from the outside appears to be needed. But, for us, our job is to be done in "approximately one year," and that should be that.

The Constitution divides governmental powers into three areas: legislative, executive, and judicial; and distributes them among three co-equal branches: Congress, President, and the courts; and provides a system of checks and balances to keep the powers separate and the branches equal. Underlying this scheme of government in the area of immediate concern is the desire to establish interdependence between Congress and the Executive in hopes of fostering cooperation and consensus in the supersensitive areas of national security and foreign affairs.

As Commander in Chief and sole organ of foreign relations the President has independent powers, not simply those conferred on him by statutes. *Dames & Moore* v. *Regan*, 453 U.S. 654, 661 (1981), quoting *United States* v. *Curtiss-Wright Export Corp.*, 299 U.S. 304, 319–320 (1936). At the same time, by virtue of its power over the purse and powers to raise and support armies, to provide and maintain a navy, and to regulate both, Congress has broad constitutional powers implicating national security and foreign affairs. Article I, 1, cls. 12, 13, 14.

The separation of powers principle is intended to prevent one branch of government from enhancing its position at the expense of another branch and, thus, disturb the delicate balance of powers that the Framers assumed was the best safeguard against autocracy.

As Commander in Chief the President has command of the army and navy and may respond to an attack upon the United States. See, e.g., *Youngstown Co.* v. *Sawyer*, 343 U.S. at 642 (concurring opinion). Also, there is authority for the proposition that he may act to safeguard American lives and property abroad. See *Durand* v. *Hollins*, 8 F. Cas. 111 (No. 4186) (C.C.S.D.N.Y. 1860) and *Slaughter-House* cases, 16 Wall. 36, 79 (1872). But see the Hostage Act of 1868, 22 U.S.C. 1732, which excludes war from the President's options to obtain the release of Americans unreasonably detained by a foreign government.

On the other hand, aside from his powers "to grant Reprieves and Pardons for Offenses against the United States . . ." and to "receive Ambassadors and other public Ministers", the

President is totally dependent upon Congress for authority or money and usually both to implement any policy. Congress is under no legal obligation to supply either or both. For example, it has been said that "[w]hile Congress cannot deprive the President of command of the army and navy, only Congress can provide him an army or navy to command." *Youngstown Co.* v. *Sawyer*, 343 U.S. at 644 (concurring opinion).

In the Dole resolution, the authority to implement the President's proposed Bosnia policy is clearly provided, and in so doing the Senate is accepting responsibility for the action. In doing so, a vital bipartisan political foundation is being provided for the President's actions, and I think it clearly follows that the consequence of authorizing this policy fall upon us here in this branch as well as in the Oval Office. If it passes, we will be giving substance to the proposition that politics in America stops at the water's edge, and this is as it should be. The American people should know that the Bosnia implementation is a national policy, approved through the constitutional scheme that was intended by the framers.

The Constitution specifies that "[n]o Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law. . . ." This provision has been held to be a restriction upon the disbursing authority of the Executive Department, and means that no money can be paid out of the Treasury unless it has been appropriated by an Act of Congress. *Cincinnati Soap Co.* v. *United States*, 301 U.S. 308, 321 (1937). Accordingly, the absolute control of the moneys of the United States has been said to be in Congress, and Congress is responsible for its exercise of this great power only to the American people. *Harrington* v. *Bush*, 558 F. 2d 190, 194 note 7 (D.C. Cir. 1977). The power to make appropriations includes the authority not only to designate the purpose of the appropriation, "but also the terms and conditions under which the executive department of the government may expend the appropriation. . . . The purpose of the appropriations, the terms and conditions under which . . . appropriations [are] made is solely in the hands of Congress and it is the plain duty of the executive branch of the government to comply with the same." *Spaulding* v. *Douglas Aircraft Co.*, 60 F. Supp. at 986.

Mr. President, the Dole Resolution does not provide the appropriations needed to carry out the Bosnia operation. This is a policy resolution. That was also the case when we authorized President Bush to make war against Iraq in Desert Storm. In that case, the appropriations were provided later. In the same way, the Congress will have to approve appropriations for the Bosnia operation in the near future.

I hasten to point out, Mr. President, that the power of the purse is our ultimate hammer, and one which is always available, to terminate the operation. If it turns out that the parties to this piece of geography fail to live up to their pledge to keep the peace and to provide for the security of our forces, and the agreement fails, the Congress can take swift action to terminate our involvement. We have exercised the power of the purse recently to terminate operations and limit them. This was the case in both Somalia and Rwanda. So, while I support this Resolution and believe it is appropriate and timely, I would certainly not hesitate to participate in an effort to end the operation and bring our forces home if the parties will not allow it to work.

Although Congress in enacting laws has to scrupulously avoid even incidental, adverse effects on fully autonomous presidential powers (e.g., the pardoning power, Ex parte Garland, 71 U.S. 333 (1867), it is under no similar constraints in other areas. The fact that in the exercise of an acknowledged power, such as powers to fund or to regulate the Armed Forces of the United States, the Congress may incidentally impinge upon presidential authority as Commander in Chief does not render that exercise a violation of the separation of powers. "There are indications that the Constitution did not contemplate that the title Commander in Chief of the Army and Navy will constitute him also Commander in Chief of the Country, its industries and its inhabitants. He has no monopoly of 'war powers,' whatever they are. While Congress cannot deprive the President of the command of the army and navy, only Congress can provide him an army and navy to command. It is also empowered to make rules for the 'Government and Regulation of land and naval Forces,' by which it may to some unknown extent impinge upon even command functions." *Youngstown Co.* v. *Sawyer*, 343 U.S. at 643–644 (concurring opinion.) "The Constitution does not subject this lawmaking power of Congress to presidential or military supervision or control." Id. at 588 (opinion of the court).

Although Congress is subject to the Constitution in the exercise of its power of the purse as in the exercise of all its powers, e.g., *United States* v. *Lovett*, 328 U.S. 303 (1946), "[e]ven when the President acts clearly within his powers, Congress decides the degree and detail of its support," Henkin, Foreign Affairs and the Constitution 79 (1972), and "it is the plain duty of the executive branch of the government to comply with the same." *Spaulding* v. *Douglas Aircraft Co.*, 60 F. Supp. at 986.

Mr. President, I shall enumerate the defense and war powers set forth in the Constitution, as bearing on the President as Commander in Chief, as compared with those that are directed to the legislative branch.

Section 2 of Article 2 states: "The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several states, when called in to the actual Service of the United States."

Section 3 of Article 2 states, ". . . He shall take care that the laws be faithfully executed, and shall commission all the officers of the United States."

I find nothing else in the Constitution that would indicate any additional authority or power given to the President with respect to the armed forces.

On the other hand, there is much language in the Constitution with respect to the authority and power of the legislative branch anent the military. For example:

Clause 1, Section 8, Article 1: "The Congress shall have power to . . . provide for the common defense . . . of the United States; . . ."

Clause 10, Section 8, Article 1 states: The Congress shall have power "to define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;"

Clause 11, Section 8, Article 1: The Congress shall have power "to declare war, grant letters of Marque and Reprisal, and make rules concerning captures on land and water;"

Under Clause 12, Section 8, Article 1, the Congress shall have power "to raise and support Armies, but no appropriation of money to that use shall be made for a longer term than two years;"

Clause 13, Section 8, Article 1 states: The Congress shall have power "to provide and maintain a navy;"

Clause 14, Section 8, Article 1 states: The Congress shall have power "to make Rules for the government and regulation of the land and naval forces;"

Clause 15, Section 8, Article 1 provides that: The Congress shall have power "to provide for calling forth the militia to execute the laws of the union, suppress insurrections and repel invasions;"

Clause 16, Section 8, Article 1 states: The Congress shall have power "to provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;"

Clause 18, Section 8, Article 1 states: The Congress shall have power "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof."

If Congress is to have the sole authority "to declare war," as the Constitution clearly states, then are we to

suppose that, in any military action short of a declaration of war, the authority reposed in the Congress by the Constitution to declare war is shifted to another department? Are we to assume that any action short of a declaration of war, shifts the authority from the Congress to the Executive? To so suppose, strains credulity to the breaking point. I prefer to suppose that the Framers, being unable to foresee the various degrees of military action short of that which would be taken under a declaration of war, and, therefore, they did not attempt to go into any detail beyond that which would obtain in the event of all out war. Obviously, the President has the inherent power and authority to take action to repeal an invasion, or a sudden and unanticipated attack on the United States or its military forces. In such instances, the President would have no alternative but to exercise such authority, there being no time to consult with or to secure authorization from the Congress, which might not even be in session at that moment. It seems logical however, to believe that the specific power to declare war—that being the ultimate circumstance—and such declaration having been invested in the legislative branch, anything short of the ultimate circumstance, anything short of the declaration of war, the responsibility and authority for committing the armed forces of the United States in an offensive action, the authority would remain vested in the legislative branch. In other words, the lone authority to declare war being vested in the legislative branch, anything less than a declaration of war would seem to be reposed for its authority in the same source, namely, the Congress. It strains imagination to the utmost to believe that the authority to commit the military forces of the nation in an all out war, shifts elsewhere when the military forces of the nation are to be committed to a lesser action by the military forces than that of all out war. The authority to go to the ultimate limit would seem to carry with it the authority to extend the military action to something less than the all out or ultimate action of declared war.

I close by thanking the majority leader for his leadership and for his statesmanship in taking the position he is taking in introducing the resolution that we are going to vote on.

Mr. President, I urge that the Senate vote down the resolution offered by the distinguished Senator from Texas and the Senator from Oklahoma, Mr. INHOFE, and others, and that the Senate vote to approve the resolution offered by Mr. DOLE and Mr. MCCAIN.

Mr. President, I ask unanimous consent to have printed in the RECORD the resolutions on which we will vote today in the order in which we will vote.

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

S. CON. RES. —

(Purpose: To Oppose President Clinton's planned deployment of US ground forces to Bosnia)

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. That the Congress opposes President Clinton's decision to deploy United States ground forces into the Republic of Bosnia and Herzegovina to implement the General Framework Agreement for Peace in Bosnia and Herzegovina and its associated annexes.

Section 2. That the Congress strongly supports the US Armed Forces who may be ordered by the President to implement the General Framework Agreement for Peace in Bosnia and Herzegovina and its associated annexes.

S.J. RES. —

Whereas beginning on February 24, 1993, President Clinton committed the United States to participate in implementing a peace agreement in Bosnia and Herzegovina without prior consultation with Congress;

Whereas the Republic of Bosnia and Herzegovina has been unjustly denied the means to defend itself through the imposition of a United Nations arms embargo;

Whereas the United Nations Charter restates the "the inherent right of individual and collective self-defense," a right denied the Republic of Bosnia and Herzegovina whose population has further suffered egregious violations of the international law of war including ethnic cleansing by Serbian aggressors, and the Convention on Prevention and Punishment of the Crime of Genocide, to which the United States Senate gave its advice and consent in 1986;

Whereas the United States Congress has repeatedly voted to end the United States participation in the international arms embargo on the Republic of Bosnia and Herzegovina as the best way to achieve a military balance and a just and stable peace without the deployment of United States Armed Forces in Bosnia and Herzegovina;

Whereas the Republic of Bosnia and Herzegovina, the Republic of Croatia, and the Federal Republic of Yugoslavia initialed the General Framework Agreement and Associated Annexes on November 21, 1995 in Dayton, Ohio, after repeated assurances that the United States would send troops to assist in implementing that agreement;

Whereas three dedicated American diplomats—Bob Frasure, Joe Kruzel, and Nelson Drew—lost their lives in the American-led diplomatic effort which culminated in the General Framework Agreement;

Whereas as part of the negotiations which led to the General Framework Agreement, the United States has made a commitment to ensure that the Federation of Bosnia and Herzegovina is armed and trained to provide for its own defense, and that commitment should be honored;

Whereas the mission of the NATO Implementation Force is to create a secure environment to provide Bosnia and Herzegovina an opportunity to begin to establish a durable peace, which requires the Federation of Bosnia and Herzegovina to be able to provide for its own defense;

Whereas the objective of the United States in deploying United States Armed Forces to Bosnia and Herzegovina can only be successful if the Federation of Bosnia and Herzegovina is armed and trained to provide for its own defense after the withdrawal of the NATO Implementation Force and the United States Armed Forces; and

Whereas in deciding to participate in implementation of the General Framework Agreement in Bosnia and Herzegovina, President Clinton has cited American interests including maintaining its leadership in NATO, preventing the spread of the conflict, stopping the tragic loss of life, and fulfilling American commitments;

Whereas on December 3, 1995, President Clinton approved Operation Joint Endeavor and deployment of United States Armed Forces to Bosnia and Herzegovina began immediately thereafter: Now therefore be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. SUPPORT FOR UNITED STATES ARMED FORCES.

The Congress unequivocally supports the men and women of our Armed Forces who are carrying out their missions in support of peace in Bosnia and Herzegovina with professional excellence, dedicated patriotism and exemplary bravery, and believes they must be given all necessary resources and support to carry out their mission and ensure their security.

SEC. 2. DEPLOYMENT OF UNITED STATES ARMED FORCES.

(a) Notwithstanding reservations expressed about President Clinton's decision to deploy United States Armed Forces to Bosnia and Herzegovina and recognizing that:

(1) the President has decided to deploy United States Armed Forces to implement the General Framework Agreement in Operation Joint Endeavor citing American interests in preventing the spread of conflict, maintaining its leadership in NATO, stopping the tragic loss of life, and fulfilling American commitments;

(2) the deployment of United States Armed Forces has begun; and

(3) preserving United States credibility is a strategic interest,

the President may only fulfill his commitment to deploy United States Armed Forces in Bosnia and Herzegovina for approximately one year to implement the General Framework Agreement and Military Annex, pursuant to this Resolution, subject to the conditions in subsection (b).

(b) REQUIREMENT FOR DETERMINATION.—Before acting pursuant to this Resolution, the President shall make available to the Speaker of the House of Representatives and the President pro tempore of the Senate, his determination that—

(1) the mission of the NATO Implementation Force and United States Armed Forces deployed in Bosnia and Herzegovina will be limited to implementation of the military provisions of the Military Annex to the General Framework Agreement and measures deemed necessary to protect the safety of the NATO Implementation Force and United States Armed Forces;

(2) an integral part of the successful accomplishment of the U.S. objective in Bosnia and Herzegovina in deploying and withdrawing United States Armed Forces is the establishment of a military balance which enables the Federation of Bosnia and Herzegovina to provide for its own defense without depending on U.S. or other outside forces; and

(3) the United States will lead an immediate international effort, separate and apart from the NATO Implementation Force and consistent with United Nations Security

Council Resolution 1021 and the General Framework Agreement and Associated Annexes, to provide equipment, arms, training and related logistics assistance of the highest possible quality to ensure the Federation of Bosnia and Herzegovina can provide for its own defense, including, as necessary, using existing military drawdown authorities and requesting such additional authority as may be necessary.

SEC. 3. REPORT ON EFFORTS TO ENABLE THE FEDERATION OF BOSNIA AND HERZEGOVINA TO PROVIDE FOR ITS OWN DEFENSE.

Within 30 days after enactment, the President shall submit a detailed report on his plan to assist the Federation of Bosnia to provide for its own defense, including the role of the United States and other countries in providing such assistance. Such report shall include an evaluation of the defense needs of the Federation of Bosnia and Herzegovina, including, to the maximum extent possible:

(a) the types and quantities of arms, spare parts, and logistics support required to establish a stable military balance prior to the withdrawal of United States Armed Forces;

(b) the nature and scope of training to be provided;

(c) a detailed description of the past, present and future U.S. role in ensuring that the Federation of Bosnia and Herzegovina is provided as rapidly as possible with equipment, training, arms and related logistic assistance of the highest possible quality;

(d) administration plans to use existing military drawdown authority, and other assistance authorities pursuant to section 2(b)(3); and

(e) specific or anticipated commitments by third countries to provide arms, equipment or training to the Federation of Bosnia and Herzegovina.

The report shall be submitted in unclassified form, but may contain a classified annex.

SEC. 4. REPORTS TO CONGRESS ON MILITARY ASPECTS OF IMPLEMENTATION OF THE GENERAL FRAMEWORK AGREEMENT.

(a) Thirty days after enactment, and at least once every 60 days thereafter, the President shall submit to the Congress a report on the status of the deployment of United States Armed Forces in Bosnia and Herzegovina, including a detailed description of:

(1) criteria for determining success for the deployment;

(2) the military mission and objectives;

(3) milestones for measuring progress in achieving the mission and objectives;

(4) command arrangements for United State Armed Forces;

(5) the rules of engagement for United States Armed Forces;

(6) the multilateral composition of forces in Bosnia and Herzegovina;

(7) the status of compliance by all parties with the General Framework Agreement and associated Annexes, including Article III of Annex 1–A concerning the withdrawal of foreign forces from Bosnia and Herzegovina;

(8) all incremental costs of the Department of Defense and any costs incurred by other federal agencies, for the deployment of United States Armed Forces in Bosnia and Herzegovina, including support for the NATO Implementation Force;

(9) the exit strategy to provide for complete withdrawal of United States Armed Forces in the NATO Implementation Force, including an estimated date of completion; and

(10) a description of progress toward enabling the Federation of Bosnia and Herzegovina to provide for its own defense.

(b) Such reports shall include a description of any changes in the areas listed in (a)(1) through (a)(10) since the previous report, if applicable, and shall be submitted in unclassified form, buy may contain a classified annex.

SEC. 5. REPORTS TO CONGRESS ON NON-MILITARY ASPECTS OF IMPLEMENTATION OF THE GENERAL FRAMEWORK AGREEMENT.

Thirty days after enactment, and at least once every 60 days thereafter, the President shall submit to the Congress a report on:

(a) the status of implementation of non-military aspects of the General Framework Agreement and Associated annexes, especially Annex 10 on Civilian Implementation, and of efforts, which are separate from the Implementation Force, by the United States and other countries to support implementation of the non-military aspects. Such report shall include a detailed description of:

(1) progress toward conducting of elections;

(2) the status of return of refugees and displaced persons;

(3) humanitarian and reconstruction efforts;

(4) police training and related civilian security efforts, including the status of implementation of Annex 11 regarding an international police task force; and

(5) implementation of Article XIII of Annex 6 concerning cooperation with the International Tribunal for the Former Yugoslavia and other appropriate organizations in the investigation and prosecution of war crimes and other violations of international humanitarian law;

(b) the status of coordination between the High Representative and the Implementation Force Commander;

(c) the status of plans and preparation for the continuation of civilian activities after the withdrawal of the Implementation Force;

(d) all costs incurred by all U.S. government agencies for reconstruction, refugee, humanitarian, and all other non-military bilateral and multilateral assistance in Bosnia and Herzegovina; and

(e) U.S. and international diplomatic efforts to contain and end conflict in the former Yugoslavia, including efforts to resolve the status of Kosova and halt violations of internationally-recognized human rights of its majority Albanian population.

Such reports shall be submitted in unclassified form, but may contain a classified annex.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD. Mr. President, I have been asked by the leader to make the following request:

I ask unanimous consent that the time on our side of the aisle be divided as follows, in the following order:

Senator WELLSTONE, 7 minutes; Senator MURRAY, 9 minutes; Senator LEAHY, 7 minutes; Senator SIMON, 7 minutes; Senator BRADLEY, 10 minutes; Senator SARBANES, 5 minutes; Senator DODD, 7 minutes; Senator LAUTENBERG, 7 minutes; Senator GRAHAM, 7 minutes; Senator MOSELEY-BRAUN, 5 minutes; Senator KERRY, 10 minutes, and Senator DASCHLE, 10 minutes.

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

Mrs. HUTCHISON. Madam President, I ask unanimous consent that at the hour of 10:15 this evening, the Senate proceed to the final vote on the pending Hutchison-Inhofe concurrent resolution without further action or debate, and immediately following the vote, the Senate proceed to the final vote on the Dole-McCain joint resolution on Bosnia, with the time between now and 10:15 p.m. this evening to be equally divided between the two leaders or their designees.

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

Mrs. HUTCHISON. I further ask that the Senate resume the Bosnia debate, and it be in order for the leader to offer his joint resolution at a later time.

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

Mrs. HUTCHISON. Once again, Madam President, I thank all Senators for allowing us to do this so that every Member of the Senate who might be looking for a timetable would know that the votes do start at 10:15, and that the time between now and then will be equally divided.

I yield the floor.

WHY I OPPOSE SENDING GROUND TROOPS TO BOSNIA

Mr. INHOFE. Mr. President, in recent weeks I have spent a great deal of time thinking about Bosnia. I have been to hearings and briefings. I have consulted with experts. I have had many discussions with my colleagues and my constituents. One month ago, I even went to Sarajevo and Tuzla myself to see the conditions our soldiers would face there.

Since my return, I have taken to the floor of the Senate many times, and used every public opportunity, to state my opposition to the President's imminent deployment of ground troops to Bosnia. In the days since the conclusion of the Proximity Peace Talks in Dayton, I have also spoken out against any conditional support of this deployment coming from the Congress. The decision to intervene on the ground in Bosnia is a bad idea, Mr. President, and while I will always support our soldiers wherever they are sent, I want no part of this decision.

My conviction that the administration's intention to put troops in harm's way in Bosnia is a huge mistake rests on three broad arguments. First, and above all, the conflict in Bosnia poses no real threat to vital American interests—simply put, there is nothing in Bosnia that Americans should die for. Second, the Dayton talks have produced a false peace that is inherently unstable and politically doomed. Finally, the implementation force [I-For] plan is self-contradictory and hopelessly optimistic, and will expose our soldiers to unreasonable risks even as they diligently pursue its unrealistic objectives.

WHAT INTERESTS ARE THREATENED?

The administration has repeatedly argued that two vital interests are at

stake in the conflict in Bosnia. If we don't intervene now, they say, the war will widen to a point where it threatens all of Europe. If the U.S. does not lead NATO in intervention, they say, both the NATO alliance and U.S. leadership of it will be at risk.

The President is correct when he says that preserving security in Europe, and maintaining American leadership of NATO, are vital American interests. But it is one thing to refer to vital interests, and another to claim that they are really threatened by the conflict in Bosnia. I do not think they are. The administration asserts that the war in Bosnia will spread throughout Central Europe. But where is the evidence that this conflict threatens Bosnia's neighbors? Local countries like Italy, Hungary, and Austria do not seem concerned.

The President has often referred to previous European wars in this century. But comparing this war to either of the world wars—and likening those of us who oppose United States involvement in Bosnia to 1930's-style isolationists—is absurd. It shows a profound misunderstanding of history, and of the roots of those conflicts. World War I began in the Balkans because the world powers took sides in a Balkan war, not because they kept at a safe distance. What the Clinton administration is doing looks a lot more like taking sides. As for World War II, neither Serbia, Bosnia, nor Croatia are anything like Nazi Germany, in terms of ambition, population, industrial strength, military power, or anything else. They are focused on each other, not on external aggression.

The Balkan war has not spread in the past 4 years, and it shows no signs of spreading. So when the President states that stability in Europe is a vital American interest, he is right. But when he says that European security is threatened in Bosnia, he is wrong.

The only other vital interest the administration refers to is that of preserving our leadership of the NATO alliance. Mr. President, I believe in NATO. It has served us well, and because there are still potential threats to European security, we must enhance and even expand it. But right now, the American people are divided on the question of NATO's importance. Many wonder if the alliance has outlived its usefulness. How does the administration expect Americans to feel about NATO when we get bogged down in a NATO mission in Bosnia? They will view every body bag as one more reason to get out of the alliance once and for all. They will ask: "This is why we are a part of NATO?" And they will be much less willing to act when a real threat to Europe comes along. There are still real threats to Europe out there, Mr. President.

Dragging—or being dragged by—the alliance into a conflict for which it was not designed and for which it is not suited is not leadership. NATO still has a viable mission, but not one of intervening in a nasty Balkan civil war that poses no demonstrable threat to European security. Why should we risk the inevitable conflicts with our NATO partners that will result when we all start taking casualties in a place where no one really wanted to be in the first place?

And why, if this is so important to NATO, should Russia—whose unpredictable future is one of the principal reasons for NATO's continued existence—be included so completely? Why would we go out of our way to include Russian forces with our own, when their natural sympathies lie with the Serbs that we will be trying to disarm, the Serbs we were bombing just a few weeks ago? We have been told by the administration that we would be even-handed in our actions in Bosnia, but I was told by an administration official not long ago that the Bosnians were our first priority. But Russia's first priority will certainly be the Serbs.

Not only will this forced alliance with Russia bring Russian troops into Central Europe for the first time since World War II; it will create the potential for misunderstandings and conflict with Russian forces that we have not seen since the Berlin Wall came down—all in the name of preserving European security.

Mr. President, I repeat—I support NATO. If and when this conflict truly threatens Greece and Turkey, or any of our other NATO allies, I will support action to contain it. But the administration proposes not to contain the conflict, but to jump right into the middle of it. If NATO is to become a rationale for America intervening in civil wars in states that are not even members of the alliance, then I say we should disband the alliance tomorrow.

WHAT KIND OF "PEACE" ARE WE TRYING TO IMPLEMENT?

Mr. President, in all the discussion of the implementation force, many people have lost sight of how shaky the agreement reached in Dayton is itself. Regardless of our interests in Bosnia, or our concern for the victims of the war there, the NATO force is being sent to Bosnia to implement what I believe is a fatally flawed agreement, one not likely to survive without the continued presence of large numbers of NATO troops. Let me quote at length from a study by John Hillen of The Heritage Foundation, dated November 30, 1995, and titled "Questioning The Bosnia Peace Plan":

> Is a bifurcated Bosnian state a realistic and sustainable political entity? The Bosnian peace accord proposes a Bosnia-Herzegovina that has the appearance of a single state, but is in fact based on two very separate political entities—The Bosnian Muslim/Croat Federation and the Bosnian Serb Republic. In order for the central organs of Bosnia to actually function as intended, the two separate entities of Bosnia will have to show the most extraordinary goodwill and cooperation towards each other, qualities that have never before been in evidence in Bosnia.
>
> Many experienced diplomats have expressed skepticism about the political viability of this Bosnian state and the realistic chances of its survival as a centrally governed and coherent nation. * * * Stephen Cambone of the Center for Strategic and International Studies noted that "any agreement reached in 20 days over issues that have been fiercely fought over for more than four years is fraught with compromises and internal flaws." Helmut Sonnenfeldt of the Brookings Institution noted that the accord has "a lot of loose ends" and "many ways in which it could unravel." In short, the accord is diplomatically enchanting but realistically impractical.
>
> Much of this skepticism over the accord is rooted in the fact that the accord does not address fundamental issues of sovereignty and ethnic self-determination. Instead, it freezes those unresolved issues in place and offers up an elaborate power sharing agreement for a Bosnian central government. However, it will be difficult for a contrived central government to replace the bonds of loyalty, authority, and legitimacy that currently exist between Bosnian Croats and Croatia and Bosnian Serbs and Serbia. Those existing bonds are rooted in centuries of political, ethnic, and cultural identity and are sure to prove stronger than bonds to a hastily fabricated central government. * * *
>
> If history is any guide, this agreement does not stand much chance of lasting. In Cyprus in 1964, international negotiators reached a similar agreement between Turkish and Greek Cypriots. Much like the Bosnian agreement, the doomed Cyprus accord attempted to replace bonds to the "parent entities" for both sides (Greece and Turkey) with an unworkable central executive and ethnically aligned parliamentary blocs. This ensured continued intractability except in the event of the most extraordinary goodwill. This structure never worked because it never addressed the fundamental fears and aspirations of the warring factions and was completely predicated on a diplomatic fantasy: the hopes for a degree of cooperation that had never been present in Cyprus. After 10 years of sporadic fighting and instability under this makeshift arrangement, Turkey invaded the island, partitioned Cyprus, and put an end to the ephemeral peace; an imposed peace that was never locally supported. UN peacekeepers have been in Cyprus for over 30 years.
>
> The same pattern can be expected in Bosnia. How can an imposed peace that does not reflect political realities or the basic concerns of the warring factions hope to survive except by the continued enforcement of thousands of NATO and American troops? The hastily concluded Bosnian peace accord is, by necessity, a weak plan. The weakness is inherent because the accord does not address the fundamental issues that caused the parties to go to war in the first place. It is, at best, a cease-fire that can only work under the continued stewardship of 60,000 heavily armed NATO combat troops.

Mr. President, it is my view that, in addition to finding threats to vital interests in the Balkans where there are none, the President is putting U.S. prestige on the line to implement a peace plan that has very little chance of succeeding in the long run even if everything goes well for a year.

THE REAL RISKS TO AMERICAN TROOPS

Maybe the most troubling thing about the administration's approach to the Balkans is its confidence that it will be able to control the conflict after it jumps in with both feet. The President speaks of a "limited, focused" mission; he tells us that we are "not fighting a war." Then why are we sending more than 60,000 troops, reinforced with tanks, artillery, and airpower? What of this talk of "overwhelming force" and "robust rules of engagement?" Just what is "overwhelming force" when you are fighting against landmines? What are "robust rules of engagement" when you are fighting snipers—an airstrike on the village where you think the shot came from? Mr. President, I remind my colleagues that we had robust rules of engagement and overwhelming force in Vietnam, and they did not work in the end. I think that it is utter nonsense to apply these concepts to Bosnia.

Regardless of any paper agreement signed in Dayton, there are those in Bosnia for whom continued fighting is a better deal. There are those who are profiting from the war as bandits or on the black market. There are those who are used to getting their way with guns; for them this war is about money, not ethnicity; one NATO commander told me that they had found cases where Serbs were selling black market ammunition to Muslims! What about those who will be displaced from their homes by the Dayton agreement, who will not willingly leave? What about those who have been displaced—there are up to three million refugees in Bosnia-Herzegovina—for whom peace means "going home," but who will not be allowed to return as the result of the agreement? What about fighters who are demobilized as a result of the treaty, but cannot find jobs because the economy has been ruined? And those who just miss the power of a rifle? While I was in Tuzla last month, the commanding general of UN Sector Northeast, General Haukland, told me that there will be criminality and gangsterism when troops are demobilized. Mr. President, what about those who have a score to settle after four years of brutal war? One thing is certain, Mr. President—there are a lot of people in Bosnia who may be tempted to shoot at Americans, regardless of our "overwhelming force" and "robust rules of engagement."

A LONG-TERM COMMITMENT

On October 17, 1995, Secretary of Defense Perry told the Senate Armed Services Committee: "The U.S. has vital political, economic, and security interests in Europe. The war in Bosnia threatens those interests, and the U.S. vital security interest is served by stopping this war." At the same hearing, Secretary Perry states the administration's commitment to bringing our troops home in approximately one year.

But the administration cannot have it both ways. President Clinton cannot say that our vital interests are threatened in Bosnia, and at the same time pledge that we will be out of Bosnia in about a year. If two vital interests—European security and the NATO alliance—are truly threatened in Bosnia, how can there be a one-year statute of limitations on our response? Since when are American vital interests only worth one year's commitment?

The administration has also said that United States troops will leave Bosnia if the peace agreement is violated and conflict resumes. In short, their plan claims to be defending a vital interest, but promises that we will leave if enough people shoot at us, or when the 12-month clock runs out. But if conflict in Bosnia really threatens a vital U.S. interest, are they not committed to ending that conflict no matter what it takes, or how long it takes? Is that not what "vital interest" means? Mr. President, if the administration can tell us that IFOR will leave in about a year, no matter what, then there must not be much of a threat or much of a vital interest. If there are vital interests at stake, the Administration should be honest and tell the American people that we are committed to Bosnia for the long haul.

If I were sending one of my sons to Bosnia, I would want to know that his life was being put on the line to accomplish something important, something worth doing at any cost, and something that the American people stood firmly behind. But at best, the Dayton plan and IFOR will bring a few months' respite to the people of Bosnia. When the war resumes after we leave, or if "systemic violations" force us out, then the hundreds, perhaps thousands, of Americans who died trying to impose a token peace in an artificial country will truly have been wasted.

Vital interests are the only thing we should ask our soldiers to die for. When U.S. vital interests at stake, the American people and our troops alike will tolerate things going badly for a while. They will stay the course. If there were vital interests at stake in Bosnia, the President would not be giving us all of these details about rules of engagement, exit strategies, and time limits—he would not have to.

Mr. President, administration officials in Washington seem to be the only people who think we can finish this operation in a year. Not one military or diplomatic person I spoke with on my trip, not a single U.S., NATO, or U.N. commander, thought that peace in Bosnia could be achieved in anything close to 12 months. Given the forbidding geography, harsh winter climate, and wholesale destruction in Bosnia, it will be months before even modest degree of stability could be restored, even if everyone cooperates fully. The UN commander in Tuzla, General Haukland of Norway, described a one-year presence as a hand in water—when you take it out, nothing has changed. In Balkan history, a year is no time at all.

The simple truth, Mr. President, is that the Republic of Bosnia and Herzegovina is about to become America's pet country. The United States of America is going to own Bosnia and all of her problems just as soon as the 1st Armored Division sets up in Tuzla. Does anyone really believe that we will leave Bosnia in a year if the threat to her stability remains? Does anyone really believe, after arming, training, and equipping the Bosnian Army for a year, that we will stand by and watch if our pet army is on the verge of defeat? Of course not; if Bosnia is as important as the Administration says it is, we will stay in Bosnia as long as we have to. We have already employed airstrikes against the Serbs; we will do so again if Bosnia is threatened again. I say to my colleagues—we are on the verge of what may be a very long commitment.

So Mr. President, I have said that I will resist this plan with all of my power, and I will do so down to the wire. I think the peace is false, the plan is naive, and the risk to our troops unrealistically high. There is only one way to express these conclusions: I urge my colleagues to oppose the Dole-McCain Resolution of conditional support, and to support the Hutchison-Inhofe Resolution opposing the deployment of ground troops to Bosnia.

Mr. President, I want to make a couple of observations about the debate that is taking place tonight. There seems to be a lot of people who are going to vote, perhaps, for the Hutchison-Inhofe resolution, then turn around and vote also for the Dole-McCain resolution. I suggest, Mr. President, that would be a little inconsistent.

After looking at a final copy—and we only received a copy of the Dole-McCain resolution a matter of a couple of hours ago in its final version—I cannot see that it narrows the mission at all. It starts off by saying, "Before acting, pursuant to the resolution, the President shall make available to the Speaker of the House of Representatives and the President pro tempore of the Senate his determination. . ."—and then they cover a number of things that they want the President to certify. For example, the Dole-McCain resolution says: "The mission will be limited to the implementation of the military provisions of the Dayton agreement."

But the administration has already, in effect, certified this: Secretary Christopher said, on December 1: "Let me assure you that IFOR's mission is well-defined and limited. Our troops will enforce the military aspects of the

agreement. They will not be asked to guarantee the success of democracy or reconstruction."

Secretary Perry said the same thing: "The mission of IFOR is to oversee and enforce the implementation of the military aspects of the peace agreement." That is exactly the same as we find in the Dole-McCain amendment.

Second, Dole-McCain says: "An integral part of the successful accomplishment of the objective is the establishment of military balance." This is what the administration has been saying all along. For example, Secretary Christopher has said: "We are committed to achieve the stable military balance with Bosnia and among the states of the former Yugoslavia."

In another part of the Dole-McCain resolution, it says: "The United States will lead an immediate international effort to provide equipment, arms, training, and related logistics assistance of the highest possible quality to ensure that the Federation of Bosnia and Herzegovina can provide for its own defense."

Again, on December 1, Secretary Christopher said: "The Armed Forces in the Federation will need to obtain some equipment and training in order to establish an effective self-defense capability. As for our part, the United States will ensure that the Federation Armed Forces receive the necessary assistance."

What I am saying, Mr. President, is I think it is inconsistent for someone to vote for Hutchison–Inhofe and turn around and vote for Dole-McCain. Dole-McCain simply requires the President to say what he has been saying all along. Is that supposed to narrow the mission? Is that supposed to reassure us?

Second, Mr. President, I was listening very attentively to the very knowledgeable and scholarly Senator from West Virginia, Senator BYRD, talking about the constitutional rights of the President and the responsibilities of the President and also the constitutional rights of Congress. I thought, all the way through, that he was coming to the conclusion that the President cannot do what he has already done. At least that is what I was inferring from his remarks. But I gather he will support the President by voting for Dole-McCain.

I did hear several other valuable arguments during the course of the day. Senator FEINGOLD came out with some very strong constitutional arguments that would lead one to believe that the President has indeed overstepped his powers. He referred to an article by Louis Fisher, which I later made a part of this RECORD. He says: "The framers knew that the British King could use military force against other countries without legislative involvement. They gave to Congress the responsibility for deciding matters of war and peace. The President, as Commander in Chief, was left with the power to repel sudden attacks."

So that qualifies what the President is able to do within his constitutional rights. We made that a part of the RECORD. In sitting and listening to the debate today—and I stayed in the Chamber the entire day, as I feel this is the most critical vote we will have, probably, at least in the last year or 2, and I wanted to hear everyone's viewpoint. I think the distinguished Senator from Alabama, Senator HEFLIN, talked at some length about how this should be a European mission. I have said over and over again that maybe we have a responsibility—and I am not going to debate that because everybody is assuming that we have a responsibility to protect the integrity of NATO, to respond in some way to the atrocities that have taken place. I have suggested that there are atrocities taking place all over the world. Where do you draw the line? Do you draw it here? Or are we, in fact, doing this because the President, in February 1993, made a statement that he was going to send ground troops in?

But the Senator from Alabama, Senator HEFLIN, talked about the fact that this should be a European mission. Nobody will deny that it is more a responsibility of Europe than it is the United States. Yet, we talk about the contribution that our NATO partners are making to this.

Germany, who is in the backyard of the Balkans, is sending a total of 4,000 troops, and they debated it in their legislative body before agreeing to do that. We did not have time to debate it before we did it. Yet, we are talking about sending five times the troops that Germany is sending.

I listened very carefully while several people on the floor made points. I want to briefly respond to a couple of them. First of all, as far as our troops being supported, I think we all have made it abundantly clear that we in this body, as well as the other body, are supporting our troops, not just here, but all around the world. What greater support could there be for our troops than by not sending them into this hostile area to start with? That is real support of the troops.

That is what we are trying to do with the Hutchison–Inhofe resolution—make it abundantly clear that our troops should not have to be over there. When they are over there—if, in fact, they end up in a mass deployment—yes, we will support our troops all the way. I think that has been said over and over again. I do not think anybody is going to deny that.

The Senator from New Mexico, Senator DOMENICI, made a very good point. What we are trying to do is state our opposition to this before it gets started.

You see, the troops are not deployed yet. Yes, there are some there. We will support those. Those are the advance troops, logistic troops, but the mass deployment that the President has promised immediately after the signing of this agreement in Paris has not yet taken place. So this debate is taking place now, before the mass deployment has taken place.

The junior Senator from California commented in her remarks that this deployment was acceptable "as long as it remains a peacekeeping mission." I suggest to the junior Senator from California it is not a peacekeeping mission now. We keep hearing about peacekeeping as if there is currently peace to keep. There is a cease-fire in effect. But I have been in parts of Bosnia during this cease-fire when the gunfire was going off; in some parts of the northeast sector, near Tuzla, they do not even know there is a cease-fire. The title that we are giving ourselves now, giving to I-FoR, is "peace implementation." There is a big difference between peacekeeping and peace implementation. Peace implementation means we do not have peace now but we will implement it. That is a totally different mission.

Mission creep has already crept into this, Mr. President. The exit strategy seems to be to keep peace for a year, and then leave. As the junior Senator from California said, all we have to do is keep peace for a year and we are out of there. She is saying exactly what Secretary Christopher said, exactly what General Shalikashvili said as recently as last week before the Senate Armed Services Committee, saying it is inconceivable we will not be out of there in a year.

During my visit with the Norwegian general who commands the U.N.'s northeast sector, in the Tuzla area, I mentioned "12 months," he smiled and said, "You mean 12 years." And when we talked about 12 months he said, "Apparently the American people do not understand the way the people in that region think, the Serbs, the Croats, and the Moslems. Their conception of time is totally different." He used an analogy I have used on the floor. It is like putting your hand in water for 12 months, you look and take your hand out and nothing has happened. When we leave the war will start again. If they know we will be gone in a year, which we have said we will be—the President has reaffirmed that as recently as last week, and it was reaffirmed a week ago by Secretary of Defense Perry—what will they do? Lay low for a year and then come back out swinging. By the way, Mr. President, the combatants in this conflict have a habit of laying low every winter.

I do not think I have ever in my life—and I did serve in the Armed Forces—I do not ever remember a time in our Nation's history or in the history of warfare where we went into a

hostile area and then our exit strategy was geared to time, instead of being geared to events. But that is exactly what we are proposing to do here.

The senior Senator from California was talking about "A far greater risk in doing nothing than in sending our troops." I suggest that it is not quite that easy. It would be easy if we were able to pass the Hutchison–Inhofe resolution and the President would look at this and say clearly we do not have Congress behind sending ground troops in but we have a responsibility to NATO, we have a responsibility to Bosnia. If he felt that way he could do it and we could do it through air power. We have already been there with airstrikes. We know that works. We could lift the arms embargo.

Sure, our European partners do not want us to do that. They want us on the ground there. People talk about how well received our President was over in Europe. I think if I lived in Europe I would be receiving him well, too. He is coming over and proposing that we fight their battle for them. I suggest that there are other alternatives.

Senator ASHCROFT from Missouri was talking about the speech that the President made in 1993 and suggested something I had not thought about. Maybe the President made the commitment of United States ground troops back in February 1993 without having been really apprised of the situation in Bosnia, the deep hostility, the history of that area, the history of World War I, World War II, the 500-year-old civil war, and what has been going on over there for many years.

The Senator from Delaware, Senator BIDEN, was articulate and outspoken when he talked about the different parties there. I think he referred to Milosevic as someone who was perhaps a war criminal, and certainly he talked about the others who had actually been indicted for war crimes. Lastly, it was Senator KOHL who said that we either support peace or we do not. I think there are many ways where we can offer our support without doing it on the ground. I will mention one other thing that the Senator from North Carolina mentioned when he talked about the fact that the bridges and the roads in that sector—from Hungary down south through Tuzla, down toward Sarajevo, in the area that goes from the Posavina corridor down to Tuzla—that the roads would not accommodate an M–1 tank. We found out when we were over there that there is only one bridge in that entire area that they say can handle it structurally. The Americans will have to come in and rebuild the bridges, rebuild the roads, and if they do not they will start a civil war because the people are upset for us coming in and messing up the existing roads with our tanks. This came from the people now in command, the U.N. people in the northeast sector.

The most profound thing I have heard on the floor of the Senate today came from the very distinguished Senator from Indiana, Senator COATS. He asked the question, "Have we so squandered American leadership that we must buy it back with American lives?" I think this puts it in perspective. If we are wanting to prove to someone that we have this leadership, that we must lead and whatever NATO decides to do is in the best interest of the allies and that we must blindly go along with them, do we do this at the risk of lives?

On October 17 we asked the question of Secretary Christopher and Secretary Perry. This was after Gen. Michael Rose made the statement if the Americans get into this war they will sustain more losses than they did during the Persian Gulf war, where we lost a total of 390 lives.

I asked the question, is your mission here worth 400 or more lives? Secretary Christopher said yes; Secretary Perry said yes; General Shalikashvili said yes. I think that is a defining difference between the administration's view and my own.

I think that we need to at least acknowledge this body is already on record opposing what President Clinton is about to do. So it is not a matter of waiting until the last minute, until the last hour. Over a month ago we passed a sense-of-the-Congress amendment in both the House and Senate, attached to the Defense appropriations bill by Senator GREGG: "It is the sense of Congress that none of the funds available for the Department of Defense should be obligated or exploited for the deployment or participation of the United States Armed Forces in any peacekeeping operation in Bosnia-Herzegovina * * *."

This opposition is not something we are coming up with today for the first time. The Senate is already on record.

Lastly, let me go over some of the things that were talked about on the floor today in terms of danger. I think we are kind of trying to soften this thing, trying to gloss over the dangers. Some say we will go over and everyone will be kissing the American flag and everyone will love us because we brought peace into the Balkans. If you stop and look, and this came out of the Defense News, of the various elements over there, the Croats have 80,000 soldiers; the Croatian Serbs 50,000; Serbia, 125,000; Bosnia, 110,000; Bosnian Serbs, 80,000; Bosnian Croats, 50,000. That is not even talking about the rogue elements, and there are some nine rogue elements that are over there.

It is so convoluted it reminds me of the letter that came back from one of our warriors who lost his life in Somalia. It was the son of Captain James Smith, who read me the letter of his son. His son was Cpl. Jim Smith who lost his life. Capt. Jim Smith lost his leg in Vietnam and his son lost his life in Somalia. His was one of those corpses dragged through the street in Mogadishu. His last letter said: Dad, we cannot tell who our friends are and who they are not. We cannot tell the difference.

I suggest that is exactly the situation that we have here. Many people have talked about the fact that we are going to have just 20,000 or 25,000 troops over there. I hope no one is kidding themselves, deluding themselves thinking that is all we are going to have.

There was an article in the Defense News that gave a very persuasive argument that we would end up with a total NATO force of 240,000 troops. Keeping our ratio, that would be 80,000 Americans who will be involved over there.

Go back and read your history. British Prime Minister Disraeli, over 100 years ago, who had been observing the battles over there, said, "It will take a half-million troops to bring peace to the Balkans."

I think, when we look at the timeframe of 12 months—that is fictitious. It is not going to happen. The 20,000 troops, that is not going to happen. The mission is peacekeeping—that already is not happening, it is now peace implementation. We are kidding ourselves.

We have already had a vote on H.R. 2606. That was a very strong vote, even though there were just 22 who voted in favor of it. Those are the people who really feel the strongest about not sending troops into that area. But we are going to have another record vote. That record vote is going to take place this evening.

We are going to have two record votes. When you have the first vote on the Hutchison–Inhofe resolution, think very carefully. Because if you vote for that, as I said when I opened these remarks, you cannot turn around and vote for the Dole-McCain resolution because they are inconsistent with each other. This is the last opportunity that the Senators who are here and will be voting tonight will have to get on record. This is their last shot, the last chance they have to say no, we should not send ground troops into Bosnia.

I do not think it is possible for anyone to understand the hostility of the area if he or she has not been up there to Tuzla where our troops will go. To the best of my knowledge, only two Members of Congress have been up there, Senator HANK BROWN from Colorado and myself. When we had a meeting the other day in the Senate Armed Services Committee, I discovered that even Secretary Perry had not been up there, Secretary Christopher had not been up there, General Shalikashvili had not been up there, and certainly President Clinton has not been up there.

I cannot imagine that they would be willing to take chances in a hostile

area without going up and looking at it. I can tell you firsthand, and I went over much of that area in a helicopter not more than 100 feet off the treetops with Gen. Rupert Smith, a British general. We looked down and for the first time we could realize how Marshal Tito was able to hold off the very best that Hitler had on a ratio of 1 to 8, because of the unique environment, the very hostile and forbidding environment.

Mr. President, this is going to be probably the most significant vote that many Members of this body will cast. It is going to be tonight. I would like to have them think long and hard. Because if you vote for—if you vote against the Hutchison-Inhofe resolution and vote for the Dole-McCain resolution, you are saying we agree with the basic policy of sending ground troops.

You see, I think everybody knows now, we can support our troops and not support the policy. That is an easy thing to do. We all support our troops. The greatest support we could give our troops is to not to deploy them into that warring area.

I yield the floor.

The PRESIDING OFFICER. Under the previous order the Senator from Minnesota is recognized for 7 minutes.

Mr. WELLSTONE. Mr. President, 4 years of mass executions, mass rape, mass murders, brutal ethnic cleansing, sieges against civilians, terror campaigns, atrocities, and genocide not seen in Europe since the end of World War II—¼-million people dead, 3 million people in the region refugees, and if we were to think about this in terms of our population, that would be the equivalent of 170 million American refugees.

The people of Bosnia deserve relief from years of armed conflict, relief from displacement, relief from malnutrition and hunger, relief from winters without heat or electricity, relief from war crimes and, yes, relief from the indifference of the rest of the world.

I traveled to the former Yugoslavia by myself 2 years ago. I went with my legislative assistant, Colin McGinnis. I visited with people in the refugee camps, and I saw enough pain and enough misery to last me for a lifetime. The Dayton agreement is the best and perhaps it is the last chance for peace in the region. That is why I intend to support it.

While I am speaking on the floor, I would like to express my thanks and my love to the family of three American diplomats killed in Bosnia while serving the cause of peace.

Our proper constitutional role as Senators and Representatives is to not give broad grants of authority to any President. I have talked to experts outside the Congress, had many briefings from people in the administration, met with people in the former Yugoslavia, and I have tried to the best of my ability to make the best decision for my country and for the world that I live in. I believe it is our responsibility to make sure the objectives are limited. I believe it is our responsibility to insist on as much clarity as possible.

There are several reserve units going from Minnesota, and, as a Senator, I owe those families. It is my responsibility to make sure that everything is done that can be done to preserve their safety and the safety of all of our soldiers who are there—not to go to war, as I listen to the Senator from Oklahoma, but are there to secure a peace.

Do I have concerns? You bet I have concerns. I do not think the arms control provisions of this agreement are very strong. I worry about the international police provisions; I think they are weak. I believe that there should have been, in the Dayton agreement, really a clear understanding—we keep talking about this 1-year time agreement—that the Europeans are a part of the transition and that they assume the responsibility for peacekeeping so that when we leave after a year or thereabouts, in fact the presence of NATO is there. Because it is not clear to me that we will be able to accomplish our objectives in that period of time.

Do I worry? You bet I worry. I have been up at night trying to decide what the right decision would be. I worry about the landmines. I have had briefings from our military, and there are reasons for all of us to worry. Our soldiers are trained, they have been doing the training in Germany, but I worry about that. I worry about depending on Milosevic. I think Milosevic is a war criminal. And when I hear Milosevic has made this commitment and that commitment, it makes me nervous.

I wonder what the meaning is when General Mladic says he has not agreed to this agreement. Does he go to the hills with his soldiers? I worry about that as well.

This has been a difficult decision for me, but in the end I really believe that we are doing the right thing as a nation. In the end, I think the alternative to no peacekeeping force there—and there will be no peacekeeping force and there will be no agreement if we are not a part of that force—will be a living hell. The alternative, I say to my colleagues, will be a living hell: More genocide, more rape, more murder, more mass executions in Bosnia. And it could be a war that spreads to Central Europe.

We are there to do the right thing. I believe that. I believe that for our children. I believe that for my children.

In the end, I stand on the side of hope, hope for an end to this conflict, hope for an end to its attendant horrors, hope for a better world that we live in, hope for the peoples of that region, hope for an end to the bitter ethnic divisions, hope for an end to the religious hatred.

I believe that we, therefore, in casting this vote in supporting our soldiers and in supporting this peacekeeping mission—I believe we cast the right vote. That is why I will vote for the Dole-McCain resolution, and that is why I am in opposition to the Inhofe-Hutchison resolution.

Mr. President, on the day before the formal signing of the Paris Peace Agreement on Bosnia, we are gathered here for a historic debate. I want to share with my colleagues my views on the deployment of United States peacekeepers to Bosnia to participate in the NATO peacekeeping mission there.

Designed to help put an end to the violence that has cost so many lives and so much suffering over the last 4 years, it offers real hope for peace. After much thought, I have come to a simple conclusion. With U.S. participation in the NATO peace effort, there is a real chance for a durable peace that could break the brutal cycle of violence there. Without our participation, we face an almost certain resumption of the fighting, and possibly a wider Balkan war.

This war has taken a horrible toll, not only on the people of the region, but also on the conscience of people everywhere who have watched it unfold in all its horror on their TV screens, and struggled to figure out a way to help end it.

For 4 years the people of Bosnia have suffered some of the worst atrocities in Europe: mass executions, mass rapes, brutal ethnic cleansing, sieges against innocent civilian populations, and terror campaigns. Atrocities we have not seen since the end of WW II.

So far, the war there has left a quarter of a million dead, and nearly 3 million people from the region refugees, expelled from their homes and villages in brutal campaigns of ethnic cleansing. Three million refugees. Think of that. If such a war were fought here in the United States, by population share that would be equal to about 170 million American refugees.

The people of Bosnia deserve immediate relief from the years of armed conflict, displacement, malnutrition and hunger, winters without heat or electricity, war crimes, and at times indifference by the rest of the world. The Dayton agreement offers a promise of such relief. I visited the Balkans 2 years ago. I met many people there, including many refugees who had been expelled from their homes, and who had lost loved ones and friends. I know the trials and horror they have experienced.

Even in the face of these horrors, the President's decision to send United States troops to Bosnia is one of the most difficult foreign policy choices our country has confronted since the

end of the cold war. The risks of the deployment, though I think they have been greatly reduced by the administration's careful planning, are real. From the millions of landmines left over from the war, to irregular forces, to weather, to other hazards, this mission is not without its dangers.

But while many of us have had differing views about the proper United States role in Bosnia over the past 4 years, and some of us had pressed for tougher action against the Serbs for many months, there is one thing that is becoming more and more clear. The Dayton agreement is the best, and perhaps the last, chance for peace in the region. That's why I intend to support it.

Full and effective implementation of this agreement offers the best hope to stop this brutal war, and to give the parties a chance to recover, and to rebuild their cities, to rebuild their nations. After months of fruitful negotiations led by the United States, and with the Europeans providing the bulk of peacekeeping forces to help monitor the agreement, I believe it would be a mistake for the U.S. Congress to sound an uncertain, quavering trumpet now regarding our commitment to peace in the region.

Through tough-minded, tenacious diplomacy, President Clinton's envoy Richard Holbrooke worked for many months to help the warring parties craft an agreement that could bring an end to the bloodshed. He deserves our praise, and our thanks—as do those three American diplomats killed in Bosnia while serving the cause of peace.

President Clinton observed in his recent speech that the United States can't be the world's policeman, but we can become involved in circumstances such as this, where we have a compelling national interest in maintaining the peace, where we have a chance to be effective, and where we have a clear duty to help.

Over the course of the last few weeks, I have talked with the President and with his chief foreign policy advisors, including Secretary of State Christopher and Secretary of Defense Perry, and pressed them to ensure our mission was clear, limited, and governed by strict rule of engagement that would allow our troops to protect themselves in any circumstances. The Dayton Agreement provides for sweeping NATO rules of engagement that will allow U.S. forces to use all appropriate force to protect themselves. In the last 2 weeks, I have been urging administration officials to clarify the limited, narrow goals of the mission; how they intend to measure progress toward those goals, and the limits they will impose on U.S. troop activity in the region. I believe they have made real progress in clarifying each of these areas.

This is our proper role in Congress: to press administration officials to clarify key points of their plan, ensure that objectives are limited and attainable, that an exit strategy is clearly laid out, and that planning for a post-U.S. presence upon withdrawal, composed presumably of Europeans, is moving forward. I believe that we have done that, pressing those responsible in the administration to close some gaps in their thinking that will serve our troops well in the long run.

I have thought long and hard about this deployment and, in addition to my discussions with the President and his senior advisors, have consulted extensively with those whom I represent in Minnesota, administration officials at the working level in the Pentagon, the State Department, and elsewhere. I have talked with outside regional experts, and others. I've talked with Minnesota military personnel who are being deployed to Europe. There are several reserve units from Minnesota whose members are being deployed to Europe, and I am aware of my direct and profound responsibilities to them and to their families—and to the families of all our troops—to ensure that everything possible is done to preserve their safety.

The Dayton Agreement, especially its key military annexes, were clearly designed with these concerns in mind. And it has garnered broad support. It has the support of the Russians, of the U.N. Security Council, NATO, the European Union, and the Organization for Security and Cooperation in Europe, each of whom will play a key role in its implementation. It is truly a multilateral effort, of which the administration should be proud.

But even though we played a key role in the development of this agreement among the parties, let us not forget one critical thing; this is their agreement, not ours. It was developed by the parties, not imposed by outsiders. They have asked other nations, including the United States, to help secure the future of that agreement.

And they have assured us, NATO, and the U.N. Security Council that they will respect its terms, and take steps to protect our peacekeeping forces. Over 25 nations have responded to the call to help secure this peace. As the last remaining superpower, we have an obligation to join them. If the current ceasefire holds, and the peace agreement is signed tomorrow in Paris and begins to be implemented on schedule in the next few weeks, we have a duty, I believe, to help.

I think it would be irresponsible to sit aside and allow the horrors that have taken place in Bosnia to continue. Our great hope is that this peace agreement might finally secure a lasting peace; we must not abandon that hope now by cutting off funds for our troops, or by refusing to grant at least conditional support for the mission.

I have decided to support this peacekeeping deployment, even though I am fully aware of the potential risks and problems with it. For example, I believe the arms control and international police provisions of the Dayton Agreement are weak, and must be strengthened. And they are being strengthened and fleshed out, by NATO planners and through proposals offered last weekend at the London Implementing Conference. In the end, how they are implemented will make the big difference, and we in Congress must monitor this carefully. The reporting requirements of the Dole-McCain resolution will help ensure that Congress is kept informed on a formal, timely basis of developments in key areas of the accord's implementation, in both its military and civilian aspects.

Likewise, I remain somewhat concerned that the very broad NATO rules of engagement leave considerable room for interpretation on the part of NATO field commanders there about how to react when faced with violent civil disturbances, hostage situations, harassment by irregular forces, or other similar situations. I know they do so to provide flexibility to our commanders in the field, but this is another area which must be monitored carefully. Supervising the separation of forces, maintained by the parties, is one thing. But serving as local police forces is quite another. While I know the Dayton Agreement prohibits the latter, we must be careful to ensure that the potential for any mission creep is strictly limited.

We have heard a lot of heartfelt debate today, and expressions of concern about the potential for an extended, open-ended deployment. To those who are worried that Bosnia could turn out to be a quagmire, I can only say I have consulted as broadly as I could, weighted the risks as responsibly as I could, and I do not believe that is going to happen. I believe the administration has built into its implementation plans sufficient safeguards to avoid this problem, including strict limits on the areas where our troops will be, and on their mission. If I did believe this was a real risk, I would fiercely oppose this deployment. Let there be no mistake. This will be a NATO operation, with clear lines of command and rules of engagement, run by an American general. The mission is not open-ended. Our troops will be heavily armed, with the power and authority to respond to any potential threats as forcefully as necessary.

Of course, there are some concerns that can never be fully met. For example, I have doubts about the sincerity of Serb President Milosevic, and about his ability to deliver on his promises. I have even less confidence in the Bosnian Serbs. I am frankly alarmed that General Mladic has not been willing to support the agreement, that

Serb civilians in the Sarajevo suburbs have been so vocal in opposing it, and that the Bosnians have resisted cutting their ties with radical states like Iran. But those doubts should not deter us from at least supporting this attempt at peace; they simply offer reasons for caution.

I have raised some of these concerns explicitly with the President and his advisors. I have asked tough questions of administration officials about how they intend to make good on United States commitments to lead an effort to provide arms and training to the Bosnian Government while serving as neutral peacekeepers. While I have in the past supported lifting the arms embargo against the Bosnians, I believe that with this agreement there is a real chance to stablize the situation through arms control, rather than primarily through building up the opposing armies.

That's where our emphasis should be now. Demilitarization on all sides, not remilitarization, is the appropriate course to follow to estalish a military balance between the Serbs and the Moslem-Croat Federation. Once a full NATO balance-of-forces assessment is complete, the report required by the Dole resolution is submitted to Congress, and the arms build-down begins in earnest, I am hopeful that full compliance with the arms control provisions of the peace agreement will go a long way toward equalizing the forces. And if it does not complete the task, there will be plenty of moderate Moslem nations willing to help arm, equip, and train the Bosnians to better defend themselves, as necessary.

I have also raised questions about the criteria that will be applied by NATO to measure progress toward its goals, and about the timetable for the eventual withdrawal of U.S. forces. Administration officials have provided me with all the information they could on these questions. While many of us would like to know that our troops will come home by next Christmas, I do not think the administration can realistically provide firm assurances that that will happen, and I think that it would be foolish to demand them as a condition for our support, since it could place our troops in great jeopardy if they are pulled our prematurely.

I do know the President intends to have us get in, complete our mission, and get out, as swiftly as possible, and that General Shalikashvili has indicated that 1 year is more than sufficient time to accomplish the limited military goals of the mission. Completing our mission should be our primary goal, not meeting some arbitrary timetable that may by driven more by domestic politics than by the situation on the ground in Bosnia.

Whether 1 year is also sufficient time to secure other, broader goals, including return of refugees, free and fair elections, and rebuilding of war-torn Bosnia, is unlikely. I know of almost no one who believes it is possible in that timeframe. But at least this yearlong respite can end the violence, and start them on the road toward peace. I hope that we will be able to work out an agreement with out allies that will provide for a much smaller, residual force that could stay there longer, if needed, to monitor compliance with the accord. Composed largely of NATO troops from Europe, this force could begin to shoulder primary responsibility for the mission after 9 to 10 months. I have urged the administration to explore this more vigorously, because I think it is key to our exit strategy in the region. I would have preferred that it be built into this resolution. But I am satisfied that the administration has taken seriously this concern, and will take steps to explore it with our allies.

On these and many other questions, administration officials have been very forthcoming. Where they were unable to provide clear answers, for example on the planned composition of a follow-on force if such a force were necessary after U.S. withdrawal, they outlined for me the state of their current thinking. Frankly, there is still much work to be done by NATO, the U.N. Security Council, and others over the course of the next few weeks and months to nail down answers to some of these key questions. But overall, I am satisfied that this deployment has been carefully planned and will be executed ably by our military forces. It is the responsible thing to do, the right thing to do. And that's why I intend to support it.

Many Americans remain skeptical of U.S. participation in this peacekeeping effort. I continue to believe it is critical that the President have the support of the American people and their representatives in Congress before moving forward. And I think that as this process has moved forward, and the President and his advisors have made clear the limited, narrow nature of the NATO mission, more Americans are being persuaded that this peacekeeping effort is the right thing to do.

Whatever we decide today, the President has already started sending U.S. troops to serve as advance support for the U.S. mission there. We must support the troops, and their families here in the United States, in every way we can. This resolution expresses clearly our support for their efforts.

Mr. President, this has been a difficult decision for me. But in the end I stand on the side of hope—hope for an end to the conflict and its attendant horrors, hope for a better future for the peoples of that region, hope for an end to the bitter ethnic and religious hatreds that have engulfed the region. It is a hope tempered by realism, though, about the road that lies ahead, and the potential pitfalls of this agreement.

Finally, let me say this. Over the last few weeks, some have asked me why I would be willing to consider supporting this peacekeeping deployment, when I opposed our going to war in the Persian Gulf. There a host of major differences between the two situations, not least of which is that our troops were being sent to the Persian Gulf to go to war; in Bosnia, they are going to secure a peace. The have been invited by the parties in Bosnia to secure a peace agreement, under firm security assurances provided by the parties. I opposed the war in the gulf, among other reasons, because—like Chairman of the Joint Chiefs of Staff Colin Powell—I believed the tough U.N.-imposed sanctions ought to have been given more time to bite. In Bosnia, I do not believe that are realistic alternatives to this peacekeeping deployment that have gone untried.

This may be the opportunity that is needed, Mr. President, to break the cycle of violence in the lands of the former Yugoslavia by helping to keep the sides apart for a year in order to give them some time to begin putting their lives back together. Hopefully a year of peace will bring about something more lasting. It is my hope for the future of the peoples of that region that has led to me to conclude that we should support the President's action. I urge my colleagues to join me in support of this resolution.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, as a cosponsor of the Hutchison–Inhofe resolution opposing President Clinton sending American troops to Bosnia, I am obliged to note that the administration's problem is that it lacks a coherent policy for resolving the war in the former Yugoslavia. That is it, pure and simple.

A coherent policy must be based upon a clear-eyed assessment of the United States national interest in the Balkans. It must employ a means to address our national interest, calculated in direct proportion to the threat posed to the United States. Most of all, a coherent policy must have an end, a goal, a point at which we can define when the mission is accomplished.

The administration's plan has none of these elements.

The foundation of President Clinton's policy in Bosnia is not the national interest—it is desperation. This desperation to fill the vacuum of American leadership in Bosnia has led the President to make a disastrous decision. In a last, desperate act he is demanding that the U.S. military rescue his foreign policy.

The American people should be prepared for the possibility that American lives will be lost any time our national

interest is at stake. I am certain that if asked to go to war our brave men and women in uniform would, without hesitation, heed the President's call. I salute those who would serve the Nation so readily, but I cannot and will not support the President's decision to ask them to make this sacrifice. The risk to the lives of our troops far exceeds any national interest the United States could possibly have—particularly as defined by President Clinton—any national interest we could possibly have in the Balkans.

The question will not go away: "Mr. President, what precisely is your goal? What is your objective in Bosnia? Is it the creation of an inviolable Bosnian nation?" If so, the Dayton Agreement assuredly does not accomplish that goal. The agreement—pure and simple—is the partitioning of a sovereign nation on ethnic lines.

Is Mr. Clinton's goal to provide the people of Bosnia the means of defending themselves? If so, the President has so far shown no inclination to do so. Is it to save his own foreign policy and salvage his administration's standing on the world stage? If so, it is too late, and a disastrous military campaign in the Balkans can only do harm to the reputation and prestige of the United States far beyond what the 3 years of inaction by the administration already have.

The Bosnian people do not deserve war. Americans do not deserve to die in support of a policy that will not bring peace to the Bosnians. What we can and must do is help the people of that nation help themselves. If we truly want to guarantee lasting peace in the Balkans, we need to give the Bosnian people the tools of peace: the means to defend themselves from renewed Serb aggression.

Mr. President, more than 3 months ago I introduced legislation to provide the Bosnian people with American arms and training that they need to defend themselves. That legislation calls upon the administration to lead an international effort to coordinate contributions from those countries who wish to join in helping the Bosnians acquire the means of self-defense.

I will do everything in my power to help the Bosnians acquire the means to defend themselves. But I cannot, I do not, and I will not support sending American soldiers to fight, and to die, in Bosnia for the sake of an agreement that offers no more than a brief pause while all sides prepare for the next round of Balkan wars.

Mr. President, I thank you. I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Washington is recognized for 9 minutes.

Mrs. MURRAY. Mr. President, I rise to express my qualified support for the deployment of United States military personnel as part of the NATO force to implement the Bosnia peace plan.

The President has made a compelling case to the American people in support of U.S. participation in the NATO peacekeeping force. He has said that the NATO military mission will be clear, limited, and achievable; and that the risks to our troops will be minimized.

Congress has had the opportunity to go over this plan carefully, through a series of extensive briefings and hearings, which have been held over the last few weeks by at least four committees. Through this process, we have gotten answers to many of our questions, but certainly not all of them.

As the polls and phone calls reveal, the public is extremely wary about this operation. They know this is a mission with an uncertain outcome, where American sons and daughters may lose their lives. They are worried that our troops will be dragged into a civil conflict, despite our intentions to the contrary.

I have set aside extra time over the last several weeks to meet with and hear from constituents on this issue, many of whom have sons, daughters, husbands and wives likely to be deployed in Bosnia. I have listened to their fears and reservations. They are understandably worried—about landmines, snipers, civil disorder, undisciplined local factions, hostage taking, and other risks inherent in this mission.

And like most Americans, my constituents wonder aloud why the nations of Europe have not been able to solve this crisis on their own. Knowing how pressing the needs are here at home, they are weary of the constant need for American leadership abroad. Many resent the U.S. in the role of global policeman—again.

I have also met with relief workers who have been working on the ground in Bosnia, to learn from their perspective how much rebuilding lies ahead for the people of this war-torn nation. This is an extremely important issue, because the success of NATO's military mission will be measured against the gains made in the civilian sector to reestablish a viable economic and political life throughout Bosnia.

While it is important to point out that NATO's implementation force, or IFOR, will not be responsible for the conduct of humanitarian operations, the two operations will work to complement one another. But the IFOR will not be a police force, and it will not conduct nation-building. Nor will the IFOR address the numerous issues surrounding the return of refugees. Rather, IFOR's mission is simple and straightforward —to keep the peace so that civilian and political leaders have an opportunity to rebuild Bosnian society.

Our military leadership has repeatedly reassured Congress that the limited nature of this mission can be accomplished in 1 year's time, with most of the military tasks contained in the agreement accomplished in the first 6 months. After that, IFOR's role will be to maintain a climate of stability so that the civil tasks outlined in the peace agreement can take root.

In the words of Secretary Perry, the goal is to "break the cycle of violence" so that the civilian efforts—economic development, free elections, and the return of refugees—can have an opportunity to take hold. But regardless of what the situation looks like 1 year from now, the Secretary has said that "we must not be drawn into a posture of indefinite garrison."

Mr. President, it is this very limited mission that I am agreeing to with my vote today. I want to be clear—my support for this mission is qualified. I will be following developments closely in the weeks and months ahead. While I believe it is in our national interests to participate in a limited way in this operation, I feel very strongly that once we have paved the way for the Bosnian people to make peace, our role will be over and we should leave.

Yes, we can provide the opportunity for peace. But if, after a year's time, the Bosnian people themselves have not seized this chance, we should and must leave.

Having said that, I do believe that what we are about to do is incredibly important. Certainly this deployment carries risks. But I believe those risks must be measured against the promise for peace this agreement contains. The conditions are right for peace in Bosnia. And like Secretary Perry, I have concluded that the risks to the United States of allowing the war to continue are greater than the risks of enforcing the peace.

I agree with the President, our Secretaries of Defense and State, and our Nation's top military leaders. The United States has critical political, economic and security interests in Europe, and the war in Bosnia threatens those interests. The Dayton peace plan is the first opportunity we have had to end the war, and I believe we have to give it a chance.

In implementing the peace agreement, NATO will be embarking on its first land operation in history. Every NATO country with the exception of Iceland will be committing troops to this operation. The United States will contribute one-third of the necessary troops for IFOR. The British will provide 13,000 troops, the French 8,000. In addition, more than a dozen non-NATO nations have indicated a willingness to participate.

Our troops will be headquartered in Tuzla, where they will also have with them a Nordic brigade of close to 4,500 troops. 1,000 of those Nordic troops have been stationed in the Tuzla area

for over a year, and will be able to provide our troops with important information on the region and its risks. Perhaps most astonishingly, there will be a Russian brigade that will be a part of the American division, numbering several thousand troops.

The NATO mission, while carefully planned and trained for by our Nation's best military leaders, faces many uncertainties. We owe our troops no less than the finest training and equipment possible, and in this regard we can take great reassurance. We know that the troops we are sending to Bosnia are strong, capable and ready. They have undergone thorough and intensive training over the past several months. They have endured very rigorous and specific exercises, unique to the situation they will face in Bosnia, including mine training and basic combat proficiencies.

American troops will be heavily armed, and will have the authority to respond with decisive force to any threat to their own safety. Our troops will take their orders from the American General who commands NATO, General George Joulwan. For his part, General Joulwan has insisted that the daily training scenarios that our troops are subjected to be increasingly demanding, so that, in his words, "the scrimmage should be harder than the game".

Mr. President, one thing we do know for certain is that the nations of Europe have not been able to solve this crisis over the last 4 years. In absence of any clear leadership, day after day the war deepened, becoming a festering wound in the center of Europe. A quarter of a million lives have been lost to war, ethnic cleansing, and genocide. A generation of children has been terrorized and traumatized. Thousands of elderly have been cast from their homes and turned into refugees with no place to go.

It has been American leadership that finally made a difference. American leadership generated a cease fire. American leadership brought the parties to the peace table. And now it will take American leadership to ensure that NATO remains strong enough to prevent the peace from collapsing.

Many Americans—including my own constituents—question the need for NATO as we approach the next century. The Soviet Union has collapsed. Why, they ask, should America pay the money and put our troops on the line in support of an alliance whose time—in the eyes of some—has passed.

I believe we have a very direct national interest in ensuring that NATO remains an effective and credible security arrangement for the United States and our European allies. Ours is an alliance in support of democracy and freedom, and we are the leader of that alliance.

Now is not the time in history for America to question our leadership role in the world. Continued American global leadership is in our national interest, not only in the matter before us regarding Bosnia, but more generally in this post-cold war era. Nations around the world are watching. If the aggression that has taken place in the Balkans over the past 4 years were to go without challenge, other nations will take a lesson.

Congress gathered just yesterday to hear the moving speech of Israeli Prime Minister Shimon Peres, who faces the daunting task of keeping his Nation on the path toward peace in the wake of former Prime Minister Rabin's assassination.

Mr. Peres reminded us gently of the role America has played in this century, and the responsibilities we carry into the next. He urged us to accept what history has laid on our national shoulders. He reminded us that there are some things that only America can do. America alone, he reminded us, can keep the world free.

We do not know who will be in charge in Russia, China, or Iran 10 years from now. Those nations may be moving closer to democracy, or they may be led by repressive regimes with nuclear capabilities. We simply do not know today.

Because of the uncertainties we face in the world, we in the United States can not afford to fall back to the approach we took after World War I, when a weary nation said "enough". The vacuum was filled promptly, in that case with the most horrendous outcome.

Mindful of such history, I would echo the sentiments of President Clinton when he says, "My fellow Americans, in this new era there are still times when America and America alone can and should make the difference for peace."

To my own constituents, and to Americans across this great Nation of ours, I want to say: I know you are weary. But in my view, we do not have the luxury of wishing away the world and tending our own garden as if events around the world have no effect on us. We must continue to lead, and in doing so, we are most certainly serving our own national interests.

But you are right. This will be a difficult mission to undertake. The climate in Bosnia at this time of year is brutal, the terrain difficult, and the risks many. Even if all goes extremely well, we must be prepared for casualties. This is an inevitable fact of life that accompanies every deployment. We should remember, for example, that during Desert Shield, the staging phase before the Persian Gulf war began, we lost 84 American troops before even a single shot was fired. And although the situation we are entering in Bosnia is vastly different, it is tragically unavoidable that accidents and mishaps will claim the lives of some of those deployed. And so we must prepare ourselves as a Nation for this consequence.

But we must remember that throughout this "American century", as it has been called by some, the United States alone has set the standard to which so many nations now aspire. And in keeping with our vision as a people, since the end of the cold war we have led the international community in breaking new ground on behalf of democracy and the rule of law. In situations ranging from Cambodia to Haiti to Bosnia, we have helped to secure peace and freedom.

I think we have to acknowledge up front that as we undertake these endeavors, we do not fully know yet what model works, and under what circumstances. And that is what makes votes like today's so difficult. But this is no excuse for this Nation or any other major world power to throw up our hands and walk away from the difficult problems and challenges we face in this post-cold war era.

On this point, I think the observations of Lakhdar Brahimi, who heads the U.N. operation in Haiti, are relevant. When asked what we have learned in Haiti that may be relevant to Bosnia, he said:

> . . . With operations like these (in Bosnia and Haiti), he said, the international community is embarking on something completely new for itself, and for which it does not yet have all the skills. It isn't even sure what it wants and certainly doesn't have all the money it needs to do it. So we take a country by the hand and accompany it a little bit, while it tries to stand on its own two feet. We don't do it perfectly, but it's still useful, even if it doesn't create paradise. But no one should kid themselves. It's a constant uphill struggle.

And so we should sober our expectations, but not dampen our resolve. For the sake of our own national interests and those of our allies, we have to move forward—with prayer and conviction.

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

The PRESIDING OFFICER. Under the previous order, the Senator from Utah is recognized.

Mr. HATCH. I thank you, Mr. President.

Mr. President, this body now debates again whether we support the deployment of U.S. military forces into a European theater of war. We have debated this proposition twice before in this century.

In World War I, we sent our troops to engage in "the war to end all wars." After the slaughter, after the victory, America withdrew from the European stage; and, before the century reached mid-point, we found ourselves again debating whether it was the U.S. role to engage in European wars.

The world was transformed by our historic decision to enter that war. The world was transformed by our decision after the victory to remain engaged;

and, for most of the rest of the century, this country stood for the expansion of freedom and the containment of tyranny.

Perhaps some of us forgot that one of the reasons we were so motivated after World War II was because this nation had been horrified by the scenes of depravity under the Third Reich and the Japanese empire. When we saw the horrors of the concentration camps, we declared, with commitment, "never again."

Generations of Americans raised after that great allied victory truly believed that never again would we tolerate genocide in Europe. The very notion of civilization was redefined to include this idea—until the war broke out in Bosnia.

For almost 4 years, we have witnessed the horrors of "ethnic cleansing" in central Europe. Up until a few months ago, we regularly saw massacres of innocents, most often Muslims. "Never again," came back to haunt us. "Never again," became the hollow cry at the end of a century, taunting us that we could never assume progress from barbarity.

Many of us in this body believed we had to act. While we accepted that we could not make a persuasive case that U.S. troops needed to enforce or protect a vital interest, we believed that the world's remaining superpower had the power, the means, and the moral responsibility, to act.

We voted, again and again, to lift the immoral arms embargo on the young Bosnian state, which was largely unarmed, and was the target of the barbarians of "ethnic cleansing."

This summer, we passed legislation, with a strong bipartisan 69 votes, to lift the embargo.

The Administration, proclaiming concern for the Bosnians, argued that lifting the arms embargo would cause the Serbs to attack the eastern enclaves of Zepa and Srebrenica. For this grotesquely false reason—a reason bloodily refuted by the massacres in Srebrenica that occurred anyway—the Administration argued that we could not let the victims defend themselves. The Administration argued—again and again—that lifting the embargo would spread the war and would require the use of thousands of U.S. forces to extract the U.N. and allied forces. And so, the Administration argued that lifting the embargo was not an acceptable course of action.

Now, less than a month after the signing of the Dayton Accord, the Administration is deploying United States troops to Bosnia to implement the military annex of that accord.

There is a temporary truce in Bosnia. The killing has mostly stopped. The ethnic cleansing has not. And, the administration believes, most sincerely, that the deployment of the NATO Implementation Force, now known as I-For, will, in the words of President Clinton, "help create a secure environment so that the people of Bosnia can return to their homes, vote in free elections, and begin to rebuild their lives." The administration expects this to take approximately 1 year.

Mr. President, I respect the President's prerogative in foreign policy. I believe this is a principle we must respect if we are to convey the proper influence and power of this great Nation overseas. I supported this principle under previous Presidents, and I strongly objected when the Members of the opposing party in this body sought to frustrate Presidents Reagan and Bush.

I was disappointed when this body passed the resolution supporting President Bush's decision to deploy to Iraq by merely 52 votes. We had a clear vital interest at stake then. And, had we waited, we now know that our troops would have been subject to the weapons of mass destruction Saddam Hussein was on the verge of using.

Mr. President, I respect the principle of the President's prerogative in making foreign policy, but I have grave reservations—grave reservations—about the Bosnia policy on which the President is embarking.

But, I wish to make one point exceedingly clear: I believe that the Congress must show our support for the U.S. military. This Senator will always support American troops abroad.

I have recently learned that a Utah reserve unit will be among those troops deployed to this region, and several other Utah reservists have been put on alert. There is no way that this Senator will not do anything and everything to make sure that those troops have the backing they need in terms of equipment and materiel and moral support for what they do to serve our country's objectives.

But, appreciation and support for how well our troops carry out our policy does not mean we cannot question the policy itself as well as engage in some retrospective about U.S. policy.

I wish the President had taken a different approach on Bosnia 3 years ago. Candidate Clinton said he would lift the arms embargo. As I have said, I believe it was immoral to maintain an arms embargo against Bosnia while it was subjected to slaughter by a heavily armed Yugoslavia. I must say that, with his record, there is a credibility question when the President asserts it is the "right" thing to now send troops to Bosnia.

I believe that the Atlantic alliance is the most successful military alliance in the history of the world. The major democracies of the world held together throughout the cold war, and Europe remained secure. The world is still a dangerous place after the cold war, and I believe that NATO must remain relevant. I support the enlargement of the alliance, because I believe the alliance promotes political values as well as enforces security, and I wish to support the democracies of central Europe.

But NATO's credibility has suffered greatly during the Bosnia debacle. Tied by the dual key with the United Nations, the greatest military alliance was ineffective while genocide occurred. NATO stood by while cities and towns were shelled, while humanitarian convoys were turned back, while helicopters violated a no-fly zone. A NATO F–16 was shot out of the sky this summer by Serbs using Russian military hardware.

The administration argues that NATO credibility is at stake. But I must ask: What happens if the I-For goes to Bosnia, and, after 1 year and the departure of I-For, the parties return to war? Will NATO be more credible for having gone to Bosnia with great fanfare, but having returned without success, or worse, with casualties we cannot justify?

This administration proclaims that this is a chance for peace in Bosnia. I do not doubt the President's sincerity. And I do not doubt that the administration is motivated by noble notions. I fear, however, that its ideals are immature.

Peace is not the absence of conflict, Mr. President. We will always have conflict. Peace, I believe, is the management of conflict, the management of conflict so that it does not escalate into violence and war.

And, when I look at the Dayton Accord, Mr. President, and the record of this administration, I fear that many issues about managing the conflict remain unaddressed.

The administration has spoken about a clear exit strategy, partly because we in the Congress have demanded it. But if we do not have a vision of how to manage the conflict after our mission expires, I see very little reason to go in at all. We need a post-exit strategy, Mr. President, and I've heard very little of one.

A post-exit strategy—and the success of the I-For mission—depends on a number of factors. I believe these include, but are not limited to: First, ensuring that the Bosnian Serbs do not pursue territorial gains beyond those they have won in this ignominious partition known as the Dayton Accord; second, completing the agreement between Croatia and Serbia over Eastern Slavonia; third, building and maintaining a cooperative relationship between the Bosnians and the Croatians; and, most importantly, fourth, maintaining the political and military viability of the Bosnian state.

Elements within the Bosnian Serbs have been proclaiming against the Dayton Accord since the day they were signed. Demonstrations have been staged almost every day. Are we to proceed while these rogue elements

threaten, with arms, to ignore the accord?

The administration tells us that it will rely on President Milosevic of Serbia to control these elements. President Milosevic has been very cooperative and effective, we are told.

President Milosevic, I recall, was the instigator of the war against Bosnia and has reneged on his promises on numerous occasions over the past 4 years. Perhaps Milosevic has converted—and I believe in conversion—but I have doubts about the sincerity of those who convert after a mild NATO bombing campaign.

Mr. President, I still do not know what the administration intends to do if our U.S. forces are subject to mortar attacks from rogue elements.

For example, if we're attacked from a populated area by rogue elements that move freely within it, how will we respond? With a phone call to Belgrade? How does President Clinton plan to hold President Milosevic accountable for keeping the Bosnian Serbs in line with the accord?

I am also greatly concerned about the agreement between Croatia and Serbia over eastern Slavonia. We should recall the brutal occupation of that Croatian territory. We should recall the pictures of the city of Vukovar, left a smoking rubble by the Serbs, complete with mass graves.

Since then the Serbian Army has occupied the area, cleansed it, and extracted its natural resources. The Croats and Serbs signed an agreement just before the Dayton Accord to return eastern Slavonia to Croatia. The agreement allows for 1 year to revert the territory to Croatia, but it has a 1 year extension clause, to be exercised by either party.

The implementation of the international force to monitor the territory is already stalling. I predict here that the Serbs will ask for that 1 year extension; and, 1 year from now, Eastern Slavonia will still be occupied by the forces of Belgrade.

It is a powder keg. If we do not ensure the peaceful transfer of that occupied territory, there will be a war within 2 years, and that war will spread to Bosnia, and the I-For mission, with its casualties, will have been for naught.

Mr. President, I am deeply concerned that the administration has not focused on this issue.

Mr. President, we need to do more to strengthen the ties begun with the Washington Agreement last year to build the Croat-Muslim relationship.

I have little expectation that the Serbian entity will ever participate in the unitary government of Bosnia-Hercegovina. But without the Croats and Muslims cooperating, Mr. President, we may end up participating in a three-way partition conducted by ethnic cleansing.

Since the beginning of this war, I have argued for a policy of lift-and-strike. Lift the arms embargo on Bosnia and Croatia, and allow them to defend themselves against Serbian aggression. Use air power to dissuade the aggressors while the victims arm themselves.

We saw a version of lift-and-strike this summer, when the Croatian Army, strong again, recaptured the Krajina and coordinated with the Bosnians to deliver military defeats to the Serbs. Our NATO forces went into the skies in August and September to force the Serbs to accept a choice: more military defeats or a negotiated settlement. Lift-and-strike worked, Mr. President, as we said it would.

Lift-and-strike was posited on the premise that a balance of power on the ground would effect a real peace, a peace based on the cessation of violence through deterrence.

Now that the President has decided to deploy the I-For, I believe that it is essential that we ensure that Bosnia is able to defend itself. That, Mr. President, is the only way that we can guarantee that the Bosnians shall not be subject to more ethnic cleansing, to more deadly attacks—unless we plan to keep I-For there forever.

Mr. President, if we are not absolutely dedicated to arming the Bosnian Government, we should be realistic enough to know that the war will reignite shortly after IFOR departs. And then, Mr. President, we'll ask, what was the point? For what did NATO expend its credibility? For what did America risk its sons and daughters? A decent interval to another war is not an acceptable answer, Mr. President.

So 5 years before the end of this bloody century, we debate again sending our troops to Europe. We didn't need to come to this point. The Dayton Accord is abstract, the realities on the ground brutal and complicated. We didn't need to come to this point.

But America has given its word, and credibility of that word, we are told, is at stake. Let me preface my final comments by saying that I am equally concerned about America's standing abroad and about maintaining our leadership in NATO.

But, our credibility is more threatened, I believe, by pursuing a mission with guaranteed casualties and uncertain goals, than it is by telling our allies now that we do not support this policy, this deployment, and that we will arm the Bosnians until they can defend themselves.

But if this policy will be implemented—and already our troops are arriving in Bosnia—we must try to improve it. If we are to effect any positive influence here, Mr. President, we must insist that we arm the Bosnian government so that when we leave, we are not a few steps ahead of the next conflagration.

Therefore, Mr. President, I support the Hutchison-Inhofe resolution opposing the President's decision to deploy, but strongly support the Dole-McCain resolution commending U.S. troops and setting conditions for the deployment which, I hope, will increase the possibility that this mission will not have been a waste of blood, treasure, and, yes, credibility.

Mr. President, I commend the majority leader for his statesmanship in recognizing that President Clinton is our President, that he does have a right to put these troops there, a constitutional right, and once they are there, we have an obligation, as patriots, to stand with them and to help them.

So I will support the Dole-McCain resolution, but I also support the Hutchison-Inhofe resolution as well.

Mr. President, this is a serious thing. I have been over that land. I have been over that territory. I have met with people on all sides of these issues. I have read the histories of the last 600 years of that area. And I have to tell you, I think putting our young people there is a tragic mistake. But once they are there, I am going to do everything in my power to support them.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Vermont is recognized for 7 minutes.

Mr. LEAHY. Mr. President, the debate over whether the United States should contribute its troops to a NATO peacekeeping force in Bosnia will be the focus of many speeches on this floor in the coming days. It is a subject all of us have anticipated and pondered and wrestled with for some months now, and it is one of those decisions that no one likes to make. It is fraught with uncertainties and the undeniable likelihood that Americans will be injured or killed.

There will be many chances to speak on this, but having thought about it for some time and discussed it with the President and Secretary of Defense and others over the past weeks, and after listening to the President's speech last night and the responses of some of those who oppose sending troops, I want to say a few words as the debate begins.

Mr. President, even before the peace agreement was signed at Dayton the House of Representatives passed legislation to prevent the President from deploying United States troops to enforce a peace agreement without the consent of Congress. I believe the President should seek the approval of Congress before sending troops to Bosnia, although I do not believe the Constitution requires it in this instance where the parties have signed a peace agreement. I felt it was both unhelpful and unnecessary for the House to pass legislation in the midst of the negotiations and before a peace agreement was signed.

But just as President Bush sought congressional approval for sending

United States troops to the Persian Gulf—although half a million were there before approval was given—President Clinton has sought congressional approval, and there will be ample time to debate it before the formal signing of the agreement.

The decision to send Americans into harms way is the most difficult and dangerous that any President has to make. It should be done only when a compelling national interest is at stake, and when there is no other alternative.

Like many or perhaps even most Senators, the majority of my constituents, at least of those Vermonters who have contacted me, do not believe that it is in our national interest to send Americans to Bosnia. They genuinely fear another costly, drawn out quagmire like Vietnam. Some of them fought in that war, or had family members who died there. Others fear a debacle like Somalia, where in a matter of days a well-intentioned humanitarian mission became a poorly-thought out, ill-prepared peacemaking mission that ended in tragedy.

It is the President's job to convince the American people that Bosnia is not Vietnam, it is not Somalia, and that our national interests compel us to take part. He made a good start last night. There are still important questions that need answers—the President said as much himself—but I am convinced that the case for sending Americans to Bosnia can be made, and I intend to help the President make it.

Mr. President, in the past 4 years, a quarter of a million people, the vast majority defenseless civilians, have lost their lives in the former Yugoslavia. We have all read the blood curdling reports of hundreds and even thousands of people being rounded up at gun point and systematically executed or even buried alive.

Countless others have had their throats cut after being horribly tortured. Some have been made to eat the flesh and drink the blood of their countrymen. Thousands of women have been raped. Men have been forced to watch their wives and daughters raped and killed before their eyes. All simply because of their ethnicity, or because they lived on land others wanted for themselves.

The war has produced two million refugees, victims of ethnic cleansing. Hundreds of thousands more have lived in squalor for years in the rubble of what remains of their homes, without electricity, heat or running water.

There are many, including myself, who believe that NATO should have acted much earlier and with far greater force to stop the genocide in Bosnia. I opposed the use of American ground troops to try to win the war, but we gave too much deference to those who said that airpower would never compel the Serbs to negotiate peace. NATO should have been given the authority to use unrelenting force when UN resolutions were violated time and again with impunity.

Our greatest collective failure was to put the United Nations in charge of a peacekeeping mission where there was no peace to keep, and when it was unwilling or unable to back up its own threats. These failures, which caused grievous damage to NATO's credibility, will haunt us for years to come.

But the situation has changed dramatically since then. Sustained NATO bombing, coupled with gains by the Moslem and Croat forces on the battlefield, have shown the Serbs that they cannot win what they set out to achieve. The exhaustion of the warring factions, coupled with a period of extraordinarily forceful American diplomacy, has created an unprecedented opportunity to end one of the most brutal wars the world has seen in half a century.

There should be no mistake. The credibility of the United States Government is deeply invested in the success of the peace agreement, and success of the agreement depends absolutely on NATO's enforcement of it. The parties signed with that understanding. At the same time, NATO's own credibility and effectiveness depend on US leadership. Indeed, without US participation, there will be no NATO force, and the peace agreement will almost certainly collapse.

Mr. President, since the breakup of the Soviet Union and the end of the cold war, NATO's future has been uncertain. Some have suggested that NATO has outlived its usefulness. Others say that since the rationale for NATO—deterring a Soviet invasion of Europe—is gone, NATO should become a political alliance. Still others want to quickly expand NATO to include all or most of Eastern Europe, and perhaps even some of the former Soviet republics.

I mention this because NATO's future is one of the most compelling reasons why it is essential for the United States to participate in a NATO peacekeeping force in Bosnia.

I have been among the strongest supporters of assistance to Russia and the other former Soviet States. A democratic Russia is obviously a major foreign policy priority for the United States. Despite many setbacks, there has been remarkable progress in Russia, Ukraine and elsewhere in the former Soviet Union. But who can predict the next decade? Who can say that the fervent nationalism that remains strong there will not increase to a point when it becomes threatening? It is simply too soon to say what lies beyond this transitional period. I have been reluctant to support the rapid expansion of NATO without a thorough discussion of the implications, for fear that it could fuel the very nationalism in Russia that we seek to discourage.

But neither am I among those who see no role for NATO today. On the contrary, the United States has an enormous stake in preserving NATO's strength. While NATO's focus will undoubtedly shift over time, the future holds too many uncertainties, and there are too many areas of potential conflict around the world where important interests of the United States and our allies are at stake, to allow NATO's strength to erode.

There is no other alliance that comes close to NATO, in power, in readiness, and in importance to the United States. NATO may not have sought the role of peacekeeper in Bosnia, but neither can it avoid it.

Mr. President, I cannot say whether this peace agreement will survive the test of time. Perhaps no one can. There is ample reason to be pessimistic, given the history of broken promises and ethnic hatred in the former Yugoslavia. Since the agreement was signed, it has become clear than no party is completely satisfied, and some have expressed grave misgivings with some aspects of it. If the agreement unravels, NATO Forces may be forced to withdraw, rather than be drawn into the fighting. Even withdrawal would be risky.

But virtually everyone knowledgeable about the situation there agrees that this is by far the best chance for peace since the war began 4 years ago. We and our European allies have an immense interest in preventing the continuation of a destabilizing war in Europe, and I believe we must take this chance.

The President has taken a courageous step, a step that reflects the best of this country. Every American should consider the alternative. More mass murder. More towns shelled and burned. More starving children. More orphans. More horrifying atrocities that are reminiscent of the dark ages. If this does not compel us to help enforce an agreement we brokered to end this calamity, what further amount of inhuman brutality would it take? Should we wait for the slaughter of another hundred thousand, or two hundred thousand?

The President is right. We have a moral responsibility to take part. The Europeans were unable to end the war themselves. United States leadership was not the only factor, but without it there would be no peace agreement, and the war would go on indefinitely. We should be proud of it, and stand behind it.

Some have suggested that we can lead without sending troops. I disagree. We cannot maintain our credibility as the leader of NATO if we are not prepared to assume some of the risk. We should remember that two thirds of the NATO Force will be troops from our NATO allies and others.

Mr. President, our troops are the best trained in the world, but we cannot

eliminate the risks. There are 2 million landmines in Bosnia alone, hidden under mud and snow. Each one cost only a few dollars, but one false step could mean the loss of any American soldier's legs or life. The Pentagon says that landmines are among the most serious threats our troops will face there.

This is ironic, since the Pentagon has been actively lobbying against my efforts to show leadership by halting the use of antipersonnel landmines, which claim hundreds of innocent lives each week. Two-thirds of the Senate voted for it, but the Pentagon refuses. In the past few months, several of our European allies have stopped their use and production of these indiscriminate weapons, but the Pentagon refuses.

A quarter of the Americans killed in the Persian Gulf died from landmines. A quarter of American casualties in Vietnam were from mines. I can only wonder how many more Americans will needlessly lose their legs or their lives from landmines before the Pentagon gets the message.

We cannot eliminate the risks, but President Clinton has established the right conditions before U.S. troops can be deployed. If the mission is limited in time, clear in scope and achievable, as the President has insisted, we should support it. Our troops must be backed by broad rules of engagement that enable them to defend themselves with whatever amount of preemptive force is needed in any circumstance. That does not mean waiting to shoot until they are shot at.

Mr. President, I expect to speak again as the debate on this unfolds. I intend to support the President, and I expect there will be Senators I deeply respect who are on the other side. But at the end of the day, if Americans are sent to Bosnia as I believe they will be, I have no doubt that we all will support them, and we will all be proud of them.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER (Mr. MCCONNELL). The Senator from Kansas is recognized.

Mrs. KASSEBAUM. Mr. President, there have been many eloquent speeches given today and last night. I am not sure that much new can be said. Over the last several years, we have debated the pros and cons of what to do about Bosnia, and I have begun to feel like Hamlet. If I could just review some of my thinking at this point, I would like to.

The tragedy in former Yugoslavia is truly momentous. Nobody will deny that who has watched this occur over the last several years. We have witnessed, in the past several years, atrocities in Europe that we vowed would never again be allowed. We have stood by while our most important and fundamental military alliance, the North Atlantic Treaty Organization, that is a fundamental part of our Nation's security, tottered on the brink of disaster, its members squabbling and indecisive while war waged on Europe's doorstep. And we have struggled to understand the nuances of a conflict fueled by both ancient animosities and a contemporary hunger for power, by both the collapse of communism and the friction of ethnic and religious hatred.

For most Americans, this is a distant war in an obscure land about issues that do not directly affect our interests. All that may be true. And, yet, we could not ignore it. For the past 4 years, we have feared, above all, that it would spread and embroil the great powers, particularly the United States and Russia, on opposite sides of a war neither of us wanted. We have felt deep compassion and remorse as this war, like all wars, took its greatest toll on the innocents: in refugees driven from their lands, in homes and towns and villages destroyed, in a generation of children, Mr. President, whose lives have been shattered.

We have tried to avoid involvement because our direct national interests were not at stake. This, we said, was a European problem. And, yet, because we understood that important national interests could be put at risk if the fighting continued, we could not simply wash our hands of the matter.

So America and our European allies took a series of halting steps and tentative measures that over 4 years tarnished our image and called into question our resolve. We imposed an arms embargo on Yugoslavia and later came to regret it. We established safe havens and then failed to protect them against assault. We promised to deliver food and humanitarian supplies to refugees and displaced persons but then failed to use the force necessary to deliver.

Those efforts all failed. As a consequence of those failures, we had become involved in Bosnia. American credibility, prestige, and leadership, the intangibles that are so important to our national security around the world, all were damaged. We found ourselves in the worst of situations. America put itself on the line in Bosnia, but we had made no commitment to shaping the outcome.

Now we are at a crossroads. The issue before us is whether America should help bring this war to a close. We should, and through our good offices and diplomatic leadership we have done so. I share President Clinton's view that the United States should be a leader for peace. However, I also share the deep reservations of many and that have been spoken of many times today about sending American forces into the Balkans. In my mind, the key to the success of the NATO operation is not the achievement of a military objective, but rather the commitment of the Bosnian, Croatian, and Serbian leaders and their people to peace. Absent that strong commitment by the parties to make the Dayton accord work over the long term, no number of international troops will achieve peace. Mr. President, I am not convinced that the three parties to the Dayton accord will stand by their commitments and sustain the peace. We certainly would all pray for that result.

All three parties have incentives to sign now, but they do not have the same incentive to keep the peace come spring or after our troops depart. By setting an arbitrary 1-year timetable for the departure of our forces, we invite the parties to wait us out. The Dayton accord is full of ambiguities with empty guarantees of peace, and that probably would not have been possible.

Yet the reality is that our troops are going. They are already, many of them, there. Thousands more will follow in the coming days. Whether we like it or not, the President's decision to deploy is behind us. The United States has made a commitment to this operation. Having made that commitment, America must not cut and run. To do so would send a message of weakness around the world that would damage our national interests in a way that the Yugoslavian war itself never could. The reality is that we are involved in Bosnia, and all Americans must do what we can to see this operation through to a successful conclusion.

The decision now before us, to my mind, should involve how best to build the prospects for success. I believe Congress has little choice but to support our forces and the operation, because to do otherwise would be to diminish our chances for success, and success is the task at hand. Today we are considering three approaches to the matter. Each is troubling, I suggest. One has already been rejected. I do not believe we should cut off funding with our troops already on the ground. Provoking a constitutional crisis at this point would not serve either our troops or our national interests. I also do not believe expressing support for our troops but opposing the President's decision to send them enhances the mission's prospect for success. That would send an unequivocal message that America's support for this operation is shallow; a message that would be heard, I think, loud and clear by the parties in former Yugoslavia.

That leaves us with the approach of the Dole-McCain resolution. I commend the authors of that resolution, who have struggled with the very basic but difficult question left unanswered by the Dayton accords: How will we know when our mission is completed? Or put another way, how did we plan to accomplish a lasting peace in the region after our troops have gone?

I have serious reservations about the dual policy the Dole-McCain resolution advocates as a solution to this difficult

question. On the one hand, American troops would participate in ostensibly neutral peacekeeping operation to separate the warring parties. On the other hand, America would lead an effort to arm and train one of the parties, the Bosnian Moslems. I have had reservations about this policy articulated by the administration, and I have deeper reservations about endorsing or even expanding that commitment in a congressional resolution. An American-led effort to arm and train, to put our troops in Bosnia at greater risk, could undermine provisions of the Dayton accord that obligate all parties to reduce their armed forces and could lay the foundation for an arms race in the Balkans. Any American effort to arm and train the Bosnian Federation also must recognize and deal with the delicate and contradictory nature of the new Moslem-Croat alliance.

Finally, our European allies have serious reservations about a United States-led effort to arm the Bosnian Federation. While many of my colleagues have decried European leadership on Bosnia, I believe that as a member of NATO we have an obligation to coordinate our policies closely with our allies. But despite these concerns, the Dole-McCain resolution is, to my mind, the only real option now before the Senate. I do support it because I firmly believe that Congress must go on record in support of this operation which already is underway.

The President has made clear that the operation will proceed with or without congressional support, but I am not sure it can succeed without congressional support. With our troops at risk I believe success must be our highest priority. I yield the floor.

Mr. BRADLEY. Mr. President, I rise today to discuss the very important question of whether or not to authorize the deployment of United States ground troops to Bosnia. Let me start with where I have been on this issue and continue with where I am today.

Mr. President, I have long believed that Bosnia itself is not a strategic interest of the United States. I have agreed more with Bismarck who said that the Balkans were "not worth the loss of one Pomeranian grenadier" than I have with those European politicians who have seen it as the contested terrain necessary to extend their countries' reach to the middle East. In essence, the Bosnian conflict represents the conflict of Western Christendom, Orthodox Christendom and Islam and it flows from grievances passed on from grandparent to grandchild over centuries.

While the United States has long had a vital interest in the security of Europe in general, there has been no indication over the past 4 years that the conflict in Bosnia would spread in any significant destablilizing way, notwithstanding the legitimate worries about Kosovo, Macedonia, Greece, and Turkey. Further, while the United States has humanitarian interests related to countering ethnic cleansing and other barbaric conduct, I do not think that it is possible for the United States to intervene and to stop every ethnic conflict in the world. Why Bosnia and not Rwanda has never been answered by the architects of our current policy.

The most striking thing about the Bosnian war is that virtually no one, from the beginning, championed pluralism. Instead, we accepted the premises of the warring parties and lost the high ground.

I also believe that three have been a lot of missed opportunities to curtail the horrors during the four years of this conflict. Because we did not seize them, we have been left with a much more difficult situation. For example, in the Bush administration, the United States, fresh from the triumph in the Gulf, could have threatened massive air power to deter the Serbian President Milosevic from pursuing by force his ambition to create a greater Serbia. We failed to do so and the conflict expanded exponentially into war.

Similarly, in the first 6 to 12 months of the Clinton administration, I believe that there was another opportunity for the United States to warn Milosevic and then to act directly against him if he persisted. The United States could have sent a high level emissary to apply diplomatic pressure and to threaten air attacks to deter Serb aggression. But the United States failed to act in any meaningful way and the war has continued for a period longer than the Korean war.

In the absence of U.S. action, I have supported equalizing the military imbalance in the region. While certainly not a solution to the underlying conflict, military parity is crucial to any lasting peace between the Bosnian Moslems, the Croats, and the Serbs. As a result, I voted repeatedly for lifting the arms embargo. But once again, we missed an opportunity and the embargo and military imbalance have persisted.

That is where I have been on this issue.

Mr. President, I recognize that some things have changed. We have a peace agreement initialed by Moslems, Croats, and Serbs. We have the commitment of NATO to secure the military aspects of this agreement and we have the commitment of President Clinton to deploy 20,000 United States ground troops to Bosnia and another 5,000 troops to Croatia, as part of this agreement. Where Europe failed to get agreement, America succeeded but the results put us in the middle of Europe's most volatile region as not only a coguarantor, but the broker of the agreement.

Mr. President, I recognize also that several things have not changed. The ethnic enmity between the parties continues. The Moslem-Croat Federation remains fragile and divisions persist among the leadership of the various parties to the agreement.

As importantly, I still do not believe that Bosnia itself is a strategic interest of the United States. Indeed, if there were no counterbalancing factors, it would be my position that the United States should not deploy United States ground forces to Bosnia.

One of the primary problems that we are facing is that we are left to make this decision in a conceptual vacuum. Although the cold war has ended, no one has provided a coherent vision of the post-cold war world. Rather, ad hocism tends to rule the day.

This void is particularly pertinent for the United States. The United States is the most powerful country in the world. With that power, however, comes certain responsibilities. There comes the leadership responsibility to formulate a coherent vision of the world. Yet, no one, including the administration and its predecessor, has defined the role of the United States or NATO or their respective strategic interests since the days of the cold war. But those days have ended. Time after time since 1990, we have looked in the rearview mirror instead of ahead to the horizon of a new world. The retreat to a strategy of "cold war lite" is reflected in bloated defense budgets, confused priorities and a gradual erosion of American influence abroad.

I believe an administration's highest foreign policy priority is to develop a new conceptual framework and I believe a President's role is to first see that it is done and second, to articulate it often enough and persuasively enough so that the American people and the rest of the world know where we are going in foreign policy and why.

The administration's proposal for United States troop deployment in Bosnia is a prime example of the reigning ad hocism. And it brings with it, several grave problems:

To begin, how do we define success? The administration has not clearly stated how it will evaluate the success of the mission. Focusing only on the military mission, the administration has left great ambiguity, if not confusion, regarding the issues of refugees and disarmament. The result is very dangerous because you cannot really have an exit strategy unless you know what it is you are supposed to achieve. For an exit strategy is not a deadline, it is a process for continuously evaluation means against goals.

By stating that the mission will not extend beyond a year, the administration also invites delayed violations. As a mechanism of control, a time limit leads to loss of control. A stated 1 year termination of our involvement is a temptation for the contending parties simply to delay a showdown for a year.

In hoping for a limited mission that could simultaneously solve the deeper conflicts, there has been an incomplete disclosure of where this action will lead. In a year from now, will United States troops be withdrawn only to allow the Croats and Serbs to carve up Moslem Bosnia? Will we feel any better just because our military objectives have been ostensibly achieved? Will the United States' leadership role be maintained and NATO's role restored if Bosnia falls into renewed conflict upon the withdrawal of NATO? Unfortunately, I think the answer is no. Do the Croats yearn so much for economic ties to Europe and the Serbs fear so much the resumption of sanctions that they will restrain themselves from conquering the Moslem enclaves once United States troops leave? Again, I fear the answer is no. Once we are down the road and involved, the most likely outcome is for this mission to continue—for NATO, with United States troops, to engage in the protection of Bosnia enclaves for the indefinite future.

A related, but distinct problem is the disconnect between the defined mission and our objectives. If the administration is to be believed, our mission is only military and can be completed in 1 year. Nevertheless, to justify the deployment of U.S. troops in this case, the administration has defined certain humanitarian interests—to prevent ethic cleansing, to prevent a renewed conflict between the parties, and to create one federated Bosnian state. Neither the limited military mission that the administration has laid out, nor the hoped for year of "breathing space" will be able to accomplish those objectives. The administration is taking the rhetorical high ground, but its plan falls far short of delivering on the rhetoric.

No one is saying now that the Moslem enclaves are going to be the Berlins of the last years of the twentieth century with NATO forces placing a tripwire around them and protecting them in a dangerous world. Instead, the administration trumpets the brevity of the mission as if American forces 6 months on the ground is an inoculation against the deep hatreds that caused the ethic cleansing in the first place. Such an attitude, from my perspective, is naive and wrong. I think the time has come for the administration to level with the American people about the logical end result of this mission. Only a lasting peace will avert us from being faced by Christmas 1996 with the choice of a longer commitment or failure.

In addition, there has yet to be any sufficiently comprehensive definition of either the rules of engagement or contingency plans. What will U.S. troops do in the case of cross-border conflicts, if the Serbs attack the Croats or the Croats attack the Serbs? What will United States troops do if the French troops in Saragevo are directly attacked with the resulting loss of many French lives? Under what if any circumstances will U.S. forces be withdrawn prior to the completion of the military mission. These are very important issues, but there still are no precise answers as there were not when the Bosnian Serbs took UNPROFOR hostage following NATO bombing.

Lacking a coherent vision, there also appears to be little recognition of the implications of this 1 year decision and its potential outcome for our strategic interests throughout the world. If we withdraw our troops and Serbs or Croats subjugate the Moslem enclaves, there will be, for example, significant repercussions in the Islamic world, in the Persian Gulf, and elsewhere. Again the 1 year time horizon could put our withdrawal at a time of maximum uncertainty or danger in the Islamic world—a time when the old, well-known voices could be replaced by more strident fundamentalists—who regard renewed Bosnian horrors as a rallying cry and the United States as the villain who promised and then reneged. Whether such repercussions are worth the interests we are ostensibly saving have not, as far as I know, been addressed.

It is worth remembering the example of Ronald Reagan's Lebanon intervention. The Marines arrived, departed, returned after the Sabra and Shatila massacres and then spent over a year just hunkering down with tragic results.

Finally, those who say that there is no alternative are posing a false choice and ignoring the last 4 years. One might choose deployment as the best of two bad choices. But that does not mean that there were no more choices. A policy of strength that proceeded from a new strategic framework and was pursued from the beginning of the breakup of Yugoslavia was the alternative that no one talks about because it was not developed.

Despite these and other problems with this ad hoc approach, I recognize that there are counterbalancing concerns. Most notably, the President has pledged U.S. participation and the deployment of U.S. ground troops. I have said twice that the United States has not strategic interest in Bosnia itself. Paradoxically, because the deployment decision proceeded ad hoc, it places more emphasis on the downside of undercutting the solemn commitment of our President and of undermining the United States role in Europe where we do have strategic interests. As a result, we in Congress have a new level of responsibility. With all said, I believe that the word of the United States and the ability of the President to lead and to make decisions as leader and Commander-in-Chief, are important elements of the United States' world position. The decision to deploy, however poorly thought out, if carried through and maintained over time, will send a strong message worldwide. It will, for example, show the Chinese that the American concern for human rights does not single them out, but is part of our worldview. It will say to the Japanese and other parties in Northeast Asia that an American President can deliver on his word. It will say to the Islamic world that, as with the gulf war, a non-treaty commitment made by the United States can extend to Islamic territory as well as to Israel, and it will say to all of Europe that the United States remains a European power.

Further, while not of major significance, there are benefits from United States and Russian forces working together in the same field. By engaging in a joint military mission that has very limited objective, I believe that we will be helping Russia to take positive steps in its post-cold war development and once again, it will have geopolitical value in Asia by showing that the United States and Russia are building a new spirit of cooperation and friendship.

There are also potential benefits for NATO, although as I noted before, potential dangers as well. NATO has been searching for a defining role since the fall of the Berlin Wall. This, the first actual NATO deployment, not just a patrol or reconnaissance mission, marks NATO's departure into peacekeeping. This mission will include troops from the new European democracies, thereby providing a more useful bridge into the West than the ill-conceived drive for immediate NATO expansion. In addition, this mission has brought the French back into the NATO command structure, making NATO a more complete European force. One hopes, however, that the ambiguities in the agreement will not lead to alliance bickering and disagreements, even though the seeds have already been planted—with disagreements already arising over refugees, disarmament and the arming and training of the Bosnian Moslems.

Having weighed all of these considerations, I have reluctantly decided that it is in the best interests of the United States to support the deployment of U.S. troops at this time. I believe, however, that, contrary to administration rhetoric, this will be a very difficult and long mission. I urge the administration to level with the American people now and to do all within its power to improve the circumstances under which U.S. troops are deployed.

The PRESIDING OFFICER. The time of the Senator from New Jersey has expired.

Under the unanimous-consent agreement, I would recognize a Republican.

Mrs. HUTCHISON. Mr. President, the Senator from Illinois has been waiting. We will yield him time.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, I thank you and I thank my colleague from Texas for her courtesy.

There are some basic questions. Why have an Armed Forces for the United States? Why have a Chicago Police Department? Or a Louisville Police Department? One reason is to have stability, in a community and in the world community. And here, let me add that the great threat to the world today, unlike 10 years ago, is instability. Ten years ago it was nuclear annihilation.

The second reason for having an armed force and for having a police department is to save lives. Are there risks? Yes. If there is a problem in one part of the city of Chicago you may send in the police department. And, if there are problems around the world, the United States, along with the community of nations, may have to use the armed force that we had. There are, however, for the Chicago Police Department and the U.S. Armed Forces, greater risks in not maintaining stability here.

Let me add, while I support the President in this endeavor, the one thing that does concern me is the talk about getting out in 1 year. I hope that can happen. I hope we can be out in 6 months. I think the probability is, if our mission is to succeed—and it is important that it succeed—that we are likely to have to be there 2 or 3 years; maybe not with 20,000 soldiers, but with a substantial armed force.

I was critical of George Bush for not moving early, when problems erupted. And I cheered, in August 1992, when Bill Clinton made a campaign speech criticizing George Bush for not acting.

Then when Bill Clinton came in, I was critical of him for not acting. But I think what he is doing now is right. It is right for stability because of the danger of the spread of war.

If we do not follow through on this peace—and it is a peace, tenuous as it is—if we do not follow through, this is inevitably going to spread to Macedonia and Albania. Macedonia has more ethnic Turks than any other country, and Turkey has made clear, if there are problems in Macedonia, Turkey is going to move in. Our friends in Greece have made clear, if Turkey moves in, they are going to move if—and this thing will escalate very, very quickly. You will have hundreds of thousands of Americans—Armed Forces people—involved in a war, not 20,000 maintaining a peace.

The second thing we should remember, there are not too many clear lessons in history, but one of the clear lessons of history is religious wars spread very easily. What we have in Bosnia—nothing is completely clean there—but you have primarily a Moslem force, a Roman Catholic force, and an Orthodox Christian force. If anyone thinks that when Moslem forces in Bosnia are under attack that Moslems in Pakistan, Saudi Arabia, and Indonesia, and elsewhere are going to pay no attention to that, you are dreaming. Religious wars spread very, very easily.

In terms of saving lives, it is very clear we should act. We have the agreement reached in Dayton, to the credit of this administration, the State Department, and others who were participants. Bosnia is half the size of Ohio. Bosnia has seen 250,000 people killed, 2 million people displaced.

We went into Desert Storm, invaded a country after a short time, and I do not know whether history is going to judge my vote against acting that quickly, though I said I was for using economic sanctions first and then acting. But I feared, if we acted, we would simply perpetuate Saddam Hussein in power. But make no mistake about it: One of the reasons we acted was oil.

Are we willing to act to save oil but not save lives? I do not think that is what America stands for.

I have heard on this floor reference to Somalia as a great disaster. Let me tell you. Somalia was George Bush's finest hour. Hundreds of thousands of lives were saved. The mistake was made, and I was at the White House when we worked out the compromise that we would have to leave before too long. And I see I am being signaled for time. I ask unanimous consent for 1 additional minute.

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

Mr. SIMON. Mr. President, Somalia saved lives. The mistake was in pulling out precipitously. I fear we may make the same mistake in Bosnia.

Finally, we have made a commitment to NATO. We have to live up—or we should live up—to that commitment.

Then I would add one other point. That is a word of gratitude to Senator BOB DOLE for being a statesman on this issue. He is not gaining any votes in Republican primaries in terms of the Republican nomination, but he is doing what a U.S. Senator ought to do, and that is look toward what is best for our country. What is best for our country right now is to back President Clinton.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. DEWINE. Mr. President, I ask for 5 minutes. If I could be notified after 4 minutes.

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

Mr. DEWINE. Mr. President, others have recounted mistakes and missed opportunities that have led us to this moment, a moment when 20,000 U.S. troops are either on their way or will shortly be on their way to Bosnia.

I will not take the time of the Senate this evening to recount these facts. They have been talked about in great detail already today.

The fact is, Mr. President, we are where we are. As we debate, and we have debated three different resolutions today, the essential facts are as follows:

Fact No. 1: In 1993, the President made a commitment to deploy ground troops in support of a Bosnia peacekeeping mission.

Fact 2: This guarantee was a condition or underlying understanding of the entire Dayton peace agreement.

Fact 3: The President has now ordered these troops to Bosnia. Some have already arrived.

Mr. President, the troops are going to Bosnia. They are going to Bosnia no matter what this Congress does. They are going to Bosnia no matter which resolution is approved or not approved. That is a fact.

Fact 4: There are clearly not sufficient votes in Congress to override the President's veto of a bill that would prohibit funding of the troops. In fact, earlier today, there were only 22 votes on this floor—22 votes—to in fact cut off these funds.

Mr. President, with these facts in mind, what then should our objectives be today as we debate these resolutions? What do we want to accomplish? What can we reasonably expect to accomplish?

Mr. President, the question before us today is I believe a rather narrow one. Which resolution will be the most valuable in achieving our objectives? What can Congress try to accomplish this evening?

Mr. President, I would suggest that we have three goals.

First, the most important, unconditionally support our troops.

Second, to enhance the odds of them leaving as scheduled within 1 year.

And, third, to increase the chances of this mission being successful.

I believe the Dole resolution—Dole-McCain resolution—can help shape and help influence our Bosnia policy and can improve it. It does this in part by ensuring the training and arming of the Federation of Bosnia, so that they can provide for their own defense after the NATO troops leave.

Mr. President, the Dole resolution gives more support than any of other resolutions to our troops. The Dole resolution supports their mission and does so in clear terms. It ensures that America speaks with a clearer voice.

Mr. President, for the above reasons, it is my intention this evening to vote in favor of the Dole-McCain resolution.

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

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, just 3 weeks ago, the warring parties in Bosnia initialed a peace agreement in Dayton, OH. That announcement marked the first real hope for an end to the tragic conflict in the Balkans

which has left hundreds of thousands dead or injured and produced over a million refugees. It was only with the dedication and persistence of U.S. negotiators present in Dayton that this accord was brought to fruition.

While everyone seems to agree that the administration deserves a great deal of credit for the success at the bargaining table, some question whether the United States should send troops to monitor and implement the agreement. This is obviously a very serious question, and we have an obligation in this Chamber to think through the implications of that decision.

The question arises, what are the United States national interests that are at stake in Bosnia? The President addressed that issue in his speech to the Nation on November 27. At that time, he made the case as to why this agreement serves America's interests, reflects American values, and requires American leadership.

There are many arguments that can be made about the ways that this agreement serves U.S. interests. For instance, that it will prevent the war from spreading in a way that might lead to a much more costly and dangerous American involvement; that it will return peace and stability to a continent that is key to our economic and military security; and that it reflects the United States moral and humanitarian interest in seeing an end to the bloodshed and violence.

All of these are very important considerations which should be weighed heavily.

Furthermore, choices are not always a matter of what is the best theoretical option but what are the courses of action available to us at any particular moment in time. Right now, we have to decide between backing the peace agreement, which we were instrumental in developing with the undertaking of a U.S. military presence, or not taking part in the NATO endeavor, which would mean no NATO endeavor and the breakdown of the peace agreement.

Viewing it from that perspective, I come to the conclusion that the risks of missing this opportunity for peace are greater, significantly greater than the risks of implementing it, although that course certainly has its dangers. Let me discuss briefly the potential consequences of not carrying through on the peace agreement.

First, I think the administration is correct in the view that without a commitment of American troops as part of a NATO force, the peace agreement will not stand. Having helped the parties to reach this point, the United States would completely undermine their confidence in the agreement and their commitment to implement it if we do not participate. Should this happen, United States troops might well be called upon to evacuate United Nations protection forces in Bosnia, under much more dangerous circumstances than our troops will face under this agreement.

Second, it could seriously erode America's diplomatic strength. Our success at conflict resolution is due not just to the skill and determination of our negotiators but also to the perception that the United States has the ability and the will to back up the agreements it makes. This is not to say that the U.S. must contribute forces to every peace agreement it helps to negotiate. But in this instance, the U.S. undertaking was a major reason the agreement was reached.

Our decision on Bosnia, therefore, could have long-lasting implications for the future of American leadership. It would be a major blow to U.S. world leadership if our failure to participate in this instance undermined our ability to move the world in a peaceful direction in other crises that might arise.

Third, it is imperative that a very clear distinction be made between this operation and Operation Desert Storm, to which analogies have been drawn. Let us remember that in the Iraqi situation the question was whether to go to war—whether to undertake a military operation to drive the Iraqi Army out of Kuwait. Here we are talking about helping to implement a peace at the invitation of all the parties to the conflict. That is not to say there are no dangers involved, nor that the mission will be easy. But there is a major difference between going in to fight a war and going in to implement a peace.

Finally, Mr. President, the choices before us are difficult ones. We have no assurances that, even with the participation of U.S. troops, the peace in Bosnia will be successful in the long run. But it is clear now that without our participation there will be no peace. The parties to the peace accord have made it plain that their confidence in a fair and evenhanded implementation of the agreement depends largely on American leadership and on American participation in the peacekeeping force.

Mr. President, consistent with our values and interests, we should exercise our leadership by supporting this opportunity for peace.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I would like to be notified when I have reached 6 minutes, if I reach that point.

Mr. President, I was not a Member of the Senate when the debate occurred on Desert Storm, but I was nevertheless glued to the television watching every single person, back and forth across the aisle, talking about their vote of conscience. I thought it was the Senate's finest hour. Now I find myself in the position of making a similar vote. Although we are not going to an actual war, we are nevertheless voting whether to send our troops into hostilities where the President says we can expect casualties.

I feel so strongly, Mr. President, that this is the wrong decision. I feel that it is the wrong decision and that the price that we might have to pay for the mistake is too high. The cost of an American life is too high a price to support an erroneous decision.

I do not like not supporting the President in a foreign policy matter. I think we should bend over backward to do that. But I look at two things. I look at my responsibility as a Member of Congress not to rubberstamp the President in the matter of going to war, and I cannot do what I think is wrong when I also believe that we could have a small loss of face now to save a bigger disaster in the future.

We may lose a little face because we do something different from the actual commitment the President made. The President committed to 20,000 troops on the ground for this peace agreement.

There were other things the President could have offered to help the people of Bosnia keep a peace agreement. Arming and training the Moslems is the right thing to do. Although I cannot support the Dole-McCain amendment, I do think they are right in insisting that the arming and training of the Moslems happen; that it is consistent with this Senate's vote time after time after time over the last 2 years to lift the arms embargo, because anyone who has been there, as I have been, believes that there will not be stability in that part of the world until the three warring parties have some parity. That is what will keep the factions from going after each other in the future.

So arming and training the Moslems could have been done without our having troops on the ground. That would have been a fair division with our allies, and it would have fulfilled the responsibilities of the United States. But that is not what the President did. The President said we will have troops on the ground. He raised the expectations, and now we are voting whether to support that decision.

I wish to refer to an article that was written last month by James Webb, a former Assistant Secretary of Defense in the former administration, the Bush administration. And he talks about the need for strategic thinking, to determine exactly what our treaty commitments are as we go into the post-cold-war era.

And he says: "It is time that the United States had a global strategy before it puts out any more fires."

That really sums it up. We are running around the world putting out fires at the cost of billions of defense dollars and possibly hurting our long-term readiness for the future.

What he said we should be doing is absolutely correct. We should have a set of principles from which we react to crises.

"President Nixon," he quotes, "was the last President that set out a military policy, and it was fairly simple: Honor all treaty commitments in responding to those who invade the lands of our allies."

We have a NATO Treaty. If one of the NATO countries is invaded, we would be obligated under that treaty to respond.

This mission has expanded far beyond the NATO Treaty into a civil war in a non-NATO country, and yet we are being told NATO will fall if we do not come through with troops on the ground. It does not hold water, and it does not adhere to that very good and sound principle.

The second principle: Provide a nuclear umbrella to the world against the threats of other nuclear powers.

Mr. President, you know that we have debated theater missile defense on this very floor within the last month, and it has been a bone of contention. I strongly favor the theater missile defense.

The PRESIDING OFFICER. The Senator has used her 6 minutes.

Mrs. HUTCHISON. Mr. President, at the end of 4 minutes, I would like to be notified once again.

We must provide the theater missile defense that gives us the umbrella to defend ourselves from the 16 countries that now have ballistic missile capabilities. But sending troops into Bosnia is going to take $5 billion from our defense readiness and from the capability to provide that kind of technology in the future.

The third tenet set out is to provide weapons and technical assistance to other countries where warranted but do not commit American forces to local conflicts. And that is exactly what we are doing. These are principles of a superpower. These are principles that keep the United States strong and uses our force when it is really necessary to keep a threat to the security of our country from happening.

Sending troops into Bosnia does not meet any of the tests of good, sound principles for our country, and we must make this President understand that there are many of us in Congress who do not believe he is within his power to go without consulting and asking the authorization of Congress to commit 20,000 troops on the ground. That is why we must a adopt the resolution or get a good vote. I do not know that it will be adopted. But I hope that there is a strong vote that tells the President that we need to sit down and have a strategy and there is a difference between a U.S. security interest in which we would put American troops in harm's way.

We all want to help the Bosnian people, and we can do it in many ways. But troops on the ground, American lives at risk is not the right way.

Mr. President, finally, it has been said several times on the floor that somehow it would not be supporting the troops to adopt the Hutchison-Inhofe resolution. It is very clear. The resolution is simple. Section 1 says:

> The Congress opposes President Clinton's decision to deploy United States military ground forces into Bosnia.

The second section says:

> The Congress strongly supports the United States military personnel who may be ordered by the President to implement the peace framework.

We are supporting the troops. I think every Member of the U.S. Senate intends to support the troops. We are going about it in different ways. I believe supporting the troops is narrowing the mission, is saying this is a mistake and, therefore, let us put a time limit on it, and if you would consider changing your mind, that would be the best of all worlds. This is a dangerous mission, and we hope the President will have every opportunity to reconsider this decision before it is too late.

That is why we believe this resolution should be adopted to support the troops by protecting them. Others may legitimately differ in passing the Dole resolution. Either way, we must support the troops, and I hope that we will adopt the resolution that opposes the President so that he will bring those troops home before the mass deployment occurs.

Thank you, Mr. President, and I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, once again, this body is discussing the difficult issue of U.S. policy toward Bosnia. I regret that we are still here wrestling with this issue. I regret that American troops are on their way to Bosnia. I regret that peace has yet to come to the former Yugoslavia.

Americans have watched while some of the greatest atrocities since World War II have been committed in Europe. We have watched in despair as brutal strife has sundered families, neighborhoods, towns and cities, and the peoples of an entire region. We have recoiled in horror at the summary executions of draft-age-men, the rape and murder of women and children, and discoveries of mass graves. An inhumanity which we thought long behind us has resurfaced with a shattering savagery.

It did not have to come to this. Ever since my first trip to the former Yugoslavia in August 1992, I have been convinced that the U.N. or NATO needed to take a more aggressive role in enforcing U.N. mandates, protecting U.N. personnel and at certain critical moments, reducing Serb military capabilities through selective aerial bombing. Yet, as we all know, international reluctance to take bold action, lack of consensus within NATO and the U.N. and political caution in Europe and the U.S. doomed any timely efforts to bring peace to the region.

I have also advocated lifting the arms embargo against Bosnia for several years. to me it is unconscionable that we would prevent Bosnia from defending itself against a vastly superior force, while at the same time refusing to step in, or allowing others to step in, and stop ethnic cleansing and the perpetuation of horrible atrocities against the Bosnian people. This proved to be a disastrous policy with tragic consequences. The only viable option seemed to me to be to lift the arms embargo on Bosnia.

Over the last year, we have watched the European community struggle once again to find a solution to this seemingly intractable problem. But, as with past efforts, they fell apart in spite of strong U.S. support. It became clear to all involved that the only hope of ending this tragedy was to have the U.S. take the lead in facilitating negotiations between the parties. A belated but herculean effort by the Clinton administration resulted in the Dayton discussions, and the personal commitment of both the President and Secretary Christopher helped bring the parties together at last. I applaud the administration's intense efforts and believe the Dayton agreement provides the proper framework for a viable peace if all parties to the agreement are committed to working for peace.

I continue to be reluctant to see U.S. ground troops sent to Bosnia. Just as we took the lead in Haiti, I believe the Europeans should take the lead in the implementation of the Dayton agreement, particularly in providing ground troops. The U.S. has been providing air cover and surveillance for the past few years. And we provided much of the firepower when the U.N. decided it would allow aggressive action against certain targets. I approved of these actions and believe we should continue to play that role in the Dayton agreement implementation force. I do not think that U.S. leadership at the bargaining table required us to assume responsibility for providing one-third of all ground troops.

But the President made this commitment, and the option now before Congress is to support him at this stage in the process or perhaps precipitate the collapse of the most promising chance for peace. Given circumstances that we now cannot change, I do not believe there is really a choice here. If we care about the moral principles on which this Nation is built, if we care about the stability of Europe, for which we gave so many lives in two world wars, and if we take seriously the full responsibility of world leadership, then we must act to support the President's commitment. He should have come to

Congress earlier in the process. But he didn't, and this is not the time to debate that issue further.

I am opposing the Hutchison resolution because I do not think anything productive comes from saying now that we oppose the commitment of U.S. troops. The time for such a statement has long passed. And stated in isolation from any constructive discussion about what our role should be, I feel this approach is not helpful to resolving the tragedy of Bosnia.

I will support the Dole resolution, because I believe it moves us in the right direction. I do this with reluctance on one point, however. This resolution calls on the United States to lead an immediate international effort to provide equipment, arms and training to the Bosnian Government Forces. I appreciate that this is seen as a way of addressing the military imbalance that now exists between the parties. Obviously, rough military parity is a critical requirement for a successful NATO troop withdrawal. But I believe that balance ought to be achieved by bringing down the level and sophistication of arms in the region—not by raising it. Part of the problem in achieving peace and now enforcing it is that there are too many weapons in the region.

I am very concerned that focusing our efforts on arming the Bosnian Government instead of working to disarm and curtail arms flows into the area will merely stoke the fires for another explosion in Bosnia after we leave. What good is rough parity if all it does is set the stage for a resumption of the conflict after the withdrawal of the international force?

After speaking today with Strobe Talbott, Acting Secretary of State, and Admiral Owens, Vice Chairman of the Joint Chiefs of Staff, I am reassured that the administration is aware of the dangers of arming of the region and that every effort is being made to draw down the quantity of arms in the region, not to build them up. I also understand that General Shalikashvili is acutely aware of the potential danger to United States troops of direct United States involvement in arming, equipping, and training of the Bosnian Government Forces.

Tomorrow the President will witness the formal signing in Paris of the Dayton agreement. It is crucial to American credibility that the U.S. Senate go on record supporting his efforts prior to that time. I have received assurances that one area that will receive intense scrutiny in the coming weeks is this critical question of military balance. The Dole resolution requests a plan from the administration in 30 days. And it is critical to the safety of our troops that this issue be successfully resolved in that time frame. Therefore, I will cast my vote today to advance this process—to Paris and the signing of an accord—with the support of the U.S. Senate.

Finally, let me say that none of this would be possible without the professionalism, dedication, and commitment of the U.S. Armed Forces. The men and women who voluntarily serve under the Commander in Chief and who are now leaving their homes and families for a dangerous mission just before the holidays are the ones who make it possible to bring this hope of peace to Bosnia. We owe them a tremendous debt of gratitude and our hearts are with them. For it is they who put a face on what America stands for, and who are willing to take risks to see that others who want to live by these ideals are given a chance.

Mr. PRESSLER. Mr. President, I am a cosponsor of the Hutchison-Inhofe resolution in opposition to the Clinton administration's decision to send troops to Bosnia as part of the NATO Implementation Force, known as IFOR. I commend the Senators from Texas and Oklahoma and the other cosponsors of this resolution for their efforts in bringing it to the Senate floor. The resolution is brief, simple and to the point. It states: "Congress opposes President Clinton's decision to deploy United States military ground forces into the Republic of Bosnia and Herzegovina to implement the General Framework Agreement for Peace in Bosnia and Herzegovina and its associated annexes."

Further, the resolution also states: "Congress strongly supports the United States military personnel who may be ordered by the President to implement the General Framework Agreement for Peace in Bosnia and Herzegovina and its associated annexes."

That is it. This resolution is the people's resolution, because it accurately reflects the views of the vast majority of the American people. Most Americans oppose sending our brave soldiers to Bosnia. And far more agree that, if the President insists on deployment, we must stand by our troops. Though we may disagree with our President, we must not do so in a way that would put the lives of American soldiers in Bosnia needlessly at risk.

Mr. President, debate on the use of United States troops should not be put in terms of whether we support a peace agreement in Bosnia. We all want peace. No one disagrees with that. Few deserve the chance for peace and stability more than the families in Bosnia and Herzegovina. What we have witnessed in the Balkans these past few years has been nothing less than tragic.

To his credit, the President has tried to achieve a negotiated peace framework. However, I am afraid that this peace agreement is fatally flawed in several respects. First, a large number of those responsible for the atrocities—a level of mass slaughter unequaled since Hitler and Stalin—likely will go unpunished.

Second, the agreement assumes continued cooperation between the Croatia and Bosnian Moslem leadership. That is a dangerous assumption. The fact is the Bosnian Moslems and the Croats often have been on opposing sides of this regional conflict. In fact, 2 years ago, Croat forces were launching attacks on Moslems in Mostar and the surrounding townships.

This peace agreement and the President's plan to enforce it fly in the face of history that dates back far longer than the last few years. The recent atrocities we have witnessed are an intensification of a conflict that dates back at least five centuries. This is a regional civil war. This is a civil war rooted in ethnic and religious differences. This is a civil war older than our own country. And at no time in our history has this civil war represented a national security threat to the United States. It was not a national security threat then. It is not one now.

Finally, Mr. President, this is a flawed agreement because it does not have the support of many in the affected regions. In the last few weeks, Bosnian Serbs in Sarajevo have made it very clear they will not support this agreement and allow for Moslem control of Sarajevo. The resolve of the rank and file in Sarajevo to stand their ground brings images and lessons to mind—of Beirut, Lebanon; Mogadishu, Somalia; and from my personal experience, of countless towns and villages in Vietnam.

Mr. President, our troops represent the finest, best trained military force on the planet. The fact is 20,000 of our finest soldiers cannot erase 500 years of hatred and bloodshed. Peace will not come from the resolve of American soldiers. Peace must come and must last from the resolve of the Bosnians, the Croats, and the Serbians to say and believe that more than five centuries of conflict is enough.

In fact, the injection of foreign troops into a civil war would only work to prolong the conflict in the long term. Our own Civil War would have lasted far longer and been far more devastating had Europe intervened. That was why President Lincoln worked tirelessly to prevent Europe's involvement. Though we will never know for certain, I believe Lincoln's efforts and Europe's decision not to intervene ultimately saved lives—American and European. Similarly, in the long run, I believe we could save more lives—American and European—by pursuing other means to achieve a lasting peace other than the limited deployment of IFOR.

Mr. President, I know what it is like to serve my country in a mission that did not have the clear support of the American people. I am a Vietnam veteran, a former second lieutenant in the

United States Army. I am proud to have served my country in Vietnam. However, it was my hope that this Nation learned a few lessons—lessons that would make clear that sending troops to Bosnia is a serious mistake.

It is my hope that the President will reconsider his decision to deploy United States troops to Bosnia. However, my fondest wishes and current reality are worlds apart. The President has demonstrated his resolve to defy the wishes of the American people and the clear history of the region and put our troops in harm's way. That being the case, and once the troops are deployed, it is my hope that we in Congress will not do anything to jeopardize the safety of our troops. However, that should not deter us from closely monitoring the situation in Bosnia, just as we did in Somalia, and just as we did in Haiti. I intend to do so. The people of South Dakota, especially the families of the soldiers who may be deployed there, deserve no less.

Finally, my thoughts and prayers are with the brave young men and women who have been called to serve in or in support of the Bosnia mission, as well as their families and friends. I know this is a very difficult time. I know what it is like to tell family members that I will be serving my country in a conflict half a world away. And now I know what it is like to learn that a member of my own family has been called to serve. My nephew Steve Pressler, son of my brother Dan and his wife Marcia, has been called to duty as part of an eight-member South Dakota National Guard unit that has been put on alert. It truly brings the matter home, both for my family and the other families with members who have been called to duty.

Again, Mr. President, I urge my colleagues to support the Hutchison resolution—the people's resolution. The President needs to understand that, as the people's representatives, we support the well-being of our troops, but we cannot support a policy that puts the lives of our troops on the line without a clear national security purpose. The policy is wrong. Our troops should not go.

Mr. BRYAN. Mr. President, I rise today to say to my colleagues that President Clinton's decision to send United States troops to monitor the peace in Bosnia should not be a partisan issue. The President has decided to send American troops on a NATO peacekeeping mission in Bosnia; as Commander in Chief, the Constitution empowers him to do so. President Reagan exercised this power to send troops to Lebanon and Grenada; President Bush used this power to send troops to Panama and the Persian Gulf. As a newly elected Member of the United States Senate, I supported President Bush in sending troops to Panama, and I was 1 of 11 Democrats to vote for a resolution in support of Operation Desert Storm. I intend to support President Clinton as well, notwithstanding any reservations I may have about sending troops to Bosnia.

I do have serious misgivings about the deployment of American ground troops in the Balkan region; I wish that the President had not committed them. This is a high-risk mission, and the American people need to understand, as the President has stated, that casualties are almost inevitable. Some months ago I supported lifting the arms embargo, an embargo which prevented the Bosnian Moslems from securing the weapons necessary to defend themselves. Unfortunately, that embargo was never lifted. If it has been lifted, the Bosnian Moslems would have had the weapons they needed and American forces may never have been deployed.

I have two primary apprehensions about the assignment of troops to Bosnia; I am concerned that the mission need to be adequately defined, and I am concerned about the details of the United States exit strategy. As a member of the Senate Armed Services Committee, I have had the opportunity to question closely Secretary of Defense Perry and Joint Chiefs of Staff Chairman General Shalikashvili when they appeared before the committee. They have assured me that the mission is narrowly defined and is confined to (a) the marking of the cease-fire line, inter-entity boundary line, and zones of separation, and (b) the monitoring and enforcement of the withdrawal of forces to their respective territories within the agreed period. With this mission so narrowly defined, I believe that we can avoid problems with mission creep we have faced in the past where troops have been committed without careful thought to what the goals of the mission were. Somalia is a case in point. Both Secretary Perry and General Shalikashvili are convinced that the Bosnia mission can be accomplished in 1 year. Furthermore, U.S. troops are not going to be responsible for nation-building, refugee relocation, or other humanitarian activities. They have also assured me that the decision to leave the region will be up to the United States and the United States alone, and other NATO countries have pledged to follow our lead.

I believe the United States has played a critical role in this peace process. Without U.S. diplomatic involvement, the peace talks in Dayton would never have come about. Without the United States, this bloody war may never have ended. We have brought the Balkan peace process along this far, it would be terribly disingenuous for us to bail out now. The President has encouraged our allies to support this mission and all NATO countries with troops have pledged their support. It would be a tragedy for the United States to let the NATO countries down now, especially since we have done so much to promote peace in Bosnia.

The Congress has taken responsibility in this process as well. We sought to define the mission and a bipartisan congressional coalition has worked to insure that the mission is strongly defined and the exit strategy is clarified. We have an obligation to insure that the mission can be successfully executed. We know that the U.S. uniformed services are the best in the world, and we should stand proudly behind them.

Mr. SHELBY. Mr. President, I rise today to oppose President Clinton's plan to send America's sons and daughters into Bosnia. On Monday evening, President Clinton asked Congress and the American people to support a policy that transforms the world's greatest fighting force into a band of peace enforcers and nation builders.

Unfortunately, this President is a poor student of history. He has quickly forgotten the tragic lessons of Somalia and Beirut. I can assure you, Mr. President, the families of those killed in those faraway places are reminded every day and will not soon forget the consequences of this type of ill-conceived foreign policy.

President Clinton wants us to support an undetermined scheme to enforce a precarious peace between factions that have been at war for almost 4 years and fighting each other for generations. He tells us it will take 20,000 American troops and less than a year. Mr. President, less than a year to bring peace to a place that has not known peace in recent memory?

President Clinton tells us that our troops will be peacekeepers and not war fighters. They will be neutral brokers of an agreed upon settlement between warring parties. The problem with this, Mr. President, is that we are not a neutral party in this conflict. President Clinton himself admits that we chose sides.

We imposed economic sanctions on Serbia and were an active participant in a sustained air assault on Bosnian Serb targets. To add insult to injury, the administration also proposes that we train the Bosnian Federation while we enforce the peace. Is there any doubt that the Serbs will view our presence as something less than neutral?

Mr. President, why is this any different than Beirut or Somalia and can we really expect a different result?

President Clinton said that we will send 20,000 of our troops. How did he determine that we would need 20,000 troops to enforce the peace?

Earlier this year President Clinton imprudently promised to commit up to 25,000 U.S. ground forces long before there was peace, before there was a plan, before there was a mission, and before we had any idea whether it

would be necessary to become involved at all. Recently, the President told us that he still has not seen the plan.

As yet, there is no clearly defined mission, no attainable military goals and no way to measure success. However, President Clinton knows that we will send 20,000 of our troops to implement this unknown plan. Mr. President, without well-defined and achievable military goals, I fear that the world's finest fighting forces are about to be used as global hall-monitors, sitting ducks for disgruntled belligerents.

Mr. President, I suggest that the administration has yet to establish any credible case for this deployment.

President Clinton also tells us that the United States must lead when NATO is involved. Of course the United States must lead, but the President has equated leadership with American ground troops.

American ground forces offer no tactical or operational advantage to a Bosnian peace force. They offer only political advantage for our reluctant European allies. The Balkans are historically a matter of concern to Western Europe. If they do not believe the problem is important enough to solve—then we certainly should not.

President Clinton apparently believes that the United States must deploy troops in Bosnia to preserve NATO and that NATO is the proper vehicle for peace in Bosnia. Mr. President, by any measure this would greatly expand the alliance's mandate to include missions never even remotely contemplated by NATO's founders.

NATO was intended to be a military alliance to deter a Soviet attack on Western Europe. There is no doubt that the United States has a vital interest in the continent's security. President Clinton proposes, however, that we transform the basic mission of NATO from an organization that guards Western Europe from attack, into an organization that intervenes in civil disputes and parochial conflicts of nonmember states.

Mr. President, we should never seek to preserve an alliance unless that alliance serves the purposes for which it was created. NATO was not created to be the arbiter of civil disputes nor should it seek to become one.

What did President Clinton not tell us? He did not tell us how our troops will get out. He told us that it should last only 1 year, but as former Assistant Secretary of Defense Richard Perle testified before the Armed Services Committee, "An exit date is not an exit strategy." To compound the problem, the administration will be under enormous pressure to succeed. Especially in an election year.

Without clearly defined military missions and goals, mission creep is inevitable. As President Clinton expands the mission he will be compelled to escalate American military efforts to meet the requirements of new missions. This sounds very familiar, Mr. President.

President Clinton also did not tell the American people how much this will cost them. Some estimates run as high as $2 billion and that is based on a best-case scenario. Mr. President, military planning must take into account the worst-case scenario. Our fighting forces must be prepared for any contingency.

Again, I fear that this administration has not prepared for unexpected events which are inevitable in any military operation. This could be critical not only to the financial cost of the operation, but to the incalculable human cost as well.

President Clinton asked the American people to choose peace. Mr. President, the American people do choose peace. We hope for a lasting end to the Bosnian civil war that has raged for so long. The American people and this body will support the President in his efforts to end the fighting, but we will not commit our fighting men and women when we have no vital national interest at stake. Just saying we have a vital interest, Mr. President, does not make it so. President Clinton has failed to make the case to the American people, and this body should not support a deployment of American troops to Bosnia.

Mr. President, I yield the floor.

Mr. BINGAMAN. Mr. President, I have serious concerns about the deployment of American troops in Bosnia. I certainly have concerns about the stability of the peace accord reached in Dayton. I have concerns about the potential disruption that Bosnian Serbs and other antipeace factions of the various affected parties may create. And I have no illusions about the vulnerability of Americans—our Nation's men and women who will be part of the Peace Implementation Force in Bosnia—to innumerable dangers as a result of this deployment. But leadership is not risk-free, Mr. President.

It is clear that even as we are debating this issue, United States troops are participating in the NATO effort to implement the Bosnia peace agreement. Every nation in Europe—in Western Europe and Eastern Europe, even Russia—is deploying troops as part of the peace accord. The achievements that were reached after painstaking negotiations between Bosnian President Alija Izetbegovic, Croatian President Franjo Tudjman, and Serbian President Slobodan Milosevic with support and facilitation by United States representatives, particularly Secretary of State Christopher and Assistant Secretary of State Richard Holbrooke, have generated the best chance yet of achieving a stable outcome for the Baltic region. It is clear that U.S. support of this NATO effort is essential if we are to maintain our leadership role in the world, and if the peace enforcement effort is to succeed.

The November 21 peace agreement calls for the creation of a 60,000 member implementation force [I-FOR], which will be comprised of 30 countries. I-FOR's mission is not to side with the combatants, but is rather to monitor and enforce compliance with the military aspects of the settlement. I have listened carefully to testimony from defense and foreign policy experts on the use of military forces to enforce a peace regime. None of them has identified this as an easy mission and all have concerns. While I feel there are many risks which may potentially disrupt NATO's efforts to secure peace in the region, I agree with former National Security Advisor Brent Scowcroft that "disaster is certain if the U.S. backs out of the situation now."

Mr. President, I do not support an open-ended time frame to maintaining peace indefinitely in the region. I think that the debates this Chamber has had, the testimony that has been provided to the Senate Armed Services Committee, and the dialog that many here have had with the President and Secretary Perry have underscored the critical significance of limiting the scope of our mission in Bosnia. I am confident that the President is committed to the 1-year time frame and is committed to the limited objectives he has presented—namely, separating the parties and maintaining the cease-fire. And I have been assured that those who attack our forces or impede this process will be dealt with swiftly and decisively.

Mr. President, our troops are on the ground today in Bosnia; we are there, and we need to support our men and women. Congress should not withhold funds that are needed to support our troops, and we should not tie the President's hands during this time when American leadership matters so very much. My vote is to approve of U.S. participation in the NATO initiative.

Mr. McCONNELL. Mr. President, what the Senate is faced with amounts to a shotgun wedding. The Congress and American troops find themselves confronting an unfortunate mistake, but one which we are now obliged to make the best of. Our decision—each Senator's choice—is whether we respond to the situation with a sense of honor and accountability or whether we abandon our principles and responsibility.

I am not happy with our choice. I don't think any one of us welcomes the prospect of sending American soldiers into Bosnia. I share the Majority Leader's view that we would not have been presented with this decision if the administration had worked as methodically to lift the embargo on Bosnia as it did to advance the deal in Dayton. But, at this stage it matters less how we got here—it is of far graver consequence how we proceed.

Why should we look forward and not back?

Because we do not have the option or choice to change the course of events. The agreement has been signed, now we must decide what kind of mission we will carry out and how we will assure it succeeds.

We are now presented with two unambiguous facts—the first being that the Dayton agreement would not have been reached without aggressive, rational U.S. leadership. This is not, after all the Tashkent Treaty. Leaders from many other nations have tried repeatedly to negotiate a settlement, but it was largely American diplomatic efforts which produced results.

And, just as the U.S. role meant the difference between a settlement and continued blood shed, so too, the immediate parties to the agreement and our allies in Europe believe we have a unique authority and capability to guarantee the accord's successful implementation.

But, the second fact is more important and that is that the President of the United States has made the commitment to deploy 20,000 Americans in support of a NATO Implementation Force to secure the accord. Whether we like it or not, those troops are going, indeed some are on the ground. To deny our support for Operation Joint Endeavor, flatly repudiates our long standing NATO security obligations and undermines our troops committed to the effort.

The credibility of American leadership and American treaty commitments are the interests which are very much at stake if we now fail to fulfill the President's decision. Just after the President's Oval Office address, Henry Kissinger observed, "if we do not honor the President's words, the threat to our security would be greater because nobody would believe we are capable of conducting serious foreign policy."

President Bush, who so capably led this country beyond deep anxieties about committing our Nation to war in the Persian Gulf echoed that sentiment. He pointed out, "If it is seen that the President does not have the support of the Congress—our standing as leader of the free world and the standing of NATO would be dramatically diminished. That must not happen."

Now, we must make certain that our troops have the means to succeed. We must guarantee they are assured every conceivable operational advantage and the unqualified support of both the public and Congress.

Mr. President, I do not believe this Nation is by nature indifferent to international concerns—there is no inherent isolationist point of view. But the public is clearly troubled by this decision—they now seem at best divided and at worst deeply opposed to the President's decision.

I attribute the confusion to 3 years of flip flops, reversals, and irrational foreign policy inconsistent with our national interests. The public has little reason to believe that this time the administration will stay on track with a limited mission that protects our Nation's interests and our soldiers lives.

That is why I think it is incumbent on Congress to assure absolute accountability regarding the scope of the mission, the costs and the strategy for withdrawing our forces. We have a clear and compelling responsibility to the troops we are deploying to guarantee they are well equipped and are carrying out limited, achievable goals.

Unfortunately, there are already contradictions and uncertainties emerging which will only plague the administration's desire to strengthen public support. Last week, Secretary Perry testified before the Defense Appropriations Subcommittee that our financial burden would be limited to support for our troops. Within a matter of days, the Defense Department submitted a letter notifying Congress of the possibility of transferring $300 million in defense articles and services to nations participating in I-For. Apparently, DOD anticipates reimbursement for this support, but those of us who monitor the United Nations have serious reservations about the reliability of these promissory notes.

The administration cannot afford to allow any ambiguity to creep into the public debate about the scope of our responsibilities. One of the reasons I support the resolution drafted by the leader is the requirement that the administration provide a full accounting of the mission, rules of engagement, command arrangements, goals, compliance with the agreements and all costs to all agencies involved in this endeavor. The leader's resolution is the best protection our troops have that their government will not fail them as they carry out their duties with skill and honor.

But, the real key to success and the heart of my support for the Leadership resolution is the requirement that the United States lead an immediate effort to provide equipment, arms, training and related logistics to enable Bosnia to provide for its own defense.

Mr. President, I do not think it is wise to establish an arbitrary date for the exit of American troops. That only guarantees a cooling off period before fighting resumes. We have seen the destructive consequences of just such an approach in Somalia. Knowing our departure was imminent, the warlords bided their time. Somalia today is indistinguishable from the chaos and anarchy which preceded our arrival.

That must not happen in the Balkans.

Our mission can only be deemed a success if we contribute to a durable solution, securing a lasting regional stability and peace. Stability and peace demand a military balance between the Serbs and the Bosnian-Croat Federation.

I realize that there are members with major misgivings about the possible consequences of lifting the embargo and arming and training the Bosnians. They want to allow the so called arms build down process to have time to take affect. Unfortunately, there are far too many unanswered questions about the arms reduction program to risk Bosnia's freedom and long term prospects for stability.

At this point it is entirely unclear who will assume the responsibility for enforcing arms control. As the Dayton agreement is constructed, the immediate reach of the disarmament regime is limited to the NATO patrolled ceasefire zones of separation. This makes obvious sense for the security of our soldiers, but offers no iron clad guarantees for the reduction of massive Serb stockpiles within the boundaries of Bosnia-Herzegovina.

Let me add one final historical observation on arming the Bosnians. I think a majority of members in this chamber would share the view that it was not SALT or START agreements which brought about the demise of the Soviet Union. Arms control initiatives may reduce risks, but any level headed assessment of the Cold War reaches the conclusion that it was the credibility of our military power which guaranteed our security and global stability. So too, in the Balkans—only a credible military balance will minimize the risk of the war reigniting.

Mr. President, in 1990 the American public was ambivalent about the notion of sending Americans to war in the gulf. We all know just how close the vote was in the Senate.

From a parochial perspective, 20,000 soldiers deployed from Kentucky—if my memory serves me it was the largest contingent from any State. George Bush faced formidable opposition from families in Kentucky, but he was able to overcome their concerns by exercising leadership. In the words of his Secretary of State, "The U.S. had in George Bush a leader who was consistent, principled, decisive and strong."

Those have not been the words most of the members of this chamber would use to describe the President's record in foreign policy so far. I think it is worth noting very few Kentuckians have been called up for deployment in Bosnia—a handful compared to the gulf. Yet, there is more pronounced, stronger opposition to the President's decision to deploy U.S. troops to secure peace than there was to Bush's decision to wage war.

President Clinton has made the decision to deploy American troops to end the suffering, stop the war from spreading, and to build a Europe at peace. He has argued that this can only be

achieved if the United States continues to lead. I take this pledge seriously.

Congress and American troops now stand at an altar—let us all hope and work to assure that it is not one which involves the unnecessary sacrifice of American lives. But as we proceed, let us share the understanding that there are crucial U.S. interests at stake. The lives of American soldiers and the credibility of American leadership and our security commitments to NATO now hang precariously in the balance. We must speak with one voice and honor the President's pledge.

Mr. MACK. Mr. President, the role of the United States in the world is unique. America has played a historic role in opposing tyranny, and giving hope to people denied their freedom. Similarly, our military has played a central and unparalleled role in the world. Only the U.S. Armed Forces combine the ability to achieve enormous and complicated military objectives with the commitment to use this force in pursuit of the values that made our Nation great—freedom, justice, democracy, and the protection of basic human rights.

Despite a great deal of theorizing about the so-called new world order, our role in the world should remain the same as it was throughout the cold war. Certainly, our interests remain the same. Even when not pitted against the Soviet Union and its Communist expansionism we can identify our interests clearly.

In Bosnia, they were deterrence of aggression, support for the right of self defense, abhorrence of ethnic cleansing, and support for multi-ethnic democracy. President Clinton's 1992 campaign emphasized all of these issues. His policy as President has reflected none of them.

Since early on in the conflict, I supported lifting the embargo on the Bosnian Government and helping the Bosnian people to defend themselves. In my view this was required on moral grounds. It was also the strategically and militarily sound course. But most of all, it was based on the right of individuals and nations to defend their freedom.

The embargo condemned the people of Bosnia to a slow death, carried out not only by military engagements but also by savage attacks on civilians.

Serbia came to the war with a massive advantage in arms and throughout the war was able to acquire the arms it needed from other sources. The Bosnian Government's forces were at an extreme disadvantage. Aligning the United States with the embargo and the denial of Bosnia's right of self-defense was a disgrace. If this administration had pursued a policy of lifting the arms embargo and allowing the Bosnians to defend themselves, negotiations would have been conducted from a position of strength and U.S. troops would not have been required.

Instead, this administration favored negotiation, compromise, and concession even when it was painfully obvious that only the threat of force and the willingness to use it by the Bosnians would allow any hope of democracy and freedom in Bosnia.

Ironically, the President now has found a use for force, not to promote freedom, but to try to enforce an unjust agreement. President Clinton has committed U.S. troops and credibility to implement an agreement which, as this resolution says, "ratifies the results of ethnic cleansing and territorial aggression."

This agreement is the inevitable result of the administration's policy of refusing to allow the Bosnian Government to defend itself and—let's be frank—its sentences the people of Bosnia to a peace of subservience and domination.

Peace has many forms. There is the so-called peace of the former Soviet bloc where the ever present threat of force subjugated the nations of Eastern and Central Europe. Bosnia and the countries of the former Yugoslavia were supposed to have escaped that domination. Instead, another venal and dangerous threat arose.

In the former Yugoslavia, the threat was complicated by historical rivalries and ethnic and religious differences. The administration seized on the complexity of the situation and used it as an excuse to do nothing. "There are no good guys," the administration said. Or "it's a civil war."

The peace being imposed on the people of Bosnia is the peace of domination and fear. Unless the Bosnian Government is given the means to defend itself now, we can expect that the war will continue.

We should not be in this position. It was avoidable. However, the decision to commit U.S. troops and prestige has been made by the President in his constitutionally prescribed role as Commander-in-Chief.

The Congressional role in providing funds for military operations is also set forth in the Constitution. Congress could exercise its constitutional power to deny the funds to carry out this or any other military mission. The President would certainly veto such a measure. Without the votes to override, ultimately, he would prevail.

Nothing would be served by undercutting the men and women of our Armed Forces at this late date. U.S. troops have already begun arriving and more are on the way. A strong vote against the deployment would demoralize our troops and embolden those who would like to see the Dayton settlement collapse.

Congress must back our troops unconditionally and work to make certain they have everything they need to carry out their mission. If we learned anything from Somalia, it is that no corners can be cut where our troops are concerned. Their rules of engagement, their equipment, their training, everything about their mission, must be designed to remove all unnecessary risk. We can and we must achieve this for the young men and women serving their country.

This resolution allows the President to fulfill his commitment to deploy U.S. forces to implement the General Framework Agreement so long as the mission of the United States forces in Bosnia and Herzegovina is limited to enforcement of the military provisions of the Dayton Agreement, that the exit strategy includes establishment of a military balance enabling the government of Bosnia to defend itself, and that the U.S. will lead an immediate international effort to provide equipment, arms, training and related logistics assistance of the highest possible quality to the Bosnian government.

These determinations are essential. In the last few weeks, the administration has made contradictory statements about U.S. intentions to help equip and train the Bosnian Government. On the one hand, the administration said it will help train and equip the Bosnian side. On the other hand, officials have said arming the Bosnian Government forces would not be necessary because provisions in the Dayton Agreement call for negotiated arms limitation agreements.

That sends exactly the wrong signal. This war was made possible by the inability of the Bosnian Government to defend itself. Late yesterday, the President made the commitment to lead the effort to arm and train the Bosnian Government forces. In light of the administration's recent ambivalence about arming and training the Bosnian Government forces, I expect that the administration will show, starting today, concrete steps toward fulfilling this commitment to the United States Congress and to the Bosnian Government, including getting a commitment of support from our allies. The Congress expects that commitment to be kept as a condition for passing the Dole-McCain resolution.

There is very little satisfying about the peace agreement reached at Dayton. As President Izetbegovic of Bosnia said, "this may not be a just agreement but it is more just than the continuation of war." That is little to go on for the people of Bosnia, but it will have to do.

Our role in brokering this settlement makes it incumbent upon us to help enforce it. Our role in the world, and the unique role our military has played as a force for freedom requires that we work to establish a military balance which will protect Bosnia from future aggression. Therefore I support our troops as they endeavor to carry out the United States military mission in Bosnia.

Mr. MURKOWSKI. Mr. President, as I rise to speak about American participation in enforcing the Bosnian peace agreement to be signed in Paris this week, I want to begin by making clear my firm belief that U.S. participation in this action is the wrong thing to do.

I would note here a few of the many reasons for taking this position:

The Serbs, Croats, Bosnians, and others in the region have been fighting for hundreds of years, creating generational hatreds which no "piece of paper" is going to stop.

There are many elements in the region, not least the Bosnian Serbs—the main belligerents—who are unhappy with this settlement and will do everything they can to upset it, including by attacking our forces.

There is no clear national interest in our involvement in this endeavor other than, to some, the preservation of our leadership in NATO.

However, the question then is: "is this the issue upon which the future of NATO should be decided?" I certainly hope not.

U.S. troops will be in the middle of a situation fraught with antagonism and hatred. They will have to be arbiters, for example, of who lives where, who gets trained, who is "right" in the inevitable thousands of disputes which will arise.

Inevitably, they'll become participants, and in that part of the world that means they'll be victims of the violence they are supposed to prevent.

The map to which the parties have agreed is a disaster and creates ungovernable nations which the parties will, long after this incident is over, inevitably begin to fight about again.

There is no realistic "exit strategy" because there is no likelihood that these incredibly difficult problems are going to be resolved in 1 year, 2 years, 5 years, or even 100 years.

Mr. President, there are countless other reasons why this is the wrong thing to do. My colleagues will be discussing them at great length, so there is no reason for me to note them here.

THE ISSUE OF CONGRESSIONAL AUTHORIZATION

Rather I would like to discuss another aspect of this issue.

Mr. President, eventually the constitutional issue of whether the President must have authorization from Congress to participate in such ventures will be decided in the Congress' favor.

However, in the meantime, we have a reality, a sad reality: the President can make this deployment even without congressional authorization or support.

He's going to do so without congressional authorization or even congressional support. In fact he's going to do it even if the Congress disapproves.

This is unfortunate, and I think the President will regret acting in this way at a time when the Congress and, I believe, the overwhelming majority of the American people, have serious doubts about this policy.

WE HAVE TO SUPPORT OUR TROOPS

Mr. President, that is the reality.

We in Congress have to deal as best we can with that reality—that our troops are going to Bosnia, to Croatia, to Hungary, and elsewhere in the Balkans—by doing everything in our power to support our military men and women.

In short, our forces are going into a situation with many risks, with many dangers, with the potential for many of them to be injured or killed during their tour of duty. As they do so, we have to do several things: Make sure they have rules of engagement which allow them to defend themselves and deal with threats to themselves, including by force; make sure they have sufficient back up, including support forces in the region and air support to deal with threat; and, most importantly, make sure they know that no matter what the political differences at home, they have the 100 percent support of all Americans.

In sum, Mr. President, no matter how much we oppose this policy, and no matter how the situation evolves in the Balkans, we have to be prepared to show our forces, in every way possible, that they have our full and unequivocal support.

THE FUTURE

Mr. President, let me conclude by saying that it is essential that the Congress, with its oversight responsibilities, watch very carefully how this situation evolves, how our forces are treated, and how this complex and convoluted peace agreement is implemented.

As we do so, we must be prepared to take appropriate action if what I firmly believe are the overly optimistic predictions of the administration do not come true.

That too is an absolutely essential part of our support for our troops as they face this risky, dangerous, unprecedented, and, in my view, unfortunate endeavor.

Mr. CONRAD. Mr. President, the decision on Bosnia is extremely difficult. But I believe our responsibility is clear.

The United States is being asked to participate in a peacekeeping mission by all the parties to the dispute in Bosnia. They say that without our participation, there will be no chance for peace.

It is important to remember that we are being asked to enforce an agreed upon peace. We are not being asked to wage war.

It is in our interest to help prevent the spread of this conflict to the rest of Europe. And it is morally right to help stop the slaughter and atrocities that have repeatedly occurred.

However, I have always thought that Bosnia was primarily the European's responsibility. This conflict is in their backyard. It most directly affects their interests.

I also have serious doubts whether peace can be secured in 1 year. The history of the region is one of strife and struggle. There has been conflict in the Balkans for hundreds of years. For 45 years after World War II, the differences were suppressed by Marshal Tito. But when he passed from the scene, the old enmities resumed as violently as before.

Despite these serious doubts, I am persuaded we ought to help give the parties a chance to build the peace they say they want. They have said they are tired of war, and asked us and 25 other nations to give them the opportunity they need to try to craft a lasting peace.

Most importantly, I believe we must send a strong message of support for our troops, who are helping to create an opportunity for peace in Bosnia. Anything less will add to the risks that the brave men and women of our Armed Forces will face.

I have therefore decided to support the Dole-McCain resolution supporting our troops and limiting the mission they are expected to fulfill.

I will continue to carefully monitor our involvement to ensure that this mission does not expand beyond the limited one being authorized tonight.

Mr. SIMPSON. Mr. President, I rise to express my support for the Dole-McCain resolution regarding the deployment of United States troops in Bosnia.

I would like to begin my remarks by commending the respected majority leader for his skill and leadership in this sensitive and vital area. I emphasize the word "leader," because true leadership has been required here and has been much evident.

There is, I believe it is fair to say, a great amount of shared rich feeling here in the Senate about this deployment. There is a palpable feeling of trepidation about this mission, on both sides of the aisle. Few in this body are certain that sending troops is the right thing to do, and for that reason, would not have voted to do it. At the same time, there is considerable sentiment here that we should do eveything possible to fully support our troops once they are there, and to avoid any appearance of undercutting our Commander in Chief. To undercut our command structure while American troops are in harm's way is something that most Senators earnestly wish to avoid.

I believe that the Senate has plaintively wished to give voice simultaneously to these two conflicting impulses. The majority leader's initiative has made it possible for us to do so.

Turning that shared feeling into a constructive statement of policy is a tremendously difficult task. It requires not only considerable political skill

and courage, but a detailed recognition of the factors confronting our forces in Bosnia, and confronting our President.

First, I do believe that there is broad agreement here about the President's constitutional authority, as Commander in Chief, to deploy U.S. forces to defend U.S. interests abroad. We in Congress do have the constitutional right and duty to be involved in fundamental decisions of war and peace. But the principal ways in which we do this are—first, to declare war ourselves, a congressional prerogative, and second, to use our power over the purse to limit the military operation pursued by the President. We do retain that power. But otherwise, we recognize that it is the President, not the Congress, who has the authority to command the Armed forces, within the limits of what Congress is willing to fund.

Earlier today, we voted as to whether to forbid the President to use DOD funds to support a deployment in Bosnia. Buy a 77 to 22 vote, we decided that we would not curtail such funding. Thus I believe that it is now incumbent upon the Congress to maximize the chances of success for the mission which the President has seen fit to initiate.

The President's decision to deploy U.S. forces is associated with his committing the United States to do its share in upholding a peace negotiated between the warring parties. I have my own grave doubts about whether this peace will hold. It may indeed hold, but I do not believe that it will hold simply because United States, British, French, or other NATO forces are present. If the warring parties in Bosnia are not satisfied with the terms of the peace, they will take out their hostilities on whichever forces are in this way. I believe that the historical record in that regard is so very clear.

It is possible that the peace will indeed hold, if an equilibrium has been reached there. If the various parties are satisfied with the territory over which they have been given jurisdiction, then there may indeed be peace. I would say, however, that there are troubling signs that this will not be the case in Bosnia. I am certain that my colleagues have read and heard about many instances of aggressive behavior in the last few days. One involved the touching of a town, by Bosnian Croats, which was slated to be turned over to the Serbs. Can we assume that these horrible actions will not meet with reprisals? Will the Serbs be satisfied that a town allotted to them under the terms of the peace agreement has been destroyed? Will vengeance not be sought at another time and place? I believe it would be highly naive to assume that these activities will cease the moment that United States troops take up their positions in Bosnia.

So it should be clear that I am most troubled by the President's decision to send troops to Bosnia. However, I would also say that we do not add to the safety of our troops by withdrawing support from our President at this time. We know from our own tragic experience that no good comes from public disunity between the President and the Congress at such a time as this. To tell the world that America's commitment is soft, that it will be undone once the Congress can prevail over the President in such a matter, is to invite attacks upon our troops, and thereby upon our resolve. Certainly, any potential enemies will seek to test American resolve in Bosnia. "We must not," I say to my colleagues, lay any of the groundwork for those detractors by making it harder for the President to stand by his decisions.

The majority leader's resolution, I believe, recognizes that our desire to support our President does not mandate that we simply offer him a blank check to proceed in Bosnia in any which way. This resolution incorporates the insights of our able Majority Leader and others as to the reality that our troops can only safely and profitably be withdrawn once Bosnia can stand on its own without resort to the presence of American support. This requires the training and equipping of aviable Bosnian army. Much of the negotiations between the Congress and the President as to the substance of this resolution have turned on this point. I am pleased to see that we have received a commitment from the White House that America will assume a leading role in training the Bosnian army there.

That is the factor which can make it possible for the President to claim this mission as a success upon its conclusion; otherwise we run the risk of simply delaying whatever bloodshed would otherwise occur until the United States withdraws. If we have simply a target date for the hostilities to resume, and we will have accomplished nothing. The work of the majority leader in this area could help to ensure that this mission is not in vain, and that a lasting peace in Bosnia is possible, without a sustained and indefinite American presence.

So I commend the resolution offered by Senator DOLE and the intrepid and courageous MCCAIN and I urge my colleagues to support it. I trust that my colleagues will agree with me that the task before us—once such a mission is undertaken—is to ensure that it has the greatest possible chance for success. I believe that in this instance, we accomplish this by defining and limiting the nature of the mission in Bosnia, and by providing a strategy leading toward the orderly withdrawal of United States troops from this part of the world. The Dole-McCain resolution surely accomplishes this, and I urge the Senate to adopt it.

Mr. ABRAHAM. Mr. President, before I begin my remarks on the resolutions related to Bosnia, I would like to express my unequivocal support for the men and women of the United States Armed Forces. I can think of no greater act of patriotism and devotion to this country than to enlist in the military and devote one's professional life to the defense of our Constitution. It is made even more profound by the realization that these brave men and women do not have a say in how, or where, they will be employed. They go where they are told to go, fight where they are told to fight, and do so better than any other military force in the world. Throughout their service they must spend months, sometimes even years, away from their home and family. Children are born and start growing up while their parent is away in the service of their country. Few of us in America today realize the tremendous sacrifice these men and women make so that we may enjoy the fruits of liberty. It is time we honor their sacrifice.

But such sacrifice is not limited to our active duty forces. I have been informed that four Michigan National Guard and Army Reserve units will be deployed in support of Operation Joint Endeavor. To the officers, men and women of the 1776th Military Police Company, the 210th Military Police Headquarters and Headquarters Detachment, both from Taylor, MI, the 415th Civil Affairs Battalion in Kalamazoo, MI, and the 415th Military Intelligence Detachment in Ann Arbor, MI, I wish you God speed and a safe deployment. I have also been informed that one of my own staff, a Naval Reservist, may be recalled to active duty to support these military operations. May you all return quickly and safely. I commend your patriotism, your bravery, and your devotion to duty. You exemplify all that is worthy and noble in Michigan, in our military, and in the United States. I'm sure all my colleagues here in the Senate join me in saluting your valor.

Now Mr. President, I would like to specifically address the issue of America's interest and involvement in Bosnia. This issue has implications for our foreign and defense policy that will reverberate long after this operation is completed.

America has always been viewed as a light to all nations, guiding them to peace, freedom, and self-determination. We are a nation dedicated to certain principles and ideals, and we take those principles and ideals seriously enough that we include their very preservation and advancement as part of our national interest. But we must never lose sight of the fact that a nation's first responsibility is to its own people.

We, in this body, must never develop a foreign policy that loses sight of that primary responsibility, and that the lives and safety of our troops, whether

they be volunteers or conscripts, are just as much a vital national security interest as are the lives of our civilian citizens. In practice then, we should commit our forces only when, where, and to the extent appropriate, to meet our stated national goals and to protect our national interests.

Therefore, Mr. President, the level of our commitment to a particular undertaking should be concomitant with the level of the threat to our national interests. Some situations threaten our very existence, while others only marginally affect us. Many will lie somewhere in the middle. Where such threats to our national security are significant and definite, like those we faced in World War II, we must respond decisively and with all available military force. But in those cases where our national interests lie somewhere between the extremes, as I believe is the case in the Balkans, it is not necessary to respond with the same level of absolute commitment and force that we would use against those definite threats to our vital national security interests.

Mr. President, we must also examine not only what our chances of success will be in a particular undertaking, but also what will be the potential costs—in the lives of America's soldiers and in our national prestige. Just as the level of our interests will lie somewhere along a broad scale, so too will the potential benefits and costs. Every effort must be made to assess and decide whether the potential benefits in advancing our national interests justify the costs.

Mr. President, in my view, the United States has an interest in long-term stability and peace in the Balkans. The war has consumed the interests of Europe for the past 4 years and has increasingly become an item of disagreement and discord between the United States and our NATO allies, an alliance where continued U.S. leadership is vital to our interests. Former adversaries in Eastern Europe and the Middle East, with whom we previously thought we were developing new and friendlier relations, are using this war as an opportunity to expand their influence and control. Our leadership in NATO, and with the emerging European democratic states, will be pivotal to what Europe will look like for generations to come. We must remain engaged with these states, and must accept that their problems, more or less are our problems too. Further, old divisions between East and West are exacerbated by this conflict because of the critical role the mixing of Eastern and Western religions play in the continued hatred and strife of the region. These conflicts undermine stability and therefore directly impact upon U.S. national interests.

Finally, and certainly not least, the United States has a very real interest in putting an end to the atrocities and carnage that has shattered this region. At the end of World War II, we said we would never again allow another Holocaust. Where we have an opportunity to end mass and indiscriminate killing, which will live in our memories for generations to come, we must seize such opportunities where we legitimately believe we can succeed.

Mr. President, while there is a definite U.S. interest to be advanced in this situation, it is only worth acting if we employ a strategy that both ensures the conditions for a genuine peace and which establishes a rational strategy for the eventual withdrawal of our troops. Therefore, I believe any strategy for peace and stability in the Balkans must, in part, be based upon addressing the fundamental military imbalance between the Serbs and the Muslim-Croatian Federation. If we had previously lifted the arms embargo, we would not be debating this deployment today. Yes, the conflict would have probably intensified at first, but I believe the Muslim-Croatian Federation would have then been able to develop a credible military deterrent, and there would be no need for 60,000 troops to implement the peace. Now, again, a balance must exist or peace will evaporate as soon as the Implementation Force withdraws. The current administration policy fails to set in motion a plan to achieve this balance.

It is also clear to me that any strategy based upon the deployment of United States ground troops to Bosnia must include a definition of what will be the conditions for declaring final success in this venture. A pitfall we must avoid in achieving that success is to utilize our troops in the inappropriate mission of nation-building. I understand suitable political structures must be in place to allow the ballot to replace the bullet as the agent of change, but the role of our troops must be strictly limited to establishing the necessary military stability so as to allow the civilians the opportunity to develop the necessary political institutions.

When we have defined our criteria for success, we must also have in place a definite withdrawal plan that clearly establishes the conditions and terms for the termination of this mission. In my view, the current administration plan is based upon the faulty assumptions that our mere presence in Bosnia is the goal, and that peace under any terms is preferable to battling for a just victory.

Mr. President, short of committing ground troops to Bosnia, I believe there are several roles which the United States can and should fill to advance the cause of a just and stable peace in the Balkans. Among those roles which I feel are appropriate for the United States include contributing significant air and naval forces to the NATO operation in the Balkans, providing a large part of the logistical and financial resources for this operation, and participating in efforts to provide military assistance and training to the Muslim-Croatian Federation.

However, the President's decision to deploy United States ground troops directly into Bosnia and Herzegovina is, in my view, a grievous mistake. As I stated earlier, I believe it is in America's interests to advance the cause of peace, justice, and stability in the Balkans. But it is not such an absolute or vital national interest that it justifies the extremely high risk of deploying ground troops to the region.

Mr. President, I believe U.S. troops are particularly ill-suited for peacekeeping missions of this type because they present such a ripe political target. Whether rightly or wrongly, a dead American soldier captured on TV cameras will be broadcast around the world. I doubt the same can be said for the soldiers from traditional peacekeeping contributors. And that is exactly what a belligerent wants; that intense media coverage and scrutiny that covers American troops. That is why our troops have rarely been used as peacekeepers. Look at what happened in Somalia. U.S. forces were specifically targeted, and subsequently drawn much further into the conflict than originally planned, because of the significant political position they occupy for no other reason than that they were American soldiers. Therefore, I believe peacekeeping is best conducted by smaller countries not perceived as having any vested interest in the outcome of a conflict, and therefore can undeniably claim to be neutral.

The question of U.S. leadership does not rest on the end of an infantryman's rifle barrel. The United States can maintain, even advance, its international credibility, its preeminence in the NATO alliance, and its role as the world's sole superpower, without having to contribute a disproportionate share of the troops on the ground. Indeed, I believe it is imprudent to claim that the sole measure of United States leadership and commitment to peace in the Balkans can only be measured by the number of troops we commit to the Implementation Force.

Were a more vital United States interest at stake in the Balkans, and were not it clear that the United States can still participate significantly in implementing this peace accord without using its ground troops, my views may be different. But given the extreme risk to which I believe they will be subjected, and the clear availability for other countries to provide these peacekeeping troops, I believe placing our forces on the ground in Bosnia and Herzegovina is unjustified.

In light of the foregoing analysis, I concluded that I could not support H.R.

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2606, which would prohibit the expenditure of funds for the deployment of United States troops to Bosnia absent a specific Congressional appropriation. Limiting the expenditure of funds at this stage of the operation will unduly jeopardize our troops in the field just at the exact time that they most need Congressional support. I would also refer to the arguments made by the Majority Leader, himself a distinguished veteran, who related the incredible damage done to the morale of our troops serving in Vietnam when this Congress debated cutting off the funds for our troops involved in that war. We should not, in my judgment, place our troops in that position.

Mr. President, as I stated earlier, our interests in the region are not so great that they warrant placing United States ground troops under the extraordinary risk they would face in Bosnia. Therefore, I wholeheartedly support the Hutchison-Inhofe-Craig-Nickles resolution opposing the deployment of U.S. ground troops. This Sense of the Senate Resolution expresses, on the record, our disagreement with the President's decision to deploy ground troops to Bosnia and Herzegovina.

Unfortunately the President is, in fact, deploying U.S. ground troops. Mr. President, this deployment is a fait àccompli, initiated unilaterally by the President over the strongest and repeated objections of both Houses of Congress, and one which the President will continue no matter how strongly we protest. Thus, even though many of us oppose this deployment, I believe we have an opportunity, and an obligation, to clearly define the limits under which the President can carry out this imprudent deployment.

It is in this light that I have decided to support the Dole-McCain resolution. I want to thank the sponsors for incorporating language that I had recommended making clear that the Congress is simply acquiescing to the fact that this deployment is a fait àccompli. With this language, the resolution clearly states our misgivings, and I quote: "Notwithstanding reservations expressed about President Clinton's decision to deploy United States Armed Forces to Bosnia and Herzegovina . . . The President may only fulfill his commitment [and I stress this is the President's commitment] to deploy United States Armed Forces . . . subject to the conditions" of this resolution.

Mr. President, I can't speak for others, but my vote for this resolution in no way constitutes an endorsement, authorization, or approval of the President's decision to send United States ground troops into Bosnia. In fact, the language I submitted distinctly helps separate this resolution from any endorsement of the President's actions by citing our reservations and placing the origin of this deployment clearly with the President.

As I just quoted, this resolution further states that, in light of the President's decision to deploy U.S. troops, he may quote, "only fulfill his commitment," unquote if he meets the conditions established to safeguard our troops and further the success of the mission. Mr. President, I believe that point needs to be repeated. This is the President's decision, a commitment the President made over our repeated objections. Therefore, under the Dole-McCain resolution, he may only, and I stress only, fulfill quote "his" unquote commitment, if it meets the following conditions.

First, the resolution recognizes the extreme danger in which U.S. troops will be placed, and establishes rational conditions for their safe withdrawal and limited military employment. The Dole-McCain resolution establishes clear and unequivocal language that requires the President to take all possible measures to protect our forces, and to periodically report to Congress the success of those specific measures.

It also builds upon the recognition that the Muslim-Croatian Federation must be further armed, trained and strengthened if a credible and stable military balance is to be established in the region. We cannot simply accept the President's assurances that he will find some way to make this happen. If the United States forces withdraw only to see an out gunned Bosnian-Croatian Federation quickly overrun by a patient aggressor, our troops' sacrifice will be for naught. We have the power to give meaning to their sacrifice, and this resolution does just that.

Last, the Dole-McCain resolution will strictly limit the operations of our forces to legitimately military tasks. We have repeatedly seen the inefficacy of using U.S. military forces for nation-building exercises. The General Framework Agreement is, in my opinion, fraught with pitfalls that will draw the Implementation Force fully into the tasks more clearly the purview of the civilian High Representative's authority. This body has the opportunity to protect our troops from being needlessly employed in such dangerous non-military tasks, and this resolution does so.

This is, in my opinion, far from a perfect response to the situation the President has presented this Congress. I believe the President has acted hastily, and that his policy places our troops in the unnecessarily dangerous role of vulnerable peace implementors. However, when presented with the reality that our troops will go to Bosnia, regardless of our actions, I believe we must act where we can to constrain the imprudent strategy of the administration. The Dole-McCain resolution does not approve, endorse or authorize the President's policy. However, it clearly constrains the conduct of this operation so as to better protect our troops in Bosnia, and to better ensure mission's ultimate success.

Mr. President, I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. LAUTENBERG. Mr. President, I rise to speak on behalf of the Dole-McCain resolution.

As each of us decides whether or not to support U.S. involvement in this military operation, we must consider that we are sending young soldiers overseas and that their lives are possibly on the line.

As I evaluated our involvement in this effort, I reflected on my own situation during World War II. When I enlisted in the Army, my father was terminally ill and my mother was about to become a widow. I recall the letters that I wrote from Europe to my mother, who, like the parents of those soldiers being sent to Bosnia, prayed every day for my safe return. Those were not easy times. But I also recall the deep pride that I felt and the moral good that ultimately came from ending Hitler's fascist conquests.

Mr. President, like many Americans, I have been troubled by the prospective costs in human lives of the war in Bosnia. With America's diplomatic support, the warring parties have negotiated a truce and are prepared to sign a peace agreement and are requesting the assistance of America's military to help monitor and enforce it.

I do not agree with those who argue that our country has no national interest in helping to enforce a peace agreement. We must, if we possibly can, prevent the further spread of this tragic conflict, in part, because further conflict threatens the stability of, perhaps, the whole of Europe. If the war spreads, America runs the risk of being enveloped in a much larger conflict. By committing a small number of soldiers now, we may reduce the likelihood that more American troops could be required in Europe later on.

As the architect of the peace agreement, and as the leader of NATO, only the United States can lead this effort and put an end to this senseless bloodshed that has taken 250,000 lives, torn that country apart, and displaced 2 million refugees.

Mr. President, sending American troops seems to be the best option available to the United States to help guarantee peace in Europe. While the Dayton peace agreement is far from perfect, it is the only peace agreement that the parties in the conflict have

agreed to implement. If successfully implemented and coupled with the arming and training of the Bosnian Moslems before IFOR departs, the agreement holds a promise, in the long run, of ending the violence that has terrorized the people of Bosnia. The alternative is unacceptable—to let the war resume. If the international community does not step in now, it is obvious that more lives will be lost and more refugees will be displaced, and there will be more bloodshed and carnage, and America's credibility as an international leader is also on the line. Our leadership brought the parties to the negotiating table, and our leadership was requested by those parties to help enforce the agreement.

I understand the view that the Congress should have been consulted more closely before the decision to send troops was made. But forcing America to back away from the President's commitment is not the solution. To do so would undermine the morale of our fighting force. Even more, it would diminish our credibility in the international community and send a message to aggressors worldwide that they have nothing to fear from America.

I know that U.S. participation in this endeavor is not risk-free. Passions run high in an area where weapons are plentiful. Millions of landmines lay just below the Earth's surface, and weather conditions are likely to be unfriendly. I am persuaded, however, that General Shalikashvili and Secretary Perry have assiduously worked to minimize the risks, and they believe that the risk level has been reduced to its barest minimum level, and that the mission has clear objectives, a sufficiently potent force, an effective command and control structure under American leadership, no-nonsense rules of engagement, a clear time limit, and the cooperation of the various factions.

American troops will have well-defined rules of engagement. They will, as President Clinton said, fight fire with fire, and then some. Our troops will have a clearly defined military mission and will not participate in nation-building tasks. Once again, they will be under American command.

Our soldiers will have the firepower, training, explicit instructions, and authorization necessary to defend themselves and others. They have been trained to deal with every major threat, including landmines, civil disorder, and snipers. I have been assured by General Shalikashvili and Secretary Perry that our troops have the appropriate level of training and are prepared and ready for this peace enforcement mission.

Mr. President, though it is always painful to send American soldiers overseas, I believe the goals of this limited deployment are appropriate. While it is our solemn responsibility to make wise decisions about sending American troops abroad, I have been assured by our military leaders that the members of our All-Volunteer force are prepared for this mission.

America can make a difference in securing the peace in Bosnia. We ought to remain engaged in that endeavor. I hope, Mr. President, that my colleagues will support the Dole-McCain resolution and our troops. I wish them well on this peace mission.

Mr. President, I support America's troops as they head off to Bosnia to help enforce and implement the peace agreement.

As each of us decides about whether or not to support U.S. involvement in this military operation, we need to be mindful of the fact that we are sending young soldiers overseas and that their lives are possibly on the line.

As I evaluated America's involvement in the international effort to enforce a peace agreement in Bosnia, I have reflected on my own situation during the Second World War. When I enlisted in the Army, my father was terminally ill, and my mother was about to become a widow.

While she tended to my father's minute-to-minute needs and also to see that my 12-year-old sister met her school and personal commitments, I was in uniform.

As I considered America's involvement in this military operation in Bosnia, I recalled the letters I wrote from Europe to my mother in New Jersey, who like the parents of those soldiers being sent to Bosnia, prayed every day for my safe return.

I recalled the deep pride I felt serving my country, and have reflected on the values American soldiers fought for during that conflict and the moral good that came from bringing an end to Hitler's fascist conquests.

Like many Americans, I have been deeply troubled by the cost—in injury and human life—of the war that raged on in Bosnia for the last 3½ years. And I have been haunted by all-too-familiar photographs from the war in the Balkans.

Terrified children left orphaned after slaughter. Moslem women raped by their Bosnian Serb captors. Innocents lying dead in the street. U.N. soldiers chained to poles as human shields. Reports of mass executions and graves.

To their credit, the warring parties have agreed to end these atrocities and open a new chapter in their history.

With America's diplomatic support, they have negotiated a peace agreement which holds the promise of ending the brutality that has inflicted so much pain on their people for so many years. Now that a peace agreement has been negotiated, the parties to the conflict are requesting the assistance of America's military to help monitor and enforce it.

There are many reasons why I believe the Congress should support U.S. involvement in a NATO-led international peace enforcement operation.

I do not agree, Mr. President, with those who argue that the United States has no national interest in intervening to enforce a peace agreement to end this conflict.

The United States does have a national interest in supporting a peaceful end to the bloody conflict in Europe. We must prevent the further spread of this tragic conflict, not only because of its impact on the people of Bosnia, but because further conflict threatens the stability of Europe.

If the war spreads and more countries are drawn into the conflict, America runs the risk of being enveloped in a much larger conflict. By committing 20,000 American soldiers to this international peace enforcement operation now, we may reduce the likelihood that more American troops could be required in Europe later.

While I also understand the view of those who believe Bosnia is a European problem that the Europeans should enforce and monitor the peace agreement on their own, the reality is that without the leadership and direct participation of the United States in this international effort, the peace agreement would go nowhere. The Europeans, through NATO, will be engaged as our partner in this peace enforcement mission.

But as the architect of the peace agreement and as the leader of NATO, only the United States can lead the effort to enforce the peace agreement and put an end to the senseless bloodshed and loss of innocent lives. Only our Nation can lead the way in enforcing the peace agreement which will stop the carnage that has taken 250,000 lives, torn the country apart, and displaced 2 million refugees.

Sending American troops to help enforce and monitor this peace agreement is the best option available to the United States to help guarantee peace in Europe. While the Dayton peace agreement is far from perfect, it is the only peace agreement that the parties to the conflict have agreed to implement.

It will not reunite Bosnia and Herzegovina, but it will, if given a chance to succeed, restore peace, calm, and civility to the region. It will not bring back the lives of those senselessly slaughtered by perpetrators of war crimes, but it will guard future atrocities and ensure that such perpetrators are prohibited from serving in government.

If successfully implemented and coupled with the arming and training of the Bosnian Moslems before IFOR departs, it holds the promise, in the long run, of ending the bloodshed and violence that have terrorized the people of Bosnia for so long.

Mr. President, the alternative to sending U.S. troops to help implement

and enforce this peace agreement, is to let the war resume. If the international community does not step in now to enforce this peace agreement, more lives will be lost.

More refugees will be displaced. More children will be orphaned. There will be more bloodshed and carnage. There will be a greater likelihood that the United States will need to intervene at a later time.

America's credibility as an international leader is also on the line. Our leadership brought the parties to the negotiating table, and our leadership was requested by those parties to help enforce and monitor the peace agreement.

I understand the view of many that the Congress should have been more closely consulted before the decision to send troops was made. But I do not believe that forcing America to back away from the President's commitment is the solution in this case. To do so would invite attacks on our troops by those opponents of peace who hope to force the international community out of the Balkans. It would undermine the morale of our troops.

Even more, it would diminish our credibility in the International community. It would send a message to aggressors worldwide that they have little to fear from America. It could be perceived as a green light for the North Koreans to march south. It could be perceived as a green light for Sadaam Hussein to do the same.

To be sure, it would also undermine America's role as NATO's leader.

I know, Mr. President, that U.S. participation in this mission is not risk free.

The parties to the conflict have been fighting for years, and passions run high in an area where weapons are plentiful. Millions of landmines lay just below the Earth's surface, and adverse weather conditions will, no doubt, create difficulties for our soldiers.

But I do not believe these difficulties are insurmountable. Nor do I believe they should keep America from joining the international community in enforcing a peace agreement aimed at stopping the worst atrocities on European soil since the Second World War.

I am persuaded that General Shalikashvili and Secretary Perry have assiduously worked to minimize those risks. They believe the risk level has been minimized and that the mission has clear objectives, a sufficiently potent force, an effective command and control structure under American leadership, no-nonsense rules of engagement, a clear time limit, and the cooperation of the various factions.

American troops participating in this international peace enforcement operation will have well defined rules of engagement. Unlike the lightly armed U.N. peacekeepers previously stationed in Bosnia, American soldiers will be permitted to use force—including deadly force—in cases of self-defense or to protect against a hostile act or hostile intent. They will, as President Clinton said, "fight fire with fire, and then some."

Our troops will have a clearly defined military mission. They will monitor the cease-fire line, the zones of separation, and, when needed, enforce withdrawal from the zones of separation. They will not participate in nation-building tasks.

They will be under American command.

Our soldiers will have the firepower, training, explicit instructions, and authorization necessary to defend themselves and others. They have been trained to deal with every major threat, including landmine, civil disorder, and snipers.

I have been assured by General Shalikashvili and Secretary Perry that our troops are well trained, prepared, and ready for this peace enforcement mission.

Though it is never easy to send American soldiers overseas, I believe the goals of this limited deployment are meritorious. While it is our solemn responsibility to make wise decisions about sending American troops, I have been assured by our military leaders that the members of our all volunteer force are prepared for this mission.

America can make a difference in securing the peace in Bosnia, and we ought to remain engaged in that endeavor. I hope my colleagues will support the Dole-McCain resolution and our troops. I wish them well on this peace mission.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. LAUTENBERG. Mr. President, I wonder if the Chair could outline the current situation in terms of time allocation so that I might speak for a few minutes if it is available.

The PRESIDING OFFICER. The minority has 34 minutes remaining; the majority has 29 minutes. If there is no objection, the Senator is recognized for 3 minutes.

Mr. LAUTENBERG. Thank you, Mr. President. I know the occupant of the chair is a very thoughtful Senator and reviews each situation that comes before him very carefully. We shared a trip to Croatia a couple years ago and had the opportunity to see just on the periphery what happens when the hatred and the venom is unleashed to deal with problems, as those who are there saw fit. We were shocked to learn about the murder of neighbors by other farm neighbors, using farm implements to do the killing and the maiming, and the story about the women locked in a gymnasium after they had been raped by then-renegade rogue Serbian soldiers and made to stay in that facility so they could not dispose of those pregnancies in any way but to deliver a child not of their choice, one that the enemy, their enemy, decided would be an appropriate way of fathering another race.

It recalls for all of us a time just over 40 years ago when it was decided by another Fascist that there would be a super race put upon this Earth, and by artificial insemination, rape and coercion, women were made pregnant to carry members of that super race. It was intolerable. When we learned about it we were shocked and horrified. Now we saw similar things taking place. The world stood by—an unacceptable condition—in a world purportedly civilized, and thusly when we debate the issue here, Mr. President, about whether or not we have a national interest, we have a global interest, we have a human interest.

Yes, it is true that America cannot be the police force around the world, and the questions are raised, why did we do it in this place and why did we not do it in that place? One of the reasons is we were not welcomed by anybody. We saw what happened when our young people were sent to Somalia with an indefinite engagement in front of them.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LAUTENBERG. I thank the Chair. I see my colleague from Florida is here.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GRAHAM. I thank my colleague, Senator LAUTENBERG.

Mr. President, I recently received a letter from Catherine and Crosby Dawkins of Jacksonville, FL. The letter read in part:

> We cannot see any compelling reason for risking the lives of United States servicemen in a centuries old dispute, even though we grieve for the plight of the women and children. If European countries believe the conflict will spread, they should take action.

Mr. President, like many of us, I have received hundreds, possibly thousands of communiques similar to this—deep felt concerns about the risk of American soldiers in Bosnia. These thoughtful letters deserve a response. I take this opportunity to address not only my colleagues in the Senate but also my fellow citizens of Florida who have been so generous and so thoughtful in their letters.

Mr. President, this raises an issue of the United States military troops in Bosnia, a fundamental question of what are the options of the United

States in this post-cold-war era? For half a century, the United States knew with clarity and with national unity what its objectives were. Its objectives were to suppress the totalitarianism of Nazism. The goal was to restrain the imperial impulses of the Soviet Union.

Now the United States is charting a new course of action. We have essentially limited options. One of those options, Mr. President, in the post-cold-war era is to stand on the sideline, to essentially be an observer of the world, as we were for much of our Nation's history.

The second option is to be the world's defender, to be prepared to intervene in every conflict.

The third option is to carefully assess our interest and, when a situation begs our involvement, to work within our capabilities to build international coalitions to respond to the conflict. I strongly feel that that third option is the option which is most appropriate and most applicable to the situation that we face tonight in Bosnia.

In assessing the question as to whether our interests in Bosnia are sufficient to beg our involvement, I suggest that our interests do require our involvement. This is not a complete list, but I believe a compelling list of those reasons. The United States has a deep interest in human rights. One of the things that distinguishes our country from those nations which preceded it is that we believe that the purpose of government is to protect and advance the rights of individuals. We found that not only to be a guiding principle in our domestic policy but also in our foreign policy.

One of the great initial disputes in this Nation was over the question of whether the United States should become involved in the French Revolution. Many said that the United States should stand apart, that we were too small to be effective, and too distant to be effective.

Thomas Jefferson said we meant those words in the Declaration of Independence not just to stand for Americans, or for English colonialists, but they were universal principles of human rights, and that we had not only been given by God certain inalienable rights but also by God, responsibilities to defend those rights wherever they were in jeopardy.

That principle of America's special role in the world that from the very beginning of our Nation has so shaped our culture, is at risk tonight.

We also have some more immediate interests. We have an interest in preserving the international coalition which we know as NATO, a coalition which has served us well in terms of deterring the Soviet Union and which, in all likelihood, will serve us well in the unknown, uncharted future into which we move in the post-cold-war era. If we were to retreat from our commitments to NATO on this, the eve of the signing of the peace agreements in Paris, I think that institution would be forever shattered.

We also have the opportunity by acting tonight to avoid the potential of this horrendous strife, which has taken a quarter of a million lives, rendered 3 million people as refugees, from spreading—spreading first throughout the former Yugoslavia and then throughout the Balkans and then, as we have seen twice in this century, throughout Europe.

We have a deep stake in avoiding having to do what this country has done twice in this century, and that is send American men and women, not as peacekeepers, but as combatants in a war in Europe.

Finally, I think we have a strong interest in demonstrating to the people of the world that our concern for human rights is not limited to people who look like us, attend the same religious institutions as we do, have our same cultural background. There is today an emerging fundamentalism within the Islamic religion. That fundamentalism is receiving support and reassurance from what they see Western Europeans have done, including the United States of America, in Bosnia today.

I believe it is important that we, by our actions now, indicate that we are prepared to stand for the cause of human rights, and protect them wherever our interests indicate that it is appropriate to do so; that we, by so doing, will send a signal that we are prepared to support the responsible elements of the Islamic religion and Islamic nations.

Mr. President, I conclude by citing what we heard just a few hours ago in the House Chamber, the statement made by the Prime Minister of Israel, Shimon Peres.

Mr. President, less than 24 hours ago, Shimon Peres addressed the Congress and the American people on the need for American leadership in the 21st century. He said:

> Even in this very day, as Bosnia reels in agony, you offered a compass and a lamp to a confused situation like in the Middle East. Nobody else was able or was ready to do it. . .
>
> America, in my judgment, cannot escape what history has laid on your shoulders . . . You cannot escape that which America alone can do. America alone can keep the world free and assist nations to assume the responsibility for their own fate.

Mr. President, that is what is at stake in the decision that we will make this evening.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Ms. MOSELEY-BRAUN. Mr. President, it is very difficult to make an important statement with a limited time, but I want to say that I support the President's peacemaking initiative and the Dayton accord and I support the NATO operation in Bosnia. I support the President because I believe that it is our patriotic duty and the right thing to do. I believe that we have an obligation to nurture the peace and to convince warring nations, whenever possible, that the United States will make an effort to help them resolve their conflicts.

This decision was not made easily.

I have, for a long time now, differed with the President on Bosnia policy. Specifically, I have favored the lifting of the arms embargo against the Bosnian Moslems—a policy change that would have assisted the Moslems in defending themselves.

My decision was made only after meeting with the President and his military advisers, carefully considering their views, and deliberating the pros and cons of a U.S. peacekeeping role.

It has been complicated by the fact that the State of Illinois has the largest number of reservists being called up to support our troop deployment to Bosnia. Moreover, I have an 18-year-old son whom I would not want to see put in harm's way should the situation in Bosnia take an untoward turn.

Like most Americans, I am concerned about the risks involved in sending United States ground troops to Bosnia. I want to be sure that the Administration has thought through and addressed all the important questions before United States forces are committed to Bosnia. These questions include the rules of engagement, command structure, the length of our commitment, our exit strategy, and our contingency plans should the peace plan start to unravel, or the warring factions fail to make good on their promises.

But the President has satisfactorily answered each of those concerns, and he has made a strong case on why Congress and the American people should support his decision to send United States peacekeeping forces to Bosnia.

First, the NATO mission is clearly defined, limited, and achievable. It is to implement the military aspects of the peace accord to monitor the cease-fire, to control the airspace, and to patrol the exclusionary zone separating the former combatants. It does not involve "nation building" or acting as a police force. Moreover, it is not the kind of vague undefined "presence" that led to the United States tragedy in Lebanon. Most important, there is no danger of the kind of "mission creep" that occurred in Somalia.

Second, U.S. troops will not be passive, lightly armed peacekeepers as the U.N. forces have been. They will be heavily armed and have the tanks, the artillery, and the air power necessary to respond forcefully to any threat or challenge.

Third, the rules of engagement are clear, aggressive and unambiguous. They are designed to maximize the

safety of our troops. Specifically, U.S. forces will have the authority to meet any threat or violation of the peace agreement with "immediate and decisive force."

Fourth, our commitment is not openended. It is planned that United States forces will be deployed in Bosnia for about a year. Military experts suggest it may be less than that.

Fifth, NATO peacekeepers will be under the command of Adm. Leighton W. Smith, Jr., and U.S. soldiers will only take orders from American commanders.

Finally, I have been informed that an effective exit strategy and a carefully constructed contingency plan have been developed, should the peace accord begin to unravel.

No one is underestimating, nor have we any illusions about the difficulties, dangers, and risks of this peacekeeping operation. Sending 20,000 of America's finest young men and women to Bosnia to implement the military provisions of the general framework for peace in Bosnia and Herzegovina is a risky proposition. The conflict there has been long-standing and brutal. The weather is inhospitable and the terrain is treacherous. There are more than 6 million land mines scattered throughout the country. Renegade bands have openly stated their opposition to provisions of the Dayton accord with which they disagree. Finally, all previous cease-fire agreements have ended in failure. Viewed separately, each of these factors imperils the safety of our soldiers; viewed as a whole, the possibility of American casualties is unfortunately very real.

However, we also have to consider the consequences of a failure of United States leadership in Bosnia. If we retreat now on the commitment the President has made, the Dayton agreement would collapse. The war would likely reignite. The slaughter of innocents would begin anew.

Even if there were no Dayton agreement to go back on, however, failure to act would have the most serious kinds of consequences for the United States. A failure by the United States to lead now could well represent a turning point for the entire NATO alliance, and NATO is the cornerstone of United States national security policy abroad. The United States is NATO's leader. If we fail to lead on an issue of such great importance to NATO, we must expect that kind of failure to have serious consequences for the United States, both in Europe and elsewhere around the world.

Moreover, a failure to act in Bosnia could well lead to broader conflict, one that could have far greater consequences for the United States down the road. If the current conflict is not at least contained, the losing side may well seek allies to redress its defeats on the battlefield. As more parties are drawn in, the conflict becomes ever more larger and ever more serious.

We have already seen that in Bosnia. We have already seen this dynamic at work, the conflict became much larger in the last year, with more parties, and more forces involved, than were engaged 4 years ago. Simply letting the parties fight it out, and watching the conflict continue to grow, is therefore not an acceptable option.

For all its weakness and risks—and the risks are substntial—the Dayton peace agreement still represents our best chance for a durable, lasting peace. It preserves Bosnia within its present borders, provides for free elections, and gives refugees a right to return to their homes.

The Dayton accord calls on NATO to implement the provisions of the agreement. As the unquestioned leader of NATO, U.S. participation in the proposed NATO peacekeeping operation is essential. Without a strong, visible American participation, the hard won negotiated peace in Dayton will unravel and be lost.

For these reasons I did not support H.R. 2206 and will not support the Hutchison-Inhofe resolutions. The Dole-McCain resolution at least acknowledges the leadership role of the United States in NATO and the necessity of our participation in the NATO peacekeeping operation. It also acknowledges many of the essential provisions of the Dayton accord. Finally, the Dole-McCain resolution unequivocally supports our men and women in the military. For these reasons, I will vote in favor of the Dole-McCain resolution and urge my colleagues to do the same.

Mr. President, problems in Europe have twice led to world wars this century. Problems in Europe caused the United States to fundamentally change its foreign policy posture. Since the end of World War II, the United States has made a conscious decision to stay politically, economically, and strategically engaged in Europe. During the cold war we spent trillions of dollars and based hundreds of thousands of American troops in Europe to protect these interests. Clearly the peace, security, stability, freedom, and prosperity of Europe are still vital national interests for the United States, and the vehicle for achieving those interests is NATO.

There is no more difficult—or unpopular—decision an American President can make than to put U.S. armed forces in harm's way. The President has exercised his constitutional prerogative as Commander in Chief, and American troops are being deployed to safeguard vital national interests. Our troops are well-trained for the challenges that await them, and they are prepared to do their duty. They are cognizant of the risks of their chosen profession and are more than willing to make the necessary sacrifices to bring peace and freedom to a war-torn land. All they ask is to know the parameters of their mission in advance, which the President has done, and that Congress and the American people stand behind them.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, none of us in the U.S. Senate, as is clear from the quality of this debate, takes lightly the responsibility of sending American troops into the potential of harm's way. But as each of us decides whether or not to support the President's decision to deploy American troops in Bosnia, I think we need to keep two essential points in mind.

The first is—and it must be reiterated again and again and again—the President is not sending American troops, nor are we ratifying the sending of American troops to Bosnia for the purpose of fighting a war. On the face of it, that may seem like an obvious point. But as I talk to citizens in my home State and listen to people across the country, many Americans do not yet understand what the mission is about or how it may be performed.

We are not sending—nor do I intend to send or want to send—American forces to Bosnia to fight a war. We are not sending American forces to Bosnia to crush enemy forces the way we did in World War II. We are not sending American soldiers to Bosnia to roll back communism the way we tried to in Vietnam, nor are we sending them there to repeal aggression as we did in the Persian Gulf.

The President is asking us to approve sending American troops to Bosnia at the request of parties to a peace agreement, at the request of parties to a conflict who are asking us and other nations to join together to help them to implement a peace that they have stated they want.

To be sure, war has raged in Bosnia for 4 years, but it is not raging now. A cease-fire has been in place since October, and the parties to the conflict have exhausted themselves. And, for the first time in 4 years, they have opted for peace over war.

This Senator contemplates only keeping troops in Bosnia for so long as the parties continue to opt for peace over war. It is their challenge now, not ours, to ensure that all of the elements under their control, under the control of each of them individually, are prepared to accept the peace.

Recent events, such as the destruction by Bosnia and Croat troops of towns to be turned over to the Bosnian Serbs and the stated opposition of Bosnian Serbs in Sarajevo to the peace accords, suggest that even after 4 years of fighting it will indeed take some time to convince those on the ground that this peace agreement is in their

interest and that the risks for doing that are real. But that is precisely why this NATO force is needed and is so critical. And it is precisely why we must participate in that force, only if we are to try to give them the chance to make the peace they say they want. In no way should we contemplate making that peace ourselves.

The second critical point we need to keep in mind, Mr. President, is, as I listen to the debate, some Members assert that there is no vital national interest in Bosnia, and I have heard throughout this debate sort of a standard of vital strategic interest, vital national interest. Mr. President, that is the wrong test to apply to Bosnia.

Our vital national interests are our territorial integrity, our political system and ideology, our economic security, and our way of life. We have gone to war four times in this century with the belief that we were protecting them. But let us say clearly up front, in this conflict, in this effort, in this mission, they are not at stake. That is not what is at issue here, and no one pretends that is why we should be involved. That is not what we are doing. We are not going to war to protect a vital national security interest. We are not even sending troops for a vital national security interest.

Whether vital national security interests are at stake is the right question to ask, Mr. President, if you are deciding whether or not to send troops to war, it is not the right question to ask when you are being asked to participate in a multilateral, internationally sanctioned effort to help keep a peace which parties have said they want. And we should remember that we are not being asked to do this alone. We are doing this in conjunction with perhaps 30 other countries.

In many ways, Mr. President, Bosnia is the prototype of the kind of conflict the international community will face in the years ahead as forces, once held in check by superpower politics, are unleashed and, with them, the potential for conflicts all across the globe.

I think it is vital for us to understand that the test is really whether or not there are interests, whether or not there are important interests, that outweigh the risks of our participation.

Mr. President, I have heard colleagues talk about the issue of credibility. Some are going to suggest that the only reason they are prepared to vote to send these troops is to uphold the credibility of the country or the credibility of the President.

Let me say, Mr. President, with searing memories of Vietnam, that is not a reason to send our young military people into harm's way. I remember the phrase, "I will not be the first President to lose a war," and we lost tens of thousands of young people over the issue of pride, over the issue of unwillingness to do anything except to sustain somebody's credibility as people saw it. Credibility has to have an underlying notion. It is not an abstract concept which merits the taking of the life of a young American or the giving of a life of a young American. Credibility has to be based on some underlying interest which puts your credibility at stake.

I believe, Mr. President, that that vote—the credibility—is a hedge against a willingness to commit to this President's vision of what credibility might be at stake here.

I believe there are legitimate interests for taking the risk of trying to uphold the peace—not to fight a war, but to try to uphold a peace.

First, how could we as a nation avoid the moral interest in ending the worst atrocities in Europe since World War II? Whoever thought that after World War II Europe would again be the site of human beings being raped as a policy of war, tortured, murdered, separated from families, or thrown out of their homes simply because of ethnic background?

Who will forget quickly the stories recently that drove us to feel compelled to simply leave them to fight for themselves—headlines such as "Bosnia's Orphans of Rape; Innocent Legacy of Hatred," "Mass Graves Probed in Northwest Bosnia," "Anybody Who Moved or Screamed Was Killed: Thousands Massacred on Bosnia Trek in July," "Srebrenica: The Days of Slaughter"?

Who can forget the imperative of the words that we memorialize in Washington and elsewhere in this country, "Never again"?

That is an interest, Mr. President.

Twice in this century Europe was engulfed by war, and the United States fought to save it. We have already invested our blood in the stability and in the prospect of democracy and the future of Europe.

That is an interest, Mr. President.

The conflict in Bosnia has the potential for spillover—and could become a wider war—to areas where ethnic tensions are high: Kosovo, Albania, Macedonia, Greece, and Turkey.

That is an interest, Mr. President.

So we have an interest in ensuring that those things do not happen. We also have an interest in the risks to American forces and to NATO, and the cost of ensuring a peace in Bosnia now will inevitably be less than if we would have to respond to a wider conflict in the future.

Finally, we do have an important interest in demonstrating leadership on an international community level that we have the capacity and the will to lead in the post-cold war world.

For far too long American policy toward Bosnia was vague, vacillating and ineffective. Now, to the credit of this administration, to our country, we have changed that. And now we are trying to join together with our European allies in an effort to provide the strong response that stopped the Bosnian Serb attacks, that did try to provide a humanitarian corridor, that upheld the notion of international law, and that was willing to try to enforce the concept of safe areas.

Having led the effort—an extraordinary effort by the President, Secretary Christopher, and Assistant Secretary Holbrooke—having led that effort, Mr. President, how do we not have an interest that goes beyond mere credibility in trying now to implement the settlement which we ourselves have instigated and helped put together?

As President Clinton has said, if we do not participate in this operation, there will be no NATO force and the war in Bosnia will begin again. Our moral and political interests in Bosnia and our sense of responsibility demand that we not let that happen—and that we not be ultimately dragged in.

So Mr. President, it is because credibility is based on real interests that I support the President's decision to send our forces to Bosnia but I believe just as firmly the President owes it to the American people and Congress to ensure that the operation is limited in terms of the mission, limited in terms of the goals we set for success, and limited in duration.

As defined by the Dayton peace agreement, the mission of our troops and others participating in IFOR, the Bosnia Peace Implementation Force, is to monitor and enforce compliance with the military aspects of the peace agreement—that is, enforcing the cease-fire, supervising the withdrawal of forces to agreed lines, establishing a zone of separation between them, and returning troops and weapons to cantonments. Recognizing that they may need some help in making the transition from war to peace, the parties asked for a strong, NATO-led force. That is what they are getting and that is what they agreed to in the Dayton peace agreement.

Our troops will take their orders only from the American general who commands NATO and they will have the authority to meet any threat to their safety or any violation of the peace agreement with immediate, decisive force.

When American peacekeepers in Somalia embarked upon what turned out to be an ill-fated mission to apprehend warlord Mohammed Aideed, they lacked the equipment and other elements necessary to ensure success.

From what our military officials have told us, this scenario will not be repeated in Bosnia. Our forces are going in well-trained, well-equipped, heavily armed, and with robust rules of engagement.

I still remain concerned about the potential for so-called mission creep.

Under the terms of the peace agreement, I-For has the authority to "help create secure conditions for the conduct by others of other tasks associated with the peace settlement, including free and fair elections;" to "assist the movement of organizations in the accomplishment of humanitarian missions;" "to assist the UNHCR and other international organizations in their humanitarian missions;" to "observe and prevent interference with the movement of civilian populations, refugees, and displaced persons, and to respond appropriately to deliberate violence to life and person;" and to "monitor the clearing of minefields and obstacles."

True, these are authorities not obligations as Secretary Christopher has pointed out. True, the mission is defined by the NATO plan and these elements are not in the NATO plan, as Secretary Perry told the Foreign Relations Committee.

Nevertheless, these authorities create the potential for expansion of the mission beyond the military tasks cited by administration officials and for increased risk to our troops and those of other nations participating in the operation.

They also create an expectation on the part of the local populations and civilian organizations on the ground that I-For will protect and assist them.

If refugees are being attacked, can our troops really stand by and watch? Would we want them to? If UNHCR ask I-For to help resettle refugees in a given area, will I-For feel compelled to assist? If Catholic Relief Services asks French troops in Sarajevo to protect a convoy of humanitarian aid going into the city, are they bound to assist?

The Organization for Security and Cooperation in Europe [OSCE] is responsible for organizing elections in Bosnia in the next year. What expectations does OSCE, or the parties for that matter, have about IFOR's role in this process?

I remain concerned that IFOR's role in assisting the civilian operations that are to occur in the next year is still somewhat ambiguous. I understand that NATO military planners wanted IFOR to have these authorities to avoid the situation U.N. peacekeepers often found themselves in in Bosnia—that is, standing by and watching as terrible atrocities were committed against innocent civilians.

I agree that our soldiers must act if civilians are under attack or directly threatened. However, the operative word in responding to any of these situations must be "limited."

IFOR commanders from General Joulwan on down must understand that the American people and Congress will not support a broadened definition of the mission that has American forces serving as the constant protectors of civilian populations. That is not our job; the parties to the agreement must do this by fulfilling the commitments made in the agreement.

Much concern has been expressed in this debate about the exit strategy for American troops. Any exit strategy must be composed of more than a date; it must include criteria to determine whether or not the mission has been successful. I believe that that criteria must be limited solely to the military tasks that IFOR has set out to accomplish.

The civilian tasks that must be undertaken in the next year such as refugee repatriation and resettlement, elections, establishing governmental structures, monitoring human rights, apprehending alleged war criminals, are daunting. They must not become the criteria by which we determine success of the IFOR mission.

The President has stated that the mission which we are asking our troops to undertake will be limited to a year. Undoubtedly during this year, there will be violations of the Dayton agreement.

However, if there is a pattern of violations which indicates that the parties are not truly committed to this agreement, then American forces should be withdrawn. Our soldiers are there to keep the peace, not to fight a war or to prevent a war if the parties want to return once again to being combatants. If it becomes clear as the end of the year approaches, that the duration of the IFOR mission needs to be extended because success is within reach but not yet achieved, the burden of that mission must be shifted away from the United States and more to our European allies.

We must make it clear that we do not intend to stay in Bosnia indefinitely. Bosnia is first and foremost a European problem. If the peace implementation operation must be extended beyond a year, the countries of Europe must be prepared to share more of the responsibility and to replace our forces with theirs as we transition out. In other words, our troops must be out within the limited timeframe the President has set out.

The peace agreement provides for a build-down of the parties' military forces with the goal of achieving military parity by the end of the year, when IFOR is to withdraw. Administration officials have indicated that build-down may not be enough to ensured stability and that the United States will ensure that the Armed Forces of Bosnia and Herzegovina are equipped and trained.

While I agree that military imbalance at the end of a year could be a serious threat to peace, I am concerned about the risk that this process could pose for American forces on the ground. Even though American participants in I-For will not be arming or training Federation forces, they could be targets for Bosnian Serbs who object to the lack of neutrality on the part of the United States.

Beyond the risk factor, it is not at all clear to me, at least, when and where build down ends and build up begins and who is going to do the building up.

Notwithstanding these concerns, I believe our overall interests in Bosnia warrant the sending of American troops to help keep the peace. Certainly there are risks associated with this operation, but every effort has been made to minimize those risks by ensuring that our forces are well-trained and well-equipped, and that the rules of engagement are robust in order that they may defend themselves against any life-threatening situation.

I recognize that many Americans and indeed some in this body do not believe that we should participate in this mission. As a Vietnam veteran, I know the pain and the difficulty of fighting without the political support of the American people and their representatives.

We are not sending our soldiers to Bosnia to fight a war, but we are asking them to undertake a military mission in the name of peace that is not without risk. No matter what concerns we may have about this endeavor, we owe them our full support. We should demonstrate that support by endorsing the President's decision to send them to Bosnia.

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

Mr. KERRY. Mr. President, it is for these reasons that I believe we must support the President, but let me say that with caution. This must be limited, limited, limited. It must have a clear strategy that does exit us at the end of the year, and we must define success in the context not of the civilian political success but only in the military separation of the forces and the giving of them the opportunity to make a peace.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, what is the remaining order under the unanimous-consent agreement?

The PRESIDING OFFICER. The Senator has up to 26 minutes.

Mr. MCCAIN. Followed by?

The PRESIDING OFFICER. The minority now has 7 minutes remaining.

Mr. MCCAIN. And then the majority leader will speak after that. Is that the unanimous-consent agreement?

The PRESIDING OFFICER. There is no agreement to that effect, but that is the assumption.

Mr. MCCAIN. I thank the Chair.

Mr. President, like all other Senators who have spoken today, I wish this debate were not necessary. I agree with those Senators who have said that they would not have undertaken the commitment made by the President of the

United States to deploy American ground forces to Bosnia to implement the tenuous peace that now exists there. But that is no longer the central question of our deliberations this evening. The President did so commit and our obligation now goes beyond expressing our disagreement with that decision.

Many of us did disagree, as is abundantly evident by the number of Senators who support the resolution offered by Senators HUTCHISON, INHOFE, NICKLES, and others, yet we all recognize that the President has the authority to make that decision.

The troops are going to Bosnia, and any prospect that Congress could prevent that deployment disappeared in the overwhelming vote in opposition to prohibiting funding for the deployment, the only constitutional means we have to reverse the President's decision.

Our troops are going to Bosnia. Congress should do everything in our power to ensure that our mission is truly clear, limited, and achievable; that it has the greatest for success with the least risk to the lives of our young men and women. That is our responsibility, as much as the President's.

The resolution that the majority leader and I have offered does not ask Senators to support the decision to deploy. It asks that you support the deployment after the decision had been made. It asks you further to condition your support on some important commitments by the President which I will discuss in a moment.

I intend to give that support, and I commend the majority leader for exercising extraordinary leadership in trying to influence both the nature and security of our mission to Bosnia as well as the outcome of the peace process there, to which we have made such a profound commitment. I believe Senator DOLE has significantly helped to improve both the security of our forces and the likelihood that the cause they have been asked to serve—peace in Bosnia—will endure beyond the year our forces will be stationed in that troubled country.

He has accomplished these important objectives by securing assurances from the administration that our soldiers will only be expected to perform those tasks for which they are trained, and will not be ill-used in nation-building exercises. Moreover, he has secured the strong commitment from the President that the United States will lead efforts to establish a stable, military balance in Bosnia which is the only undertaking that can be realistically expected to secure a lasting cease-fire there. Those commitments were well worth our efforts, and, again, I am grateful to the distinguished majority leader for his honorable and effective statesmanship in this effort.

Mr. President, what we should all strive to avoid is giving anyone—anyone—in Bosnia the idea that the American people and their elected representatives are so opposed to this deployment that the least provocation—violent provocation—will force the President to withdraw our forces. I do not want a single terrorist, a single Majahidin or Bosnian Serb sniper to think that by killing an American, they can incite a political uproar in America that will compel the President to bring our troops home.

That is my first reason for supporting this deployment. I want our enemies to know that America—not just the American force in Bosnia—but all Americans are in deadly earnest about this deployment. Attacks on the safety of those troops should, and I believe will, be met with a disproportionate response. That response will not include abandoning the mission. We must begin now to impress upon all parties in Bosnia that any assault on the security of our soldiers would amount to nothing more than an act of folly on the part of the assailant.

Mr. President, opponents of the President's decision often claim that there is no vital United States security interest in Bosnia that would justify the risk of American lives to defend. I have long agreed that there was no such interest. But there is now. There are the lives of 20,000 Americans to defend. And anyone who thinks they can achieve their own political ends by threatening our troops should be forcefully disabused of that notion, and should not be encouraged in their action by the misperception that the American people and the U.S. Congress are not united in steadfast support of our troops, their safety, and the mission they are now obligated to undertake.

There are other important American interests involved in this deployment. All the parties to the Dayton agreement have stated unequivocally that should the United States renege on its commitment, the peace will collapse and hostilities will resume. We will then watch Bosnians suffer again the mass murder and atrocities that have repulsed all people of decency and compassion.

Moreover, Mr. President, abjuring our commitment now would do considerable damage to NATO, the most successful defensive alliance in history. Many Americans may wonder why we need to be concerned about NATO in the wake of the Soviet Unions's collapse. But, Mr. President, the world still holds many dangers for our security, and our enemies are far less predictable than they once were. We will need our friends in the future, as much as they need us now.

Lastly, Mr. President, I want to talk about the relationship between the Nation's credibility and the credibility of its chief executive. In an earlier statement on this question, I asked my Republican colleagues to place as high a premium on this President's credibility abroad, as they would place on a Republican President's.

I asked this because the reliability of the President's word is of enormous strategic value to the American people. The President's voice is the voice of America. When the world loses faith in the commitments of our President, all Americans are less safe—and somewhere down the line American vital interests and American lives will be lost. The credibility and authority of the President of the United States, and the security of American soldiers, compel our support of their deployment. They are vital interests worth defending whatever our current political differences may be with the President.

Again, by supporting the deployment, I do not confer my approval of the decision to deploy. As I have already stated, I would not have committed American ground forces to this mission, had that decision been up to me. But the decision has been made, by the only American elected to make such decisions—the President of the United States. And I have construed my responsibility in these circumstances as requiring my support for efforts to maximize the prospects for success of the mission and minimize its obvious risks.

My support, and the support I urge my colleagues to give this deployment by voting for the resolution before us, has been characterized by the media as grudging. Fair enough. But let me be clear, I do not want to feed the cynicism of the public—or any members of our free press who might succumb to cynicism from time to time—should they conclude that by our resolution, and our votes preceding this one, that we are trying to avoid speaking clearly in support or opposition, and evade any responsibility for our own actions.

I know what I am doing. I know that by supporting this deployment, if not the decision, I must share in the blame if it ends disastrously. I will accept that responsibility—not happily, but honestly, just as Senators who supported the prohibition on funding for the deployment would have had to accept the blame for the problems that would have occurred if they had been successful in preventing the deployment.

The President will be accountable to the families of any American soldier who dies in service to his country in Bosnia. He will have to answer for their loss. But so will I. I fully accept that in my support of the deployment, and my efforts to influence its conduct and its termination, I incur this obligation.

Beyond offering expressions of sorrow and regret, we will have to tell those families that they bear their terrible

loss for the sake of the country. Nothing—absolutely nothing—is harder than that. Just contemplating such a responsibility makes me heartsick.

This may be the hardest vote I have cast as a Member of Congress. It may be the hardest vote I will ever cast. To send young men and women into such evident danger is an awful responsibility. I don't envy the President. Nor do I envy the Senate.

I was once on the other end of the relationship between the military and their civilian commanders. I served with brave men who were sent by our leaders into a calamity—a war we would not win. We were ill used by our political leaders then. We were ill used by many of our senior commanders. I saw good men lose their lives, lives that were just squandered for a lost cause that the dying believed in, but that many of the living did not. Their cause was honor, their own and their country's. And they found their honor in their answer, not their summons. I will never forget that. Never. Never.

If I have any private oath that I have tried to abide by in my public service it is that I would never ask Americans to serve in missions where success was not defined, the commitment to achieve it uncertain, and its object of less value than its price.

I pray today that I have kept my oath. I will pray so every night for as long as this mission lasts. I wish the people of Bosnia peace. I wish them peace because they deserve that blessing, but even more importantly because the lives of many fine young Americans have been ransomed to that peace. I know that these Americans will perform magnificently, under very difficult circumstances, to secure the objectives of their mission. They will reflect, as they always do, great credit on themselves and on the United States, as they seek again to secure the peace and security in which another people may secure their rights to life, liberty and the pursuit of happiness.

Mr. President, I learned about duty, its costs and its honor, from friends who did not come home with me to the country we loved so dearly, and from friends who overcame adversity with far more courage and grace than I possessed. I have tried to see my duty in this question as they would have me see it.

In the difficult decision—and it is difficult for reasons greater and more honorable than political advantage or disadvantage—our sense of duty may lead us to different conclusions. I respect all of my colleagues for seeking to discharge their solemn responsibilities in this matter after careful deliberation and with honest reasoning.

But I want to make one last point to those Americans—and I do not include any of my colleagues in this category—who oppose this deployment and this resolution because they resent the costs of America's leadership in the world. The burdens that are imposed on the United States are greater than the burdens borne by any other nation. There is no use bemoaning that fact or vainly trying to avoid its reality. This reality will be so for as long as we remain the greatest nation on earth. When we arrive at the moment when less is expected from our leadership by the rest of the world, then we will have arrived at the moment of our decline. We should accept that burden with courage. We cannot withdraw from the world into our prosperity and comfort and hope to keep those blessings. We cannot leave the world alone. For the world will not leave us alone.

So I will support this mission, with grave concern and more than a little sadness. I will support my President. I will, I believe, support my country and the men and women we have asked to defend us. I give my full support, whatever my concerns. And I accept, fully, the consequences of what I do her today. I ask my colleagues to do so as well.

I ask all Senators to support the Dole resolution, irrespective of their views over the policy that brought our soldiers to Bosnia. I ask for your vote as an expression of support for the American soldiers who, summoned to duty in Bosnia, will find their honor and ours in their answer. I ask for your vote to help reduce the threats to their welfare, and increase the chances that the cause for which they risk so much may succeed, and endure long after they have come home to a grateful nation.

And I ask God to bless the men and women of the U.S. Armed Forces who will render their Nation this great service; to bless the President; to bless the Congress; and to bless the United States. We are all in great need of His benevolence today.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who seeks recognition? The minority leader is recognized.

Mr. DASCHLE. Mr. President, this evening, President Clinton is traveling to Paris to sign the Bosnia peace agreement. The first of 20,000 American troops are on their way to Bosnia to help implement that agreement. And we in the Senate are being asked to make a choice. A choice with profound—even life-and-death—consequences.

Will we give our troops going to Bosnia our full and genuine support? Or will we burden them with the weight of conflicting messages?

In the more than 3½ years since war broke out in the former Yugoslavia, more than a quarter of a million people—including tens of thousands of innocent children—have been killed.

The Bosnian people are weary of war. They have negotiated a peace settlement. They are merely asking us to help them implement it.

Some may ask: Why us? Why must the United States become involved in this ancient conflict? I believe there are three answers.

First, it is in our national interest. Peace and stability in Europe are vital to the United States. Twice in this century, we have seen what horrors can occur when aggression in Europe is allowed to spread unchallenged and unchecked. Twice in this century, Americans have died to keep Europe free of such aggression. To turn our back on Bosnia now, especially after the President has committed American troops, would be to deny what we have learned, and what those earlier generations sacrificed. It would weaken American leadership in NATO. And it would undermine our credibility as a world leader.

Second, we have a moral obligation in Bosnia. For nearly 50 years, we believed that we would never again see concentration camps in Europe. We would never again see men and boys made to dig their own mass graves and then be machine-gunned into them. We were wrong. This is happening in Bosnia, and our national conscience demands that we take a strong stand against it.

In 1948, 3 years after the end of World War II, the French writer and philosopher Albert Camus appealed to the monks of a French monastery to help the children who had been injured and orphaned in that war. "Perhaps we cannot prevent this world from being a world in which children are tortured," Camus said. "But we can reduce the number of children who are tortured. And if you don't help us, who else in the world can help us do it?"

That brings me to the third reason we must help implement this agreement. The United States must help bring peace to Bosnia because no one else in the world can. The leaders of all three factions—Serbs, Croats, and Moslems—have made it clear that they will not participate in the peace process unless we are involved.

I commend President Clinton and all the members of the negotiating team who worked so hard in Dayton to get us to this point. They accomplished what many said was impossible, and their leadership is already saving lives. Without the commitment of this President to peace in the Balkans, there would be no debate tonight, for we could not be on the verge of peace.

I also want to commend the distinguished majority leader, Senator MCCAIN, Senator NUNN, and all the senators in our Bosnia working group for the leadership they have shown in negotiating a resolution that says unequivocally to our troops, "We support you."

That mission will give the Bosnian people an opportunity to build a democratic society. Bosnia-Herzegovina will

be preserved as a single State with a unified capital of Sarajevo. The Bosnian people will be allowed to hold free elections, and those who have been driven from their homes through fighting and other forms of terrorism will be free to return.

Our mission is clear, limited, and achievable. We are sending our troops to maintain a ceasefire. They will take their orders from an American general. And they will have full authority to respond to threats to their safety with immediate and overwhelming force.

Again, the critical question is, are we going to give our troops our genuine support as they seek to carry out their mission? Or are we going to burden them with conflicting messages?

Mr. President, I believe the Hutchison amendment is gravely misguided and even dangerous. It claims to support our troops, but, in fact, it undermines them. How can we support our troops if we condemn the mission for which they are risking their lives? Have we learned nothing from our own history?

Sending such a contradictory message would badly undermine the morale of our troops and jeopardize their safety.

It would also undermine U.S. credibility—our commitment to peace, and our commitment to our NATO allies.

Finally, sending such a conflicting and wrong-headed message would undermine the peace agreement itself, and efforts to implement it.

The responsible vote is a vote for the bipartisan resolution offered by the majority leader.

This resolution supports our troops unequivocally. It commends them for their professionalism and patriotism and bravery. It assures that they will have all the resources and authority they need to protect the peace—and protect themselves.

It recognizes the vital interests our Nation has in preventing the spread of the Bosnian conflict and ending the bloodshed. It preserves America's leadership within NATO, and it preserves our credibility with our allies.

And it requires the President to certify two important conditions. First, that the NATO implementation force is limited to implementation of the peace agreement and protection of NATO troops. And second, that the United States objectives in Bosnia are to maintain the peace and establish a military balance that will allow the Bosnian Moslems to defend themselves when NATO withdraws.

As the Senator from Oklahoma noted earlier tonight, the Hutchison/Inhofe and Dole/McCain resolutions are contradictory. The Hutchison resolution, although it is non-binding, sends a dangerous and conflicting message that will undermine and endanger American troops.

The Dole/McCain resolution is binding legislation that asserts Congressional authority and responsibility and sends a clear message that we support our troops and the cause for which they are risking their lives. It is the right thing to do.

To echo the words of Camus, the United States cannot prevent all wars, everywhere. But we can reduce the number of children and adults killed in Bosnia. Our national security, and our national conscience, demand that we try.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER (Mr. WARNER). The majority leader is recognized.

DEPLOYMENT OF UNITED STATES ARMED FORCES IN BOSNIA AND HERZEGOVINA

Mr. DOLE. Mr. President, I send my resolution to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 44) concerning the deployment of United States Armed Forces in Bosnia and Herzegovina.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. DOLE. That resolution will be the second vote. The first vote will be on the Hutchison resolution.

Mr. President, let me indicate at 10:05 p.m. our time, and 4:05 in the morning in Bosnia, where many Americans are now and where hundreds and thousands more will be on the way, I think we have to understand what we are about to vote on here. We are not voting on a decision to send American troops to Bosnia. That decision has been made. It was made 2 years ago by the President of the United States. Without consulting Congress, the President of the United States made that decision.

So we say to those soldiers who may be on early duty there at 4 a.m. in the morning, in the bitter cold—from those of us in the warmth of the U.S. Senate, free from any danger—we are about to cast a vote. We are about to cast a vote, Sergeant Jones or Private Smith, whoever it is, to indicate that we support your efforts there. They may have some misgivings about why they are there, and we may have some doubts. I listened to the eloquent statement of Senator MCCAIN, and I listened last evening to the final speaker of the evening, Senator COHEN from Maine, but this is not about politics. This is not about a Democratic President and a Republican majority in the U.S. Senate. This is about a lot of frightened young Americans who are in Bosnia, or on their way to Bosnia. I assume they may not have thought of it directly, but I believe they will think of it one of these days; they are going to be looking back to see if they had the support of those who represented them in the Congress of the United States. They may not be thinking of that at 4:10 a.m.

So this is a very difficult debate for Members of Congress. It is a difficult debate because Congress was not part of the decisionmaking with respect to sending troops. Congress was not consulted. Congress was told of the President's commitment to send troops after the commitment was made. And then we were faced with the dilemma of undermining that commitment or acquiescing in a military mission with serious flaws. And make no mistake about it, the President has said he made this decision and he takes responsibility. It was his decision to send troops and his decision alone.

A lot of Members of Congress, some on both sides of the aisle—in fact, 69 of us voted the last time to lift the arms embargo to give the Bosnians an opportunity to defend themselves—which is precisely the reason we are here tonight—so that we would not be sending American troops or making that decision. But the President rejected that. That was bipartisan in the House and in the Senate. We opposed the arms embargo. As I said, we repeatedly voted to lift it. Some of my colleagues were concerned about that.

We have two resolutions before us tonight. I understand that a number of Senators support the resolution offered by the Senator from Texas; the Senators from Oklahoma, Senator INHOFE and Senator NICKLES; and a number of others. That resolution emphasizes very clearly that we oppose the decision to deploy troops. No doubt about it. We disagree, we oppose. It is his decision, and he said as much as recently as, I think, Sunday on "60 Minutes."

However, a vote on this resolution does not provide our troops, who are now in Bosnia at 4:08 in the morning, and the other thousands who will be there tomorrow, or next week, or next month—I think it makes a point, but it does not make a policy. It does not effect a policy. It does not make the job our forces have to do any safer or any easier, nor does it provide a plan to achieve a military balance in Bosnia or increase the chances for successful completion of our mission.

I assume most of our colleagues will vote for that resolution. If they do, I wish they would follow up their signal to President Clinton by voting "yes" on the Dole-McCain-Nunn resolution. I want to be clear about what that resolution does and does not do. This resolution does not endorse the President's decision. It does not endorse the agreement reached in Dayton. It does support our men and women in uniform.

It does limit the mission to military tasks only and requires a realistic exit strategy based on the goal of Bosnian

self-reliance. To put it simply, President Clinton has a plan to get us into Bosnia; this resolution shows us a way out.

It sets three conditions on the deployment of American forces: No. 1, it limits the mission to implementing military provisions of the accord. No Somalia-style nation building, for example. It insists on an exit strategy linked to military balance so Bosnia can defend itself. Somebody said that is bad policy because if they are armed and trained we may have to stay longer. I do not understand that argument. We have been debating on this floor for 2 years that we ought to arm and train the Bosnians and lift the arms embargo so they can defend themselves. That is precisely what we wish to do here. No. 3 also provides U.S. leadership on an immediate effort to provide Bosnia that means to defend itself. I think if these conditions are met they will help enhance the safety of our forces and assure that they can withdraw in a timely manner and without triggering a resumption of hostilities.

Let us be clear, setting a date is not an exit strategy. In fact, many will argue that if we set a date nothing will happen until that date expires, and then hostilities will recur.

I suggest that I think we have been able to perform a valuable service here for our colleagues regardless of their feelings about the decision. I did not agree with it. You do not agree with it—maybe some do agree with the decision. The decision has been made. The deployment started. Our goal should be a Bosnia that is self-reliant, able to defend itself without depending on the United States or any outside force.

I want to emphasize just a few points on this critical issue. First, the word "lead" is essential. Without U.S. leadership, this will not happen. Leading does not mean going it alone but it does mean acting like the sole remaining superpower. Second, our language makes it clear that the efforts to arm and train will take place separate and apart from NATO, IFOR; no United States military forces in NATO operation will be involved enabling Bosnia to defend itself. Finally, this resolution states that the Bosnians should be provided with assistance of the highest possible quality—American where necessary—and that of other countries when sufficient.

I also point out this resolution requires the President report extensively on his plan to enable Bosnia to provide for its own defense and on all aspects of the military and civilian aspects of the operation.

I want to say a few words about Senator MCCAIN and his leadership on national security issues. From his sacrifice during Vietnam—and I know I was not standing here; I was not in leadership, I was standing back there somewhere. I was wearing a JOHN MCCAIN bracelet, proudly—a POW bracelet—and arguing with my Democratic colleagues on the other side not to cut off funding in the Vietnam war. I led debate on this floor for 7 weeks in an effort to derail those who would cut off funding while JOHN MCCAIN was in a little box over there in prison and there were thousands like him and thousands and thousands of Americans.

The theory was just cut off funding. The war will end. That is not the way it works.

So JOHN MCCAIN came back, others came back, and others did not come back as Senator MCCAIN said earlier. Then he became a freshman Congressman and opposed the deployment in Lebanon in 1983. It seems to me, not that I have any more insight than anybody else in this body, but there is something about a relationship that you build up in the service and you understand one thing: How important support is from America—whether it is your family, whether it is your little hometown, whether it is your State, whether it is the Congress of the United States.

I say to Senator MCCAIN and many others who were prisoners of war in Vietnam, no one works any harder on the issues of war and peace. I did not agree with Senator MCCAIN on normalizing relations with Vietnam, but he was there and I was not. No one takes his responsibility more seriously. We could not have reached this agreement without his almost minute-by-minute involvement.

Let me say one other thing about leadership: It is not easy. The easiest vote is no, no, no. I recall being on the floor in this position in January 1991, the 10th, 11th, and 12th, when we had troops in the gulf. President Bush had decided to come to Congress and ask for support. I remember at the time we had a very good debate—3 days of it—Democrats and Republicans, and I do not question anybody's motives. The thing that struck me as I looked at it at the time and as I look back at it now, not a single member of the Democratic leadership in the House or the Senate would stand up on this floor or the House floor and support President Bush. They did not have to agree with President Bush. I do not agree with President Clinton. But the troops were there. I thought that was a tragic mistake. You pay a price for leadership. Some will have short-term political gain and some just truly feel we should not be doing anything and that the only vote is no.

I ask my colleagues, it is now 17 after 4 o'clock a.m. in Bosnia, and Americans are there, so if we cut off funding this morning, I do not know what would have happened. If we pass the Hutchison resolution, I do not know what will happen. I hope if we pass the Dole-McCain-Nunn, et al., resolution that we will have provided an exit strategy, a way to extricate Americans by arming and training Bosnians, so that they can be an independent force and so we can go home, so that those Americans who are there today at 18 after 4 o'clock a.m. in the morning will not be there next Christmas.

That is what this debate is all about. It is not easy. I have had a lot of mail, a lot of phone calls, from a lot of people, who I do not think understand the issue. The issue we are voting on tonight is not a decision to send American troops. Let me conclude with that. We can posture and complain about the President's decision. I do not like it. He knows I do not like it. I told him I do not like it. I said publicly I do not like it. If we had our way, we would have lifted the embargo and we would not be talking about sending troops. That is our argument. I think it would have been correct.

I guess our decision is whether we are going to send a message to all the families in America, to all the troops who are on the way to Bosnia, plus all the other American forces who someday may be engaged in some conflict, because we do have a responsibility from time to time. They will ask themselves, do we have the support of the American people, of our families and of our representatives? I think that is what this debate is all about. I hope that is how it is received by the people who watch or listen or read the RECORD or listen to each other.

I ask my colleagues to think very carefully. We are going to be debating this. I assume this is just the first debate. A month from now, 2 months from now, 3 months from now, 4 months from now, something happens, there will be other debates and other efforts made. But this is important, this is the first step. This is a signal to the American forces that we support you. We support you, as we should.

Finally, I ask unanimous consent to have printed in the RECORD an exchange I have had with the President on his assurances that the Bosnians will be provided with arms and the training they need. I think the letters are very important. It is part of the legislative history, because the President has given his word that that training will be provided and arms will be furnished. And, again, that is very important. It may be lost on someone now, but it is going to be very important not a year from now, as the Senator from Maine said last night, 9 months from now, 9 months from now is when it starts. If they are not trained, and if we have to wait 6 months, it may be lost.

So, it is up to us. If not now, when? This is the time to support American forces.

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

THE WHITE HOUSE,
Washington, DC, December 10, 1995.

DEAR MR. LEADER: I want to set forth for you the Administration's policy with respect to military stabilization measures in Bosnia.

The Bosnian Serb advantage in heavy weapons relative to the defense capability of the Bosnian Federation has been a major reason for the fighting in Bosnia and remains a potential source of instability. We believe that establishing a stable military balance within Bosnia by the time IFOR leaves is important to preventing the war from resuming and to facilitate IFOR's departure.

The Dayton Agreement has strong arms control provisions which provide for a "build-down" of forces. We intend to pursue these vigorously. An arms restraint regime obviously can help contribute to a stable balance.

Even with arms control, we anticipate there will be a deficiency on the part of the Federation. Accordingly, we have made a commitment to the Bosnian Federation that we will coordinate an international effort to ensure that the Federation receives the assistance necessary to achieve an adequate military balance when IFOR leaves.

Because we want to assure the impartiality of IFOR, providing arms and training to Federation forces will not be done by either IFOR or U.S. military forces. The approach we intend to pursue is for the U.S. to coordinate the efforts of third countries.

Our efforts in this connection already have begun. An assessment team to evaluate the needs of the Federation has just returned from Bosnia. We will proceed with this effort in a manner that is consistent with the UN resolution lifting the arms embargo and the relevant Dayton Agreement provisions, which allow planning and training to proceed, but restrict actual transfers during the initial six months, in particular of all arms for 90 days, and heavy weapons for 180 days, after the Agreement enters into force.

Sincerely,

BILL CLINTON.

U.S. SENATE,
Washington, DC, December 12, 1995.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We are writing to seek clarification on several critical issues raised in your December 10 letter regarding your administration's policy on arming and training Bosnian Federation forces. In our view, it is essential to clarify these matters—which are integral to the U.S. exit strategy—prior to moving forward with Senate consideration of your administration's decision to send U.S. ground forces to implement the Dayton agreement.

You acknowledge the Bosnian Serb military advantage and the need to establish a stable military balance within Bosnia by the time the NATO Implementation Force (IFOR) leaves. In your address to the nation, you justified American participation in IFOR by stating the need for American leadership. However, your letter does not indicate that the United States will lead in the critical effort of ensuring the Bosnians can defend themselves. We are seeking your confirmation that the United States will lead in coordinating and providing the Bosnians with the means for self-defense. Without an American-led effort to rapidly provide the Bosnians with the best possible quality arms, equipment, and training, we believe that the Bosnians will not be able to adequately defend themselves within a year.

Also in this regard, while we understand that the arming and training program should be conducted separately from the IFOR peacekeeping operation, to state that no U.S. military forces will be involved—as your letter does—is a guarantee that such a program will be wholly ineffective and may not even occur. A strict prohibition on all U.S. military involvement outside the territory of Bosnia would severely cripple American efforts to ensure that the Bosnians are provided with the weapons and training they need. Military planning, coordination, information-sharing, or even Bosnian participation in the International Military Education and Training (IMET) could not occur under such a prohibition. It seems that so severely limiting our flexibility would not be in our national interest.

Finally, we urge you to focus on what the United States can do, rather than what we cannot do under the U.N. Security Council resolution lifting the arms embargo. For example, training can begin immediately—presumably outside of Bosnia. Also, an array of defensive weapons could be provided to Bosnian Federation forces on day 91 consistent with the U.N. resolution—as could any weapon not classified as "heavy" under the terms of the U.N. resolution.

We hope that you will clarify these matters as soon as possible so that we may proceed with consideration of the Dole-McCain resolution.

Sincerely,

BOB DOLE.

THE WHITE HOUSE,
Washington, DC, December 12, 1995.

DEAR MR. LEADER: I am writing in response to your December 12 letter on equip and train. You raise several questions to which I would like to respond.

First of all, the United States will take a leadership role in coordinating an international effort to ensure that the Bosnian Federation receives the assistance necessary to achieve an adequate military balance when IFOR leaves. As in all things related to our effort to bringing peace to the region, U.S. leadership has been critical.

As I stated in my December 10 letter to you, I want to assure the impartiality of IFOR. In the view of my military advisors, this requires minimizing the involvement of U.S. military personnel. But we expect that some individual military officers, for example, working in OSD, DSAA or other agencies, will be involved in planning this effort. We also will offer the Bosnians participation in U.S. programs such as IMET. I agree that maintaining flexibility is important to the success of the effort to achieve a stable military balance within Bosnia. But I will do nothing that I believe will endanger the safety of American troops on the ground in Bosnia. I am sure you will agree that is my primary responsibility.

I want to assure you that I am focusing on what the United States can do. That is why I sent an assessment team to the region to properly evaluate the needs of the Federation. Training programs and provisions of non-lethal assistance can begin immediately after the peace agreement enters into force; and provision of small arms can begin after three months. We intend to move expeditiously.

I have given you my word that we will make certain that the Bosnian Federation will receive the assistance necessary to achieve an adequate military balance when IFOR leaves. I intend to keep it.

Sincerely,

BILL CLINTON.

EXPRESSING OPPOSITION OF CONGRESS TO PRESIDENT CLINTON'S PLANNED DEPLOYMENT OF GROUND FORCES IN BOSNIA

The Senate continued with the consideration of the concurrent resolution.

The PRESIDING OFFICER. The question occurs on agreeing to Senate Concurrent Resolution 35.

The yeas and nays have not been ordered.

Mr. DOLE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced, yeas 47, nays 52, as follows:

[Rollcall Vote No. 602 Leg.]

YEAS—47

Abraham	Feingold	McConnell
Ashcroft	Frist	Murkowski
Bennett	Gorton	Nickles
Bond	Gramm	Pressler
Brown	Grams	Santorum
Burns	Grassley	Shelby
Campbell	Gregg	Simpson
Coats	Hatch	Smith
Cochran	Hatfield	Snowe
Cohen	Helms	Specter
Coverdell	Hutchison	Stevens
Craig	Inhofe	Thomas
D'Amato	Kempthorne	Thompson
Dole	Kyl	Thurmond
Domenici	Lott	Warner
Faircloth	Mack	

NAYS—52

Akaka	Ford	Lugar
Baucus	Glenn	McCain
Biden	Graham	Mikulski
Bingaman	Harkin	Moseley-Braun
Boxer	Heflin	Moynihan
Bradley	Hollings	Murray
Breaux	Inouye	Nunn
Bryan	Jeffords	Pell
Bumpers	Johnston	Pryor
Byrd	Kassebaum	Reid
Chafee	Kennedy	Robb
Conrad	Kerrey	Rockefeller
Daschle	Kerry	Roth
DeWine	Kohl	Sarbanes
Dodd	Lautenberg	Simon
Dorgan	Leahy	Wellstone
Exon	Levin	
Feinstein	Lieberman	

So the concurrent resolution (S. Con. Res. 35) was rejected.

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

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

The motion to lay on the table was agreed to.

DEPLOYMENT OF UNITED STATES ARMED FORCES IN BOSNIA AND HERZEGOVINA

The Senate continued with the consideration of the joint resolution

The VICE PRESIDENT. The question is on the engrossment and third reading of the joint resolution, Senate Joint Resolution 44.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

The VICE PRESIDENT. The joint resolution having been read the third time, the question is, Shall it pass?

Mr. BOND. Mr. President, I ask for the yeas and nays.

The VICE PRESIDENT. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 69, nays 30, as follows:

[Rollcall Vote No. 603 Leg.]

YEAS—69

Abraham	Dorgan	Lieberman
Akaka	Exon	Lugar
Baucus	Feinstein	Mack
Bennett	Ford	McCain
Biden	Glenn	McConnell
Bingaman	Gorton	Mikulski
Bond	Graham	Moseley-Braun
Boxer	Harkin	Moynihan
Bradley	Hatch	Murkowski
Breaux	Heflin	Murray
Bryan	Hollings	Nunn
Bumpers	Inouye	Pell
Burns	Jeffords	Pryor
Byrd	Johnston	Reid
Campbell	Kassebaum	Robb
Chafee	Kempthorne	Rockefeller
Cochran	Kennedy	Roth
Cohen	Kerrey	Sarbanes
Conrad	Kerry	Simon
Daschle	Kohl	Simpson
DeWine	Lautenberg	Specter
Dodd	Leahy	Stevens
Dole	Levin	Wellstone

NAYS—30

Ashcroft	Gramm	Nickles
Brown	Grams	Pressler
Coats	Grassley	Santorum
Coverdell	Gregg	Shelby
Craig	Hatfield	Smith
D'Amato	Helms	Snowe
Domenici	Hutchison	Thomas
Faircloth	Inhofe	Thompson
Feingold	Kyl	Thurmond
Frist	Lott	Warner

So the joint resolution (S.J. Res. 44) was passed.

The preamble was agreed to.

The joint resolution, with its preamble, is as follows:

S.J. RES. 44

Whereas beginning on February 24, 1993, President Clinton committed the United States to participate in implementing a peace agreement in Bosnia and Herzegovina without prior consultation with Congress;

Whereas the Republic of Bosnia and Herzegovina has been unjustly denied the means to defend itself through the imposition of a United Nations arms embargo;

Whereas the United Nations Charter restates the "the inherent right of individual and collective self-defense," a right denied the Republic of Bosnia and Herzegovina whose population has further suffered egregious violations of the international law of war including ethnic cleansing by Serbian aggressors, and the Convention on Prevention and Punishment of the Crime of Genocide, to which the United States Senate gave its advice and consent in 1986;

Whereas the United States Congress has repeatedly voted to end the United States participation in the international arms embargo on the Republic of Bosnia and Herzegovina as the best way to achieve a military balance and a just and stable peace without the deployment of United States Armed Forces in Bosnia and Herzegovina;

Whereas the Republic of Bosnia and Herzegovina, the Republic of Croatia, and the Federal Republic of Yugoslavia initialed the General Framework Agreement and Associated Annexes on November 21, 1995 in Dayton, Ohio, after repeated assurances that the United States would send troops to assist in implementing that agreement;

Whereas three dedicated American deplomats—Bob Frasure, Joe Kruzel, and Nelson Drew—lost their lives in the American-led diplomatic effort which culminated in the General Framework Agreement;

Whereas as part of the negotiations which led to the General Framework Agreement, the United States has made a commitment to ensure that the Federation of Bosnia and Herzegovina is armed and trained to provide for its own defense, and that commitment should be honored;

Whereas the mission of the NATO Implementation Force is to create a secure environment to provide Bosnia and Herzegovina an opportunity to begin to establish a durable peace, which requires the Federation of Bosnia and Herzegovina to be able to provide for its own defense;

Whereas the objective of the United States in deploying United States Armed Forces to Bosnia and Herzegovina can only be successful if the Federation of Bosnia and Herzegovina is armed and trained to provide for its own defense after the withdrawal of the NATO Implementation Force and the United States Armed Forces; and

Whereas in deciding to participate in implementation of the General Framework Agreement in Bosnia and Herzegovina, President Clinton has cited American interests including maintaining its leadership in NATO, preventing the spread of the conflict, stopping the tragic loss of life, and fulfilling American commitments;

Whereas on December 3, 1995, President Clinton approved Operation Joint Endeavor and deployment of United States Armed Forces to Bosnia and Herzegovina began immediately thereafter: Now therefore be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. SUPPORT FOR UNITED STATES ARMED FORCES.

The Congress unequivocally supports the men and women of our Armed Forces who are carrying out their missions in support of peace in Bosnia and Herzegovina with professional excellence, dedicated patriotism and exemplary bravery, and believes they must be given all necessary resources and support to carry out their mission and ensure their security.

SEC. 2. DEPLOYMENT OF UNITED STATES ARMED FORCES.

(a) Notwithstanding reservations expressed about President Clinton's decision to deploy United States Armed Forces to Bosnia and Herzegovina and recognizing that:

(1) the President has decided to deploy United States Armed Forces to implement the General Framework Agreement in Operation Joint Endeavor citing American interests in preventing the spread of conflict, maintaining its leadership in NATO, stopping the tragic loss of life, and fulfilling American commitments;

(2) the deployment of United States Armed Forces has begun; and

(3) preserving United States credibility is a strategic interest, the President may only fulfill his commitment to deploy United States Armed Forces in Bosnia and Herzegovina for approximately one year to implement the General Framework Agreement and Military Annex, pursuant to this Resolution, subject to the conditions in subsection (b).

(b) REQUIREMENT FOR DETERMINATION.—Before acting pursuant to this Resolution, the President shall make available to the Speaker of the House of Representatives and the President pro tempore of the Senate, his determination that—

(1) the mission of the NATO Implementation Force and United States Armed Forces deployed in Bosnia and Herzegovina will be limited to implementation of the military provisions of the Military Annex to the General Framework Agreement and measures deemed necessary to protect the safety of the NATO Implementation Force and United States Armed Forces;

(2) an integral part of the successful accomplishment of the U.S. objective in Bosnia and Herzegovina in deploying and withdrawing United States Armed Forces is the establishment of a military balance which enables the Federation of Bosnia and Herzegovina to provide for its own defense without depending on U.S. or other outside forces; and

(3) the United States will lead an immediate international effort, separate and apart from the NATO Implementation Force and consistent with United Nations Security Council Resolution 1021 and the General Framework Agreement and Associated Annexes, to provide equipment, arms, training and related logistics assistance of the highest possible quality to ensure the Federation of Bosnia and Herzegovina can provide for its own defense, including, as necessary, using existing military drawdown authorities and requesting such additional authority as may be necessary.

SEC. 3. REPORT ON EFFORTS TO ENABLE THE FEDERATION OF BOSNIA AND HERZEGOVINA TO PROVIDE FOR ITS OWN DEFENSE.

Within 30 days after enactment, the President shall submit a detailed report on his plan to assist the Federation of Bosnia to provide for its own defense, including the role of the United States and other countries in providing such assistance. Such report shall include an evaluation of the defense needs of the Federation of Bosnia and Herzegovina, including, to the maximum extent possible:

(a) the types and quantities of arms, spare parts, and logistics support required to establish a stable military balance prior to the withdrawal of United States Armed Forces;

(b) the nature and scope of training to be provided;

(c) a detailed description of the past, present and future U.S. role in ensuring that the Federation of Bosnia and Herzegovina is provided as rapidly as possible with equipment, training, arms and related logistic assistance of the highest possible quality;

(d) administration plans to use existing military drawdown authority, and other assistance authorities pursuant to section 2(b)(3); and

(e) specific or anticipated commitments by third countries to provide arms, equipment or training to the Federation of Bosnia and Herzegovina.

The report shall be submitted in unclassified form, but may contain a classified annex.

SEC. 4. REPORTS TO CONGRESS ON MILITARY ASPECTS OF IMPLEMENTATION OF THE GENERAL FRAMEWORK AGREEMENT.

(a) Thirty days after enactment, and at least once every 60 days thereafter, the President shall submit to the Congress a report on the status of the deployment of United States Armed Forces in Bosnia and

Herzegovina, including a detailed description of:

(1) criteria for determining success for the deployment;

(2) the military mission and objectives;

(3) milestones for measuring progress in achieving the mission and objectives;

(4) command arrangements for United States Armed Forces;

(5) the rules of engagement for United States Armed Forces;

(6) the multilateral composition of forces in Bosnia and Herzegovina;

(7) the status of compliance by all parties with the General Framework Agreement and associated Annexes, including Article III of Annex 1-A concerning the withdrawal of foreign forces from Bosnia and Herzegovina;

(8) all incremental costs of the Department of Defense and any costs incurred by other federal agencies, for the deployment of United States Armed Forces in Bosnia and Herzegovina, including support for the NATO Implementation Force;

(9) the exit strategy to provide for complete withdrawal of United States Armed Forces in the NATO Implementation Force, including an estimated date of completion; and

(10) a description of progress toward enabling the Federation of Bosnia and Herzegovina to provide for its own defense.

(b) Such reports shall include a description of any changes in the areas listed in (a)(1) through (a)(10) since the previous report, if applicable, and shall be submitted in unclassified form, but may contain a classified annex.

SEC. 5. REPORTS TO CONGRESS ON NON-MILITARY ASPECTS OF IMPLEMENTATION OF THE GENERAL FRAMEWORK AGREEMENT.

Thirty days after enactment, and at least once every 60 days thereafter, the President shall submit to the Congress a report on:

(a) the status of implementation of non-military aspects of the General Framework Agreement and Associated annexes, especially Annex 10 on Civilian Implementation, and of efforts, which are separate from the Implementation Force, by the United States and other countries to support implementation of the non-military aspects. Such report shall include a detailed description of:

(1) progress toward conducting of elections;

(2) the status of return of refugees and displaced persons;

(3) humanitarian and reconstruction efforts;

(4) police training and related civilian security efforts, including the status of implementation of Annex 11 regarding an international police task force; and

(5) implementation of Article XIII of Annex 6 concerning cooperation with the International Tribunal for the Former Yugoslavia and other appropriate organizations in the investigation and prosecution of war crimes and other violations of international humanitarian law;

(b) the status of coordination between the High Representative and the Implementation Force Commander;

(c) the status of plans and preparation for the continuation of civilian activities after the withdrawal of the Implementation Force;

(d) all costs incurred by all U.S. government agencies for reconstruction, refugee, humanitarian, and all other non-military bilateral and multilateral assistance in Bosnia and Herzegovina; and

(e) U.S. and international diplomatic efforts to contain and end conflict in the former Yugoslavia, including efforts to resolve the status of Kosova and halt violations of internationally-recognized human rights of its majority Albanian population.

Such reports shall be submitted in unclassified form, but may contain a classified annex.

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

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

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, let me thank all of my colleagues, as I have indicated before.

On tomorrow, we will take up the Interior conference report, with 6 hours of debate. We will start that at 10:30 a.m. From 9:30 to 10:30, we will have a period for the transaction of morning business.

MORNING BUSINESS

Mr. DOLE. Mr. President, I now ask unanimous consent that there be a period for the transaction of routine morning business with members permitted to speak therein for up to 5 minutes each.

The VICE PRESIDENT. Without objection, it is so ordered.

SENIOR CITIZEN FREEDOM TO WORK ACT

Mr. DOLE. Mr. President, I am pleased to introduce the Senior Citizens' Freedom to Work Act with my colleagues, Senators MCCAIN and ROTH.

This bill would provide long overdue relief for our senior citizens. It would remove a significant impediment that deters seniors from continuing to work. Under the bill, seniors could earn up to $30,000 by the year 2002 without affecting their Social Security benefits.

I intend to work for enactment of the legislation this year to begin immediately lifting the unreasonably low earnings limit. We will phase in the increase over the next 7 years from the current level of $11,280 to $30,000.

This legislation is important for the economy. Continuation of the current policy, which does not utilize the experience and productivity of our seniors, is wasteful and short-sighted.

This legislation is also important for the protection of the Social Security and Medicare trust funds. The bill clarifies that the Secretary of the Treasury is not authorized to under invest and/or disinvest Social Security and Medicare trust fund monies in Federal securities or obligations in order to avoid the limitations on the public debt.

I urge my colleagues in the Senate to support this effort. Specifically, I urge my colleagues on the Finance Committee to join with me to report the bill out of committee tomorrow.

THE NEW READY OR NOT PROGRAM TO COMBAT UNDERAGE DRINKING

Mr. DASCHLE. Mr. President, every day in Congress, we tackle some of the most pressing problems facing our nation. But sometimes, the best solutions don't come from the Capitol. They come from homes and schools and community organizations that you find in every town and city, all across the country. That's what a new program called "Ready or Not: Talking with Kids About Alcohol," is all about.

If you have kids, you know that telling them to "just say no" to alcohol doesn't always work. Kids want to know why they should say no. "Ready or Not" is a new video educational program that's designed to help parents and other adult supervisors answer that question for kids between the ages of 10 and 14.

"Ready or Not" is a joint effort of the Boys & Girls Clubs of America and the Century Council, an organization funded by the alcohol industry. It was introduced just after Thanksgiving, and it's already making an impact. I want to congratulate the Boys and Girls Club and the Century Council for all the time and energy they've invested in this important program.

I also want to commend my 36 colleagues in the House and Senate who have joined me in officially endorsing this life-saving project.

A recent survey of America's preteens—pre-teens—shows that about four in 10 expect to have problems handling situations involving the use of alcohol. Another survey by the University of Michigan found that, in 1994, more than a quarter of America's eighth-graders reported drinking alcohol in the last month. And, more and more kids are becoming "binge drinkers."

We know from our experience in combating teen smoking that if you reach kids early and tell them the truth, they're far more likely to make good decisions about their health. "Ready or Not" will help us replicate that success, we hope, with teen drinking.

There are two reasons that "Ready or Not" targets kids between the ages of 10 and 14. First, that's when many "problem drinkers" first start experimenting with alcohol. Second, and more important, parents and other adults still have a lot of influence over kids at that age. With the help of "Ready or Not," we can reach kids who are in danger of abusing alcohol, and prevent problems before they start.

The last thing a developing mind and body needs is to be stunted with alcohol. "Ready or Not" will help parents and teachers and other adults make that case convincingly to America's young people. It fills a critical need, and I'm proud to lend my name to help support it.

SHOULD THERE BE FEDERAL FARM PROGRAMS?

Mr. LEAHY. Mr. President, for the past decade most of the debate on farm programs has centered around only one question:

"How much should we spend on farm programs?"

Four months ago, I took to the floor to address this issue and noted that the debate has shifted to whether there should be any programs that provide benefits to farmers.

Now, the Republican majority has reported a bill that again only answers the "how much" question. It will give $55 billion of the taxpayers funds to farmers over the next 7 years.

The fundamental question is not answered. Should there be farm programs at all?

Farm programs have never been welfare programs.

They have been a contract with the American people.

Here is a copy of the contract that the farmers sign each year with the American taxpayer.

No farmer is required to sign this contract. Each farmer signs voluntarily.

HISTORICAL RATIONALE FOR FARM PROGRAMS

Historically, the contract was a "price and production stabilization" contract—as it says here at the top of this document. The taxpayers paid farmers to set land aside in order to stabilize consumer prices as well as stabilizing farm income.

In 1985, the Republican Senate added a new term to that contract. Farmers were also paid to be stewards of the land. Again, no farmer was required to become a land steward—to be a good neighbor. Each farmer made that decision voluntarily.

Now, the Republican budget farm bill changes the terms of the farm contract. It no longer offers American farmers a "price and production stabilization" contract. Thus, for the $35 billion the taxpayers give farmers over the next 7 years, consumers get no price stability benefit.

Do I mourn the loss of a farmer-taxpayer contract based on a price stabilization rationale?

No, I do not. At one time regulations that required farmers to manage supplies also helped stabilize some food prices. By and large, there is no longer much, if any, consumer benefit from the supply management aspects of farm programs. Today, supply management programs function only to control the budgetary costs of the program.

This history brings us back to the basic question. Should there be any Federal farm programs?

UNIQUE NATURAL RESOURCE CHALLENGES

The answer is yes. For one overriding reason. It is this. Only farmers can give the American people what they want from private lands.

Let me put it very simply. Americans cannot get the environmental benefits they want unless farmers and ranchers are active willing land stewards.

Before we reviewed a little history—now a little—or should I say—a lot of geography. Farms and grazing lands make up 50 percent of the continental United States.

Let me say that again—Farmers and ranchers own or manage 50 percent of the continental United States.

It is impossible to successfully regulate such a vast area—even if one wanted to—which I do not. To successfully protect and enhance natural resource values on private lands, farmers must be a willing part of the solution.

The 1985 and the 1990 farm bills show that the taxpayers are willing to pay farmers to protect drinking water, cleanup lakes and rivers, and to be stewards of the soil.

As the executive director of the National Rifle Association states, "Congress has had the foresight to create these unique mechanisms which wed agricultural goals with conservation goals." For example, no longer were farmers paid to destroy wetlands. Instead, farm programs began to protect wetlands.

Today, some farm groups favor destroying his harmony. They even go so far as to say that farm conservation should only be funded if there is any money left after farm subsidies and exports subsidies are paid for.

It does not make sense to the public. There is no reason a farmer should be richer than a machine shop owner, even though there is a rationale for farmers being protected from unexpected market shifts.

So this is the time for testing.

It comes down to this question—Is this Republican package the beginning of the end of farm programs, the last 7 years of "market transition payments," or is it a new beginning for farm programs—which builds on the stewardship contract that the American farmer made with the American people beginning in 1985.

In 1990, as chairman, I confirmed and deepened the land stewardship contract between farmers and the American public. One of my proudest moments as chairman was when I stood in the White House while the President praised the 1990 farm bill as "one of the most important environmental legislative accomplishments of his Presidency."

But the Republican budget package leaves the basic question unanswered. The Republican proposal says that it will continue to make "adherence to existing conservation compliance and wetland protection regulations" a condition of receiving farm payments. It also launches a new program, the "Livestock Environmental Assistance Program" which provides the same kind of financial assistance to livestock farmers and ranchers that crop farmers have received. It is a great idea—of which I am the proud author. This press release seems to affirm and expand the stewardship contract of the 1985 and 1990 farm bills.

But, the Republican agricultural leaders have also called for dropping the wetlands protection contract term in the farmers contract with the American taxpayer.

So what is real?—the press release or their legislation?

The Republicans are not being straight with either the taxpayers or the farmers.

If the Republicans tear up the contract between the farmers and the American people—then the Freedom to Farm contract is a one way contract in which the taxpayers will pay $35 billion to farmers for the next 7 years and the taxpayers will get nothing in return.

It will be just a welfare payment—for a group of Americans whose income is seven times higher than a typical family on food stamps.

CONCLUSION

Wallace Stevens once wrote: "After the final 'no' there comes a 'yes,' and on that 'yes' the future of the world depends * * *."

Saying no to failed policies of the past makes all the sense in the world. Saying yes to a stewardship contract between the American taxpayer and the American farmer is the only future on which the farmer and the taxpayer can depend.

CHANGE OF VOTE

Mr. REID. Mr. President, on rollcall No. 598 I voted yea. It was my intention to vote nay. Therefore, I ask unanimous consent I be permitted to change my vote. This will in no way change the outcome of the vote.

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

SIOUX FALLS, SD: ENTREPRENEURIAL HOT SPOT

Mr. PRESSLER. Mr. President, I want to take a moment today to commend the hardworking people of South Dakota for making Sioux Falls—South Dakota's largest metropolitan area—the sixth most successful entrepreneurial spot in the country. I am proud to say the pioneer spirit still thrives in South Dakota.

Mr. President, it is not Fortune 500 companies alone that form our country's economic base. Rather, the hard work and dedication of self-employed entrepreneurs and small business owners are responsible for much of our Nation's economic activity. The business of South Dakota is small business, from the family farm to the corner drug store. I am proud to represent such an ambitious and successful constituency—people who are willing to work hard in order to get ahead.

Some South Dakota small businesses have grown to become regional and national success stories. A prime example of entrepreneurial spirit in action is Gateway 2000, a mail order personal computer (PC) corporation started 10 years ago in a farmhouse. Because of South Dakota's excellent business climate and a solid work ethic, Gateway 2000 has become the tri-state metropolitan area's second largest employer and the largest mail-order PC vendor in the United States. Gateway 2000 is a testimonial to what can be achieved with a vision and a strong work ethic.

When I travel home to South Dakota, I always marvel at the continued development my home State has undergone. Entrepreneurial South Dakotans have helped South Dakota evolve into a diverse industrial breadbasket. Now, with the designation of Sioux Falls, SD, as an international port-of-entry, the success of South Dakota will extend to new markets around the world. I ask unanimous consent to have printed in the RECORD a recent article from the Sioux Falls Argus Leader which details South Dakota's economic boom. I am sure all who read it will be impressed with South Dakota's recent surge of economic development.

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

ENTREPRENEURIAL SPIRIT CITED IN CITY'S HIGH RATING

(By Brenda Wade Schmidt)

Sioux Falls' ranking as the sixth best hot spot for entrepreneurs shows that programs to help business people get started are working, two economic development experts said Wednesday.

The city moved up 26 spots among small metropolitan areas over last year's ranking done by Cognetics Inc. of Cambridge, Mass.

Las Vegas, Nev., was in the top spot of the 134 areas for the second year in a row.

"It could be an indication that the entrepreneurial-type programs are starting to take effect a little bit," said Dan Scott, president of the Sioux Falls Development Foundation. "That spirit still exists here."

There are so many entrepreneurs that agencies aren't able to help them all, Scott said. Many people come with business ideas but lack the planning and finances to implement their dream.

The Small Business Development Center, with offices across the state, assists many businesses.

"We see the entrepreneurial spirit as being alive and well because of the number of people that come to us for assistance," said Bob Ashley, state director. "Starting a business is hard work. Hard work is not a stranger to the people of South Dakota."

Scott said the increase probably is the result of two improvements.

"The entrepreneurs are getting more help, and financing has become more readily available," he said. "What keeps most entrepreneurs out of business is the inability to attract financing.

Among rural areas, South Dakota ranked 61st out of 89 places, up five spots from last year.

TRIBUTE TO REV. RICHARD C. HALVERSON

Mr. BIDEN. Mr. President, today the Senate is holding a memorial service to remember Rev. Richard C. Halverson, our friend and our Chaplain from 1981 to March of this year, who passed away two weeks ago after a long illness. To each of us, whatever our individual religious beliefs, Reverend Halverson was someone special. To some of us, he was a confidant; to others, a counselor; and to still others, a pastor in the more traditional sense of the word. To each of us, he was a friend.

The Senate is, in many ways, a small community with many of the same dynamics inherent in small communities across our Nation. We work in close quarters and all know each other very well. Each of us have forged great friendships here, and each of us has seen great rivalries develop among colleagues. We are all public figures whose lives are all too often an open book. We come from widely different backgrounds, and each of us brings to the Senate a different set of values we hold dearly and ideals to which we are firmly and determinedly committed. And out of all of that, out of all the differing backgrounds and competing philosophies, out of the individual strengths and weaknesses, and out of the personal friendships and political rivalries, this community of one hundred men and women must produce public policy that ensures the well-being of more than two hundred and fifty million of our fellow Americans. That is an awesome responsibility.

As much as any of us, Reverend Halverson understood both the sense of community and the awesome responsibility of the Senate. Each morning, in his opening prayer, he would try to remind us that the sense of community, collegiality, and comity that has always been the trademark of this body is vitally important to carrying out the tasks that are demanded of us. He would remind us that the Senator on the other side of a heated debate is just as committed a public servant as we are. That no political party has a monopoly on compassion, or patriotism, or integrity. That the American Dream is neither conservative nor liberal. And that at the end of the day that sense of community, as Senators and as Americans, must prevail if we are to meet the responsibilities that have been entrusted to us.

Reverend Halverson understood that as Senators, our lives—official and often personal—are open to more scrutiny than most Americans would tolerate. He understood that not only our votes and our speeches, but our families and our lifestyles are often open to public review. As public officials we have accepted that. Nonetheless, Reverend Halverson understood that that scrutiny does take a human toll, reminding us that as we would like to be treated with understanding, so we must be understanding ourselves. And reminding us that for all of the public scrutiny of our lives and our conduct, for all of the public criticism that we sometimes receive for our votes and our political and philosophical beliefs, for all of the questioning of our motives that we must sometimes endure, the work that we do is so important to so many people that we must persevere.

Reverend Halverson always understood that election to public office does not take away the pressures that face every other American man and woman; work-related stress, family concerns, health concerns, or the self-questioning that every individual faces from time to time throughout their lives. Similarly, he understood that election to public office does not bestow skills or talents that we did not possess before; nor does it eradicate any personal weaknesses we possessed before our election. But Reverend Halverson was always there to remind us that deep within each of us is the ability to meet every challenge that our careers and our lives present.

A few years ago, I was quite ill. I left here one February night with a headache and did not return until late in the summer. During those months, as he was during all of his 14 years here, Reverend Halverson was there for me. I have never forgotten that, and my family has never forgotten that.

Throughout his 14 years as the Senate Chaplain Rev. Richard C. Halverson was a committed public servant and a friend to each of us. We shall miss him.

THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, almost 4 years ago I commenced these daily reports to the Senate to make a matter of record the exact Federal debt as of close of business the previous day.

In that report (February 27, 1992) the federal debt stood at $3,825,891,293,066.80, as of close of business the previous day. The point is, the federal debt has increased by $1,162,547,561,447.99 since February 26, 1992.

As of the close of business Tuesday, December 12, the Federal debt stood at exactly $4,988,438,854,514.79. On a per capita basis, every man, woman, and child in America owes $18,936.20 as his or her share of the Federal debt.

THE PHOENIX PROPOSAL

Mr. DOLE. Mr. President, the Federal Communications Commission will soon rule on Sprint's partnership with Deutsche Telekom and France Telecom, or its more common name, the Phoenix Proposal. I ask unanimous consent that my letter to FCC Chairman Reed Hundt regarding this issue be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, December 12, 1995.

Hon. REED HUNDT,
Chairman, Federal Communications Commission, Washington, DC.

DEAR MR. CHAIRMAN: I wrote you almost one year ago concerning the proposed Global Partnership between Sprint Corporation, Deutsche Telekom and France Telecom. At that time, I asked that you rule fairly and promptly on this matter.

It is my understanding the Commission may consider a proposal that appears to have little to do with traditional foreign ownership concerns having to do with the acquisition of undue leverage over domestic companies. Specifically, the FCC would artificially "freeze" Sprint's communications capacity between the United States and Germany and France, while placing no such restrictions on any of its major competitors.

Given that the Justice Department has already signed off on the partnership, many believe there is no legitimate foreign investment concern. Even if excessive leverage could be obtained under this partnership, an arbitrary limitation on communications capacity would not alleviate it. In short, it appears the Commission will answer the wrong question with an equally wrong solution. If this were to occur, Sprint would be at a competitive disadvantage with other international competitors.

I look forward to your reply.

Sincerely,

BOB DOLE.

LIMITED PROVISIONS IN THE CONTINUING RESOLUTION

Mr. KENNEDY. Mr. President, one of the most serious defects of the current stopgap funding for the Federal Government is its treatment of LIHEAP, the Low-Income Home Energy Assistance Program, that helps needy families pay their winter fuel bills. Under that program, States receive most of their full-year LIHEAP allocation in the 2 months of October and November so that they can prepare for the winter, set benefit levels, and deal with emergencies.

It is bad enough that the current stopgap bill cuts these needed funds by 25 percent from last year—25 percent from last year. Even worse, it pays out those funds on a basis that is prorated on a full year, so that the States are receiving far less than the usual share in October and November. By this time last year, Massachusetts had received $32 million of its $54 million allocation. This year, however, Massachusetts has only been allowed to draw down $9.5 million.

In fact, all States had received $800 million of last year's $1.3 billion LIHEAP appropriation by December of last year. Under the stopgap bill, there is a 71-percent cut, although the bill is only supposed to impose a 25 percent cut at most.

This chart demonstrates very clearly what the problem is. First of all, I think everyone across this country understands the extraordinary drops in the temperature in the most recent days. This is playing havoc in many families in Massachusetts, up in Boston, the North Shore, all over Massachusetts and the Berkshires and otherwise. By December 15 of 1994, some $800 million had been distributed. By December 15, 1995, only $230 million under the continuing resolution.

Mr. President, this has to be addressed in the continuing resolution. Unless it is, there will be hundreds of Americans whose very health and risk of freezing will be very, very real. This was a nonintended result of the fact of these continuing resolutions, and it is an emergency. It cries out for action.

We hope that the House of Representatives will take action. Otherwise, I know, under the leadership of Senator WELLSTONE and others, an amendment will be offered to try and reach this emergency situation.

Massachusetts energy agencies have said that they will respond only to cases where a utility terminates services, or where homes have less than one-eighth of a tank of fuel oil. The State has cut annual LIHEAP benefits from $430 to $150 per household to ensure that they have enough funds for emergencies throughout the winter.

In Gloucester, the agencies have been faced with a choice of spending nonauthorized LIHEAP funds or letting some families freeze to death.

In Salem, the local government has dipped into its own scarce funds to provide needed assistance.

In Springfield, Patricia Nelligan, the fuel assistance director for the New England Farm Workers' Council, said that unless more LIHEAP funds are made available soon, their program will have to shut down by the end of next week.

It may not officially be winter yet, but winter has already arrived with a vengeance in many parts of the country. For the 6 million recipients of LIHEAP assistance across the Nation, it will be a desperate Christmas unless more aid is available.

Some 95 percent of the households receiving LIHEAP assistance have annual incomes below $18,000. They spend an extremely burdensome 18 percent of their income on energy, compared to the average middle-class family, which spends only 4 percent.

Researchers at Boston City Hospital have documented the heat or eat effect, where higher utility bills during the coldest months force low-income families to spend less money on food. The result is increased malnutrition among children.

The study also found almost twice as many low-weight and undernourished children were admitted to Boston City Hospital's emergency room immediately following the coldest month of the winter. No family should have to choose between heating and eating.

But it is the poor elderly that will be at the greatest risk if more LIHEAP funds are not made available, because they are the most vulnerable to hypothermia. In fact, older Americans accounted for more than half of all hypothermia deaths in 1991.

In addition, the elderly are much more likely to live in homes built before 1940 which are less energy efficient and put them at greater risk.

Low-income elderly who have trouble paying their fuel bills are often driven to rely on room heaters, fireplaces, ovens, and wood-burning stoves to save money. Between 1986 and 1990, such heating sources were the second leading cause of fire deaths among the elderly. In fact, elderly citizens were up to 12 times more likely to die in heating-related fires than adults under 65.

Over 50 Senators have signed a letter urging the budget negotiators to allow States to draw down LIHEAP funds at the up-front rate if a further stop-gap funding bill is enacted. I urge the Senate to support this provision, so that families can receive the urgent assistance they need.

Christmas is approaching, and in many parts of the country, temperatures have dropped to levels close to those at the North Pole. But Santa Claus does not release LIHEAP funds to the States—Congress does, and we must act quickly to avoid tragedy.

THE DEATH OF THE FORMER CHAPLAIN OF THE SENATE, THE REVEREND DR. RICHARD C. HALVERSON

Mrs. HUTCHISON. Mr. President, with sadness, tempered by gratitude, I rise today to mourn the passing of the late Chaplain of the Senate, the Rev. Richard C. Halverson. Recently he left this Chamber and this world, but the impression he left is all around us.

Mr. President, we all know that national politics is often wracked by deep disagreement. The task of steering history's most civilized Nation on a wise course through democratic means arouses strong passions. Only spiritual guidance and divine grace could steady this Chamber during the tempests of every age, and we are fortunate to debate in soft tones, and to determine great questions as a civilized community. For the last 14 years, America herself was blessed to have Dr. Halverson, the Senate's Christian humanist, to keep our civilization decent.

Whenever a member of out little civilization lost a loved one—or gained one—the Chaplain's office was a proven source of consolation and hope.

I took the oath here not too long ago, and I remember, among a flood of invitations, one from the good Chaplain asked to come to the weekly Senate prayer breakfast. There are many bipartisan meetings in the Capitol, but the calm communion of Catholics,

Jews, and Protestants was tripartisan as well as profoundly contemplative. I treasure those Wednesday morning gatherings as occasions to make deep and abiding friendships with my colleagues.

Mr. President, John Stuart Mill wrote that "one person with a belief is a social power equal to ninety-nine who have only interests." Here in this Chamber, one Chaplain with unshakeable belief was a social power equal to all 100 of us, each with a host of interests and beliefs. He calmed our fears, he kept us together, and every morning he called us to prayer.

Now, as he taught us, I join my colleagues in praying for his soul.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting withdrawals and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF THE FARMINGTON WILD AND SCENIC RIVER STUDY—MESSAGE FROM THE PRESIDENT—PM 103

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Energy and Natural Resources.

To the Congress of the United States:

I take pleasure in transmitting the enclosed report for the Farmington River in the States of Massachusetts and Connecticut. The report and my recommendations are in response to the provisions of the Wild and Scenic Rivers Act, Public Law 90–542, as amended. The Farmington River Study was authorized by Public Law 99–590.

The study was conducted by the National Park Service, with invaluable assistance from a congressionally mandated study committee. The National Park Service determined that the 11-mile study segment in Massachusetts and the 14-mile study segment in Connecticut were eligible for designation based upon their free-flowing character and recreational, fish, wildlife and historic values.

The 14-mile Connecticut segment of the river has already been designated as a Wild and Scenic River pursuant to Public Law 103–313, August 26, 1994. The purpose of this transmittal is to inform the Congress that, although eligible for designation, I do not recommend that the Massachusetts segment be designated at this time due to lack of support by the towns adjoining it. If at some future date the towns should change their position and the river has retained its present characteristics, the Congress could reconsider the issue. Also, for 3 years from the date of this transmittal, the Massachusetts segment will remain subject to section 7(b) of the Wild and Scenic Rivers Act. Section 7(b) prohibits licensing of projects by the Federal Energy Regulatory Commission and Federal or federally assisted water resource development projects that would have a direct and adverse effect on the values for which the river might be designated. Finally, the report includes the Upper Farmington River Management Plan that is referenced in Public Law 103–313 as the plan by which the designated river will be managed.

The plan demonstrated a true partnership effort of the type that we believe will be increasingly necessary if we are to have affordable protection of our environment in the future.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *December 13, 1995.*

MESSAGES FROM THE HOUSE

At 1:58 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 632. An act to enhance fairness in compensating owners of patents used by the United States.

H.R. 1253. An act to rename the San Francisco Bay National Wildlife Refuge as the Don Edwards San Francisco Bay National Wildlife Refuge.

H.R. 1295. An act to amend the Trademark Act of 1946 to make certain revisions relating to the protection of famous marks.

H.R. 1533. An act to amend title 18, United States Code, to increase the penalty for escaping from a Federal prison.

H.R. 1574. An act to amend the Federal Deposit Insurance Act to exclude certain bank products from the definition of a deposit.

H.R. 1747. An act to amend the Public Health Service Act to permanently extend and clarify malpractice coverage for health centers, and for other purposes.

H.R. 2196. An act to amend the Stevenson-Wydler Technology Innovation Act of 1980 with respect to inventions made under cooperative research and development agreements, and for other purposes.

H.R. 2243. An act to amend the Trinity River Basin Fish and Wildlife Management Act of 1984, to extend for three years the availability of moneys for the restoration of fish and wildlife in the Trinity River, and for other purposes.

H.R. 2289. A bill to amend title 38, United States Code, to extend permanently certain housing programs, to improve the veterans employment and training system, and to make clarifying and technical amendments to further clarify the employment and reemployment rights and responsibilities of members of the uniformed services, as well as those of the employer community, and for other purposes.

H.R. 2418. An act to improve the capability of analyze deoxyribonucleic acid.

H.R. 2538. An act to make clerical and technical amendments to title 18, United States Code, and other provisions of law relating to crime and criminal justice.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 117. Concurrent resolution concerning writer, political philosopher, human rights advocate, and Nobel Peace Prize nominee Wei Jingsheng.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 1240) to combat crime by enhancing the penalties for certain sexual crimes against children.

The message also announced that the House recedes from its amendments to the amendments of the Senate to the bill (H.R. 1868) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1996, and for other purposes, and concurs therein with an amendment.

The message further announced that the Speaker appoints Mr. WISE as a conferee in the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2539) to abolish the Interstate Commerce Commission, to amend subtitle IV of title 49, United States Code, to reform economic regulation of transportation, and for other purposes, vice Mr. LIPINSKI, resigned.

At 4:25 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House 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. 1977) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 1253. An act to rename the San Francisco Bay National Wildlife Refuge as the Don Edwards San Francisco Bay National Wildlife Refuge, to the Committee on Environment and Public Works.

H.R. 1533. An act to amend title 18, United States Code, to increase the penalty for escaping from a Federal prison, to the Committee on the Judiciary.

H.R. 1574. An act to amend the Federal Deposit Insurance Act to exclude certain bank products from the definition of a deposit, to the Committee on Banking, Housing, and Urban Affairs.

H.R. 2196. An act to amend the Stevenson-Wydler Technology Innovation Act of 1980 with respect to inventions made under cooperative research and development agreements, and for other purposes, to the Committee on Commerce, Science, and Transportation.

H.R. 2243. An act to amend the Trinity River Basin Fish and Wildlife Management Act of 1984, to extend for three years the availability of moneys for the restoration of fish and wildlife in the Trinity River, and for other purposes, to the Committee on Environment and Public Works.

H.R. 2289. A bill to amend title 38, United States Code, to extend permanently certain housing programs, to improve the veterans employment and training system, and to make clarifying and technical amendments to further clarify the employment and reemployment rights and responsibilities of members of the uniformed services, as well as those of the employer community, and for other purposes, to the Committee on Veterans' Affairs.

H.R. 2418. An act to improve the capability to analyze deoxyribonucleic acid; to the Committee on the Judiciary.

H.R. 2538. An act to make clerical and technical amendments to title 18, United States Code, and other provisions of law relating to crime and criminal justice; to the Committee on the Judiciary.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 117. Concurrent resolution concerning writer, political philosopher, human rights advocate, and Nobel Peace Prize nominee Wei Jingsheng, to the Committee on Foreign Relations.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1681. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC–1682. A communication from the Administrator of the Federal Highway Administration, the Department of Transportation, transmitting, pursuant to law, the report entitled, "Progress Made in Implementing Sections 6106 and 1038 of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA)"; to the Committee on Environment and Public Works.

EC–1683. A communication from the Administrator the Environmental Protection Agency, transmitting, pursuant to law, the annual report entitled, "The Superfund Innovative Technology Evaluation Program" for fiscal year 1994; to the Committee on Environment and Public Works.

EC–1684. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report on child support enforcement for fiscal year 1994; to the Committee on Finance.

EC–1685. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the first annual report summarizing the evaluation activities relative to the Comprehensive Community Mental Health Services with Serious Emotional Disturbances program; to the Committee on Labor and Human Resources.

EC–1686. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, a draft of proposed legislation to make technical revisions to existing immigration law and to promote the efficiency and effectiveness of consular and immigration services and operations; to the Committee on the Judiciary.

EC–1687. A communication from the Secretary of Education, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1994; to the Committee on the Judiciary.

EC–1688. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, proposed regulations governing corporation and labor organization activity, express advocacy and coordination with candidates; to the Committee on Rules and Administration.

EC–1689. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the report under the Inspector General Act for the period April 1 through September 30, 1995; to the Committee on Governmental Affairs.

EC–1690. A communication from the Attorney General, transmitting, pursuant to law, the report under the Inspector General Act for the period April 1 through September 30, 1995; to the Committee on Governmental Affairs.

EC–1691. A communication from the Secretary of Commerce, transmitting, pursuant to law, the report under the Inspector General Act for the period April 1 through September 30, 1995; to the Committee on Governmental Affairs.

EC–1692. A communication from the Secretary of Education, transmitting, pursuant to law, the report under the Inspector General Act for the period April 1 through September 30, 1995; to the Committee on Governmental Affairs.

EC–1693. A communication from the Secretary of Energy, transmitting, pursuant to law, the report under the Inspector General Act for the period April 1 through September 30, 1995; to the Committee on Governmental Affairs.

EC–1694. A communication from the Director of the Office of Management and Budget, the Executive Office of the President, transmitting, pursuant to law, a report on accounts containing unvouchered expenditures potentially subject to audit by the Comptroller General; to the Committee on Governmental Affairs.

EC–1695. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report under the Inspector General Act for the period April 1 through September 30, 1995; to the Committee on Governmental Affairs.

EC–1696. A communication from the Secretary of the Interior, transmitting, pursuant to law, the report under the Inspector General Act for the period April 1 through September 30, 1995; to the Committee on Governmental Affairs.

EC–1697. A communication from the Chairman of the Board of the Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report under the Inspector General Act for the period April 1 through September 30, 1995; to the Committee on Governmental Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–480. A resolution adopted by the Legislature of the State of Alaska; to the Committee on Commerce, Science, and Transportation.

"RESOLUTION

"Whereas the federal government is considering legislation that would repeal the existing authority of the Interstate Commerce Commission to regulate water carriers transporting property between the 48 contiguous states and Alaska; and

"Whereas Alaska is uniquely dependent on water transportation in that virtually everything that Alaskans eat, drink, wear, or use comes into the state by ship or barge; and

"Whereas the deep water transport market serving the Alaska Railbelt is a classic duopoly situation in that two water carriers provide the vital service of transporting at least 75 percent of all goods shipped for 80 percent of the state's residents; and

"Whereas, in a duopoly situation, the service providers have an obligation to their customers to operate with the highest degree of fairness and disclosure; and

"Whereas the freight system by which Alaskans receive vital cargo should treat all customers fairly by guaranteeing equal access to competitive rates; and

"Whereas the citizens of Alaska, recognizing that their interests may best be served by allowing market forces to determine the cost of bringing vital goods to the state so far as possible, continue to have concerns about the cost of shipping goods to Alaska; and

"Whereas the citizens of Alaska have also expressed their desire to preserve the essential elements of the current system of regulating water carriers serving Alaska; and

"Whereas, if the Interstate Commerce Commission is abolished and if there is no other forum for shipper complaints, the citizens of the state may have no place to present and resolve complaints about water carriers serving Alaska other than in court; and

"Whereas the federal government has historically had a role in water transportation to Alaska through the Interstate Commerce Commission; and

"Whereas the federal government is considering whether to transfer some functions of the Interstate Commerce Commission to the United States Department of Transportation; and

"Whereas the Interstate Commerce Commission has recommended that the regulation of all domestic offshore water carriage be handled by the Federal Maritime Commission, which may also be abolished; and

"Whereas regulatory functions of the Interstate Commerce Commission relating to domestic offshore water carriage could be performed by other existing federal entities if the Interstate Commerce Commission is abolished in order to save federal taxpayer money; and

"Whereas three primary interests of Alaskans if such abolishment occurs are to ensure that rates for carriage to Alaska are fair and competitive, to ensure that carriage service to Alaska is dependable, and to ensure that an accessible forum exists in which Alaskans can present and resolve complaints; be it

"*Resolved*, That the Alaska State Legislature respectfully requests that the Governor and members of the Alaska delegation in the United States Congress support the preservation of the essential regulatory functions of

the Interstate Commerce Commission pertaining to domestic offshore water carriage that serve the best interests of Alaska's consumers while providing an acceptable rate of return to the carriers which serve the Alaska market by transferring such regulatory functions to the United States Department of Transportation, if and when necessary."

POM-481. A resolution adopted by the Commission of the City of Boynton, Florida relative to the Superfund Reform 95 principles; to the Committee on Environment and Public Works.

POM-482. A resolution adopted by the House of the Legislature of the State of Georgia; to the Committee on Finance.

"Whereas, the members of state legislatures are required to be away from their homes while performing the duties of their offices; and

"Whereas, members of state legislatures are reimbursed for their travel expenses and the other expenses incurred in performing their duties; and

"Whereas, under the provisions of 26 U.S.C., Section 162(h), state legislators are allowed to deduct such reasonable travel expenses for purposes of income taxation; and

"Whereas, the payment of such expenses is currently subject to withholding for purposes of the federal Social Security Act and for purposes of federal income taxation; and

"Whereas, it is only fitting and proper that such expenses should not be subjected to withholding for these purposes: Now, therefore, be it

"*Resolved by the House of Representatives*, That this body urges the Congress of the United States to enact legislation which would exclude the travel expenses and per diem of state legislators from income for purposes of contributions required under the federal Social Security Act and from withholding for purposes of federal income taxation, BE IT FURTHER

"*Resolved* That the Clerk of the House of Representatives is authorized and directed to transmit appropriate copies of this resolution to the Congress of the United States and to each member of Congress from the State of Georgia."

REPORTS OF COMMITTEE

The following report of committee was submitted:

By Mr. HATFIELD, from the Committee on Appropriations:

Special Report entitled "Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 1996" (Rept. No. 104-184).

EXECUTIVE REPORT OF COMMITTEES

The following executive report of committees was submitted:

By Mr. STEVENS, from the Committee on Governmental Affairs:

Donald S. Wasserman, of the District of Columbia, to be a Member of the Federal Labor Relations Authority for a term of five years expiring July 1, 2000.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BREAUX (for himself and Mr. JOHNSTON):

S. 1472. A bill to provide for one additional Federal judge for the middle district of Louisiana and one less Federal judge for the eastern district of Louisiana; read the first time.

By Ms. SNOWE (for herself and Mr. MACK):

S. 1473. A bill to authorize the Administrator of General Services to permit the posting in space under the control of the Administrator of notices concerning missing children, and for other purposes; to the Committee on Environment and Public Works.

By Mr. HATCH:

S. 1474. A bill to provide new authority for probation and pretrial services officers, and for other purposes; to the Committee on the Judiciary.

By Mr. STEVENS (for himself and Mr. MURKOWSKI):

S. 1475. A bill to provide an antitrust exemption for persons engaged in the fishing industry and for other purposes; to the Committee on the Judiciary.

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 1476. A bill to establish the Boston Harbor Islands National Recreation Area, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. KASSEBAUM:

S. 1477. A bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DOLE (for himself, Mr. MCCAIN, Mr. DASCHLE, Mr. LIEBERMAN, Mr. MOYNIHAN, Mrs. FEINSTEIN, and Mr. EXON):

S.J. Res. 44. A joint resolution concerning the deployment of U.S. Armed Forces in Bosnia-Herzegovina; considered and passed.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. HUTCHISON (for herself, Mr. INHOFE, Mr. CRAIG, Mr. NICKLES, Mr. KYL, Mr. LOTT, Mr. BENNETT, Mr. BROWN, Mr. BURNS, Mr. CAMPBELL, Mr. COATS, Mr. D'AMATO, Mr. DOMENICI, Mr. FAIRCLOTH, Mr. FRIST, Mr. GRAMS, Mr. HATCH, Mr. HELMS, Mr. KEMPTHORNE, Mr. MURKOWSKI, Mr. PRESSLER, Mr. SANTORUM, Mr. SHELBY, Mr. SIMPSON, Mr. SMITH, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, and Mr. THURMOND):

S. Con. Res. 35. A concurrent resolution expressing the opposition of the Congress to President Clinton's planned deployment of United States ground forces to Bosnia; submitted and read.

By Mr. LEVIN:

S. Con. Res. 36. A concurrent resolution directing the Secretary of the Senate to make technical corrections in the enrollment of S. 1060; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. SNOWE (for herself and Mr. MACK):

S. 1473. A bill to authorize the Administrator of General Services to permit the posting in space under the control of the Administrator of notices concerning missing children, and for other purposes; to the Committee on Environment and Public Works.

MISSING CHILDREN LEGISLATION

• Ms. SNOWE. Mr. President, I introduce a small but important piece of legislation designed to assist parents in times of terrible crisis and need, times that every parent has nightmares about—when their children are missing.

Imagine the horror of discovering that your child is missing. Imagine the pain and emotion that overcomes a family at such a time. Imagine the strength and dedication that such families muster in order to do everything possible to locate that child. And imagine how this horror and devastation becomes compounded by senseless Government regulations which hinder their efforts to locate their children.

Consider the tragic experience of Claudine and Don Ryce, the parents of Jimmy Ryce, a 10-year-old Florida boy who disappeared on September 11 of this year. Jimmy disappeared somewhere in the three square blocks between his school bus stop and his home.

Tragically, Jimmy's body was found late last week. I extend my deepest sympathy, and my most sincere condolences, to his family.

I want Jimmy's parents to know that I heard about the frustration they encountered as they searched for their son. I want them to know that Congress will do something to rectify this. Today, I want to break down one barrier that they encountered in their vigilant efforts to locate their son.

Jimmy's parents tell the story of how simple tasks, such as posting notices in Federal buildings with Jimmy's picture on it, were frustrated by senseless Government regulation. They tell of how, with the assistance of the FBI, they would post these notices in one Federal agency building, only to have them removed by employees of another agency. Imagine how frustrating this must be to parents of missing children. How frustrating this must be, especially since photographs of missing children are the most effective tool we have for locating these children.

Unfortunately, far too many children are missing in this country. A 1990 study by the Department of Justice—the most recent study on this issue—found that in 1988 there were as many as:

114,600 attempted abductions of children by non-family members;

4,600 abductions by non-family members reported to the police;

300 abductions by non-family members where the children were gone for long periods of time or were murdered;

354,000 children abducted by family members;

450,700 children who ran away; and

438,200 children who were lost, injured or otherwise missing.

Moreover, the National Crime Information Center reports that approximately 60,000 children are missing at any given time.

The legislation that I introduce today is designed to help the parents of these missing children by eliminating one barrier that Jimmy's parents faced in their search for their son.

This legislation amends the Protection of Public Property Act, which empowers the General Services Administration [GSA] to set rules governing Federal property under its control. Currently, Federal regulations issued by the GSA prohibit the posting of materials on Federal property. My bill directs the GSA to make a very important exception to these rules, and requires the GSA to draft regulations allowing the posting of notices designed to locate missing children. It also ensures that Federal employees cannot needlessly remove these posters.

As Jimmy's father said, "There are things the Government can do, simple things, that would make it easier to publicize" that a child is missing. He also said that we need to "turn these agencies into our allies."

Well, Mr. Ryce, you are correct, and I believe that this legislation will do just that.●

By Mr. HATCH:

S. 1474. A bill to provide new authority for probation and pretrial services officers, and for other purposes.

PROBATION AND PRETRIAL SERVICES OFFICERS LEGISLATION

Mr. HATCH. Mr. President, today I introduce a bill that would grant Federal probation and pretrial services officers authority to carry firearms, when approved by the appropriate district court, under rules prescribed by the Administrative Office of the U.S. Courts.

To add that new authority, the bill amends 18 U.S.C. 3603, which sets out the duties of probation officers, and 18 U.S.C. 3154, which establishes the functions of pretrial services officers. The change will permit those officers to carry firearms as they perform their important and frequently dangerous duties.

State law currently governs whether Federal probation and pretrial services officers may carry weapons; that law is inconsistent from State to State. Research by the Administrative Office of the U.S. Courts shows that only three States give specific authority to Federal probation and pretrial services officers to carry weapons. Forty-four States authorize Federal probation officers to carry firearms based either on statutory authority given to State probation officers or peace officers, or on State attorney general opinions. Although some of those States similarly authorize Federal pretrial services officers to carry firearms, at least 14 of them have neglected to extend that authority to those officers.

More important, certain States prohibit Federal probation and pretrial services from carrying weapons even where the officer has court approval to do so. Officers in those jurisdictions are left vulnerable to serious harm or death. A 1993 study undertaken by the Federal Probation and Pretrial Officers Association revealed that, in the Federal and local systems, 1,818 serious assaults and 792 attempted assaults against probation and pretrial services officers occurred between 1980 and 1992. The study acknowledges that those numbers probably understate the actual figures since some jurisdictions did not respond the association's study.

In my view, the risks faced by Federal probation and pretrial services officers cannot be overemphasized. These officers risk their safety and their lives every day, often supervising violent offenders in situations that place them and others at risk of bodily harm. We should ensure that, wherever those officers are, they are authorized to carry a firearm.

Not only does this bill address problems faced by officers who work out of jurisdictions in which they are not permitted to carry a firearm, but it addresses difficulties faced by officers who must cross State lines in the performance of their duties. Under current law, even officers who are authorized under one State's laws to carry weapons may still run afoul of another State's laws when they cross State lines. Without a Federal statute authorizing officers to carry firearms, they may be acting illegally when they cross State lines to perform their duties. Many Federal officers supervise offenders near a State border and must travel interstate to carry out their duties. An offender may have a nearby job in an adjacent State, for example, and the officer may need to travel to the job site to verify the offender's employment.

Problems may also arise for officers who live in one State and work in another. For instance, officers who live in Wisconsin and work in Minnesota are not allowed to obtain a gun permit from Minnesota. Similar situations arise in other States. Officers may be unable to obtain licenses from the State in which they reside even though they may work in a neighboring State that permits some of it residents to carry firearms.

These officers work in inherently dangerous environments. The Federal Probation and Pretrail Officers Association wrote to me on September 15, 1995:

> Under enhanced supervision practices, we supervise in the field, in the most crime-infested areas of urban environments as well as in the most remote rural areas of urban environments as well as in the most remote rural areas. [I]f enacted, [the bill] would give all officers a significant measure of support and protection which they certainly deserve.

I wholeheartedly agree.

This bill will correct the current intolerable situation. The security of Federal probation and pretrial services officers should not be left to the vagaries of State law.

Of course, these Federal officers will be fully trained and closely supervised in their use of firearms. Under the bill, probation and pretrial services officers will be permitted to carry firearms only pursuant to regulations promulgated by the Director of the Administrative Office of the U.S. courts. The Administrative Office has informed me that these regulations would include extensive training and safety requirements, and that most of them are already in effect for those officers authorized to carry firearms.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

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

S. 1474

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NEW AUTHORITY FOR PROBATION AND PRETRIAL SERVICES OFFICERS.

(a) PROBATION OFFICERS.—Section 3603 of title 18, United States Code, is amended—

(1) by striking "and" at the end of paragraph (8)(B);

(2) by redesignating paragraph (9) as paragraph (10); and

(3) by inserting after paragraph (8) the following new paragraph:

"(9) if approved by the district court, be authorized to carry firearms under such rules and regulations as the Director of the Administrative Office of the United States Courts may prescribe; and".

(b) PRETRAIL SERVICES OFFICERS.—Section 3154 of title 18, United States Code, is amended—

(1) by redesignating paragraph (13) as paragraph (14); and

(2) by inserting after paragraph (12) the following new paragraph:

"(13) As approved by the district court, carry firearms under such rules and regulations as the Director of the Administrative Office of the United States Courts may prescribe.".

By Mr. STEVENS (for himself and Mr. MURKOWSKI):

S. 1475. A bill to provide an antitrust exemption for persons engaged in the fishing industry and for other purposes; to the Committee on the Judiciary.

THE FISHING INDUSTRY BARGAINING ACT

● Mr. STEVENS. Mr. President, today I am introducing the Fishing Industry Bargaining Act, a bill to provide antitrust immunity to fishermen and fish processors which would allow them to collectively agree on the prices paid to

fishermen and on the minimum price fish processors will accept for the sale of processed fish products.

Senator MURKOWSKI joins me as a cosponsor of this legislation.

We are introducing the bill because the Alaska State Legislature enacted a State law to confer identical antitrust immunity on Alaska fishermen and processors.

The changes to Alaska law will only have effect if the changes we are proposing to Federal law are enacted.

Our bill would add a new section to the act approved on June 25, 1934, which authorizes producers of aquatic products to form associations, to allow fishermen and fish processors to collectively agree on prices.

The bill would prevent fish processors from agreeing on prices unless fishermen participated in the agreement and are party to the agreement.

This antitrust exemption would apply to fishermen and fish processors in all parts of the country, not just in Alaska.

We look forward to hearing from the Alaska fishing industry and from the fishing industry in other parts of the country about the legislation.

If there is support, we would hope to enact the bill sometime next year.

I ask for unimous consent that the bill be printed in the RECORD.

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

S. 1475

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Fishing Industry Bargaining Act".

(b) AMENDMENT TO ACT OF 1934.—The Act approved June 25, 1934, authorizing associations of producers of aquatic products (15 U.S.C. 1521 et seq.) is amended by inserting after section 2 the following new section:

"SEC. 3. Persons engaged in the fishing industry as fishermen, including fishermen acting through associations allowed under section 1, may collectively agree with fish processors, including fish processors acting through associations of processors, on (1) the price paid to the fishermen for aquatic products, and (2) the minimum price that fish processors will accept for the sale of processed aquatic products. Nothing in this section shall be construed to allow fish processors to agree among themselves on the price paid to fishermen or the minimum price that fish processors will accept for the sale of processed aquatic products if fishermen did not participate in the making of the agreement and are not a party to the agreement.•

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 1476. A bill to establish the Boston Harbor Islands National Recreation Area, and for other purposes; to the Committee on Energy and Natural Resources.

BOSTON HARBOR ISLANDS NATIONAL RECREATION AREA LEGISLATION

Mr. KERRY. Mr. President, today, I am pleased to join with Senator KENNEDY in introducing legislation to establish the Boston Harbor Islands National Recreation Area. Our bill is the companion legislation to H.R. 2763, introduced yesterday by Congressman GERRY STUDDS and PETER TORKILDSEN. I especially want to acknowledge the enormous leadership efforts of Congressman STUDDS in preparing this initiative and I look forward to working with him and others in the months ahead to enact this legislation.

Thirty-one islands sprinkled throughout Boston Harbor and the surrounding waterway would comprise the national recreational area. Our legislation is based upon a special resource study completed by the National Park Service in 1994 which found that the Boston Harbor Islands and surrounding area meet the Service's criteria for inclusion in the National Park System. However, trying to balance the need for fiscal restraint with the importance of protecting our national heritage, our bill is a much-scaled-down version of the one envisioned in the study. Our bill would fully utilize a unique partnership among the Federal, State, and local governments and the private sector and would require that at least 75 percent of the operational expenses for the park will come from non-Federal funding.

Boston has a rich and diverse history and has been and remains the economic and cultural center of New England. Today, Boston is nationally and internationally renowned in fields such as higher education, health care, technology, transportation, and trade. Beginning centuries ago, Boston Harbor has played a significant role in shaping the city's and the region's direction and growth, and the harbor area contains some of the oldest and most significant historic sites in the Nation, dating from precolonial times.

The islands themselves are rich in historical diversity, containing numerous military and maritime sites. In addition, there are important archaeological sites which chronicle the use and settlement of the harbor by native Americans from at least 9,000 years ago through the 17th century. With its proximity to the city, the park would provide an excellent opportunity to thousands of people to enjoy its outstanding natural, historic, scenic, recreational, and educational values.

As a National Recreation Area, the Boston Harbor Island and surrounding area would enhance the National Park System by promoting this nationally significant history while providing leisure attractions to the public. The park is projected to attract to the area an additional 500,000 visitors annually, create 700 new jobs, and bring an additional $200 million into the region's economy.

In 1970, the Commonwealth of Massachusetts began to acquire the islands of Boston Harbor for the benefit of the public. Since that time, a significant effort has been made to clean up the waters of Boston Bay to again make it attractive to boating, fishing, and other recreational and commercial activities. During the 1980's, the citizens of the Greater Boston area have undertaken what may prove to be the largest water infrastructure project in North America which is intended to guarantee that the Boston Bay's ecological health will be good for the foreseeable future.

The bill we are introducing would establish the Boston Harbor Islands partnership to coordinate the activities of Federal, State, and local authorities and the private sector in developing and implementing an integrated management plan for the islands. In addition, an advisory council would be established to provide representation for interested groups and organizations. This council would make recommendations to the partnership on issues including tourism, transportation, natural resources, cultural and historic resources, and fundraising.

Finally, our legislation would require a ratio of at least three non-Federal dollars for every Federal dollar spent on the park. Using limited Federal resources to leverage a significant local effort is a concept that merits support. By creating a national recreation area, we will preserve an important piece of our American heritage, give it the prominence and honor it richly deserves, accomplish all this with the Federal Government covering only a fraction of its cost, and facilitate the efforts of the Boston area to preserve its history and enhance recreational opportunities for its citizens and visitors.

I am sure Senator KENNEDY and I will be joined by the Massachusetts delegation and others as we work for passage of this important legislation. I am hopeful that the Congress will look favorably upon this initiative which would bring an important, historically significant addition to our National Park System without imposing great new financial burdens on it.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1476

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) Boston is the economic and cultural center of New England and a city of national and international significance;

(2) the Boston metropolitan region plays a leadership role in the areas of higher education, technology, health care, transportation, and national and international trade;

(3) Boston and the immediate region contain some of the oldest, most valuable, and

most visited historic sites in the Nation, dating from precolonial times;

(4) factors such as open space, parks, recreational opportunities, and natural and cultural resource preservation will help determine the region's success and long-term economic and social viability into the 21st century;

(5) Boston Harbor has been a major factor in shaping Boston's growth, development, and sustained influence and significance in New England and the Nation;

(6) years of neglect and overuse of Boston Harbor resulted in a serious decline in its water quality, but a major cleanup effort is fostering the Harbor's renewal and revitalization, making the Harbor once again a focal point for the city and region;

(7) the Boston Harbor Islands support invaluable natural resources, rare in urban settings, that include fresh and salt water marshes, dunes, woodlands, ledges and cliffs, and habitat for wildlife and numerous bird species;

(8) Boston Harbor and its islands, containing many fortifications and other sites related to coastal defense, played an important role in United States military and maritime history from the colonial era to the Cold War;

(9) Boston Harbor and its islands contain important archaeological sites and underwater archaeological resources that chronicle the use and settlement of the Harbor by Native Americans from at least 9,000 years ago until the 17th century;

(10) the Boston Harbor Islands offer abundant opportunities for public education on the attempts of society to deal with urban problems and to protect the ecological health of the Harbor;

(11) the Boston Harbor Islands offer opportunities for recreation, education, and public use and enjoyment in a maritime setting that is in close proximity to a large urban population;

(12) the Boston Harbor Islands are located in a mixed use area, including an active commercial seaport and the region's busiest airport, the present and future operation of which are essential for the economic stability of the region;

(13) the Boston Harbor Islands possess outstanding natural, historical, scenic, recreational, and educational values, and there is a national interest in protecting and preserving those values for residents and visitors of the area; and

(14) a partnership among Federal, State, and local governments and nonprofit organizations offers the best opportunity for the enhancement and management of the Boston Harbor Islands.

(b) PURPOSES.—The purposes of this Act are—

(1) to preserve for public use and enjoyment the lands and waters that comprise the Boston Harbor Islands National Recreation Area;

(2) to manage the recreation area in partnership with the private sector, the Commonwealth of Massachusetts, municipalities surrounding Massachusetts Bay and Cape Cod Bay, the Thompson Island Outward Bound Education Center, and The Trustees of Reservations and with historical, business, cultural, civic, recreational, and tourism organizations; and

(3) to improve access to the Boston Harbor Islands through the use of public water transportation.

SEC. 2. DEFINITIONS.

In this Act:

(1) ADVISORY COUNCIL.—The term "advisory council" means the Boston Harbor Islands Advisory Council established under section 8.

(2) MANAGEMENT PLAN.—The term "management plan" means the management plan for the recreation area approved under section 7.

(3) PARTNERSHIP.—The term "Partnership" means the Boston Harbor Islands Partnership established by section 5.

(4) RECREATION AREA.—The term "recreation area" means the Boston Harbor Islands National Recreation Area established by section 3.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 3. BOSTON HARBOR ISLANDS NATIONAL RECREATION AREA.

(a) ESTABLISHMENT.—In order to preserve for the benefit and inspiration of the people of the United States as a national recreation area certain lands located in Massachusetts Bay, there is established as a unit of the National Park System the Boston Harbor Islands National Recreation Area.

(b) BOUNDARIES.—

(1) IN GENERAL.—The recreation area shall—

(A) be comprised of the lands, waters, and submerged lands generally depicted on the map entitled "Proposed Boston Harbor Islands NRA", numbered BOHA 80001, and dated August 1995; and

(B) include landside points required for access, visitor services, and administration—

(i) in the city of Boston along the Harborwalk and at Long Wharf, Castle Island, Fan Pier, the John F. Kennedy Library, and the Custom House;

(ii) at Charlestown Navy Yard;

(iii) at the old Northern Avenue Bridge;

(iv) in the city of Quincy at Squantum Point/Marina Bay, the Fore River Shipyard, and Town River;

(v) in the town of Hingham at Hewitt's Cove;

(vi) in the town of Hull;

(vii) in the city of Salem at Salem National Historic Site; and

(viii) in the city of Lynn at Heritage State Park.

(2) PUBLIC AVAILABILITY OF MAP.—The map described in paragraph (1) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(3) MINOR REVISIONS.—After advising the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate in writing, the Secretary may make minor revisions to the boundaries of the recreation area by publication of a revised drawing or other boundary description in the Federal Register.

SEC. 4. ADMINISTRATION OF RECREATION AREA.

(a) IN GENERAL.—The recreation area shall be administered by the Secretary in accordance with this Act.

(b) FEDERAL LAND.—The land in the recreation area that is owned by the United States, acting through the Secretary, shall be administered in accordance with the law generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535, chapter 408; 16 U.S.C. 1 et seq.), and the Act of August 21, 1935 (49 Stat. 666, chapter 593; 16 U.S.C. 461 et seq.).

(c) STATE AND LOCAL JURISDICTION.—Nothing in this Act diminishes, enlarges, or modifies any right of the Commonwealth of Massachusetts or any political subdivision of the Commonwealth to exercise civil and criminal jurisdiction or to carry out State laws in the recreation area, including laws relating to fish and wildlife and laws relating to the taxation of persons or property in the recreation area.

(d) COOPERATIVE AGREEMENTS.—The Secretary may consult and enter into cooperative agreements with such persons or entities as the Secretary determines to be appropriate for the preservation, interpretation, management, and provision of educational and recreational uses for the properties in the recreation area.

(e) ACQUISITION OF REAL AND PERSONAL PROPERTY AND SERVICES.—

(1) IN GENERAL.—The Secretary may acquire for purposes of the recreation area, by donation, exchange, or lease or purchase with donated or appropriated funds, personal property and lands and improvements in the recreation area.

(2) LIMITATION.—The Secretary may not acquire an interest in real property in the recreation area without the consent of the owner.

(f) OTHER PROPERTY, FUNDS, AND SERVICES.—The Secretary may accept and use donated funds, property, and services to carry out this Act.

(g) RELATIONSHIP OF RECREATION AREA TO BOSTON-LOGAN INTERNATIONAL AIRPORT.—With respect to the recreation area, the maintenance, operation, improvement, and use of Logan International Airport and associated flight patterns from time to time in effect shall not be considered to constitute the use of publicly owned land of a public park, recreation area, or other resource within the meaning of section 303(c) of title 49, United States Code, or to have a significant effect on natural, scenic, and recreation assets within the meaning of section 47101(h)(2) of title 49, United States Code.

SEC. 5. BOSTON HARBOR ISLANDS PARTNERSHIP.

(a) ESTABLISHMENT.—There is established in the executive branch the Boston Harbor Islands Partnership, the purpose of which shall be to coordinate the activities of Federal, State, and local authorities and the private sector in the development and implementation of an integrated resource management plan for the recreation area.

(b) MEMBERSHIP.—The Partnership shall be composed of 13 members, including—

(1) 1 individual appointed by the Secretary to represent the National Park Service;

(2) 1 individual appointed by the Secretary of Transportation to represent the United States Coast Guard;

(3) 2 individuals appointed by the Secretary, after consideration of recommendations by the Governor of Massachusetts, to represent the Department of Environmental Management and the Metropolitan District Commission;

(4) 1 individual appointed by the Secretary, after consideration of recommendations by the chairperson of the Massachusetts Port Authority, to represent the Massachusetts Port Authority;

(5) 1 individual appointed by the Secretary, after consideration of recommendations by the chairperson of the Massachusetts Water Resources Authority, to represent the Massachusetts Water Resources Authority;

(6) 1 individual appointed by the Secretary, after consideration of recommendations by the mayor of Boston, to represent the Office of Environmental Services of the city of Boston;

(7) 1 individual appointed by the Secretary, after consideration of recommendations by the chairperson of the Boston Redevelopment Authority, to represent the Boston Redevelopment Authority;

(8) 1 individual appointed by the Secretary, after consideration of recommendations by the president of the Thompson Island Outward Bound Education Center, to represent the Center Thompson Island Outward Bound Education;

(9) 1 individual appointed by the Secretary, after consideration of recommendations by the chairperson of The Trustees of Reservations, to represent The Trustees of Reservations;

(10) 1 individual appointed by the Secretary, after consideration of recommendations of the president of the Island Alliance, to represent the Island Alliance, a nonprofit organization the sole purpose of which is to provide financial support for the recreation area; and

(11) 2 individuals appointed by the Secretary to represent the advisory council.

(c) TERMS OF OFFICE; REAPPOINTMENT.—

(1) IN GENERAL.—Each member of the Partnership shall appointed for a term of 3 years.

(2) REAPPOINTMENT.—Any member may be reappointed for 1 additional 3-year term.

(3) INITIAL MEMBERS.—The Secretary shall appoint the first members of the Partnership not later than 30 days after the date on which the Secretary has received all of the recommendations for appointment under paragraphs (3) through (10) of subsection (b).

(4) EXTENDED SERVICE.—A member of the Partnership may serve after the expiration of the member's term until a successor has been appointed.

(d) COMPENSATION.—A member of the Partnership shall serve without pay, but while away from the member's home or regular place of business in the performance of services for the Partnership, a member shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as a person employed intermittently in the Government service is allowed expenses under section 5703 of title 5, United States Code.

(e) ELECTION OF OFFICERS.—

(1) IN GENERAL.—The Partnership shall elect 1 of its members as Chairperson and 1 as Vice Chairperson.

(2) TERMS.—The term of office of the Chairperson and Vice Chairperson shall each be 1 year.

(3) ABSENCE OF CHAIRPERSON.—The Vice Chairperson shall serve as chairperson in the absence of the Chairperson.

(f) VACANCY.—A vacancy in the Partnership shall be filled in the same manner in which the original appointment was made.

(g) MEETINGS.—The Partnership shall meet at the call of the Chairperson or a majority of its members.

(h) QUORUM.—A majority of the Partnership shall constitute a quorum.

(i) STAFFING.—

(1) PROVISION BY THE SECRETARY.—The Secretary shall provide the Partnership with such staff and technical assistance as the Secretary, after consultation with the Partnership, considers appropriate to enable the Partnership to carry out its duties.

(2) PERSONNEL ON DETAIL.—To assist the Partnership, the Secretary may accept the services of personnel detailed from the Commonwealth of Massachusetts, a political subdivision of the Commonwealth, or an entity represented in the Partnership.

(j) NATURE OF PARTNERSHIP.—The members of the Partnership and the entities represented in the Partnership shall not be treated as partners in a legal sense.

SEC. 6. POWERS OF THE PARTNERSHIP.

(a) HEARINGS.—The Partnership may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Partnership considers appropriate.

(b) DONATIONS.—Notwithstanding any other provision of law, the Partnership may seek and accept donations of funds, property, or services from individuals, foundations, corporations, and other private and public entities for the purpose of carrying out this Act.

(c) USE OF FUNDS TO OBTAIN MONEY.—The Partnership may use its funds to obtain money from any source under any program or law requiring the recipient of the money to make a contribution in order to receive the money.

(d) MAILS.—The Partnership may use the United States mails in the same manner and on the same conditions as other departments and agencies of the United States.

(e) ACQUISITION OF PROPERTY.—The Partnership may acquire by purchase, rental, donation, or otherwise, such property, facilities, and services as may be needed to carry out its duties, except that the Partnership may not acquire any real property or interest in real property.

(f) COOPERATIVE AGREEMENTS.—For purposes of carrying out the management plan, the Partnership may enter into cooperative agreements with the Commonwealth of Massachusetts, a political subdivision of the Commonwealth, or a private person or organization.

SEC. 7. INTEGRATED RESOURCE MANAGEMENT PLAN.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Partnership shall develop and submit to the Secretary a management plan for the recreation area to be implemented by the Partnership.

(b) CONTENTS.—The management plan shall include—

(1) a program providing for coordinated administration of the recreation area with proposed assignment of responsibilities to the appropriate governmental unit at the Federal, State, and local levels, and nonprofit organizations, including—

(A) a program to finance and support the public improvements and services recommended in the plan, including allocation of the non-Federal matching requirement in accordance with section 9 and a delineation of private sector roles and responsibilities; and

(B) a program for the coordination and consolidation, to the extent feasible, of activities that may be carried out by Federal, State, and local agencies having jurisdiction over lands and waters in the recreation area, including planning and regulatory responsibilities;

(2) policies and programs for—

(A) enhancing public outdoor recreational opportunities in the recreation area;

(B) conserving, protecting, and maintaining the scenic, historical, cultural, natural, and scientific values of the recreation area;

(C) developing educational opportunities in the recreation area;

(D) enhancing public access to the Boston Harbor Islands, including development of transportation networks; and

(E) identifying potential sources of revenue from programs or activities carried out within the recreation area; and

(3) a policy statement that recognizes economic activities in the recreation area being conducted on the date of enactment of this Act.

(c) DEVELOPMENT.—In developing the management plan, the Partnership shall—

(1) consult on a regular basis with appropriate officials of any local government or Federal or State agency that has jurisdiction over lands and waters in the recreation area;

(2) consult with interested conservation, business, professional, and citizen organizations; and

(3) conduct public hearings or meetings for the purposes of providing interested persons with the opportunity to testify with respect to matters to be addressed by the management plan.

(d) APPROVAL.—

(1) SUBMISSION TO GOVERNOR.—The Partnership shall submit the management plan to the Governor of Massachusetts for review.

(2) CONSIDERATION BY GOVERNOR.—The Governor shall have 90 days in which to review and make recommendations regarding the management plan.

(3) SUBMISSION TO THE SECRETARY.—After considering the Governor's recommendations, the Partnership shall submit the management plan to the Secretary, who shall approve or disapprove the plan not later than 90 days after submission.

(4) CONSIDERATIONS.—In reviewing the management plan, the Secretary shall consider—

(A) the adequacy of public participation;

(B) assurances of plan implementation from State and local officials; and

(C) the adequacy of regulatory and financial tools that are in place to implement the plan.

(5) DISAPPROVAL.—

(A) NOTICE.—If the Secretary disapproves the management plan, the Secretary shall notify the Partnership in writing of the reasons for the disapproval and make recommendations for revision.

(B) RESUBMISSION.—Not later than 90 days after receipt of a notice of disapproval, the Partnership shall revise and resubmit the management plan to the Secretary, who shall approve or disapprove the revised management plan within 60 days after submission.

(e) INTERIM PROGRAM.—Prior to approval of the management plan, the Secretary and the Partnership shall assist the owners and managers of lands and waters in the recreation area to ensure that existing programs, services, and activities that promote the purposes of this Act are supported.

SEC. 8. BOSTON HARBOR ISLANDS ADVISORY COUNCIL.

(a) ESTABLISHMENT.—The Secretary, acting through the Director of the National Park Service, shall establish an advisory committee to be known as the "Boston Harbor Islands Advisory Council".

(b) PURPOSES.—The purposes of the advisory council shall be—

(1) to represent various groups with interests in the recreation area; and

(2) to make recommendations to the Partnership on issues related to the development and implementation of the management plan.

(c) MEMBERSHIP.—

(1) IN GENERAL.—The advisory council shall consist of not fewer than 15 individuals, to be appointed by the Secretary, acting through the Director of the National Park Service.

(2) REPRESENTATION.—The Secretary shall appoint no fewer than 3 individuals to represent each of the following categories of entities:

(A) Municipalities.

(B) Educational and cultural institutions.

(C) Environmental organizations.

(D) Business and commercial entities, including those related to transportation, tourism, and the maritime industry.

(E) Boston Harbor-related advocacy organizations.

(d) COMMITTEES.—

(1) IN GENERAL.—The advisory council shall be encouraged to establish committees relating to specific recreation area management issues, including education, tourism, transportation, natural resources, cultural and historical resources, and revenue raising.

(2) PARTICIPATION.—Participation on a committee under paragraph (1) shall not be limited to members of the advisory council.

(e) MEETINGS.—Meetings of the advisory council and committees established by the advisory council shall be open to the public.

(f) FACA.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory council.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to carry out this Act.

(b) MATCHING REQUIREMENT.—

(1) IN GENERAL.—Amounts appropriated to carry out this Act for any fiscal year may be expended only on a matching basis in a ratio of at least 3 non-Federal dollars to each Federal dollar.

(2) FORM.—The non-Federal share of the match may be in the form of cash, services, or in-kind contributions, fairly valued.

Mr. KENNEDY. Mr. President, it is a privilege to join Senator KERRY today in sponsoring a bill to establish the Boston Harbor Islands National Recreation Area in Massachusetts. This legislation is part of a bipartisan effort with Congressmen GERRY STUDDS and PETER TORKILDSEN, who introduced an identical bill yesterday in the House of Representatives.

The legislation follows a comprehensive study by the National Park Service, authorized in 1992 and completed last year. That study reached the strong conclusion on the 31 islands clustered in Boston Harbor that "[t]heir proximity to a large urban population and their special geological, prehistoric, historic, and natural features qualify them collectively as an outstanding example of a nationally significant recreation area. Their configuration, their assemblage of significant natural and cultural features, and their proximity to a major metropolitan area create a resource that has no parallel in the United States."

The islands are just a short boat trip from downtown Boston. They offer abundant opportunities for visitors to enjoy surroundings of exceptional natural beauty. With rocky shores, sand beaches, and tidal pools full of marine life from horseshoe crabs to starfish and seals, visitors enjoy swimming, fishing, clam-digging, berry-picking, bird and whale watching, boating, camping and hiking on well-maintained trails. History lovers can explore national historic landmarks, such as the Revolutionary War-era fort that later housed Confederate prisoners in the Civil War, and the Nation's first lighthouse—the only lighthouse still operated by lighthouse keepers in the old tradition. They can hunt for pirate relics, and dig further back in time for archaeological artifacts from 10,000 years ago and rare geological formations dating to the glacial age. All of the islands offer spectacular views of the modern Boston skyline and the Atlantic Ocean.

But these assets have gone largely unnoticed until recently. The Park Service study has helped catalyze a growing recognition that the Harbor Islands deserve protection, as a unique resource that can greatly expand recreational opportunities for families in the Boston area and for visitors from across the country. Already, more than 25 million tourists visit Massachusetts each year, with 10 million visiting the Boston area annually. Fulfilling the potential of the Harbor Islands will strengthen tourism and significantly benefit the local economy, as well as enhance the experience of visitors to the area.

As recommended by the Park Service study, to fulfill that potential, we must improve public access to the islands and adopt a coordinated approach to their management. This legislation calls on the National Park Service to work closely with State and local governments and nonprofit organizations to preserve the natural and cultural resources of the islands and make them more accessible to the public through the use of a public water transportation system. The bill establishes a partnership among the various levels of government, and requires a commitment of non-Federal funds on at least a three-to-one matching basis with Federal funds. It does not involve any substantial purchase of land by the Federal Government; instead, it authorizes the Park Service to develop cooperative agreements with the State, local and private owners of the islands to ensure their protection and expanded public use.

The Boston Harbor Islands will be an exceptional addition to the National Park System. Their natural beauty and historical significance eminently merit this protection and preservation. The partnership approach will keep Federal costs to a minimum and assure the success of this effort for generations to come. I urge my colleagues to support this important legislation.

By Mrs. KASSEBAUM:

S. 1477. A bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes; to the Committee on Labor and Human Resources.

THE FOOD AND DRUG ADMINISTRATION PERFORMANCE AND ACCOUNTABILITY ACT OF 1995

• Mrs. KASSEBAUM. Mr. President, I introduce the Food and Drug Administration Performance and Accountability Act of 1995. This comprehensive reform bill is designed to ensure that Americans continue to enjoy and our Nation continues to lead the world in the development of new, life-saving and life-enhancing pharmaceuticals and medical devices and wholesome, abundant, and affordable foods by reforming the role of the Food and Drug Administration in the testing and review of new products.

Over the years, the FDA's requirements for clinical testing and its premarket reviews of new products have grown increasingly complex, time-consuming, and expensive. From the 1960's to the 1990's, for example, the time required to complete clinical trials for new drugs has grown from 2½ years to nearly 6 years. From the beginning of the process to the end, it takes an average of 12 years and costs $359 million to bring a new drug to market. By law, the FDA is required to review and act on applications to market new drugs and devices within 180 days. Today, however, it takes the agency on average 649 days to complete its review of new devices and 570 days to complete its review of most new drugs.

These increasing FDA demands on new product development and delays in new product reviews are reducing incentives for research and development, encouraging American companies to locate abroad, delaying Americans' access to new pharmaceuticals and medical devices, and costing American jobs.

The legislation I am introducing today is designed to correct these problems. First, the bill makes clear that a prime mission of the FDA is facilitating the rapid and efficient development and availability of safe and effective products that will benefit the public. It puts the agency on notice that Congress and the American people expect it to allocate its time, energy, and resources accordingly.

Second, the bill puts teeth into statutory deadlines for agency action. The FDA commissioner is required, in consultation with patient advocacy groups and the regulated industries, to establish and meet yearly performance standards that will bring the agency into compliance and keep it in compliance with statutory deadlines for action on premarket approval applications. The commissioner will be required to report yearly on the agency's performance and, if the agency is out of compliance, to contract with outside experts for product reviews.

Third, to ensure that desperately ill and suffering patients have access to promising new therapies, the bill will expand access to investigational new pharmaceuticals and medical devices. To ensure that physicians are as fully informed as possible about these new therapies and about new uses for already approved therapies, the bill will ease the agency's current severe restrictions on the dissemination of information about them.

Fourth, the bill establishes a collaborative clinical testing and review process. It requires the agency to meet

with companies in the early stage of the clinical testing to establish the parameters for testing and avoid last-minute changes in protocol designs once testing is underway. Once testing has been completed and the agency receives an application for product approval, the agency would again be required to meet with companies to better ensure the smooth and timely review of the application.

Fifth, the bill provides the agency with the statutory flexibility it needs to make changes in its clinical testing policies and product review procedures. For example, it modifies current law, which appears now to require two or more clinical studies, to permit the agency to base its approval on one well-designed clinical study when appropriate. As further examples, the bill updates outmoded statutory requirements for the regulation of biological products, reduces the number of medical devices that the agency is required to review, and makes it easier for the agency to use national and internationally recognized performance standards in evaluating the safety and effectiveness of devices.

In these and in a number of other ways, the FDA Performance and Accountability Act of 1995 will transform the FDA from a growing barrier to innovation into an active partner in innovation.●

ADDITIONAL COSPONSORS

S. 581

At the request of Mr. FAIRCLOTH, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 581, a bill to amend the National Labor Relations Act and the Railway Labor Act to repeal those provisions of Federal law that require employees to pay union dues or fees as a condition of employment, and for other purposes.

S. 981

At the request of Mr. EXON, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 981, a bill entitled "Truck Safety and Congressional Partnership Act".

S. 1030

At the request of Mr. REID, the name of the Senator from Maine [Ms. SNOWE] was added as a cosponsor of S. 1030, a bill entitled the "Federal Prohibition of Female Genital Mutilation Act of 1995.

S. 1212

At the request of Mr. COATS, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 1212, a bill to provide for the establishment of demonstration projects designed to determine the social, civic, psychological, and economic effects of providing to individuals and families with limited means an opportunity to accumulate assets, and to determine the extent to which an asset-based welfare policy may be used to enable individuals and families with low income to achieve economic self-sufficiency.

S. 1392

At the request of Mr. BAUCUS, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 1392, a bill to impose temporarily a 25 percent duty on imports of certain Canadian wood and lumber products, to require the administering authority to initiate an investigation under title VII of the Tariff Act of 1930 with respect to such products, and for other purposes.

S. 1419

At the request of Mrs. KASSEBAUM, the name of the Senator from Maine [Ms. SNOWE] was added as a cosponsor of S. 1419, a bill to impose sanctions against Nigeria.

S. 1470

At the request of Mr. MCCAIN, the names of the Senator from Delaware [Mr. BIDEN] and the Senator from Virginia [Mr. WARNER] were added as cosponsors of S. 1470, a bill to amend title II of the Social Security Act to provide for increases in the amounts of allowable earnings under the Social Security earnings limit for individuals who have attained retirement age, and for other purposes.

SENATE JOINT RESOLUTION 43

At the request of Mr. SANTORUM, his name was added as a cosponsor of Senate Joint Resolution 43, a joint resolution expressing the sense of Congress regarding Wei Jingsheng; Gedhun Choekyi Nyima, the next Panchen Lama of Tibet; and the human rights practices of the Government of the People's Republic of China.

SENATE CONCURRENT RESOLUTION 35—RELATIVE TO BOSNIA

Mrs. HUTCHISON (for herself, Mr. INHOFE, Mr. CRAIG, Mr. NICKLES, Mr. KYL, Mr. LOTT, Mr. BENNETT, Mr. BROWN, Mr. BURNS, Mr. CAMPBELL, Mr. COATS, Mr. D'AMATO, Mr. DOMENICI, Mr. FAIRCLOTH, Mr. FRIST, Mr. GRAMS, Mr. HATCH, Mr. HELMS, Mr. KEMPTHORNE, Mr. MURKOWSKI, Mr. PRESSLER, Mr. SANTORUM, Mr. SHELBY, Mr. SIMPSON, Mr. SMITH, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, and Mr. THURMOND) submitted the following concurrent resolution; which was considered and not agreed to:

S. CON. RES. 35

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. EXPRESSING OPPOSITION TO THE DEPLOYMENT DECISION.

The Congress opposes President Clinton's decision to deploy United States military ground forces into the Republic of Bosnia and Herzegovina to implement the General Framework Agreement for Peace in Bosnia and Herzegovina and its associated annexes.

SEC. 2 EXPRESSING SUPPORT FOR UNITED STATES MILITARY PERSONNEL WHO ARE DEPLOYED.

The Congress strongly supports the United States military personnel who may be ordered by the President to implement the General Framework Agreement for Peace in Bosnia and Herzegovina and its associated annexes.

SEC. 3. TRANSMITTAL OF RESOLUTION.

The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President.

SENATE CONCURRENT RESOLUTION 36—DIRECTING THE SECRETARY OF THE SENATE

Mr. LEVIN submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 36

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill S. 1060, to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes, the Secretary of the Senate shall make the following corrections:

(1) In section 6(8), strike "6" and insert "7".

(2) In section 9(7), insert "and" after the semicolon, in section 9(8), strike "; and" and insert a period, and strike paragraph (9) of section 9.

(3) In section 12(c), strike "7" and insert "6".

(4) In section 15(a)(2), strike "8" and insert "7".

(5) In section 15(b)(1), strike ", 5(a)(2)," and in section 15(b)(2), strike "8" and insert "7".

(6) In section 24(b), strike "13, 14, 15, and 16" and insert "9, 10, 11, and 12".

(7) In section 12(b)(1), strike "7" and insert in lieu thereof "6".

AMENDMENTS SUBMITTED

TECHNICAL CORRECTIONS CONCURRENT RESOLUTION

SIMPSON (AND CRAIG) AMENDMENT NO. 3098

Mr. BROWN (for Mr. SIMPSON, for himself and Mr. CRAIG) proposed an amendment to the concurrent resolution (H. Con. Res. 116) directing the Secretary of the Senate to make technical corrections in the enrollment of S. 1060; as follows:

On page 2, after line 10 insert the following: (7) In section 18, strike "contract, loan, or any other form" and insert "or loan".

(8) In section 12(b)(1), strike "7" and insert "6".

THE AU PAIR PROGRAMS EXTENSION ACT

HELMS (AND DODD) AMENDMENT NO. 3099

Mr. BROWN (for Mr. HELMS, for himself and Mr. DODD) proposed an amendment to the bill (S. 1465) to extend au pair programs; as follows:

On line 9 strike "1999" and replace with "1997".

On line 10, strike "1998" and replace with "1996".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Wednesday, December 13, 1995, at 10 a.m. in open session, to consider the nomination of Mr. H. Martin Lancaster for appointment as Assistant Secretary of the Army for Civil Works.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. HATCH. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a hearing Wednesday, December 13, at 9:30 a.m., Hearing Room (SD–406), with respect to the reauthorization of the Clean Water Act on municipal issues.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. HATCH. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, December 13, 1995 at 2 p.m. to hold a closed hearing regarding intelligence matters.

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

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. HATCH. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, December 13, 1995, for purposes of conducting a subcommittee hearing which is scheduled to begin at 2:30 p.m. The purpose of this hearing is to consider S. 901, the Water Recycling Projects; S. 1013, the Garrison Diversion Unit Project; S. 1154, the Fort Peck Rural County Water Supply System Act of 1995; S. 1169, the McCall Area Wastewater Reclamation and Reuse Project, and S. 1186, the Flathead Irrigation and Power Project.

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

ADDITIONAL STATEMENTS

ILLICIT DRUGS

• Mr. D'AMATO. Mr. President, I rise today to discuss a vital, bicameral effort to combat drugs in this country. The Task Force on National Drug Policy, of which I am a proud member, was announced today to work to solve a serious problem: narcotics.

Despite efforts by Congress to curtail the flow of drugs into this country and its use by Americans, it seems as though the results have been lost with this administration. The intent of this task force is to focus the White House on a problem that is far from being resolved, and where much attention needs to be paid.

This is particularly important in light of recent studies that have indicated a growing trend in illicit drug use among teenagers. Studies indicate that, despite a decline in drug use among teens during the 1980's, drug use has risen sharply in the past few years. Cocaine use by high school students increased 36 percent since 1991–92, which was the period of lowest use. Marijuana use increased as well. Between the 1990–92 school year and 1994, marijuana use among junior high school students rose 111 percent and rose 67 percent in high schools. Now, one in three high school students admit to smoking marijuana.

Even without being armed with these statistics, Americans see the rise of drug use in their communities. It is on their streets and in their schools. Understandably, citizens view narcotics as one of the most pressing problems facing our country. According to a Gallup poll released yesterday, 94 percent of Americans see drug use as a serious problem or a crisis.

These recent reports are a wake-up call to the administration to take action. It has served as the impetus for this Task Force on National Drug Policy to set a framework for policy and establish strategic plans to combat the drug epidemic. This, in turn, should move the White House to realize that this is a pressing issue that they can no longer neglect. Action must be taken now. Our children cannot afford to wait any longer.

Efforts must be stepped up to get at the drug suppliers, especially the drug kingpins. They are profiting while the rest of us suffer. There presence is being tolerated and should not be tolerated anymore.

In order to control the proliferation of illegal narcotics, law enforcement efforts must play a leading role in the Federal strategy. Law enforcement agencies, experts in this field, have been able to develop innovative techniques to respond to the spread of drugs in our communities. They are on the frontlines of this war against drugs and have the knowledge to fight its recent rise.

The members of this task force have the ability to establish policy and to take the initiative through legislative action. An example of this could be the implementation of a system such as the Automated Fingerprint Identification System [AFIS]. Using this biometric system, drug smugglers will not be able to repeatedly enter this country using fictitious identification with anonymity and impunity. Recidivistic drug felons could be immediately identified, detained, and prosecuted or deported before their heinous acts impact upon our children, families, and communities. This is at least one way to reduce the flow of drugs over our borders.

Another way to deter drug dealers is to raise sentencing guidelines and enact mandatory minimums to guarantee longer sentences. These will also act as a deterrent to potential offenders. We should be attacking their trade, not ignoring their presence.

It is evident that the illegal drug trade has profited with the focus shifted away from their activities. But this task force will change that. With the emphasis placed back on narcotics and the harm it spreads, this task force may be able to concentrate efforts to rekindle the decline of drug use that was noted prior to this administration.

I would also like to take this opportunity to commend my colleagues for their leadership and initiative in the effort to control illicit drugs in the United States.•

TO HELP THOSE LIVING ON THE EDGE

• Mr. SIMON. Mr. President, one of the most dynamic people I have had a chance to meet in my years in public life is a Roman Catholic priest by the name of Father George Clements.

He has stirred controversy from time to time by his championing of causes that sometimes are unpopular but always, in my opinion, reflect favorably on his faith and his humanitarianism.

Recently Parade magazine had a story concerning his program of "One Church-One-Addict" which I ask to be printed in full in the RECORD.

What a great thing for this Nation it would be if every church in the Nation were to follow this simple admonition.

Many churches would find that they have been unable to help people, a least not immediately. But many others would find they have been the difference in keeping people from going over the edge.

The article follows:

TO HELP THOSE LIVING ON THE EDGE

(By Marie Ragghianti)

The only major institution not dealing with substance abuse is the church," the Rev. George Clements told me. "Look at our prisons and universities—they're fighting drugs. We can do no less."

For many years, Father Clements has been inspiring others to action through both his words and his deeds. In 1980, from his parish in Chicago, he started a program called One Church-One Child. His idea—for every church to place one homeless child with a family—eventually grew into a national program, and it has helped find homes for more than 50,000 children. In a controversial move,

Clements himself adopted four youngsters. (The Vatican eventually supported him.) In 1987, a TV movie told his story.

Now, the 63-year-old priest has an even more ambitious mission: to help recovering addicts find support in their religious communities. Clements' new program is called One Church-One Addict, which he founded with the American Alliance for Rights and Responsibilities, a nonprofit organization based in Washington, D.C.

"If Jesus was walking around today, he'd be working in the area of substance abuse," Clements says when he speaks to religious groups around the country. "Jesus lived on the cutting edge and helped others. We must do the same."

One Church-One Addict is ecumenical: All faiths are asked to do something about drug addiction and/or alcoholism in their communities. Volunteers are trainged to give counseling and support. They meet with clients in one-on-one sessions, helping them learn how to live without drugs or alcohol. Clients usually enter the program upon leaving a rehabilitation center or clinic. They receive support for about nine months, although no time limit is set.

I asked Father Clements how he got involved in helping recovering addicts. It began, he said, with a child he once knew who lived near his church—the Holy Angels Catholic church, in the drug-plagued housing projects of Chicago's South Side.

"I wouldn't be in this work today if it wasn't for Tommy," Clements explained. "Tommy was valedictorian of his eighth-grade class. He was a great football player and had won an academic scholarship to attend an excellent high school. He wanted to be an obstetrician. One evening, he asked if I thought he could make it. 'Of course you can, Tommy,' I told him. 'I have no doubt.'

"That night, after I was in bed, the phone rang. It was the emergency room a local hospital. A kid was dying. He was unconscious and didn't have any identification, but they could make out the words 'Father Clements.' I raced to the hospital. When I arrived, I found Tommy lying on a slab, dead of a drug overdose.

"After the funeral, I sat at my desk and couldn't stop crying. How could I not have known? That day, it was as if a force grabbed me by the back of the neck, and I knew I had to do something."

Shortly after Tommy's death, Father Clements took a walk through his neighborhood. What he saw outraged him: Drug paraphernalia littered the streets and, to his astonishment, was being sold in the area's small liquor stores, pharmacies and candy shops—many of which were frequented by children. A few months later, Clements decided to organize protests. He went to a large wholesaler of drug paraphernalia and held a revival in the parking lot. The 1989 event was covered by regional media and prompted the Illinois Legislature to pass a law banning much of the paraphernalia.

For Clements, however, that victory was only the beginning: He decided that the church could no longer ignore the problem of drugs in the community. After five years of planning, One Church-One Addict was born in 1994, receiving funding through seed grants provided by nonprofit groups. Since then, 715 churches in 31 states have signed on; more than 2000 people have been helped by its network of support.

How does Father Clements compare the two programs he founded?

"I feel that One Church-One Addict is a natural outgrowth of One Church-One Child," he said. "People are much more sympathetic to kids than to addicts. But I tell people that I'm not excusing or defending addiction. We say, 'Love the addict, hate the addiction.'"•

PROTECTING THE FIRST AMENDMENT

• Mr. BINGAMAN. Mr. President, I did not support the effort yesterday to begin writing exceptions into the first amendment of our Constitution. The first amendment protects the right of free speech, no matter how unpopular or offensive that speech is. The Court interprets this to include the right of people to burn a flag if a person so chooses. Presumably, the Court would reach the same conclusion with regard to a person's right to burn the Constitution or even the Bill of Rights itself.

Modern technology has given us the ability to see political protest, including the burning of flags, as it occurs around the world—in Tiananmen Square, in the Soviet Union and Eastern Europe, and in South Africa. We are not only able to see the political protest, we are also able to see those governments step in to prevent that expression, to limit that speech, and to silence dissent and criticism aimed at those in power.

This proposed constitutional amendment would sanction that same type of repressive action by our own Government. And such repression would not be permitted only when people are disturbing the peace, but also when they are trying to dramatize their strongly held political views. Like most citizens, I might find many of those political views offensive. But I am not willing to amend the Constitution to permit States and the Federal Government to restrict the expression of those views.

It distresses me to see the symbol of our great Republic mocked and desecrated.

But I am not so foolish as to mutilate those values themselves. The strength of our country is in large part due to the fact that we tolerated the expression of unpopular views. It does not strengthen us as a nation to begin, by constitutional amendment, to restrict the right of political expression. It does not protect our Nation to diminish the very liberties which have made us the envy of all mankind.

Mr. President, it seems that this issue surfaces every 4 or 5 years usually before Presidential elections. We spoke about this issue before the last Presidential election and we debate the issue again now.

Mr. President, one point which has come home to me time and again since I have been in the Senate, is that the Framers of our Constitution did a marvelous thing when they wrote that document and when they added to it the Bill of Rights. Not only did they produce a document embodying our most precious values and a system of government to advance and protect those values, they also had the wisdom to anticipate the very type of effort to silence unpopular expression. They anticipated it, and they guarded against it by requiring changes in the Constitution to be accomplished only by a two-thirds vote of both the Senate and the House of Representatives, and then by the approval of three-quarters of the legislatures of our States.

Those requirements have served us well in the present debate. I am glad that the necessary two-thirds vote to approve this amendment was not achieved in this Senate. I am heartened to hear the strong statements of many of my colleagues against the amendment.

What about the public reaction to all of this? Recent polls show that a majority of Americans favor such a constitutional amendment and indicate that they would be inclined to vote against a Representative or Senator who opposed it.

I would like to believe that, given time for additional reflection, most Americans would have a different view. I would like to believe that those of us in public life have a responsibility and opportunity to persuade our fellow citizens on this issue.

Time will tell whether my beliefs are well-founded.

I cast my vote against this proposed amendment with the satisfaction of knowing that I have done what is clearly right.•

FROM POLITICS TO PARANOIA

Mr. SIMON. Mr. President, recently The Washington Post had an op-ed piece by one of the finest people I have met in my four decades of public service: Abner J. Mikva.

He served in the House, served in the federal judiciary and served as counsel to President Clinton. In all three areas he served with great distinction.

I believe we should reflect on his recent op-ed piece "From Politics to Paranoia," which I ask to be printed in full in the RECORD at the conclusion of my remarks.

Along with Senator JOHN GLENN and Senator JEFF BINGAMAN, I voted against the authorization of another million dollars for further Whitewater investigations by the Senate committee.

I believe it will turn out to be a waste of money. I have been appointed to that committee, perhaps because of that vote.

But much worse than the conduct of congressional committees have been the excesses of the independent counsels that have been appointed.

If I were to vote again today on that creation, I would vote against it.

I read recently that the Whitewater independent counsel is now investigating two contributions to Bill Clinton's 1990 gubernatorial race. And the independent counsel has now spent almost $25 million in pursuing every little remote lead.

Our laws should be enforced and we need independence.

My own feeling is that we should establish certain standards for the Office of Attorney General and then not have an independent counsel.

Janet Reno is independent. President Gerald Ford's appointment of Ed Levi as Attorney General was not an appointment of a close friend but rather someone genuinely independent.

Unfortunately, we have had examples of Attorneys General being appointed who are too close to the President.

But to have independent counsels that run amuck is not in our national interest.

The article follows:

[From the Washington Post, Nov. 26, 1995]

FROM POLITICS TO PARANOIA—MISGUIDED ETHICS LAWS HAVE GIVEN US MORE MISTRUST, NOT LESS

(By Abner J. Mikva)

It probably was inevitable that after a year as White House counsel some in the media and politics would speculate that I left my job because I "know something" I don't want to defend. That suspicion is dead wrong. I left because I am physically tired—but in good health and humor, and I intend to stay that way.

The long hours were draining, though worth it. But far more demoralizing was what I came to see as a profound loss of faith by the American people in the government they've created. I leave public life at a time when America has grown unusually distrustful of its government and its leaders. Too many of us expect and believe the worst about government, even when no evidence exists to justify our doubts. And I've come to think that some of our intended solutions to this over the years have become the cause of the problem. We need changes in the independent counsel law and others we've created with perhaps the best of intentions.

Healthy skepticism is necessary to the continuation of our democracy. When it turns to paranoia, it becomes destructive. American history has alternated between the two—from the Watergate reformers and the anti-Federalists who opposed the new Constitution of the 1780s to the paranoia of the "Know Nothings" of the mid-1800s to the "I hate Washington" crowd of today.

What seems paradoxical about today's lack of trust is that never have people in government been obliged to disclose more about themselves. Ethics laws, freedom of information laws, conflict of interest laws and others have made public officials live in the clearest goldfish bowl ever. Federal agencies have inspectors general and designated ethics officials whose job it is to ferret out any unethical behavior, whether it is by a Cabinet secretary or a mail clerk. The independent counsel laws provides a mechanism whereby the attorney general must refer out any evidence of criminal wrongdoing by high government officials.

Yet public confidence in government—the ostensible goal of ethics legislation—is at an all-time low. Indeed the accounting often seems to further the problem by allowing critics to magnify minor blemishes into major defects.

For instance, there has been a regrettable willingness by politicians and activists in both of our major political parties to use even a hint of ethical misconduct as a political weapon against the other side. Negative political advertising has become an art form for almost every political campaign. Add to this a tendency in the public arena to exaggerate claims of impropriety, and it sometimes becomes difficult for the public to distinguish between legitimate and illegitimate charges.

The media has added to the excesses. The desire of the electronic media to use sound bites rather than reportage lends itself to the name-calling and the sensationalism that exists. The desperate nature of competition for the print media had caused many newspapers to reach for scandals and follow the lead of the most yellow-journalism rivals.

Most of the investigations that I dealt with during my time as White House counsel—Whitewater, Waco, the Travel Office, the Mexican peso crisis—were a dismaying waste to time for Congress, for the administration and for the media who kept looking for a nonexistent smoking gun.

The investigations showed that some people in government made mistakes, used bad judgment, passed the buck and displayed other human fragilities that may be worthy of comment but hardly of an inquisition. In the Waco tragedy, for example, the Department of Justice and the Treasury Department each issued candid reports on the events, including an assessment of blame for the mistakes. The congressional investigations added nothing to the public awareness except to beat up on the agencies. The same is true of the congressional Whitewater investigations where an independent counsel operation has been spending a lot of time and resources to determine whether any governmental officials engaged in wrongdoing.

I am not an apologist for human shortcomings. Once a government official steps over the ethical line, he or she should be dealt with firmly. The public must know that we will not tolerate ethical lapses, whatever the personal consequences to the violator. But government cannot daily prove its rectitude to the cynic convinced of government's corruption. A nation where cynicism toward government prevails cannot function effectively.

Of course, a government that merely implores voters to "trust me" will not gain that trust, nor should it. But if our eternal rounds of inquisition and calumny tear down the public trust, and make government out to be a cesspool, if our remedies make public service so unattractive and distasteful as to lose the capacity to recruit new and good people to government—we lose the whole ballgame. We have spent so much time accusing, finger-pointing and exposing, that we have forgotten why we formed a government in the first place. We make it impossible to be governed.

And yet we are proposing additional ethics reforms, based not on what they can achieve, but rather on the political perception that something must be done. In an attempt to "out-ethic" the political opposition, we only make matters worse.

For example, we already require the filing of too many forms. Every year all of our senior officials spend countless hours preparing financial disclosure forms. Candidates file extensive reports on how they raise and spend their campaign money. The reports are so complicated that most reviewers can't understand what they are reviewing, but they do serve as wonderful traps to snare the unwary official.

We have lobbying laws on the books that do precious little to expose the difference between legitimate lobbying and improper use of money and favors to gain desired results. There are proposals to add further forms—ones that will do nothing to break the link between lobbying and money. We ought to concentrate our efforts on gift banning and campaign finance reform.

We ought to evoke the principle that applies to federal judges, who cannot accept anything of value from any party who has an interest in a case before that judge. The judge either refuses the gift or recuses himself from the case. It's a simple principle. Judges understand it; lawyers and their clients understand it; everyone obeys it. In the rare cases where judges violate the rule, they go to jail. What the principle does is break the link between the giving and the ruling. You can give but you cannot buy. Applied to Congress, which recently has banned gifts such as meals and trips, the principle would end the seamy business of members asking for contributions (and getting them) from person most likely to be affected by the member's actions. Obviously, such a plan would necessitate a whole new campaign finance structure, but that is long overdue anyway.

We ought to reconsider the independent counsel statute. Some may smirk that I of all people would suggest changing it, since I voted for it while in Congress and have had to live with its consequences during this past year. But fewer and fewer people in either political party now believe that it really works. The original purpose of preventing Richard Nixon and his friend and close adviser Attorney General John Mitchell from investigating themselves in the Watergate scandal has been achieved. Since then, 17 independent counsels have been appointed. Their mandates have ranged all the way from investigating whether a White House aide sniffed cocaine in a New York nightclub to whether a cabinet official understated how much money he paid to a woman with whom he had an affair. One investigation—the five-year-old probe of Department of Housing and Urban Development officials—has gone on for so long that the independent counsel announced that the main target had grown too old to pursue. One can question whether even the Iran-contra case or the Whitewater affair wouldn't have best been handled the normal way by Justice Department prosecutors.

We can do better. We need to amend the statute to provide for qualifications for the independent counsel that guarantee political independence. The counsel ought to be appointed on a full-time basis for a limited period of time. Extensions of the original period of appointment should be allowed only under very limited circumstances. The threshold for seeking an independent counsel should be raised further—to limit the appointment only to cases where it is clear that normal authority is insufficient. The selection process for the special court which appoints and supervises independent counsels should be changed to ensure both the reality and the perception of nonpolitical appointments.

From the outset, our founders recognized the tension between governing effectively and the elimination of all potential for abuse. George Washington wrote: "No man is

a warmer advocate for proper restraints and wholesome checks in every department than I am; but I have never yet been able to discover the propriety of placing it absolutely out of the power of men to render essential services, because a possibility remains of their doing ill."

If we have all these codes of ethics and all of these disclosure laws and all of these investigating institutions and less trust with each addition to the pile, we must be doing something wrong. We need some remedies that will restore the faith.•

TRIBUTE TO JULIE McGREGOR

• Mr. HATFIELD. Mr. President, frequent staff turnover is a fact of life in the Senate. In this regard, I have always considered myself exceedingly lucky. I have had many key staff members who stayed with me far beyond the average tenure and I, and the people of Oregon, have greatly benefited from their institutional knowledge and experience. But, inevitably, the day arrives when even those diehard staffers feel it is time to move on. For Julie McGregor, that day has arrived.

And so I rise to bid farewell to a longtime and valued staff member. I find it difficult to take so many years of loyalty, dedication, and friendship and wrap it into a neat one page package. Words alone simply seem inadequate to express what Julie has meant to me, to my family, and to my office.

Julie came to my office 13 years ago as an eager, bright, and intelligent intern. She departs today a wise and competent sage. In that time, Julie's role evolved from that of student to mentor. No matter how busy, she always took the time to encourage and guide less experienced colleagues. Members of the Appropriations Committee staff as well as my personal staff have relied on Julie's counsel and valued her perspective as much as I did.

One of Julie's greatest assets is her intuitive ability to cut to the heart of the matter. She thoughtfully and fairly examines all sides of an issue, but remains unerringly firm in her convictions. Even in the most emotional discussions or difficult issues, Julie is a calm voice of rationality and reason. In fact, those who don't know her well might be deceived by Julie's quiet manner or seemingly shy nature. They shouldn't be. She is extraordinarily tenacious. If you are staking a position or fighting a battle, you definitely want Julie on your side.

Julie grew up in small southern Oregon community, and those roots have served her well here. While adapting well to the rough and tumble political world in Washington, she has always kept clearly in mind the individual human beings whom we serve. She is both politically astute and compassionate, a combination of qualities that is so rare it is almost an oxymoron. Aware of the realities and limitations of the political process, Julie is unwavering in her belief that the Government can and should use its powers to improve the human condition. This is a belief that we share and one that has guided many of our legislative efforts.

While Julie, at one time or another, handled nearly every legislative issue in my office, her true calling was one that is closest to my own heart. First as a legislative assistant and later as my director of International Policy, she became an advocate for peace and a champion for humanitarian concerns. Julie's work on arms control, human rights, and nuclear proliferation issues, among others, leaves a lasting legacy in the Senate and has had an impact on us all.

Julie played a key role in one of the legislative accomplishments of which I am most proud. In 1992, we were successful in enacting legislation establishing a moratorium on nuclear testing by the United States. This nuclear test ban continues today and the United States' leadership on this issue has prompted much of the rest of the world to follow suit.

Julie has spent her entire professional career in public service, in service to the State of Oregon and to the U.S. Senate. I know that the people of Oregon, and my colleagues in the Senate, join me in expressing our gratitude for many years of exemplary work.

While we are sad to see Julie leave us, we are also excited for her as she begins a new phase in her life. This weekend she leaves Washington to join her financé, Michael Britti, in New Mexico. There will be many wonderful opportunities and adventures as Julie moves on with her career, and as she and Mike begin to build a life together.

Julie is, and always will be, a member of the Hatfield family. Antoinette and I send her off with our love and our best wishes for a future full of happiness and success.•

SCHOOL FACILITIES AND THE NEW GAO REPORT SCHOOL FACILITIES: STATES' FINANCIAL AND TECHNICAL SUPPORT VARIES

• Ms. MOSELEY-BRAUN. Mr. President, I would like to announce the results of a study conducted by the General Accounting Office on States' efforts to improve the condition of our public school facilities.

Infrastructure needs are not cosmetic—they go directly to the safety, the suitability, and environment for learning that directly affects American students' performance in the classroom.

The GAO found that many States are doing little to address the deterioration of our schools—and what is being done varies widely from State to State. Only thirteen States take a comprehensive approach to their school infrastructure needs—by providing ongoing funding for school improvement projects, offering technical assistance to local officials, and maintaining up-to-date information on the condition of their facilities.

The GAO has documented that our schools are falling apart.

They are not ready for the Information Age because of inadequate infrastructure. More than 60 percent lack sufficient phone lines. Thirty-five percent don't even have enough electrical power to operate computers.

Last week, the Washington Post ran an article that described the condition of the bathrooms in some of the District's schools. The Post reported that many of the restrooms are in violently foul condition—unhealthy and unusable.

One parent said she could not believe the bathroom in her children's school was in the United States. I have that article and would like to submit it for the RECORD.

We have seen these problems in school buildings all over the country—in Chicago, Baltimore, New York, and Los Angeles—in rural communities, as well as in urban centers.

America cannot compete if our students cannot learn, and our students cannot learn if our schools are falling down.

Earlier this year, the GAO released a report—entitled School Facilities: The Condition of America's Schools—that looked at the facilities that millions of our children walk into every morning. In that report, the GAO documented that 13 million students attend schools that need to be extensively repaired or replaced.

The GAO estimates that it will cost $112 billion to upgrade our school facilities to a good, overall condition. This cost is growing. The longer infrastructure needs are ignored or deferred, the greater the cost will be. The situation is like that facing the owner of a home. If the roof leaks, and you find the leak early, you can patch the roof. But if you wait a few years, you find you'll need to tear out the walls or rebuild the foundation. The message couldn't be clearer—delay equals additional cost.

In the report released by the GAO today, we find out that many States are not even bothering to assess the damage or call in the building inspector.

The GAO says State support is limited and varied. In fiscal year 1994, States provided a total of $3.5 billion in grants and loans for school facilities construction—only 3.1 percent of the total funding needed.

The sum of $3.5 billion may sound like a lot, and indeed, if your child goes to school in Alaska, it is. The State of Alaska spent almost $275 million—$2,254 per pupil—in fiscal year 1994 on school construction projects. On the

other end of the spectrum is my home State of Illinois. Illinois, along with 10 other States, provides no ongoing support for school facilities construction or improvement.

Today's report documents an alarming lack of knowledge about the conditions of our schools. More than half of the States have no recent information on the condition of school buildings in their States.

I mentioned a newspaper report on decaying children's bathrooms. Gerald Sigal, a major construction contractor, also read that article. He was so upset that he is forming a coalition of business leaders to fix the problem. Mr. Sigal responded to the public school bathroom crisis because he found out about it.

But most schools seldom have a major newspaper to do their reporting for them, and the only people that may know about the brown tap water and broken plumbing are the children.

Last year, Congress took a monumental step toward fixing our school facilities problem when it enacted and funded the Education Infrastructure Act. This year, however, Congress took away the money.

Mr. President, if our children do not have computers, or if they cannot see the blackboard because it has fallen off the wall, or if they cannot go to the bathroom because it stinks of sewage, or if they cannot keep warm because the heaters are broken, they cannot concentrate, and they cannot learn.

This new GAO report is essentially a report card that measures State support for education infrastructure. Very few States get a passing mark. But the schools are still falling apart. The time has come for us to step in and heal our Nation's schools.

The problem goes beyond what many local communities can handle. Many Districts cannot find more revenue because they have already been stretched to their local limits in bonding and other ways to raise money for education.

The GAO looked at whether technical assistance is available from the States to local school officials—whether local officials can count on States for help in advice and planning. Again, great disparities exist.

Florida has the equivalent of 72 people who provide guidance on planning, construction, and maintenance. New York gives workshops and publishes articles on facilities planning. But 34 States have less than 6 full time people available for this kind of assistance.

Repairing our schools is in the national interest. We must provide assistance to strapped local school districts in a way that directly benefits children. Federal support for education infrastructure allows us to help local school districts create a suitable environment for learning, without violating the tenet of local control over public education.

I urge all of my colleagues to take a close look at this new GAO study, and decide how much longer they want to leave the problem of our crumbling public school facilities to someone else.

The article follows:

[From the Washington Post, Dec. 8, 1995]

IN D.C. SCHOOLS, IT'S TOUGH GOING—STUDENTS FIND THEMSELVES WITHOUT SOAP, TOILET PAPER OR PRIVACY

(By Sari Horwitz)

Children in public schools across the District often use dirty bathrooms that lack private stalls, soap, paper towels and even toilet paper.

The restrooms in even some of the city's most highly regarded public schools are in such poor shape that parents fear they are unhealthy for children, and educators say they are interfering with learning.

One of those schools is Horace Mann Elementary in well-to-do upper Northwest Washington, a school that has won awards from the U.S. Department of Education. Many days, second-grader Peter Joyce and his schoolmate Joe Takesuye won't use the boys' bathroom because of the filth and overpowering stench of urine. They hold it until they get home.

"The bathrooms really smell," said Peter, 7. "They are dirty. There's paper towels all over the floor, spitballs on the walls and the water from the sink is like, brown. It looks gross."

Horace Mann Principal Sheila Ford said she doesn't have the money to improve the 64-year-old building's plumbing. But she's looking for resources because the bathroom problem is spilling into her classrooms as the odors creep into her halls.

"When I need to use the lavatory and I'm away from one, my concentration is eliminated." Ford said. "It is the same for children."

Dirty, dilapidated school bathrooms are a problem in urban schools across the nation and are worsening as buildings age and resources for maintenance diminish, according to officials. Almost one-third of the nation's school buildings were built before World War II.

In a world where educational dollars are getting stretched ridiculously thin, bathrooms stand at the end of the line," said Michael Casserly, executive director of the Council of Great City Schools, which represents the nations largest school districts. "They've really fallen off the radar screen in terms of priority."

The bathroom problem, however, does not appear to be as serious in other school systems in the Washington area as it is in the District, according to parent activists in Fairfax, Montgomery and Prince George's countries.

Open the door to the only bathroom for 140 little boys in 127-year-old Stevens Elementary in downtown Washington, and the stench of urine is overwhelming. The dank bathroom with rusting, corroded pipes is in the basement, and the windows remain shut for security reasons.

"It kind of holds the odors in," said the school's new principal, Gloria Henderson, who has been trying unsuccessfully to have a hole cut in the wall and an exhaust fan installed.

The bathroom problem in D.C. schools is not all old age.

Parents and educators said that in many schools, clean , fully stocked and functioning bathrooms are simply not a priority in a school system saddled with other problems and budget woes. Hundreds of D.C. students still do not even have textbooks.

This fall, parents at Watkins Elementary School, on Capitol Hill, were stunned to discover there were no working sinks in the girls' or boys' bathrooms on the first, second and third floors, in some cases since last January, according to parent Samuel Brylawski.

"Here you have a school full of kids who don't wash their hands after they go to the bathroom," Brylawski said. "It took parents nine months to be informed. Fundamental sanitary practices were not a high priority."

Some repairs were made after Brylawski wrote a letter to the superintendent and the public health commission, he said.

Mary Levy, counsel to Parents United, a parents advocacy group, said the low priority for maintaining bathrooms reflects officials' lack of concern of children. "Every door should be taken off the stalls of the buildings with elected officials until they fix the doors for children," she said.

Bathroom water is the issue at Langdon Elementary School, in Northeast Washington. PTA president Vivian Whitaker said only cold water comes out of the bathroom sinks, and it's dirty brown.

"I wouldn't recommend the children wash their hands," Whitaker said.

School officials said it's hard to maintain heavily used bathrooms, especially when students dirty them or break equipment. Parents said students are less likely to violate clean, working restrooms.

At schools where bathroom repairs have been made, such as Wilson High School and J.F. Cook Elementary, it has made all the difference, they said.

Three years ago, D.C. public schools hired a consulting firm to study its buildings. The firm found serious problems in bathroom piping and toilets, including old sewage pipes rusted beyond repair, poor lighting and missing or defective toilet stalls and urinals.

In seven schools, the plumbing was called "hazardous." The plumbing system at Francis Junior High, with "extensive leaking and clogged pipes" was called "unacceptable." At Browne Junior High, the report called for "immediate replacement" of all the plumbing. As of July, 75 D.C. schools needed repairs, including new or fixed sinks, according to a school document. An additional 13 schools needed toilet partitions so students could use them with privacy.

At one on that list, Duke Ellington School of the Arts in Georgetown, student Zavi Ball, 16, described the bathrooms last week as "disgusting, horrible."

"There's never any paper towels or soap," she said. "There's no warm water to wash your hands. There's hardly ever toilet paper. There's dirty feminine products on the floor and roaches. Whenever guests come, they clean the bathrooms up. But when it's just us, they don't care. When I come to school at 8 in the morning, the bathroom is already dirty."

Facilities and Management Director William McAfee did not return phone calls. But school spokeswoman Beverly Lofton said building repair funds were very tight.

With a more than half-billion-dollar budget, the District spends $7,673 a year for each of its students, one of the highest per-pupil operating costs in the country. But most of the capital funds for building upkeep and repairs have been used for repairing fire hazards, Lofton said.

"We don't want our kids going to schools that don't have functioning bathrooms," Lofton said. "We want them to have the best

of everything, including partitions and sinks that work. But there is a lack of capital money to repair everything that breaks when it happens.

"We do recognize we have problems with bathrooms in the school systems" she said. "Bathrooms are a priority for the coming year."

Principal Rosalie Huff of Anthony Bowen Elementary School, in Southwest, tired of waiting. When the school system hadn't replaced her broken toilets and missing partitions in 12 bathrooms by the beginning of this school year, she bought five new toilets and partitions herself.

"I had a situation that was really awful," Huff said. "It didn't allow any type of basic human dignity for the girls. You were just sitting out if you had to use the toilets."

Consumer advocate Ralph Nader wants the Appleseed Foundation, a public interest law center he helped create, to work to improve the District's school bathrooms. He got fired up about dirty, dysfunctional restrooms after listening to complaints from students at Alice Deal Junior High. "They said their bathrooms were filthy," Nader said. "There was no soap, no privacy and no toilet paper. And they said they held it. But the faculty restrooms were immaculate. It's so disgraceful."

A visit to Deal last week revealed boys' and girls' bathrooms missing doors on the stalls and partitions between toilets, sinks that don't work properly and boys' restrooms filled with an overwhelming stench. A school worker said the odor came from toilets that leak and sewage that sits in rusty, corroded pipes.

At Horace Mann, PTA president Jane Joyce said she was so fed up with the bathrooms that she raised the issue at the first parents meeting in September. About 30 parents volunteered to come in on a Saturday and scrub the floors, bring in toilet paper and make repairs.

That helped for a while. A few weeks ago, parent Joan Murray ventured into one of the school bathrooms to see if it really was as bad as her two children described.

"I wouldn't use it," Murray said. "It was more than horrendous. It was disgusting. There were paper towels everywhere, no flushed toilets and no soap. The water didn't come out of the spigots. And it smelled. I couldn't believe it was in the United States."•

AMBASSADOR JOSEPH VERNER REED'S ADDRESS TO INTERPARLIAMENTARY CONFERENCE

• Mr. PELL. Mr. President, in October, Ambassador Joseph Verner Reed represented U.N. Secretary General Boutros Boutros Ghali at the 94th Inter-Parliamentary Conference in Bucharest, Romania.

At the Conference, Ambassador Reed delivered an exceptional speech concerning the current financial crisis at the United Nations. As a longtime friend and supporter of the United Nations, I can think of no issue more important to the U.N.'s future. Moreover, the United Nation's fiscal health has critical implications for our own country's foreign and domestic agenda.

In his address, Ambassador Reed—formerly one of the United States' most accomplished diplomats and now a high-ranking U.N. official—made a compelling argument about the necessity for resolving this crisis. I commend the speech to my colleagues and ask that excerpts be printed in the RECORD.

The excerpts of the speech follows:

Mr. President, the fiftieth anniversary of the United Nations has arrived at one of the turning points in modern history.

The United Nations is the only machinery we have for collective cooperation among all Nations. It is the only global tool for promoting peace and security. It is the only worldwide institution for furthering development. It is the only universal mechanism for protecting human rights. It is the only shared framework for strengthening international law.

But today I feel compelled to share my distress with you on a subject which is unavoidable, the survival of the United Nations. For almost four years, we have tried to convince the governments of member states of the United Nations to pay their assessments on time. For four years we have warned of the financial consequences of the failure to pay assessments. We have argued, we have pleaded.

The organization has cut expenses. We have streamlined operations. We are working hard to reduce waste, duplication and overlap. Peace-keeping is expensive. The operation in the former Yugoslavia costs five million dollars per day.

In Every major statement and document of the Secretary-General, he has drawn attention to the financial crisis and proposed steps to remedy it. In meeting after meeting with foreign ministers and heads of state over these years, he has pleaded with them to address this deteriorating situation.

As of October 1995, 70 countries had not paid their regular budget assessment. Today, the United Nations is owed a total of $3.4 billion by its member states.

I appeal to you as parliamentarians to help me resolve this crisis. I ask you to try to convince your governments to pay their arrears, and to pay future contributions on time, and in full.

I make this appeal to you because the United Nations is your organization. I make this appeal here because without peace, and without the global efforts of peace, and without the global efforts of the United Nations, all your efforts for development will be to no avail.

The United Nations is not one of the luxuries of international life. The work of the United Nations is of vital, critical importance:

Saving children from starvation and disease.

Providing food, clothing and shelter for refugees.

Delivering humanitarian relief to devastated areas.

Working to stop the cycle of natural disasters in lands repeatedly afflicted by them.

Countering the new international threats of crimes, drugs, disease.

Defending human rights in individual cases as well as through international commitments.

Advising, training, monitoring and institution-building in countries seeking to democratize.

Maintaining ceasefires, preventing conflicts from erupting, peacemaking between adversaries and peace-building in devastated countries.

These activities are going on now. They are being conducted on the ground in locations all over the world. They are carried out by dedicated, hard-working national and international staff members.

The financial crisis is being felt on the frontlines of all these efforts. If emergency measures to restore the financial health are not taken quickly, human suffering will dramatically increase. People will die. The structural ability of the United Nations to continue this work will be damaged. It will not soon or easily be reconstructed, if ever.

Unless substantial assessment payments are received by the end of November 1995, the Secretary-General will have no choice but to request that an emergency special session of the United Nations General Assembly be convened immediately to consider the financial crisis—and future of the organization.

The financial crisis of the United Nations is now destroying its very foundations. We can no longer pretend otherwise. That is why we appeal today to you—the world's parliamentarians for assistance. You must be our voice. You must be our advocate. You must be the protectors of our common future.

Mr. President, this is an emergency—the Secretary-General and all of us in the secretariat believe that positive change can be achieved, and he is convinced that this change can be the vehicle for fulfilling the aims and aspirations of the charter. He is convinced that working together in partnership we can save succeeding generations from the scourge of war; we can enhance the dignity and worth of the human person; and we can promote social progress and better standards of life in larger freedom.•

POLLS GET IN THE WAY OF WASHINGTON'S WORK

Mr. SIMON. Mr. President, the Post and Courier, a Charleston South Carolina newspaper, recently had an op-ed piece by our colleague from South Carolina that is typical in its FRITZ HOLLINGS' bluntness, but also typical in its FRITZ HOLLINGS' wisdom.

Two points in his op-ed piece need to be stressed over and over again. One is that you cannot lead by taking polls.

You lead by studying the issues and having some conviction and doing something. Leadership that simply follows the polls is leadership in name only.

At all levels of government, we need much more leadership of conviction. If we believe we are going to satisfy the public and turn away their cynicism by some of the gimmicks that we use, we are only fooling ourselves. I agree with the limitations on lobbying and I favor a much improved system of financing political campaigns, but if these things happen but we continue to govern by polls rather than by looking at the national needs, we will get nowhere.

The second part of this statement is a recognition that we need to get additional revenue for the federal government.

He says accurately, "We have fiscal cancer and nobody wants to talk about it." He goes on and says bluntly, "To put a tourniquet on this deficit-debt hemorrhage, we need spending cuts, spending freezes, a closing of tax loopholes, denying new programs and tax increases."

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Our highways are deteriorating compared to those in Western Europe when not too many years ago it was the other way around.

We have a much higher percentage of our children living in poverty than any of the Western Europeans countries.

We are the only western industrialized country that doesn't protect all of our citizens with health care insurance.

These things take revenue, and people in this body and in the Administration ought to be talking much more candidly to the American public.

I commend our colleague, Senator HOLLINGS, for being blunt and telling us the truth in this article which I ask to be printed in full in the RECORD. The article follows:

[From the Post and Courier, Nov. 15, 1995]

POLLS GET IN THE WAY OF WASHINGTON'S WORK

(By Senator Ernest F. Hollings)

The silent scandal that permeates Washington is the pollster charade. As in Newsweek's Conventional Wisdom Watch, today's Washington is based on who's up and who's down in the polls. Everyone—the president, Congress and the media—participates. The result? Nothing gets done and no one really expects anything to get done. Meanwhile, the nation's real needs are ignored. There is no genuine plan to guide us. And plans to put us on a pay-as-you-go basis are simply pollster-driven budget schemes fashioned to get politicians past the next election.

John F. Kennedy started it all 35 years ago in West Virginia. Lou Harris' polls identified hot-button issues of concern and Jack Kennedy played them like a Stradivarius. Political polling immediately became the order of the day. Now even the media wittingly are the engines behind the oppressive reliance on polls. No longer do reporters bow to the who, what, where, when, how and why of fact and accuracy. Instead, they kowtow to pollsters to elicit pithy partisan responses that stem from polls.

The pollster begins each day with "divide and conquer." Voters immediately are divided into age, sex, race, education, working or retired, married or single, veteran or military, city, suburb or rural. No one is considered an American. They have to be Asian-American, African-American, Irish-American.

Division is the pollster mentality, but dissembling is the pollster's art. No pollster has served a day in office. But they'll tell you in a minute that you can't break the Sacred Code of the Pollster. If you want to get—and stay—in office:

Never take a firm position. If you do, you'll divide voters.

Favoring a proposition will put you at odds with those who oppose.

Opposing will separate you and those who favor.

To influence the most voters possible, firmly say that you're "concerned" about any issue so you appear understanding and appease both sides.

Aha! Now any way you slice it, you've identified with the voter. With this kind of soundbite mentality permeating the airwaves, it's easy to understand why there is no leadership in Washington.

Lee Atwater taught that negative politics is the positive path to political victory. As a result, one of the first "musts" for a candidate today is to order negative research on opponents—and himself. Why? To have a prepared answer for any past mistakes or inconsistencies and to be able to unload on an opponent at the end of the campaign when voters finally are interested and there's no time to respond.

Pollsters also teach both incumbents and challengers to preach change. That's why all candidates sound the same. Republicans and Democrats are all for cutting spending and against taxes; for prisons and against crime; for jobs and against welfare; for education and the environment. And, of course, everyone is for the family. With this emphasis on change and negative politics, the logic of the pollster paradigm is that government is the enemy and problem, not the solution. As such, everyone serving in government must be ousted. Thus, there's the cry for term limits.

The media's job is to expose this nonsense. But instead of living up to this responsibility, the media have joined the scam. They feast on polls and partisanship. Rather than reporting the news of the day, they make the news with their own polls. Questions by reporters don't delve into an issue but focus on the poll or partisan aspects of the issue. What they want is conflict.

These days, the pollster charade in the media continues with the ludicrous notion that spending cuts alone can eliminate the deficit. Or worse—that cutting taxes can eliminate the deficit. Nothing could be further from the truth. Since Ronald Reagan's "voodoo" that tax cuts could bring in more revenue and eliminate the deficit, the national debt quintupled from less that $1 trillion to almost $5 trillion. And instead of eliminating waste in government, we created the biggest waste of all—$348 billion a year in interest costs. Since we can't avoid paying interest costs, we borrow a billion dollars daily, which automatically increases spending a billion, increases the debt a billion and increases interest costs. Every day the cycle starts again.

Both President Clinton's and Speaker Gingrich's budget plans to get rid of this waste are mere ruses to get past next year's election. But Washington politicians figure—who cares? Who will be around seven years from now? And the media lets them get by with it. Our 1995 budget was $1.52 trillion. The 1996 Clinton budget is $1.63 trillion. The 1996 Gingrich congressional budget is $1.60 trillion. Both budgets increase spending. Neither keeps up with the $1 billion daily increase in the national debt. Over the seven years, spending exceeds revenues by more than $1 trillion. The media know this yet continue to report "a balanced budget by the year 2002."

Now comes the bogus proposal to balance the budget by reducing cost-of-living increases for Social Security and by raiding Medicare. By law, Social Security funds are in trust and are not to be used to offset the deficit. Similarly, the Medicare trust fund for hospital costs is in the black, but may go into the red by 2002. In other words, both Social Security and Medicare are paid for and in surplus. What is not paid for this minute is defense, education, farm subsidies, environmental protection, veterans' benefits, law enforcement—general government. We readily increase billions for defense and other programs but are unwilling to pay for it. Thus continues the borrowing, spending and downward spiral that increases the deficit. We have fiscal cancer and nobody wants to talk about it.

To put a tourniquet on this deficit-debt hemorrhage, we need spending cuts, spending freezes, a closing of tax loopholes, denying new programs and tax increases. But proposals to do this go unreported. As such, the public believes spending cuts alone will do the job. And the media validate bogus plans to cut taxes as serious moves to balance the budget. That we really are broke is ignored.

Rather than being pollster pawns, the media should serve as an institutional memory to give up perspective. With the Cold War over, it's time to rebuild our economy. More than ever, a strong government is needed—for education, job training, research, housing, transportation, technical development and inner-city needs.

But the media treat government as the enemy.

In a silent conspiracy with pollsters and Washington politicians, the media masquerade opinion polls as fact and validate the politics that any tax increase is poison. All the time, the rebuilding of America goes wanting and neither the Clinton nor the Dole/Gingrich forces can talk sense. The train wreck is a media production.●

ORDER OF BUSINESS

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER (Mrs. HUTCHISON). The Senator from Colorado is recognized.

OUR TROOPS WILL SPEND CHRISTMAS IN BOSNIA

Mr. BROWN. Madam President, as I came over here tonight for the vote, I could feel the light snow and the chill of the wind. It made me think of the weather that the young men and women who we are sending to Bosnia will experience during their Christmas—the 19- and 20-year-old young men and women who love their country, and they will give their very lives if called upon to serve. They will spend this Christmas thousands of miles away from home, in the outskirts of Tuzla, Bosnia—and they will do it gladly.

In the idealism of youth, they will know that they are serving their country, and they will carry with it an enthusiasm that tells them they would do anything to serve this Nation and to preserve our freedom.

I cannot help but remember the words of a movie that perhaps some have forgotten, a movie that some of the critics laughed at. Sylvester Stallone played the part of a man trying to free POW's in Vietnam. When he came back from the mission that some of the leaders had tried to thwart, he was asked by his commanding colonel what in the world he wanted. The words he spoke in the movie were: "I want what every man who served in Vietnam wanted; I want my country to love me as much as I love my country."

Tonight we have decided to send young men and women into harm's way, and into a cause that is not clearly defined, and into a mission that is full of risk. But they will go, and they

will go gladly. They will make us proud.

Madam President, that love of country and that willingness to serve, to go anywhere and do anything for us, deserves more than a casual commitment from the leaders in this country; it deserves leaders that love those men and women as much as they love us. It deserves a commitment from us that is comparable to theirs. It is a commitment we should not take lightly. We should not send young men and women to their death without being fully resolved that what they might die for is worth the price.

I do not believe that the mission that has been outlined is worth that price, and I do not believe that our leaders have that commitment. But the decision has been made. Those young men and women go with our prayers, and I will think of them this Christmas, away from home and facing what may be the saddest part of anyone's life—the chance of giving their lives for a mission that their country may not care about. That surely is the toughest burden that any young man or any young woman may ever have to face. I only pray, now that the decision is made and the troops are on the way, that we will not forget them, that we will stand beside them, that we will not deny them the weapons they need, that we will not refuse to go after the people who shoot after them, and that we will spare no effort.

My heart was filled with joy when I heard the reaction of the French President when the French pilots, who had been taken prisoner, were not returned. He made it very clear that France would not accept their men not being returned in any way, or under any circumstances. Because he stood firm, those boys were returned. He stood up for his troops and he stood beside them.

I only pray that this Nation will have the courage to do as much for those young men and women whose lives we put on the line.

I yield the floor.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

SENDING TROOPS TO BOSNIA IS A MISTAKE

Mr. PRESSLER. Madam President, I would like to say that I feel very strongly that the basic decision to send troops to Bosnia, under the circumstances, is a mistake. I voted today for the Hutchison resolution, and I did so as a Vietnam veteran, as one who served in the Army in Vietnam. I feel strongly that we have made a mistake by sending troops to Bosnia.

Certainly, all of us want our troops to be well cared for and well equipped, but I oppose the basic decision to send troops there. Indeed, from my State, in the National Guard callup, 1 of 8 people who have been called up so far, probably to go to Bosnia, is a nephew of mine. And he will willingly serve his country, just as I did. But I disagree with the basic decision to send troops there and have so voted today.

Those were not easy votes, and I feel that the last vote was more or less papering over the whole decision, so I voted against that resolution. I feel very strongly, and my constituents feel, that we are engaging in an adventure from which we will not be able to get out of easy, and if we do get out of it, it will be with a large foreign aid bill.

There has been fighting in that country since the 15th century, and it has continued largely because foreign armies have come every time they have had a civil war, and it has never been resolved. That will probably be the case again.

So, Madam President, I wish to state that, certainly, we all care a great deal for our troops. One of them is going to be my nephew. I make my decision based on experience as a lieutenant in the Army in Vietnam. I just do not think this will work. That is the reason I voted as I did today.

UNANIMOUS-CONSENT AGREEMENT—CONFERENCE REPORT ON H.R. 1977

Mr. BROWN. Madam President, I ask unanimous consent that when the Senate considers the conference report to accompany H.R. 1977, the Interior appropriations bill, that it be considered under the following time limitation: There be 6 hours for debate on the conference report, with 3 hours under the control of Senator GORTON or his designee, and 3 hours under the control of Senators BUMPERS and BRADLEY or their designees with 20 minutes of Senator GORTON's time under the control of Senator BYRD; that when the time is used or yielded back, the Senate proceed to vote on adoption of the conference report with the above occurring without intervening action or debate.

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

CORRECTION OF ENROLLMENT OF S. 1060

Mr. BROWN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Concurrent Resolution 116 that has just been received from the House.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 116) directing the Secretary of the Senate to make technical corrections in the enrollment of S. 1060.

The PRESIDING OFFICER. Is there objection to proceeding to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

AMENDMENT NO. 3098

(Purpose: To add a technical correction)

Mr. BROWN. Madam President, I send an amendment to the desk on behalf of Senators SIMPSON and CRAIG.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN] for Mr. SIMPSON, for himself, and Mr. CRAIG, proposes an amendment numbered 3098.

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

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

The amendment is as follows:

On page 2, after line 10, insert the following:

(7) In section 18, strike "contract, loan, or any other form" and insert "or loan".

(8) In section 12(b)(1), strike "7" and insert "6".

Mr. SIMPSON. Madam President, I rise, along with Senator CRAIG, to offer an amendment to H.Con.Res. 116, the resolution to make technical corrections to the recently-passed lobbying reform legislation, S. 1060. We understand that our amendment is acceptable to the managers of the lobbying reform legislation, Senators LEVIN and COHEN, and we are grateful to each of them for their cooperation.

In explaining our technical amendment, we note that three versions of the Simpson-Craig lobbying reform amendment have passed the Senate. The first was our amendment to S. 1060, banning all forms of Federal fund transfers, including contracts, to organizations described in Internal Revenue Code section 501(c)(4) who also engage in lobbying activities. Part of the rationale for this amendment was that those organizations should not simultaneously enjoy the benefits of exemption from taxation, unlimited expenditures on lobbying, and Federal funding support.

However, learning of a quirk in the legislative history of 501(c)(4) organizations, we found that many insurance companies are still technically organized as 501(c)(4) organizations, even though they are now fully taxable. Many of these, along with other health care providers that are also 501(c)(4) organizations, handle Federal contracts under Medicare, the Federal employees health system, and CHAMPUS. We believe that our colleagues would concur that such groups lie outside the scope of the intended reach of a cutoff of grant money to organizations which enjoy the benefits of 501(c)(4) status.

It is for this reason that we redrafted our amendment, during consideration

of the Treasury-Postal appropriations bill, to correct for this and to exclude contracts from the prohibition on Federal funding assistance. That amendment passed the Senate by voice vote on July 24 of this year.

The third version of this provision to pass the Senate was included in a broader version of grants reform, which was the Simpson-Craig amendment to the provision authored by Representatives ISTOOK, MCINTOSH, and EHRLICH that the House had included in House Joint Resolution 115, the second FY 1996 continuing resolution. In the language in that amendment affecting 501(c)(4) organizations, we also took out the ban on contracts and other forms of funding, other than grants.

Mr. CRAIG. Senator SIMPSON has pointed out the important fact that versions of the Simpson-Craig lobbying reform amendment have been approved by the Senate three times this year. I commend Senator SIMPSON on his leadership in this area and am happy that the Simpson-Craig amendment, along with the rest of the lobbying reform bill, is on the verge of being signed into law.

The first version of our amendment, added to S. 1060, had a scope and impact on some insurance and health care providers, uniquely classified as 501(c)(4) organizations, that the authors and the Senate never intended. This problem was corrected in the second and third versions of the Simpson-Craig amendment. Therefore, the Senate twice approved the very change in our 501(c)(4) organizations language that we are proposing again today.

For reasons totally unrelated to this change, the House of Representatives struck the second and third, perfected, Simpson-Craig lobbying reform amendments from the Treasury-Postal bill and the continuing resolution. The House was seeking, instead, to promote its broader Istook-McIntosh-Ehrlich language. However, even in that House language, 501(c)(4) organizations were never barred from receiving contracts.

So, Madam President, the intent of the Senate is clear throughout the evolution of floor votes on three bills, and the intent of the House is clear in two floor votes on a related provision. Neither body intends that all 501(c)(4) organizations who lobby should be barred from receiving Federal contracts. But because the earliest version of either body's position on lobbying and grant reform was the one preserved in S. 1060 as cleared by the House, the clear intent of both bodies on 501(c)(4) organizations is not reflected in that bill.

That is all we are proposing in our technical amendment today, that this technical corrections resolution adjust S. 1060 to reflect the clear intent of both the Senate and the House, as expressed in the relevant votes taken in both bodies.

Mr. SIMPSON. The Senator from Idaho [Mr. CRAIG] is correct. While we are pleased that the House passed lobbying reform legislation with the original Simpson-Craig language intact, we also believe that Congress would want to take the opportunity, in the form of this technical corrections resolution, to acknowledge the unique status of certain 501(c)(4) organizations, as we did in our redrafted amendment to the Treasury-Postal appropriations bill and the second continuing resolution. We therefore submit our amendment to eliminate the terms "contracts" and "any other form" to the Senate, trusting that the correcting language will more closely conform to the intentions of the Congress in passing our original amendment.

Mr. CRAIG. There is one additional provision in our amendment, at the request of the bill's managers, to simplify and expedite the process of handling this resolution. This provision would correct, in section 12(b)(1) of the bill, a cross-reference to the definition for representation of a foreign entity. This same change was already made in section 12(c), and the change in section 12(b)(1) simply makes it consistent and correct, clerically.

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

The amendment (No. 3098) was agreed to.

Mr. BROWN. I ask unanimous consent that the concurrent resolution be considered and agreed to, as amended, and the motion to reconsider be laid upon the table, and that any statements relating to the concurrent resolution appear at the appropriate place in the RECORD.

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

So the concurrent resolution (H. Con. Res. 116), as amended, was agreed to.

CORRECTION OF ENROLLMENT OF S. 1060

Mr. FORD. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Concurrent Resolution 36, a concurrent resolution introduced earlier today by Senator LEVIN; that the resolution be read and adopted; that the motion to reconsider be laid upon the table.

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

So the concurrent resolution (S. Con. Res. 36) was agreed to, as follows:

S. CON. RES. 36

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill S. 1060, to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes, the Secretary of the Senate shall make the following corrections:

(1) In section 6(8), strike "6" and insert "7".

(2) In section 9(7), insert "and" after the semicolon, in section 9(8), strike "; and" and insert a period, and strike paragraph (9) of section 9.

(3) In section 12(c), strike "7" and insert "6".

(4) In section 15(a)(2), strike "8" and insert "7".

(5) In section 15(b)(1), strike ", 5(a)(2)," and in section 15(b)(2), strike "8" and insert "7".

(6) In section 24(b), strike "13, 14, 15, and 16" and insert "9, 10, 11, and 12".

(7) In section 12(b)(1), strike "7" and insert in lieu thereof "6".

AMENDING THE CLEAN AIR ACT

Mr. BROWN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 325 just received from the House.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 325) to amend the Clean Air Act to provide for an optional provision for the reduction of work-related vehicle trips and miles traveled in ozone nonattainment areas designated as severe, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. BAUCUS. Madam President, H.R. 325 is a short, simple bill that seeks to maintain our clean air standards while giving States greater flexibility in how they achieve them. It does this by removing the requirement that the 14 cities in 11 States with severely polluted air devise a program to reduce work-related travel by employees. But the bill reaffirms that those cities must still meet the health-based air quality standards contained in the Clean Air Act. Thus, these cities can now develop alternative methods to achieve the goal of cleaner, healthier air.

This is a narrow bill that responds to a particular problem by granting States greater flexibility while, at the same time, maintaining progress toward improving our Nation's air quality. I support both those efforts. Over the years we have learned that clean air will not be ours without careful vigilance.

There are some in Congress who would turn back the clock on our efforts to protect air quality. Those same people say we have gone overboard. That the health-based standards contained in the Clean Air Act are too difficult to achieve. That the time has come when we must relax the laws and regulations that have been responsible for improving our air quality.

Well, I disagree. And the American people disagree. The Clean Air Act has successfully delivered on its promises. Let me cite some examples.

In the 5 years since passage of the Clean Air Act Amendments of 1990,

over half of the cities that did not then meet the air quality standard for urban smog now meet that standard.

Over three-quarters of the cities that did not meet the air quality standard for carbon monoxide in 1990 now meet that standard.

Emissions of toxic air pollutants have been reduced by 1.6 billion pounds per year, more than six times the reductions achieved in the first 20 years under the original Clean Air Act.

Sulphur dioxide emissions, the principal cause of acid rain, have been reduced by 2.6 million tons since 1990.

And U.S. production of chemicals that deplete the stratospheric ozone layer has been reduced by over 90 percent since 1990.

Despite these successes, we cannot rest on them. Nearly two-thirds of American sampled in a poll this past summer believed that our current air pollution control laws are not strict enough.

So we must not weaken our resolve to achieve clean air. Nor can we put the special interests of some ahead of the public interest. Where we can work together to develop better, more efficient and more effective ways of achieving our environmental goals, we should. That is what this bill does, and it is why I support it. But where there are efforts to roll back our standards, to weaken the protection of human health and the environment, then we must stand firm against such changes.

Mr. SANTORUM. Madam President, I rise to support the passage of H.R. 325, which was received from the House of Representatives this afternoon. As the original Senate sponsor of this bipartisan legislation, I commend the distinguished chairman of the Environment and Public Works Committee for his support and prompt assistance in obtaining unanimous consent to take up and pass this measure.

H.R. 325 repeals a costly and bureaucratic mandate, known as the Employee Trip Reduction Program [ETRP], which was imposed as part of the Clean Air Act Amendments of 1990. Under the law, States are responsible for establishing the program in regions considered to be in severe nonattainment for certain air pollutants. Individual employers in these areas must develop plans to show how their employees will curb automobile use. Although this program was initially viewed as a means of encouraging ridesharing and mass transportation in areas with severe air quality problems, it has proven very complicated and expensive to implement.

Some studies have set the cost of ETRP as high as $1,000 per employee annually, and the Environmental Protection Agency projected that it might cost employers $1.2 to $1.4 billion nationwide. When Congressional Research Service looked at this requirement, the report's authors estimated that ETRP would only reduce volatile organic compounds by 0.5 to 0.8 percent over current levels. Moreover, the failure to establish a plan and ensure employee compliance could expose businesses to fines as high as $25,000 per day.

Although I have serious questions about whether ETRP can be implemented successfully, I must stress that this legislation does not remove the trip reduction program from the Clean Air Act entirely. Instead, it replaces the law's one-size-fits-all mandate with language making this program voluntary. In crafting this legislation, it was our specific goal to leave the trip reduction program in place as a tool for States to use in meeting their overall air quality goals. In this way, it would leave States the option of electing a car-pooling program when, and where, it will have the greatest benefits.

The measure was further amended in the House Commerce Committee to make clear that states will still be responsible for achieving the pollution reductions allotted for the ETRP program, and I believe that this change will help to ensure that the environmental objectives of the Clean Air Act are not weakened.

The need for this measure is clear. In the Philadelphia metropolitan area, the looming threat of a forced car pooling program earlier this year sent hundreds of employers scrambling to establish ride-sharing programs. For some firms in the Center City area where mass transportation options are prevalent, such plans could be set up easily. Many companies in the surrounding counties or employers with irregular shifts, however, found that they could not meet the law's requirements without taking costly and extraordinary steps to restructure work schedules.

Thankfully, both the EPA and the Commonwealth of Pennsylvania shelved plans for implementing the ETRP before the law was to take effect. Nevertheless, the law itself has remained in place, exposing all involved to the possibility of legal action to enforce its requirements. Twice this year, Congress has passed legislation containing a prohibition on enforcement of the ETRP. By passing H.R. 325, we will achieve a small measure of common sense regulatory relief and finally close the books on this unnecessary mandate once and for all.

Again, I thank the chairman for his support of H.R. 325, and I look forward to seeing this measure signed into law quickly.

Mr. CHAFEE. Madam President, H.R. 325 makes amendments to the Clean Air Act to fix a provision that has not worked. The 1990 Amendments required each State with a severe ozone nonattainment problem to adopt measures that would increase vehicle occupancy rates during the rush hour. Businesses and other organizations employing more than 100 people in nine major metropolitan regions were expected to encourage carpooling and the use of mass transit to reduce the number of vehicles travleing to and from work each day.

This provision of the 1990 Amendments was modeled on a program that was being implemented in Los Angeles. As more and more employers have relocated to the deep suburbs where mass transit is impractical and have built large parking facilities for their workers, metropolitan areas have experienced a dramatic increase in the number of cars on the road and the distances that commuters travel to their jobs. This increase in trips and miles traveled has, to some extent, offset dramatic gains in emissions reduction that have been achieved through catalytic converters and other pollution control devices on automobiles. The employer trip reduction program was intended to address this troublesome side of the air quality problem.

But evidence accumulated since the 1990 Amendments were enacted indicates that ridesharing programs are not a cost-effective option in the short-term to control air pollution. The effort necessary to convince commuters to get out of their cars and into carpools or buses or trains is quite expensive compared to other steps that would achieve the same emissions reductions in the short-term. It may be that over a very long period, a requirement like this would convince major employers to make locational decisions that encourage the use of transit and other ridesharing options. But in the short-run, the emissions reductions achieved do not justify the great difficulties that would be experienced by the States and by employers to carry out the trip reduction program.

This requirement of the 1990 Clean Air Act Amendments has engendered much opposition in the legislatures of the several States that are subject to. EPA made it clear earlier this year that the Agency would not aggressively enforce the requirements. And even in Los Angeles, the program that served as a model for the 1990 federal program has been discontinued. All seem to agree that this is a measure that should not be mandated.

H.R. 325 does not entirely repeal the employer trip reduction program. It makes it voluntary with the States. It will remain as potential avenue for emissions reductions for the States that choose to use it. And the bill does not rollback the Clean Air Act in any sense. All States will continue to bear an obligation to achieve healthy air quality by the same deadlines that are currently in the law. The bill makes clear that States that choose not to carry out the trip reduction program must find equivalent emissions reductions from other sources.

Madam President, we have a responsibility to act quickly to fix Federal programs, such as this one, that have proved unworkable. So, I have urged that the Senate act on this bill immediately and send it to the President without further delay. I would note that the National Highway System bill that the President recently signed corrected problems with EPA regulations for the vehicle inspection and maintenance program under the Clean Air Act. Where legitimate problems with implementation of the Clean Air Act have been discovered, we are moving to correct them.

Mr. BROWN. Madam President, I ask unanimous consent that the bill be deemed read a third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

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

The bill (H.R. 325) was ordered to a third reading, was read the third time, and passed.

ROOSEVELT HISTORY MONTH

Mr. BROWN. Madam President, I ask unanimous consent the Judiciary Committee be discharged from further consideration of Senate Resolution 75, a resolution proclaiming October 1996 as "Roosevelt History Month," and that the Senate proceed to its immediate consideration, that the resolution and preamble be agreed to en bloc, and that the motion to reconsider be laid on the table, that any statements relating thereto appear in the RECORD at the appropriate place.

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

The resolution (S. Res. 75) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 75

Whereas January 30, 1995, is the 113th anniversary of the birth of President Franklin Delano Roosevelt in Hyde Park, New York;

Whereas almost a half-century after the death of President Roosevelt, his legacy remains central to the public life of the Nation;

Whereas before becoming President of the United States, Franklin Delano Roosevelt served in the New York State Senate and later was appointed Assistant Secretary of the Navy, and in 1928 became Governor of New York;

Whereas as President of the United States between 1933 and 1945, Franklin Delano Roosevelt guided the Nation through two of the greatest crises of the twentieth century, the Great Depression and the Second World War, and in so doing, changed the course of American politics;

Whereas a memorial in stone in the District of Columbia will soon be dedicated to his memory, as authorized by Congress in 1955; and

Whereas a month commemorating the history of Franklin Delano Roosevelt would complement the dedication of the memorial: Now, therefore, be it

Resolved, That October, 1996, should be designated "Roosevelt History Month". The President is requested to issue a proclamation calling on the people of the United States to observe the month with appropriate ceremonies and activities.

TITLE 18 UNIFORMITY ACT

Mr. BROWN. Madam President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 242, S. 1331.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1331) to adjust and make uniform the dollar amounts used in title 18 to distinguish between grades of offenses, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Title 18 Uniformity Act of 1995".

SEC. 2. ADJUSTING AND MAKING UNIFORM THE DOLLAR AMOUNTS USED IN TITLE 18 TO DISTINGUISH BETWEEN GRADES OF OFFENSES.

(a) Sections 215, 288, 641, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 661, 662, 665, 872, 1003, 1025, 1163, 1361, 1707, 1711, and 2113 of title 18, United States Code, are amended by striking "$100" each place it appears and inserting "$1,000".

(b) Section 510 of title 18, United States Code, is amended by striking "$500" and inserting "$1,000".

SEC. 3. EFFECTIVE DATE.

This Act and the amendments made by this Act shall apply to sentences imposed on or after the date of enactment of this Act.

Mr. BROWN. I ask unanimous consent the committee amendment be agreed to, the bill be considered read a third time and passed as amended, the motion to reconsider be laid upon the table, that any statements relating to the bill be placed at the appropriate place in the RECORD.

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

So the committee amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

EXPRESSING THE SENSE OF CONGRESS REGARDING THE NEXT PANCHEN LAMA

Mr. BROWN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar 266, S. J. Res. 43.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (S. J. Res. 43) expressing the sense of the Congress regarding Wei Jingsheng; Gudhun Choekyi Nyima, the next Panchen Lama of Tibet; and the human rights practices of the Government of the People's Republic of China.

The PRESIDING OFFICER. Is there objection, to the immediate consideration of the joint resolution?

There being no objection the Senate proceeded to consider the bill.

Mr. HELMS. Madam President, citizens all over the world are protesting—and after all major Western countries have complained to the Chinese Government—about the mistreatment of a courageous Chinese citizen named Wei Jingsheng because Wei has spent most of his life trying to bring democracy and decent human rights to his 1.2 billion fellow Chinese citizens.

In return, the Chinese Government has sentenced him to another 14 years in a jail after a trial that lasted 6 hours and to which no officials representing the United States Government were allowed to attend.

The Wei Jingsheng trial follows on the heels of last week's Communist Chinese Government's announcement that for the first time in Tibetan history, Red China has selected a successor to the Panchen Lama, the second highest-ranking official in Tibetan Buddhism, His Holiness the Dalai Lama being the No. 1, of course.

Madam President, these significant events deserve the attention of all Americans and other citizens around the world. Senate Joint Resolution 43 is a sense-of-the-Congress resolution objecting to the treatment of Wei Jingsheng, who, by the way, is known as the father of democracy in China. Senate Joint Resolution 43 expresses regret concerning the Chinese Government's decision to name its own Panchen Lama of Tibet for the first time in Tibetan history. The resolution calls upon the United States Government to sponsor, and aggressively push for, passage of a resolution at next spring's meeting of the U.N. Human Rights Commission condemning Red China's human rights record.

In drafting this resolution, I decided that it is important to highlight both the plight of Wei Jingsheng and the Chinese Government's invasion into the religious freedoms of the Tibetan people. Both issues—religious freedom and political freedom—are human rights issues and should therefore be linked.

This is not the first linkage of these two issues. In fact, when President Clinton and Jiang Zemin met in New York, it was emphasized to the Chinese leader that it is imperative for China to make progress on these two human rights issues. In fact, at that meeting,

the Chinese were requested to give special attention to the fate of Wei Jingsheng, and of other political prisoners.

Did the Chinese believe that charging Wei Jingsheng with attempting to overthrow the government and sentencing him to 14 years in jail was what was when the United States specified special attention? Of course not; the Chinese actions are mere examples of the in-your-face attitude of the Beijing government.

Madam President, Senate passage of this resolution is vital. If the Senate fails to make a clear definitive statement protesting these actions, the Chinese will decide that the American people don't care.

That, of course, is simply not the case. If the U.S. Congress does not act now on Wei Jingsheng's behalf, we will be forfeiting the opportunity to make a difference.

I further understand the Clinton administration is to decide in the near future, whether the United States should support a China human rights resolution at the next meeting of the U.N. Human Rights Commission in Geneva. We have supported a China/human rights resolution for the past 3 years.

This year should not be different. I encourage the President to think long and hard about that decision. President Clinton has said over and over that the best way to pressure the Chinese on human rights issues is to pursue them in international arenas. The U.N. Human Rights Commission is an opportunity that should not be missed.

Some Senators maintain that quiet diplomacy will work better than a congressional resolution. I differ. Since July, the United States Congress, and effectively the United States Government, have engaged in quiet diplomacy and has shied away from strong statements about events in China. Look where those efforts have gotten us on issues about which we care deeply.

That brave young man fighting for democracy in Communist China and that poor 6-year-old boy and his parents who have disappeared because he was chosen as the next Panchen Lama of Tibet need our help.

I encourage Senators to support this resolution and say a prayer for all Chinese citizens who one day could be mistreated just as these young men have been.

Mr. THOMAS. Madam President, on Monday the distinguished chairman of the Foreign Relations Committee introduced Senate Joint Resolution 43 relative to two recent moves by the central government in the People's Republic of China which are of great concern to me as the chairman of the Subcommittee on East Asian and Pacific Affairs: the formal charging and trial yesterday of Chinese human rights activist Wei Jingsheng, and the selection by the central authorities in Beijing of a new Panchen Lama. I am an original cosponsor of that legislation, and rise today to express my full support for it.

Wei Jingsheng is known as the father of the PRC's modern democracy movement, and has spent a good deal of his adult life in prison as a result of his beliefs. Wei was first arrested in the spring of 1979 for allegedly "providing foreigners with confidential military information and engaging in activities which pose a threat to state security and designed to overthrow state power;" the fact that the "secrets" had been previously published in a widely-circulated government journal was apparently seen as immaterial. His true offense was participating in the "Democracy Wall Movement" by penning a work entitled "Diwu Xiandaihua—The Fifth Modernization." That piece argued that the Communist Party's "Four Modernizations" program—to modernize industry, agriculture, science/technology, and the armed forces—would be incomplete without a "fifth modernization:" democracy. In addition, he had circulated an article warning that Deng Xiaoping was developing Mao-like dictatorial tendencies. For this, he was sentenced to a loss of political rights for 3 years and 15 years in prison of which he served 14½ years.

As part of its bid to host the 2000 Olympics, the PRC released a number of political prisoners in a quid pro quo attempt to influence the choice of the selection committee. As a result, Wei was paroled in September 1993 but was kept under constant surveillance since that time. Upon his release he resumed his prodemocracy activities, writing articles and speaking with foreign journalists and government officials in support of democracy in China.

On April 1, 1994, just a few weeks after he had met with Assistant Secretary of State John Shattuck to discuss human rights in the PRC, Wei vanished. While it was known at the time that he had been arrested, no warrant had been issued for his arrest; no formal charges were instituted against him; members of his family were never notified of his arrest or subsequent whereabouts, and the authorities would not even confirm he was being held. Inquires as to his status from organizations and leaders outside of China were rebuffed.

On November 21, of this year, 20 months after first being arrested and held without charge, the Xinhua News Agency announced that Wei was being formally charged with "activities to overthrow the government." Although the exact nature of his "crimes" was left nebulous, the charge carries the death penalty in the PRC. The PRC, which seems to have learned a thing or two about public relations over the years, conveniently timed the announcement to occur after the completion of the recent APEC meetings in Osaka, Japan, and after the announcement of the 1995 Nobel Peace Prize for which Wei had been nominated; both events would have provided an uncomfortable forum for international criticism of the charges. Instead, they have until the next meeting of the U.N. Human Rights Commission in Geneva next March to try and convict Wei and the hope that any international uproar will die down.

A Xinhua report this last Sunday noted that Wei's trial would begin today (late yesterday, Beijing time) in the Beijing Intermediate People's Court. As of 48 hours before the trial was scheduled to begin, Wei's attorney—Zhang Sishi—had still not received written notice of the charges against his client, nor had he been allowed to meet with him. Although it has been announced that the trial will be—somewhat uncharacteristically—"open," that means only that some of Wei's family members may be allowed to attend along with other individuals picked by the government. Late yesterday, after a 6-hour trial, Wei was sentenced to a 14 year term of imprisonment.

I am deeply concerned with the use of the Chinese criminal code to silence those who peacefully advocate democratization and who exercise their rights to free speech. I am equally worried by the response, or should I say lack of response, from the Clinton administration. Candidate Clinton was long on talk about Republicans "coddling dictators," and how he would make human rights the foundation of his foreign policy. But as we have seen with so many other issues, he apparently did not mean what he said; as far as I can tell, that foundation is cracked. The Clinton administration has been slowly ceding ground on this issue with the Chinese since he took office. Instead of high-level reactions to the Wei arrest and trial, I have seen only low-level, lukewarm, noncommittal expressions of concern from Foggy Bottom.

In 1986, in a speech urging his fellow party leaders to take a hard-line on domestic critics of the government, Deng Xiaoping used Wei as an example:

> Didn't we arrest Wei Jingsheng? We arrested him and have not let him go, yet China's image has not suffered.

Whether Wei's predicament is to be a bargaining tool for the March U.N. meeting, or signals a shift towards the conservatives in the party hierarchy, President Clinton's lack of response at this time can only embolden China, and place at risk the freedom of others in the democracy movement such as student leader Wang Dan, activist Li Guotao, trade unionist Liu Nianchun, academician Yuan Hongbing and religious activist Xiao Biguang. All have disappeared in the last 2 years.

Turning to the issue of the Panchen Lama, it is a central belief in Tibetan Buddhism that certain deities take

human form in the bodies of important lamas to lead believers toward enlightenment. It is believed that the souls of these lamas are reborn shortly after their deaths into the bodies of newborn infants in order to continue their task on earth. Known generically as tulku, the two most important of these lamas are the Dalai Lama, the temporal and spiritual head of Tibet, and the Panchen Lama. The Panchen Lama is believed to be a reincarnation of the Buddha Amitabha, the Buddha of Infinite Light. Because he wields the highest temporal as well as spiritual authority, the Dalai Lama is considered preeminent to the Panchen in the lamaist hierarchy.

Since the occupation of Tibet beginning in the late 1940's, the Chinese have sought to coopt the Panchen Lama in an attempt to counter the role and authority of the Dalai Lama. When the Chinese invaded Tibet and overthrew the legitimate government, the Dalai Lama fled to northern India where he established a Tibetan government-in-exile. The 10th Panchen Lama remained behind however, effectively becoming over the years the Vidkun Quisling of Tibet, assisting the Chinese in the "peaceful liberation" of Tibet. As reported in the November 11 edition of Xzang Ribao:

In March 1959, Tibet's upper-level reactionary clique launched a counter-revolutionary armed revolt in a vain attempt to undermine the motherland's unification. Great Master Panchen [the Panchen Lama] immediately cabled Chairman Mao and Premier Zhou [Enlai] to express his support for the State Council's order to dissolve the Tibetan local government and to quell the rebellion. At a rally held by people of all circles of Xigaze [Shigatse], he urged all monks, ordinary people, and patriotic people of Tibet to clearly distinguish right from wrong and good from evil, to draw a clear line between them and the reactionary clique, and, under the party's leadership, to unite in resolutely assisting the People's Liberation Army to quell the rebellion. Since September 1987, a small number of separatist elements have created disturbances and made troubles in Lhasa, but the Great Master Panchen always maintained a firm stand, held high the banner of patriotism, and unequivocally and resolutely upheld the motherland's unification and national unity.

He became a member of the Chinese-installed Communist government, and regularly called on Tibetans to submit to the new order. In frequent statements he praised the new Communist government, and over the years gave legitimacy to the Chinese occupation. Although he apparently had a change of heart at the beginning of the Cultural Revolution, for which he was jailed for nearly a decade, after his rehabilitation in 1978 he continued to refuse to back calls for Tibetan independence.

Since the death of the Panchen Lama in January 1989, observers have expected a clash between the Tibetans and the Chinese over the choice of the lama's reincarnation. The reason is simple: this conflict is not simply some arcane religious tussle, but is part of the ongoing collision of interests over who really rules Tibet. For the first time, the Chinese were presented with the opportunity of hand-picking and shaping in their own political image from his youth a traditional leader of the Tibetan people. With the prospect of grooming a credible and more compliant alternative leader for the Tibetan people, few believed that the Chinese would acquiesce to the rightful authority of the Dalai Lama and Tibetan Buddhist hierarchy in the choice.

Soon after the Panchen's death, negotiations took place between the central government and the group charged with searching for his reincarnation, the monks of Tashilhunpo—"Mass of Glory"—Monastery in Shigatse, the traditional seat of the Panchen Lama. The compromise reached provided that the monks would look for the reincarnate lama only in China and Tibet, thus precluding a candidate being found among the Dalai Lama's Tibetan supporters in exile in India. In return, the monks were promised that they could use traditional procedures to select the reborn lama.

A committee of monks from the Tashilhunpo began to search for the reincarnate lama by consulting religious oracles and searching for omens in the reflective waters of a lake high in the Himalayas. The committee then visited children in villages around the country who were reported to have certain physical and mental indications of being reincarnate. The committee spent more than 5 years examining various candidates. As they finalized their choice, to the chagrin of the authorities in Beijing word was leaked from the search committee to the Dalai Lama of the identity of the candidates. This allowed the Dalai Lama, who the Chinese for the first time had excluded from his traditional role in the process, to act preemptively and announce on May 14 that the search committee had found the reincarnation of the Panchen Lama in the person of 6-year-old Gedhum Chökyi Nyima in the Tibetan village of Nagchu, Lhari District, north of Lhasa.

Their loss of control over the process infuriated the Chinese, who denounced the proclamation in predictably Communist rhetoric. The government press labelled the Dalai Lama's action "splittist" and "illegal and invalid," and condemned him for "his vicious intention of disrupting Tibet's stability and undermining China's national unity through religious means."

Having been beaten to the punch by the Dalai Lama, the Chinese government attempted to regain the initiative. The Dalai Lama's candidate disappeared, and is said by authoritative sources to be held under house arrest in Beijing with his parents. Moreover, the Chinese launched an unprecedented media campaign to discredit the Dalai Lama and his choice, and to justify their brazen interference in the selection process. The complete irony of a secular atheist Communist government completely usurping such a purely religious issue as the choice of a reincarnated soul should be lost on no one. The Chinese have spent years attempting to destroy Tibetan Buddhism as a remnant of the "feudal, oppressive past," and as a competitor to Communism; it is, after all, a central tenant of Marxist-Leninist thought that religion is the opiate of the masses. Thousands of Buddhist monks and nuns have been arrested and imprisoned since the annexation of Tibet; thousands of monasteries and temples have been destroyed, and countless works of religious devotion such as statues have been melted down or shipped out of the country. Yet the government in Beijing has devoted a significant amount of press and other resources to the reincarnation question. The cover and many of the articles in a recent issue of the Beijing Review were devoted to it; countless articles have appeared in official party newspapers such as Rénmín Ríbáo. For example, for over a week the front page of the party daily in Tibet, Xźáng Ríbáo, carried a lengthy and detailed series called "Questions and Answers Regarding the Reincarnated Child of the 10th Panchen."

The attacks have extended to the Dalai Lama himself. For example, a four-part series on Lhasa Tibet People's Radio Network broadcast over a period of 4 days vilified His Holiness and exposed his so-called "crimes." He has suffered similar attacks from Gyatsen Norbu, the Chairman of the Tibet Autonomous Regional People's Government, the Communist-controlled Executive Council of the Buddhist Association of China, and Pagbalha Geleg Namgyai, Chairman of the Tibet Autonomous Region Chinese People's Political Consultative Conference. The official media have also done everything to slander and tarnish the Dalai Lama's choice for Panchen, including accusing the boy's parents of having bad reputations among their neighbors, and the boy of killing a dog by drowning it—an thoroughly un-Buddhist act.

The amount of coverage the issue has received in the communist media has reached the point of overkill, even for the Chinese press, and has risen to the level that it indicates that the government in Beijing believes that if they repeat something enough it will eventually become the truth. I am reminded of the line from Act III of Shakespeare's "Hamlet", which I paraphrase: "The government doth protest too much, methinks."

Coincident with the increase of official propaganda, the Chinese continued to try to regain control of the process.

In September the Chinese ousted Chadrel Rinpoche—the head abbot of the Tashilhunpo Monastery and head of the search committee—and replaced him with their own candidate, Sengchen Lobsang Gyatsen. Chadrel Rinpoche is believed to be in detention with several other noncompliant monks from the monastery. Three new names for finalists —Gyaltsen Norbu of Nagchu, Tsering Wangdu of Nagchu, and Ngawang Namdrol of Lhasa—were then identified by the Chinese government, which announced that the finalist would be chosen by drawing lots from a golden urn, a procedure used once in 1792 by a Qing dynasty emperor. Chinese television showed State President Jiang Zemin meeting with the monks remaining on the committee, urging them to complete their work as soon as possible in order to "ensure stable development in Tibet."

On November 6, the Chinese government convened a meeting of senior lamas at the Jingxi Guest House in Beijing to finalize the selection process. On November 10, Li Ruihuan, a member of the Standing Committee of the Central Political Bureau and Chairman of the National Committee of the Chinese People's Consultative Conference, addressed the meeting and gave it its marching orders. At the end of November, the Chinese chose 6-year-old Gyaltsen Norbu as the 11th Panchen Lama; he was enthroned in Lhasa on December 8. In its haste to put the official imprimatur on the child, the Chinese brushed aside the several years of monastic training usually afforded a candidate before his enthronement. Senior monks were required to attend the ceremony at Lhasa's Jokhang Cathedral, and those supportive of the Dalai Lama and feigning illness in order to avoid attendance were warned on the consequences of such action. State Councilor Li Tieying oversaw the ceremony, delivering a message from Jiang Zemin for the boy to "safeguard the motherland and work in the interests of the people." In reply, the boy reportedly responded by "express[ing] his gratitude to the central government, President Jiang Zemin, Premier Li Peng, and representatives of the State Council * * * and saying that he loves the motherland [China] and the Tibetan religion."

The blatant interference in a purely religious Tibetan affair is of great concern. Without getting bogged down in a detailed and somewhat esoteric discussion of the historical precedents, let me just outline some of the objections to the Chinese position. First, it completely ignores the Dalai Lama's centuries-old right to participate actively in the choice of the Panchen Lama. By eschewing the Dalai Lama's traditional role, the Chinese are completely flouting the historical precedent they claim they are upholding. The confirmation of either the Dalai or Panchen Lama is not complete until mutually recognized by the other. Chinese scholars, whom the government is so fond of quoting, have previously reiterated this requirement. For example, Ya Hanzhang, in his Biographies of the Tibetan Leaders Panchen Erdeni, wrote:

> By Tibetan tradition a reincarnation of the Panchen could not be religiously legal without the Dalai's recognition, and the same was the case with the Dalai.

Thus, the exclusion of the Dalai Lama renders the validity of Beijing's choice void ab initio.

Second, for the first time in history it puts the Chinese government in the place of the Dalai Lama. In the past, Beijing's role was one limited to nominal approval of the selection already made by the Tibetans. There existed a unique relationship between the high lamas of Tibet and the Chinese imperial court; it was called "priest-patron." The Chinese emperors looked to the lamas as spiritual advisers. In return for that advice, the Chinese offered gifts to the high lamas and military protection to the region. Therefore, any involvement by the Chinese in the choice of a Dalai or Panchen Lama during the Qing dynasty, under Emperors such as Kangxi and Qianlong, stemmed not from a desire to dictate the outcome from Beijing but because those Emperors were fervent followers of Tibetan Buddhism.

Mr. President, I can already predict with certainty the Chinese reaction to this joint resolution. The Foreign Ministry is sure to declare both issues solely within the purview of China's internal affairs which are, ipso facto, none of the rest of the world's business. In fact, in response to world criticism of the Wei arrest Shen Guofang, the Ministry spokesperson, has already stated:

> The case of Wei Jingsheng is not a human rights affair. On the contrary, it is those people and organizations who try to interfere in China's judicial procedures that have actually violated international standards by interfering in China's internal affairs.

Rather than rehash this old human rights/internal affairs song and dance, then, let me take a new approach an give the PRC another reason why these issues are important to us and should, consequently, be important to them. The Chinese have made a great deal of noise lately about being allowed to assume their rightful place among important powers on the world stage, and have complained vociferously that the West is unfairly trying to prevent them from that place.

I and several of my colleagues have tried to make it clear to Beijing that there is not some organized plot attempting to keep them from doing so. Rather, what we have emphasized to them is that a place at that particular table is not a right free for the taking, but a privilege which comes with it a panoply of responsibilities. Foremost among those is to adhere to international norms of conduct and to treaty and similar legal commitments.

If the PRC does not live up to its present commitments, then they can be sure that the rest of the world is going to be hesitant to enter into any others with it; and the problem is, they are not. Beijing says that it is fully living up to all its obligations. However, as the Chinese are fond of saying, words are fine but only if followed up by deeds. An examination of their deeds, unfortunately, shows that these do not match their words. In the case of Wei Jingsheng, the maximum amount of time a criminal suspect can be detained without charge is twelve months; yet he was held for over twenty. China is a signatory to the universal Declaration of Human Rights, yet the handling of Wei's case clearly violates Article III of that document. Finally, the language of the Xinhua announcement of the charges against Wei noted that his actions "were in violation of the criminal law and constituted crimes;" an article in the December 11 Beijing Review notes that his actions leading to this arrest "[were] in violation of the Criminal Law and constitute crimes." This, and the fact that his trial took only 6 hours, seems to me to indicate that his guilt had been determined long before his trial began. This presupposition of guilt also runs counter in international standards of justice.

As for the Panchen issue, the PRC's constitution guarantees freedom of religion and freedom from being discriminated against on the basis of religious belief. Yet thousands of Tibetans have been persecuted for their religious faith over the years. Moreover, Beijing's manipulation of the selection of the Panchen Lama is clear meddling in a purely religious issue for political gain, and violates the religious rights of believing Tibetans. Similarly, as Senator FEINSTEIN mentioned yesterday in a meeting of the full Foreign Relations Committee, she has been repeatedly assured over the years by officials in the highest levels of the Chinese Government that Tibet "is entitled to manage its own cultural and religious affairs." The actions regarding the Panchen Lama would seem to contradict that assertion.

Time and time again China calls into question its commitment to the rule of law and to international norms, whether it be in regards to agreements on intellectual property, the enforcement of international arbitration awards, or the proliferation of nuclear or other weapons. The cases of Wei Jingsheng and the Panchen Lama are just two more unfortunate examples. If as a result the rest of the world is a bit reticent to enter into other agreements with the PRC—for example, the WTO agreement—for fear that the Chinese will continue to say one thing but do another, then before it points the finger of accusation at us for denying it

its "rightful place" in the world, it should realize that it has no one to blame but itself.

I urge my colleagues to support Senate Joint Resolution 43, and thank the distinguished Chairman and ranking member of the Committee for their leadership on these important issues.

Mr. BROWN. I ask unanimous consent the joint resolution be deemed read a third time, passed, the amendment to the preamble be agreed to, the preamble as amended be agreed to, the motion to reconsider be laid upon the table, and that the statements relating to the resolution be placed at the appropriate place in the RECORD.

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

The joint resolution (S.J. Res. 43) was deemed read the third time and passed.

The preamble, as amended, was agreed to.

The joint resolution, with its preamble, is as follows:

S.J. RES. 43

Whereas on November 21, 1995, the Government of the People's Republic of China formally arrested Wei Jingsheng, who is known internationally as the father of the democracy movement in China;

Whereas the Government of the People's Republic of China has held Wei Jingsheng incommunicado and without charge since April 1994 and has rebuffed international calls to release him;

Whereas Wei Jingsheng has spent all but 6 months of the last 16 years in detention because of this unwavering support for freedom of speech and the development of democracy in China;

Whereas at an October 1995 meeting in New York between President Clinton and President Jiang Zemin of China, the Administration urged the Government of the People's Republic of China to release political prisoners and specifically included Wei Jingsheng and others among such prisoners;

Whereas the treatment of Wei Jingsheng by the Government of the People's Republic of China raises concern over the future of other jailed dissidents in China, including Wang Dan, a student leader in the 1989 prodemocracy movement in China;

Whereas on May 14, 1995, His Holiness the Dalai Lama announced recognition of 6-year-old Gedhun Choekyi Nyima as the next Panchen Lama;

Whereas recognition of the successor to the Panchen Lama in Tibet has always been within the authority of the Dalai Lama;

Whereas for the first time in Tibetan history, the Government of the People's Republic of China has imposed on Tibet its own candidate for a new Panchen Lama and has rejected the new Panchen Lama selected by the Dalai Lama;

Whereas Gedhun Choekyi Nyima and his family have been missing for 6 months and are reported being held by authorities of the Government of the People's Republic of China;

Whereas Chatrel Rinpoche, who is the head of the original search committee for the new Panchen Lama and who refused to denounce the Dalai Lama's selection of the new Panchen Lama, is also missing and believed to be held by authorities of the Government of the People's Republic of China;

Whereas the Panchen Lama is one of the highest-ranking religious official of Tibetan Buddhism;

Whereas the rejection of the Dalai Lama's selection of Panchen Lama by the Government of the People's Republic of China, and the selection of its own candidate for Panchen Lama, is seen by many Tibetans as politicizing a purely religious affair and as a violation of fundamental Tibetan human rights;

Whereas since the invasion of Tibet in 1949, the Government of the People's Republic of China has taken any expression by the Tibetan people of their distinct religious or cultural identity as a direct challenge to that government's political control of Tibet;

Whereas Chinese officials have repeatedly maintained that the Tibet Autonomous Region is entitled to manage its own cultural and religious affairs, and the intervention of Chinese government authorities in the selection of the next Panchen Lama is a clear violation of that principle;

Whereas for 3 consecutive years, the United States has been a primary sponsor of resolutions criticizing the human rights practices of the Government of the People's Republic of China in China and Tibet at the annual meetings of the United Nations Human Rights Commission in Geneva;

Whereas these resolutions call upon the Government of the People's Republic of China to take measures to ensure the observance of all human rights, invite that government to cooperate with all special rapporteurs and working groups, and request the Secretary General of the United Nations to prepare a report for the United Nations Human Rights Commission on the human rights situation in China and Tibet;

Whereas at the March 1995 meeting of the United Nations Human Rights Commission in Geneva, the resolution lost by only 1 vote;

Whereas it is important to maintain international pressure on the Government of the People's Republic of China in order to induce that government to respect internationally-recognized standards of human rights; and

Whereas in May 1994, the President of the United States pledged strong support for efforts at international forums to criticize the human rights practices of the Government of the People's Republic of China: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Government should—

(1) press for the immediate and unconditional release of Wei Jingsheng and other political prisoners by the Government of the People's Republic of China;

(2) urge the Government of the People's Republic of China to respect the wishes of the Tibetan people by supporting the selection of the new Panchen Lama by His Holiness the Dalai Lama;

(3) work to ensure the safety of the new Panchen Lama as selected by the Dalai Lama; and

(4) sponsor and aggressively push for the passage of a resolution regarding the human rights situation in China at the annual meeting of the United Nations Human Rights Commission in Geneva scheduled for March 1996.

The PRESIDING OFFICER. The Senator from Kentucky.

MEASURE READ FOR THE FIRST TIME—S. 1472

Mr. FORD. Madam President, I understand that S. 1472, Federal Judges for the Middle and Eastern Districts of Louisiana, introduced earlier today by Senator BREAUX, is at the desk.

The PRESIDING OFFICER. The Senator is correct.

Mr. FORD. Madam President, I ask for the first reading.

The PRESIDING OFFICER. The clerk will read the bill.

The assistant legislative clerk read as follows:

A bill (S. 1472) to provide for one additional Federal judge for the Middle and Eastern Districts of Louisiana and one less Federal Judge for the Eastern District of Louisiana.

Mr. FORD. Madam President, I ask for the second reading.

Mr. BROWN. I object.

The PRESIDING OFFICER. Objection is heard. The bill will lay over and will receive its second reading on the next legislative day.

AU PAIR PROGRAMS EXTENSION

Mr. BROWN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 267, S. 1465.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1465) to extend au pair programs.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 3099

(Purpose: To extend au pair programs through fiscal year 1997)

Mr. BROWN. Madam President, I send an amendment to the desk for Senator HELMS and Senator DODD, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado (Mr. BROWN), for Mr. HELMS, for himself and Mr. DODD, proposes an amendment numbered 3099.

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

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

The amendment is as follows:

On line 9, strike "1999" and replace with "1997."

On page 2, line 1, strike "1998" and replace with "1996".

Mr. BROWN. Madam President, I ask unanimous consent that the amendment be agreed to, that the bill be deemed read a third time, passed, as amended, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

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

The amendment (No. 3099) was agreed to.

So the bill (S. 1465), as amended, was deemed read for the third time, and passed, as follows:

S. 1465

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF AU PAIR PROGRAMS.

(a) REPEAL.—Section 8 of the Eisenhower Exchange Fellowship Act of 1990 (Public Law 101–454) is repealed.

(b) AUTHORITY FOR AU PAIR PROGRAMS.—The Director of the United States Information Agency is authorized to continue to administer an au pair program, operating on a world-wide basis, through fiscal year 1997.

(c) REPORT.—Not later than October 1, 1996, the Director of the United States Information Agency shall submit a report regarding the continued extension of au pair programs to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives. This report shall specifically detail the compliance of all au pair organizations with regulations governing au pair programs as published on February 15, 1995.

ANTICOUNTERFEITING CONSUMER PROTECTION ACT

Mr. BROWN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 250, S. 1136.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1136) to control and prevent commercial counterfeiting, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill. which had been reported from the Committee on the Judiciary, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the part of the bill intended to be inserted are shown in italic.)

S. 1136

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 "Anticounterfeiting Consumer Protection Act of 1995".

SEC. 2. FINDINGS.

The counterfeiting of trademarked and copyrighted merchandise—

(1) has been connected with organized crime;

(2) deprives legitimate trademark and copyright owners of substantial revenues and consumer goodwill;

(3) poses health and safety threats to American consumers;

(4) eliminates American jobs; and

(5) is a multibillion-dollar drain on the United States economy.

SEC. 3. COUNTERFEITING AS RACKETEERING.

Section 1961(1)(B) of title 18, United States Code, is amended by inserting ", section 2318 (relating to trafficking in counterfeit labels for phonorecords, computer programs or computer program documentation or packaging and copies of motion pictures or other audiovisual works), section 2319 (relating to criminal infringement of a copyright), section 2320 (relating to trafficking in goods or services bearing counterfeit marks)" after "sections 2314 and 2315 (relating to interstate transportation of stolen property)".

SEC. 4. APPLICATION TO COMPUTER PROGRAMS, COMPUTER PROGRAM DOCUMENTATION, OR PACKAGING.

Section 2318 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting "a computer program or computer program documentation or packaging or" after "copy of";

(2) in subsection (b)(3), by inserting "'computer program,'" after "'motion picture,'"; and

(3) in subsection (c)(3), by inserting "a copy of a computer program or computer program documentation or packaging," after "enclose,".

SEC. 5. TRAFFICKING IN COUNTERFEIT GOODS OR SERVICES.

Section 2320 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(e) Beginning with the first year after the date of enactment of this subsection, the Attorney General shall include in the report of the Attorney General to Congress on the business of the Department of Justice prepared pursuant to section 522 of title 28, on a district by district basis, for all actions involving trafficking in counterfeit labels for phonorecords, copies of computer programs or computer program documentation or packaging, copies of motion pictures or other audiovisual works (as defined in section 2318 of title 18), criminal infringement of copyrights (as defined in section 2319 of title 18), or trafficking in goods or services bearing counterfeit marks (as defined in section 2320 of title 18, an accounting of—

"(1) the number of open investigations;

"(2) the number of cases referred by the United States Customs Service;

"(3) the number of cases referred by other agencies or sources; and

"(4) the number and outcome, including settlements, sentences, recoveries, and penalties, of all prosecutions brought under sections 2318, 2319, and 2320 of title 18.".

SEC. 6. SEIZURE OF COUNTERFEIT GOODS.

Section 34(d)(9) of the Act of July 5, 1946 (60 Stat. 427, chapter 540; 15 U.S.C. 1116(d)(9)), is amended by striking the first sentence and inserting the following: "The court shall order that service of a copy of the order under this subsection shall be made by a Federal law enforcement officer (such as a United States marshal or an officer or agent of the United States Customs Service, Secret Service, Federal Bureau of Investigation, or Post Office) or may be made by a State or local law enforcement officer, who, upon making service, shall carry out the seizure under the order.".

SEC. 7. RECOVERY FOR VIOLATION OF RIGHTS.

Section 35 of the Act of July 5, 1946 (60 Stat. 427, chapter 540; 15 U.S.C. 1117), is amended by adding at the end the following new subsection:

"(c) In a case involving the use of a counterfeit mark (as defined in section 34(d) (15 U.S.C. 1116(d)) in connection with the sale, offering for sale, or distribution of goods or services, the plaintiff may elect, at any time before final judgment is rendered by the trial court, to recover, instead of actual damages and profits under subsection (a), an award of statutory damages for any such use in the amount of—

"(1) not less than $500 or more than $100,000 per counterfeit mark per type of goods or services sold, offered for sale, or distributed, as the court considers just; or

"(2) if the court finds that the use of the counterfeit mark was willful, not more than $1,000,000 per counterfeit mark per type of goods or services sold, offered for sale, or distributed, as the court considers just.".

SEC. 8. DISPOSITION OF EXCLUDED ARTICLES.

Section 603(c) of title 17, United States Code, is amended in the second sentence by striking "as the case may be;" and all that follows through the end and inserting "as the case may be.".

SEC. 9. DISPOSITION OF MERCHANDISE BEARING AMERICAN TRADEMARK.

Section 526(e) of the Tariff Act of 1930 (19 U.S.C. 1526(e)) is amended—

(1) in the second sentence, by inserting "destroy the merchandise. Alternatively, if the merchandise is not unsafe or a hazard to health, and the Secretary has the consent of the trademark owner, the Secretary may" after "shall, after forfeiture,";

(2) by inserting "or" at the end of paragraph (2);

(3) by striking ", or" at the end of paragraph (3) and inserting a period; and

(4) by striking paragraph (4).

SEC. 10. CIVIL PENALTIES.

Section 526 of the Tariff Act of 1930 (19 U.S.C. 1526) is amended by adding at the end the following new subsection:

"(f)(1) Any person who directs, assists financially or otherwise, or [is in any way concerned in] *aids and abets* the importation of merchandise for sale or public distribution that is seized under subsection (e) shall be subject to a civil fine.

"(2) For the first such seizure, the fine shall be [equal to] *not more than* the value that the merchandise would have had if it were genuine, according to the manufacturer's suggested retail price, determined under regulations promulgated by the Secretary.

"(3) For the second seizure and thereafter, the fine shall be [equal to] *not more than* twice the value that the merchandise would have had if it were genuine, as determined under regulations promulgated by the Secretary.

"(4) The imposition of a fine under this subsection shall be within the discretion of the United States Customs Service, and shall be in addition to any other civil or criminal penalty or other remedy authorized by law.".

SEC. 11. PUBLIC DISCLOSURE OF AIRCRAFT MANIFESTS.

Section 431(c)(1) of the Tariff Act of 1930 (19 U.S.C. 1431(c)(1)) is amended—

(1) in the matter preceding subparagraph (A), by inserting "vessel or aircraft" before "manifest";

(2) by amending subparagraph (D) to read as follows:

"(D) The name of the vessel, aircraft, or carrier.";

(3) by amending subparagraph (E) to read as follows:

"(E) The seaport or airport of loading."; and

(4) by amending subparagraph (F) to read as follows:

"(F) The seaport or airport of discharge.".

SEC. 12. CUSTOMS ENTRY DOCUMENTATION.

Section 484(d) of the Tariff Act of 1930 (19 U.S.C. 1484(d)) is amended—

(1) by striking "Entries" and inserting "(1) Entries"; and

(2) by adding at the end the following new paragraph:

"(2) The Secretary, in prescribing regulations governing the content of entry documentation, shall require that entry documentation contain such information as may be necessary to determine whether the imported merchandise bears an infringing trademark in violation of section 42 of the Act of July 5, 1946 (60 Stat. 440, chapter 540; 15 U.S.C. 1124) or any other applicable law, including a trademark appearing on the goods or packaging.".

SEC. 13. UNLAWFUL USE OF VESSELS, VEHICLES, AND AIRCRAFT IN AID OF COMMERCIAL COUNTERFEITING.

Section 80302(a) of title 49, United States Code, is amended—

(1) by striking "or" at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(6)(A) A counterfeit label for a phonorecord, computer program or computer program documentation or packaging or copy of a motion picture or other audiovisual work (as defined in section 2318 of title 18);

"(B) a phonorecord or copy in violation of section 2319 of title 18; or

"(C) any good bearing a counterfeit mark (as defined in section 2320 of title 18).".

SEC. 14. REGULATIONS.

Not later than 6 months after the date of enactment of this Act, the Secretary of the Treasury shall prescribe such regulations or amendments to existing regulations that may be necessary to implement and enforce this Act.

Mr. BROWN. Madam President, I ask unanimous consent that the committee amendments be agreed to, the bill be deemed read a third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

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

So the committee amendments were agreed to.

The bill (S. 1136), as amended, was deemed read for the third time, and passed, as follows:

S. 1136

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 "Anticounterfeiting Consumer Protection Act of 1995".

SEC. 2. FINDINGS.

The counterfeiting of trademarked and copyrighted merchandise—

(1) has been connected with organized crime;

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Section 1961(1)(B) of title 18, United States Code, is amended by inserting ", section 2318 (relating to trafficking in counterfeit labels for phonorecords, computer programs or computer program documentation or packaging and copies of motion pictures or other audiovisual works), section 2319 (relating to criminal infringement of a copyright), section 2320 (relating to trafficking in goods or services bearing counterfeit marks)" after "sections 2314 and 2315 (relating to interstate transportation of stolen property)".

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(3) in subsection (c)(3), by inserting "a copy of a computer program or computer program documentation or packaging," after "enclose,".

SEC. 5. TRAFFICKING IN COUNTERFEIT GOODS OR SERVICES.

Section 2320 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(e) Beginning with the first year after the date of enactment of this subsection, the Attorney General shall include in the report of the Attorney General to Congress on the business of the Department of Justice prepared pursuant to section 522 of title 28, on a district by district basis, for all actions involving trafficking in counterfeit labels for phonorecords, copies of computer programs or computer program documentation or packaging, copies of motion pictures or other audiovisual works (as defined in section 2318 of title 18), criminal infringement of copyrights (as defined in section 2319 of title 18), or trafficking in goods or services bearing counterfeit marks (as defined in section 2320 of title 18, an accounting of—

"(1) the number of open investigations;

"(2) the number of cases referred by the United States Customs Service;

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SEC. 7. RECOVERY FOR VIOLATION OF RIGHTS.

Section 35 of the Act of July 5, 1946 (60 Stat. 427, chapter 540; 15 U.S.C. 1117), is amended by adding at the end the following new subsection:

"(c) In a case involving the use of a counterfeit mark (as defined in section 34(d) (15 U.S.C. 1116(d)) in connection with the sale, offering for sale, or distribution of goods or services, the plaintiff may elect, at any time before final judgment is rendered by the trial court, to recover, instead of actual damages and profits under subsection (a), an award of statutory damages for any such use in the amount of—

"(1) not less than $500 or more than $100,000 per counterfeit mark per type of goods or services sold, offered for sale, or distributed, as the court considers just; or

"(2) if the court finds that the use of the counterfeit mark was willful, not more than $1,000,000 per counterfeit mark per type of goods or services sold, offered for sale, or distributed, as the court considers just.".

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(1) in the second sentence, by inserting "destroy the merchandise. Alternatively, if the merchandise is not unsafe or a hazard to health, and the Secretary has the consent of the trademark owner, the Secretary may" after "shall, after forfeiture,";

(2) by inserting "or" at the end of paragraph (2);

(3) by striking ", or" at the end of paragraph (3) and inserting a period; and

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Section 526 of the Tariff Act of 1930 (19 U.S.C. 1526) is amended by adding at the end the following new subsection:

"(f)(1) Any person who directs, assists financially or otherwise, or aids and abets the importation of merchandise for sale or public distribution that is seized under subsection (e) shall be subject to a civil fine.

"(2) For the first such seizure, the fine shall be not more than the value that the merchandise would have had if it were genuine, according to the manufacturer's suggested retail price, determined under regulations promulgated by the Secretary.

"(3) For the second seizure and thereafter, the fine shall be not more than twice the value that the merchandise would have had if it were genuine, as determined under regulations promulgated by the Secretary.

"(4) The imposition of a fine under this subsection shall be within the discretion of the United States Customs Service, and shall be in addition to any other civil or criminal penalty or other remedy authorized by law.".

SEC. 11. PUBLIC DISCLOSURE OF AIRCRAFT MANIFESTS.

Section 431(c)(1) of the Tariff Act of 1930 (19 U.S.C. 1431(c)(1)) is amended—

(1) in the matter preceding subparagraph (A), by inserting "vessel or aircraft" before "manifest";

(2) by amending subparagraph (D) to read as follows:

"(D) The name of the vessel, aircraft, or carrier.";

(3) by amending subparagraph (E) to read as follows:

"(E) The seaport or airport of loading."; and

(4) by amending subparagraph (F) to read as follows:

"(F) The seaport or airport of discharge.".

SEC. 12. CUSTOMS ENTRY DOCUMENTATION.

Section 484(d) of the Tariff Act of 1930 (19 U.S.C. 1484(d)) is amended—

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(2) by adding at the end the following new paragraph:

"(2) The Secretary, in prescribing regulations governing the content of entry documentation, shall require that entry documentation contain such information as may be necessary to determine whether the imported merchandise bears an infringing

trademark in violation of section 42 of the Act of July 5, 1946 (60 Stat. 440, chapter 540; 15 U.S.C. 1124) or any other applicable law, including a trademark appearing on the goods or packaging.".

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"(B) a phonorecord or copy in violation of section 2319 of title 18; or

"(C) any good bearing a counterfeit mark (as defined in section 2320 of title 18).".

SEC. 14. REGULATIONS.

Not later than 6 months after the date of enactment of this Act, the Secretary of the Treasury shall prescribe such regulations or amendments to existing regulations that may be necessary to implement and enforce this Act.

Mr. BROWN. The distinguished Senator from Kentucky has been so cooperative, I wonder if he might agree to the balanced budget by unanimous consent at this time.

Mr. FORD. Madam President, there is always euphoria at times around here, and we usually have to put the needle into the balloon, and I will just do that now. [Laughter.]

Mr. BROWN. I had hoped the Senator, for the sake of the Christmas spirit, might be willing to go along.

Mr. FORD. The Senator from Kentucky has a lot of spirit, Senator.

Mr. BROWN. I know. But you charge for that.

Mr. FORD. That is right—for you, double. [Laughter.]

Mr. BROWN. We will want to assure the Senator that we will give him another chance.

Mr. FORD. I always look forward to another chance. At 72, I have had second chances for a long time.

ORDERS FOR THURSDAY, DECEMBER 14, 1995

Mr. BROWN. Madam President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 9:30 a.m. on Thursday, December 14, that following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, there then be a period for morning business until the hour of 10:30, with Senators permitted to speak for up to 5 minutes each, with the following exceptions: Senator MURKOWSKI for 15 minutes; Senator JEFFORDS for 15 minutes; Senator WELLSTONE, or his designee, for 30 minutes; and, I further ask that at the hour of 10:30 the Senate turn to the Interior appropriations conference report under the previous unanimous consent.

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

PROGRAM

Mr. BROWN. Madam President, for the information of all Senators, the Senate will begin debate on the Interior appropriations conference report at 10:30 a.m. There is a 6-hour time limit. However, all time is not expected to be used, and a vote is expected on adoption of the conference report.

The Senate could be asked to consider other appropriations matters during tomorrow's session, and the Senate may also turn to the State Department reorganization bill.

Therefore, additional votes can also be expected.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BROWN. Madam President, if there is no further business to come before the Senate—

Mr. FORD. I thought we might get a clean CR until January 20, and we could work out something with the balanced budget amendment.

Mr. BROWN. If we can join the two, I am sure we can get that done tonight.

(Laughter.)

Mr. BROWN. Madam President, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 11:19 p.m., adjourned until Thursday, December 14, 1995, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate December 13, 1995:

DEPARTMENT OF STATE

TOM LANTOS, OF CALIFORNIA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTIETH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

TOBY ROTH, OF WISCONSIN, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTIETH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

THE JUDICIARY

GARY A. FENNER, OF MISSOURI, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF MISSOURI VICE SCOTT O. WRIGHT, RETIRED.

WITHDRAWALS

Executive messages transmitted by the President to the Senate on December 13, 1995, withdrawing from further Senate consideration the following nominations:

DEPARTMENT OF STATE

TOM LANTOS, OF CALIFORNIA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTIETH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS WHICH WAS SENT TO THE SENATE ON DECEMBER 11, 1995.

TOBY ROTH, OF WISCONSIN, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTIETH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS WHICH WAS SENT TO THE SENATE ON DECEMBER 11, 1995.

EXTENSIONS OF REMARKS

TRIBUTE TO MR. STEPHEN LEE, LOCAL FARMER, PATRIARCH, AND AMERICAN SUCCESS STORY

HON. JIM SAXTON
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 1995

Mr. SAXTON. Mr. Speaker, several weeks ago our Nation celebrated the Thanksgiving holiday. It was a time to spend gathered with family and being thankful for all that we have. For the family of Stephen V. Lee, Jr., a local cranberry farmer back home in my district, it was a time to truly give thanks.

Stephen Lee is an American success story. After serving his country in the U.S. Navy during World War II, Mr. Lee returned to America and took up the family tradition as a cranberry farmer.

Although his family had successfully farmed their property as early as the 1870's, the Great Depression had forced its closure until Mr. Lee took individual initiative to restore and revive the family's agricultural heritage. After years of hard work, Mr. Lee and his sons reclaimed the land, restored old bogs, and built new ones used for growing the berries. His original loan of a couple thousand dollars in the 1940's has flourished into a multimillion-dollar farm. Throughout this productive return to the family heritage of cranberry farming, Mr. Lee has continued to be a strong father and grandfather as well as a leader throughout the community.

Mr. Speaker, recently Modern Maturity magazine published a story entitled "Crimson Harvest" which details the life of Stephen Lee. I would ask that this article also be included as part of Extension of Remarks as a tribute to Mr. Lee.

[From Modern Maturity, Nov.–Dec. 1995]

CRIMSON HARVEST

(By Mark Wexler)

On a brisk autumn afternoon Stephen V. Lee, Jr., looks out onto a sea of floating red berries and beams like a little boy who has just opened a bag of Halloween candy. "How that's what I call a pretty crop," he says with a big smile. "There's good crimson color on the fruit this year, and that means a sweet Thanksgiving."

Lee is a fourth-generation cranberry farmer living the American dream in the heart of New Jersey's scenic Pine Barrens region. In the late 1940s he used a $4,000 loan to rescue his historic family farm from the brink of bankruptcy. Now, after years of hard work, he's turned the operation into a million-dollar business.

"This is my life," he says, pointing to the miles of red-colored bogs surrounded by trees and marshes. "I've got cranberry juice running through my veins." Today, at 85, Lee continues to put in long days in what he calls his "labor of love." and his two sons are by his side.

Family farmers like the Lees cultivate most of the world's cranberries on only about 30,000 acres in the United States and Canada. There are 44 other families that grow the berries in the Pine Barrens, a 2,000-square-mile oasis of forests, wetlands and wildlife in southern New Jersey that in 1979 was designated a federal preserve, which protects the area by controlling development. Last year Pine Barrens growers produced more than 53 million pounds of cranberries, a figure only Massachusetts and Wisconsin farmers surpassed. "It's not the easiest way to make a living," says Lee, "but it keeps me young."

The object of Lee's affection is more American than apple pie. European settlers introduced the apple to this continent; the cranberry is native to North America. A slender vine that creeps along the ground, the cranberry plant produces a tart-tasting, finicky fruit that survives only in very specialized conditions: It requires an acid peat soil, sand, plenty of fresh water, and a growing season stretching from April to November. Under those conditions the vines can live indefinitely; some Cape Cod cranberry plants are more than 150 years old.

Cranberries don't actually grow in water. Instead, they blossom on the dense mat of vines that make up impermeable beds in marshy areas called bogs, which glacial deposits originally formed. Native Americans in the Northeast picked the berries from the natural bogs and used them to flavor their food and dye their blankets and clothing. Because raw cranberries have an astringent effect that contracts tissue and stops bleeding, the Indians also used the fruit to make poultices for wounds. And they made a tea from the leaves to use as a diuretic.

Legend has it that when the Pilgrims arrived in New England in 1620, the Wampanoag Indians who greeted them gave the settlers ibimi ("bitter berries") as goodwill gifts. Apparently the word ibimi didn't roll easily off the Plymouth colonists' tongues, so they coined their own names for the fruit. Noticing that the vine's flowers vaguely resembled cranes' heads, they eventually dubbed their new food "crane-berries."

Historians disagree over whether cranberries were actually served at the first Thanksgiving feast in 1621, but one fact is certain: They became a big hit with the English settlers, who found the fruit not only edible and useful as a dye but also "excellent against the Scurvy."

Word of the miraculous berries soon spread back to England, and the colonists recognized a good thing when they saw it. With a bottle of cranberries fetching several shillings in London, the colonists began picking as much of the wild fruit during autumn as they could get their hands on. They even tried to pacify their king with the berries: In 1677 the colonists sent "tenn barrells of cranburyes," along with Indian corn and 3,000 codfish, as a peace offering to Charles II, who was angry with the New World residents for minting their own coins.

In 1816 American Revolution veteran Henry Hall made a discovery that would change the nature of cranberry-harvesting forever. At his seaside farm on Cape Cod, Hall decided to cut down some trees growing on a hill overlooking the beach. Wild cranberries grew in a marsh behind the hill. With the trees gone, the wind whipped sand onto the vines. Hall expected the plants to die, but the opposite occurred: The cranberries flourished under the sand while competing weeds disappeared. Hall began transplanting his vines, fencing them in and covering them with sand.

Thus cranberry cultivation was born.

Stephen Lee, a native of Ireland, bought 2,000 acres of New Jersey pinelands in 1868. The area, he discovered, was perfect for growing the cranberries. Woodlands and freshwater marshes pockmarked the landscape, while he could easily flatten the sandy soil to cultivate the fruit.

During the 1870s Lee and his son, James, carved out a series of cranberry bogs, most of which are still in use. Cranberry farming in those days was not necessarily profitable, and for the next two generations the Lee family struggled. As the Great Depression took hold, the family shut down the farm operation and moved to a nearby town.

Meanwhile, cranberry growers elsewhere had developed new methods to improve their harvest. Around the turn of the century, Wisconsin farmers found they could harvest twice as many berries by flooding their bogs then scooping up the floating fruit. (Flooding also gets rid of insects and protects against frost.) A Few years later Boston attorney and cranberry grower Marcus Urann had another idea: a canned sauce made from cranberries that, according to the label, was "like homemade." In 1930 he merged his company with two other firms to form the Ocean Spray cooperative, owned today by the very farmers who grow the berries.

One of those farmers, U.S. Navy veteran Stephen V. Lee, Jr. (great-grandson of the Stephen Lee mentioned earlier), survived both the Normandy invasion and fiery battles in the South Pacific during World War II before returning to New Jersey to pick up the pieces of the family farm.

Lee borrowed $4,000 from Ocean Spray and began the arduous task of reclaiming the land. Starting with some of the original vines his ancestor had planted, he restored the bogs and constructed new ones. "It takes about seven years to develop a productive bog," he says.

Eventually Lee's cranberry bogs began to pay off, while the industry itself was expanding its product lines to include juices that were, according to the ads, "a food drink that aids digestion."

Then came "Black Monday."

Seventeen days before Thanksgiving 1959 federal authorities announced that some Oregon and Washington cranberries were contaminated with a herbicide that was known to cause cancer in laboratory rats. The Secretary of Health, Education and Welfare suggested that Americans "pass up cranberries this year." Growers protested, claiming a person would have to eat 15,000 pounds of contaminated cranberries every day for years to get cancer. Vice President Richard Nixon solemnly ate four helpings of cranberry sauce on television to demonstrate that the fruit was safe. But the damage was done. "We took a terrible loss that year,"

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

says Lee. "Nobody was buying the stuff. It took a few years for us to recover."

Today, cranberries aren't seen as posing a health threat; in fact, they're widely considered beneficial. In 1994 doctors at Harvard Medical School released a study that confirms an old folk remedy: Cranberry juice really does help prevent urinary-tract infections. The researchers reported that the women who drank ten ounces of cranberry beverage daily for six months were 58 percent less likely to have such infections than the women who drank a placebo beverage. Scientists had thought the berries' acidic nature knocked out infection, but the new study suggests that cranberries contain a compound that prevents infectious bacteria from adhering to the bladder walls. The doctors studied only older women because they are most prone to the infections. (Women in general have a much higher rate of urinary-tract problems than men.)

Motivated in part by such discoveries, Americans now consume more than 340 million pounds of cranberries a year. In the past decade Ocean Spray's sales have nearly tripled to more than $1 billion annually.

"When I was young, there weren't a lot of choices with cranberries. You ate sauce—and more sauce," says Stephen V. Lee III, who returned home in 1973 to help run the family farm after serving as a flight instructor at the U.S. Air Force Academy in Colorado. Today Stephen III runs the business end of the operation—a task his mother, Marjorie, performed until her death in the early 1970s. "My parent's policy was that their children should go off and try other occupations before deciding on careers as cranberry farmers," he says.

His younger brother, Abbott, decided on his career several years ago after studying agriculture at a nearby college. Today he maintains the family's 125 acres of cranberry bogs, using innovative harvesting equipment he himself invented to reduce manpower needs.

The brothers' father, Stephen V., Jr., bounds across a dirt mound bordering one of the bogs and scoops up a handful of berries from a flooded area. "There's a rule of thumb with a family farm like this," he says. "The first generation acquires the land, the second generation improves it, and the third gets to spend the money."

It didn't quite work that way for the Lee patriarch, however. "My sons are the fifth generation," he chuckles. "And they're the ones who are really getting to enjoy the fruits of all this labor."

EMPLOYER TRIP REDUCTION PROGRAMS

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 1995

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today in support of H.R. 325. As an original cosponsor of this legislation, I am pleased that this noncontroversial measure can be brought before the House today under the Corrections Day Calendar.

I grew up in a small oil refinery town just outside of Philadelphia. I can remember vividly the smell of burning oil in the air on a daily basis. Because of this experience, I have always supported strong clean air regulations. I voted for the Clean Air Act Amendments of 1990 [CAAA] and believe the goal of reducing air pollution should not be abandoned.

Over time, however, certain provisions of the Clean Air Act have proven to be unworkable. The implementation of employee trip reduction [ETR] requirements of the CAAA are of great concern to many businesses and employees in the Seventh Congressional District.

Due to a single air quality reading in Chester, PA, the Environmental Protection Agency [EPA] designated the Philadelphia Consolidated Metropolitan Statistical Area [AMSA] as a severe nonattainment area under the CAAA. ETR is one of several strict mandates required by the CAAA for regions of the Nation which are classified as severe.

Significant scientific concerns have been raised about EPA's air quality monitoring and the single data point from Chester which places the entire Philadelphia CMSA into the severe category. Based on these and other concerns, I wrote to then-Governor Casey asking him to press the EPA to reclassify Philadelphia from severe to serious. Regions classified as serious are required to clean up the air sooner than those classified as severe, but are not required to establish ETR programs.

The ETR Program—while never fully implemented—would likely have proven costly to businesses with little real significant reduction in air pollutants. Last Spring, Governor Ridge announced that he would not implement the ETR requirements. The EPA concurred and publicly stated it would not force States to implement the program.

The legislation before us today will allow States like Pennsylvania to willingly opt out of the ETR Program without the threat of third party lawsuits based on noncompliance. This legislation is important for areas like Philadelphia where attainment goals are needed for improved air quality but where these goals can be reached without a costly unfunded mandate on businesses in and around the region.

I strongly support H.R. 325 and commend Congressman MANZULLO for his efforts to bring this bill to the floor today.

CIVILITY IN CONGRESS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 1995

Mr. HAMILTON of Indiana. Mr. Speaker, I would like to insert my Washington report for Wednesday, December 6, 1995, into the CONGRESSIONAL RECORD.

CIVILITY IN CONGRESS

In his recent press conference announcing why he would not be a candidate for President, Colin Powell mentioned the "incivility that exists in political life today". He's right. In national politics and in Congress we have seen a clear decline of basic civility. This year in Congress there have been mean personal attacks, shouting across the aisle, shoving matches, hissing and booing, and Members going out of their way to antagonize those of the other party. Press accounts have described the situation in Congress as "nasty", "full-scale partisan warfare", and "the politics of poison". Partisan tensions are as bad as I can remember. As one senior Member recently noted, "Boy, it's mean out there."

President Clinton recently called for more mutual respect in public discourse, echoing the sentiments of President Bush who called for an end to the "climate of ugliness" on Capitol Hill. The situation certainly isn't as bad as in other countries where we see brawls and fistfights breaking out among members of parliament, but it does merit some attention.

HINDERS LEGISLATION

The bitter, contentious exchanges in Congress certainly do not reflect well on the institution, lead to public cynicism, and make the job of legislating more difficult. As Thomas Jefferson stated, "It is very material that order, decency, and regularity be preserved in a dignified public body." Excessive partisan bickering poisons the atmosphere of Congress and hurts the ability of Members to come together to pass legislation for the good of the country. In a democracy like ours, the willingness of Members of Congress to listen and to talk to each other in a civil way is essential to our ability to reach a consensus on the difficult policy issues facing our nation—from balancing the budget to sending troops to Bosnia.

Certainly spirited debate is appropriate for the many important policy questions before Congress. Members have strong feelings on particular issues, and naturally get upset when they believe that programs very important to their constituents are being gutted or when they feel the other side is putting up unnecessary roadblocks to their legislative agenda. But Members can carry the legitimate debate tco far and argue in ways that undermine serious policy deliberation.

PAST HISTORY

The problem of a breakdown of civility in Congress is certainly not a new one. In past years, especially during periods of national turmoil such as the Civil War or the civil rights movement, there have been major breakdowns in decorum. Over the years, Members have been formally punished by the House for making statements such as describing another Member as one "who is the champion of fraud, who is the apologist of thieves, and who is such a prodigy of vice and meanness that to describe him would sicken imagination and exhaust invective". Heated debate at times led to fistfights, pistol duels, and, a frequent response in earlier days, hitting another Member over the head with a cane.

ENFORCEMENT

Congress has two basic ways of disciplining Members for inappropriate speech. If the remarks occur during debate on the House floor, another Member can object and request that the speaker's "words be taken down". If the words are ruled inappropriate by the Chair, the speaker either can withdraw the statement or be prohibited from speaking on the floor for the remainder of the day. Broader enforcement can come from the House Standards of Official Conduct Committee—the House ethics committee—which has been given wide-ranging powers to punish Members for any actions which do not "reflect creditably on the House of Representatives". Formal charges could be filed against a Member, and the Standards Committee could recommend a range of sanctions. In the past, Members have been formally censured by the full House for disorderly words spoken in debate.

REMEDIES

The vast majority of the contacts between Members of Congress are civil and courteous.

But there are intemperate exchanges—often getting extensive media coverage—which hurt the ability of the institution to properly function. Several steps would be helpful in minimizing them.

First, the Standards of Official Conduct Committee should issue an advisory opinion to all Members of Congress spelling out to them what are the proper limits of discourse and what are the consequences of going beyond the limits. The Standards Committee has a separate Office of Advice and Education which was set up specifically for such an advisory role to help head off misconduct before it occurs.

Second, we need more consistent enforcement by the Chair and by the Standards Committee. Rulings by the Chair can be spotty and inconsistent, and the rules requiring penalties for improper remarks have at times been waived. The Standards Committee has failed to act on some fairly egregious cases of improper speech in recent years.

Third, outside groups can be helpful watchdogs in keeping an eye on Members' statements. A bipartisan group like the Former Members of Congress, for example, could play a useful role in monitoring and publicizing proper and improper discourse on the floor.

Fourth, we need tougher enforcement by the voters. At times a Member of Congress might rise to prominence through a negative, confrontational style. If other Members think the nasty approach to politics works, they will emulate it. The voters need to send a clear signal that negative and nasty doesn't work.

Finally, Members must take it upon themselves to uphold appropriate standards of debate. In the end, it is up to each of us in Congress to set the proper tone and to work with our colleagues to maintain decorum.

CONCLUSION

Breakdowns in civility in Congress can reflect the passions of the moment, the polarizing nature of the policy issues, or even a less civil tone in the larger society. But that is no excuse for letting particularly intemperate and inflammatory speech go unchecked. Reining in the excesses can go a long way toward improving the ability of Congress to tackle the tough legislative agenda before us.

(Information was taken from a Congressional Research Service report, "Decorum in House Debate")

IN HONOR OF GIRMA ZAID, FOUNDER AND CHAIRMAN EMERITUS OF THE GRACE WAITING HOME FOR CHILDREN

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 1995

Mr. DIXON. Mr. Speaker, today I rise to pay tribute to Girma Zaid, a caring, committed man who has dedicated his life to improving the plight of abused and neglected children.

Girma began to acquire the educational tools needed for his crusade for children at Long Beach City College and California State University-Long Beach, where he earned his associate and bachelor of arts degrees in sociology. Zaid continued his education at the University of California, earning his master of social work degree in 1984.

In 1975 Girma combined his education with a compassion for children as a children's services worker with the Los Angeles County Department of Public Social Services. Here he counseled at-risk children awaiting reunification with their families and developed therapeutic programs for them. Girma's hard work and dedication were rewarded in 1981 when he was promoted to supervisor of children's treatment counselors, a job in which he supervised a residential facility for neglected and at-risk children. His star continued to rise in 1985 with his elevation to deputy children's services administrator for the Los Angeles County Department of Children's Services. As administrator Girma was responsible for the supervision of children's services for more than 2,000 abused and neglected children. He also supervised 100 social workers, caseworkers, and related personnel.

Zaid's crusade took him to the Bay area in 1988 as program manager for the Black Adoption Placement and Research Center, where he developed, implemented, and supervised a therapeutic foster care program and helped review ethnically-matched and culturally-appropriate homes for dependent children. While in the Bay area Zaid also served as assistant director of the Department of Social Services for the city and county of San Francisco. He returned to the Los Angeles County Department of Children's Services in 1991 as the deputy administrator for the adoptions division.

One of Girma's crowning achievements came in January 1992, when he founded the Grace Home for Waiting Children and assumed the role of executive director. On behalf of Grace Home Girma worked with the Los Angeles County Department of Children's Services, community leaders, and elected officials to ensure a safe, nurturing environment for abused and neglected children. He provided in-service training as well as foster parent training, and monitored clinical program activities. Today Grace Home has three offices in Los Angeles County—Inglewood, Long Beach, and Panorama City. Offices will soon be opened throughout the State in San Bernardino, Riverside, and Sacramento.

Under Girma's leadership, Grace Home is also expanding its operations nationwide, with offices opening in Washington, DC; Atlanta, GA; Las Vegas, NV; and Milwaukee, WI. Girma has also traveled to Ethiopia and Eritrea in East Africa to set up programs for displaced children. He is currently utilizing his experience and talents as CEO of Management Services International, a consulting firm which plans, develops, and implements innovative child welfare programs both in the United States and abroad.

Despite his busy work schedule, Zaid has found time to serve on several boards, including the International Foster Care Organization, the PROVIDERS South Central Los Angeles Residential Facility, and the Martin Luther King Drew Community Advisory Counsel.

Mr. Speaker, California and the Nation owe a debt of gratitude to Girma Zaid's pioneering work with foster children. His deep commitment to improving the lives of abused and neglected children greatly benefits all of us. I ask that you join me, Mr. Speaker, in paying tribute to this tireless and compassionate crusader for children.

THE REPUBLICAN ASSAULT ON MEDICARE AND MEDICAID

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 1995

Mr. STOKES. Mr. Speaker, I rise in strong opposition to the Republicans' $270 billion cut in Medicare, and $163 billion cut in Medicaid. Cuts of this magnitude will not only devastate these programs, but most importantly, they will seriously threaten the health status of the people which Medicaid and Medicare were designed to improve and to protect—children and seniors.

To jeopardize the quality of life—for millions of the most vulnerable in our society—for the sake of giving a tax break to the wealthy, is unconscionable. This tax cut giveaway will add millions of additional Americans to the already swollen ranks of the uninsured.

To gut critical quality of life health care services at a time when the health status of Americans is already compromised is irresponsible. Health status statistics confirm that now is not the time to destroy the Nation's health safety net system. This year alone nearly 1.3 million Americans will be diagnosed with cancer, over 500 thousand will die from the disease. Only about 40 percent of those who get cancer this year will be alive 5 years after diagnosis. Cardiovascular disease including heart attack and stroke, cause a death every 34 seconds in the United States, killing more than 900 thousand Americans each year. Nearly half of the 14 million Americans suffering from diabetes are not even aware that they have the disease. The gap in minority health continues to widen. The reemergence and spread of infectious diseases is on the rise. AIDS has become the leading cause of death for all Americans ages 25 to 44. Medicaid is especially critical to women and children suffering from AIDS.

It appears that the Republicans did not factor the adverse impact of these devastating diseases into their Medicare and Medicaid restructuring equation. If the Republicans are allowed to gut $270 billion from Medicare and $163 billion from Medicaid, the health status of the American people will deteriorate further. We must not tolerate the Republicans' blatant disregard for the needs of the American people.

Mr. Speaker, the GOP assault on health status and health care services must stop. I applaud the President for his veto of the Republican budget, and I strongly urge my colleagues to stand up for the American people—vote "no" on measures to gut Medicaid and Medicare.

TRANSFER OF TWIN CITIES RESEARCH CENTER

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 1995

Mr. OBERSTAR. Mr. Speaker, on Tuesday, December 5, the House unanimously passed H.R. 308, a bill to transfer certain surplus Federal land in Hopewell Township, PA, to the

Beaver County Corporation for Economic Development. The goal of the corporation, a nonprofit entity, is to utilize the transferred land, in cooperation with Hopewell Township, as the centerpiece of a Hopewell Aliquippa Airport Industrial Park, and thereby promote economic development and create needed jobs for the people of Hopewell Township.

Mr. Speaker, as I stated during debate on this legislation, the Federal Government should be alert to opportunities like Hopewell that link property transfers to airports, industrial park opportunities and other core infrastructure facilities to create and promote jobs. The fact is that the only way to create job opportunities to succeed those that no longer exist because of industry closing or dislocations is to make property available for new business to locate there.

The transfer of Federal property, when done effectively, can reap untold benefits in terms of employment, economic development, and economic stimulus.

Such is the case with the U.S. Bureau of Mines' Twin Cities Research Center in Minneapolis, MN. The 225 outstanding and dedicated employees have provided world-class research capabilities for the mining industry for over 85 years. Their research has resulted in the development of advanced technologies that: First preserve and enhance the quality and integrity of the environment; second, mitigate health and safety in the work place; third, improve efficiencies and economics of current mining practice; and fourth, develop new and more environmentally-friendly mining systems.

With the impending closure of the facility, the Twin Cities Research Center Transition Task Force has been developing a vision to transform the center into an applied engineering and physical sciences research institute. In order to accomplish their mission, the title of the land, buildings and equipment must be transferred at no cost to the State of Minnesota so that the new institute is able to lease the facility from the State to work in conjunction with the University of Minnesota. In this new arrangement, it may be necessary to transfer the equipment to the Natural Resources Research Institute in Duluth, sell some of the property, and/or manage the facilities in an innovative and cost-effective manner.

This no-cost transfer of public property will preserve the research capabilities of the Bureau of Mines' Twin Cities Research Center, continue the University's partnership with the State, and create economic opportunities for Minnesotans and the mining industry.

Mr. Speaker, for the reasons stated, this property transfer is important. That is why in the report accompanying H.R. 308 (House Report 104–372, p. 2) language is included directing the General Services Administration to expedite negotiations to transfer the U.S. Bureau of Mines, Twin Cities Research Center, in Minneapolis to be used in conjunction with the University of Minnesota. I am pleased with the inclusion of this language and look forward to the transfer.

TRIBUTE TO GERTRUDE MAXWELL

HON. MARK FOLEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 1995

Mr. FOLEY. Mr. Speaker I rise today to pay tribute to the founder and lifetime Chairman of Save a Pet, Mrs. Gertrude Maxwell. Dedicated to protecting the rights of animals, Mrs. Maxwell and Save a Pet have saved over 50,000 pets. And on the upcoming commemoration of Save a Pet Day this weekend, I want to share with my colleagues in the House of Representatives and Senate, and the entire Nation, the remarkable work of Mrs. Maxwell and Save a Pet.

Founded in 1972 in Illinois, Save a Pet provides funds for surgery, transport, therapy, placement of pets in responsible homes to provide people with companionship. The organization promotes the idea that relationships between people and animals benefit both parties. It has a 100% adoption rate, does not support euthanasia, and promotes the widespread use of spaying or neutering to end overpopulation and neglect. Save a Pet is strongly committed to educating us to treat animals humanely with love and respect.

When a 1-year old nameless mutt was found paralyzed on South Dixie Highway, in South Florida, Nancy Mizelle found it difficult to fund treatment. She contacted Mrs. Maxwell who immediately funded the treatment. "I wasn't going to let an animal die because of money," she said.

Mrs. Maxwell has connected her organization with various other volunteer agencies to enhance service to pets. In 1994, a 5-year-old Labrador was shot by a Palm Beach County sheriff's deputy, the dog needed to be transported to the University of Florida veterinary facility. Mrs. Maxwell arranged for the dog's surgery and transportation.

Maxwell's philanthropies began long before she founded Save a Pet. As a teacher and social worker, she served her community and was able to form interrelationships between people and pets. Every week for 25 years, between 1949 and 1974 she would drive 60 miles to teach underprivileged children. She taught them about the love and responsibility involved in owning a pet and the proper way to treat animals. As a social worker she set up programs to bring the love of pets into the homes of inmates and retirees. Mrs. Maxwell provided loving companionship for people everywhere she went.

Her interest in solving community problems including prison reform, therapeutic policies for troubled children and adolescents, and for improving senior citizen lifestyles earned her the appointment of honorary State's Attorney for the 15th Judicial Circuit of Florida in September, 1981.

Gertrude Maxwell's philosophy can be a lesson to us all. In her words,

We do not live alone on Planet Earth. There are other living things here, too. The other living things are the animals whose useful service shares our homes and hearts, the pets and the wild creatures who are part of our daily lives.

This compassion for animals including promoting their freedom from want, from suffering, and from pain is commendable and will not be forgotten.

Mrs. Maxwell has been a true servant to my community and I thank her for a lifetime of dedication to such a noble cause. On this year's Save a Pet Day, and during this holiday season, let us all take time to thank valuable members of our local communities like Mrs. Maxwell, and give them the credit they deserve.

A TRIBUTE TO MALCOLM AND MARY FARRELL FOR 68 YEARS OF SERVICE TO THE BOY SCOUTS OF AMERICA

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 1995

Mr. SOLOMON. Mr. Speaker, I've been involved in Scouting for most of my adult life, and few things have given me more satisfaction. Scouting has always been and continues to be an apprenticeship in life, a preparation for citizenship and a source of our future leaders.

That's why I take great pride in drawing your attention to Malcolm "Mac" Farrell and Mary Farrell of Schuylerville, NY in my congressional district. One would be hard pressed to find a couple who have done more to fulfill these missions of the Boy Scouts of America throughout their lifetimes. In fact, Mac and Mary have each contributed 34 years of service to scouting. That's a total of 68 years worth of guidance for the youth of Schuylerville.

Through their years of service, Malcolm has held the position of cub master for pack 13 in Schuylerville, while Mary has been the secretary and treasurer of the pack. Their leadership in these positions has certainly shown through considering the success and direction of the entire Boy Scout community in Schuylerville. In addition, their commitment of 34 years has brought a great degree of continuity and success to cub scout operations. In fact, after undergoing this apprenticeship in life with Mac and Mary, generations of boys and young men have become valued members of their families, communities, and Nation.

Mr. Speaker, I would add that those who worry about the direction of this country can take comfort in the sound guidance offered by people like Malcolm and Mary who have promoted the popularity of Scouting along with its principles of community service and moral values. In that regard, I have always been one to judge people based on what they return to their community. By that measure, Malcolm and Mary Farrell are truly great Americans.

This Sunday, friends and family will join the Farrell's in celebration and tribute to their decades of selfless sacrifice and service to Scouting. Mr. Speaker, knowing that many other Members of this body are also products of Scouting and share my high admiration for the Boy Scouts of America, I proudly ask them and all Members to join me in paying tribute to Mary and Malcolm Farrell and wishing them many more happy years, they have certainly earned it.

A SALUTE TO LIONEL HAMPTON

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 1995

Mr. RANGEL. Mr. Speaker, I rise to pay tribute to Lionel Hampton, a great artist, a great American, a great ambassador, and one of the greatest musicians America has ever known.

In tribute to Lionel Hampton, I would like to share with you and this House, some of he highlights of the life of this extraordinary man.

Lionel Hampton, the reigning king of the vibraphone for over half a century, and one of the few surviving internationally renowned jazz talents of the swing era, was born in Birmingham, AL on April 20, 1908. He was a member of the Benny Goodman Quartet which was the first racially integrated group of jazz musicians in the Nation, but left the group to form his own big band in the early 1940's.

His original ballad, Midnight Sun, written with Johnny Mercer and Sonny Burke, has become an American jazz and popular classic. His two major symphonic works, the King David Suite and Blues Suite have been performed by many leading symphonic orchestras throughout the world.

Nevertheless, whether you are familiar with his musical accomplishments, over the years, Lionel Hampton has known no status where he was not eagerly accepted, as he has been well received the world over by Presidents, politicians, kings, and queens. His very music has caused the walls of Communist nations to come tumbling down.

Allow me now to share with you Lionel Hampton, the constituent, the friend, the community leader. His fame and greatness have not let him forget the homeless and the hopeless. Long a supporter of public housing, he developed the Lionel Hampton Houses in the early 1970's, and upon completion, built the Gladys Hampton Houses, named for his late wife. To this day, those projects are considered among the best in the Nation.

The Lionel Hampton Community Development Corp. has built more than 500 low- and moderate-income apartments in my congressional district of Harlem alone.

Lionel Hampton holds more than 15 honorary doctorates and received the gold medal of Paris, its highest cultural award, from its mayor, Jacques Chirac.

He was appointed to the board of trustees of the Kennedy Center in 1991 by President George Bush, and in December 1992, he was awarded a prestigious Kennedy Center honor for his lifetime career achievements as a musician and teacher. Since then, he continues to produce educational events and considers the real highlight of his career as having the music school at the University of Idaho named for him, the Lionel Hampton School of Jazz.

Whether you are black or white, Democratic or Republican, liberal or conservative, Lionel Hampton represents the very best of America.

TRIBUTE TO RUTH VARNADO

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 1995

Mr. BARRETT of Wisconsin. Mr. Speaker, it is with great pride that I pay tribute today to Ruth Varnado of my hometown of Milwaukee. Her many years of community service and dedication to making a difference in the lives of people are truly deserving of our appreciation and praise.

Ruth was raised in Jasper, AL where she completed her high school education. During her young adult years, she moved to Milwaukee to further her education.

We all know that Jasper, AL is a long way from Milwaukee. But I am very grateful that Ruth made the journey. Her years of community service span more than three decades, and the people of our community have benefited from her tireless service, dedication, and hard work.

Ruth has been a leader of efforts to save people from the ravages of guns, drugs, violence, and crime. Recognizing the importance of reaching out to people in despair, Ruth founded the Lincoln Park Community Center in 1989 and still serves as its director. Through her work at the center, she has helped to expand opportunities for people who have often felt hopeless. And she has helped to instill in them the values they need to succeed and endure in this society.

Ruth's efforts to reach out to inmates in penal institutions for insight into the root causes of crime have caught the attention of local, State, and national leaders including the President of the United States. For the first time in Wisconsin history, inmates nominated Ruth for a volunteer award sponsored by J.C. Penney, the Volunteer Center of Greater Milwaukee, and WTMJ–TV Channel 4.

Ruth's civic involvement and her countless contributions have earned her many other acclamations and awards. In 1991, she was named Citizen of the Year by the National Association of Social Workers.

"Boundless energy", "fearless", "determined", "compassionate" and "tough" are terms the Milwaukee Times newspaper used to describe Ruth when she was honored as the 1990 Woman of the Year.

Just as significant as all of the Ruth's achievements is the spirit of community service she represents. Her willingness to help individual community members of our society as a whole is what makes her especially deserving of our recognition and praise.

The spirit of service she actively portrays is something we see far too little of in this society. And we all would do well to follow the shining example that Ruth has given us.

I know that Ruth will continue to play an important role in our community for decades to come, and that America will continue to benefit from her dedication, service and hard work.

Mr. Speaker, I urge you and my colleagues in the U.S. House of Representatives to join me in saluting Ruth Varnado and in applauding this remarkable citizen for all she has done, and for all she has meant, to those of us whose lives she has touched.

TRIBUTE TO CHARLES "KEN" ZISA

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 1995

Mr. TORRICELLI. Mr. Speaker, it is with great respect and admiration that I address my colleagues today to extend my heartfelt congratulations and warmest wishes to Charles "Ken" Zisa. On December 18, 1995, Ken will be inaugurated as chief of police of the city of Hackensack, NJ.

For many years, the name "Ken Zisa" has been synonymous with a tradition of community service, dedication, and love of the city of Hackensack. Chief Zisa has dedicated his professional life to his career in law enforcement. He joined the force in 1975, was promoted to sergeant in 1983, lieutenant in 1989, and captain in 1993.

Chief Zisa is a man of the utmost integrity who cares about his neighbors, his community, and his country. He is a man of vision who will continue to make the city of Hackensack proud of their police department.

Ken has been a member of HAPADA, the Bergen County Youth Services Commission, PBA Local #9, Knights of Columbus Trinity Council 747, B.P.O.E. Lodge 658, and Hackensack UNICO. Ken and his wife, Mary, reside in Hackensack and have two children, Anthony and Kristen, who attend the Hackensack public schools.

Mr. Speaker, I extend my best wishes to Chief Charles K. Zisa on this most special occasion.

SECURITIES LITIGATION REFORM

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 1995

Mr. DINGELL. Mr. Speaker, on December 6, 1995, the House passed the conference report on H.R. 1058, the Private Securities Litigation Reform Act of 1995. I am disappointed that the House approved this legislation. Many experts predict that it will only marginally deter frivolous lawsuits while causing significant harm to investors with meritorious claims.

By this time next week, President Clinton will have had to veto the bill or sign it. At this point, I would like to submit for the RECORD two articles that point out the serious flaws in this bill and why it should be vetoed.

[From the Bond Buyer, Dec. 5, 1995]

CALIFORNIA COUNTIES ASK CLINTON TO VETO SECURITIES BILL

(By Joe Bel Bruno)

LOS ANGELES.—The California State Association of Counties on Friday elected a new president—San Mateo County supervisor Mike Nevin—whose first action was sending a letter to President Clinton opposing the Securities Litigation Reform Act.

CSAC, a nonprofit corporation that promotes the interests of California's 58 counties before the state legislature and Congress, contends the reform act will severely hinder local governments' ability to recover losses related to securities fraud.

"We need to have the ability to recover losses in the case of securities fraud," Nevin said yesterday. "We just wanted to let the President know that this bill, if he signs it, would make things tough on local governments and the taxpayers. It would be sending the wrong message."

The letter to Clinton was signed by 106 county and other local government officials.

In addition to CSAC, signers of the letter include the California Association of County Treasurer/Tax Collectors, the city and county of San Francisco and the counties of Sacramento, San Diego, San Mateo, Riverside, Alameda, Kern, and Fresno. The letter was also signed by administrators of several county retirement systems.

A House-Senate conference committee has cleared the way for final congressional action on the bill. The Senate and House are slated to vote on it on Dec. 5 and Dec. 6. As currently worded, the bill would limit the type of securities-related lawsuit that could be filed, as well as the dollar amount of damages requested.

Steve Szalay, executive director of CSAC, said the legislation would have a dramatic impact on local governments. The legislation was a much-discussed topic at the association's 101st annual meeting in San Jose last week, he said.

"Local governments are victims of securities fraud; they need access to the courts to recover their losses," he said in a press statement. "Orange County, on behalf of 187 independent California governments, is suing to recover about $1.5 billion on the grounds that the investments made on its behalf were unsuitable and violated the California constitution and statutes."

"This bill makes it very difficult for local governments and taxpayers to recover their losses in securities fraud cases, and it will give wrongdoers a green light to commit more fraud," Szalay said.

The letter was drafted and signed by the association's new board on Friday. Also elected to the association's board was Yolo County supervisor Helen Thomson, first vice president; and El Dorado County supervisor John Upton, second vice president.

Nevin represents urban counties, while Thomson and Upton represent suburban and rural counties, respectively. One of the association's goals is educating the public about the value and need for county programs and services. Founded in 1895, CSAC is headquartered in Sacramento and has a research office in the District of Columbia.

[From USA Today, Dec. 8, 1995]

SECURITIES LAWSUIT BILL MAY HURT INVESTORS

(By Christine Dugas)

A securities law aimed at reducing frivolous lawsuits also may make it harder for investors with legitimate claims.

The bill, approved by Congress this week and awaiting President Clinton's signature, means "investors are going to have to take a lot more responsibility for their own welfare," says Philip Feigin, Colorado Securities commissioner. "It will be harder to get a case started and more difficult to prevail."

Among the bill's provisions:

Companies would be able to say anything about future performance if they include some cautionary statements.

The amount of damages reckless wrongdoers would pay generally would depend on their share of liability. So a victim may not fully recover his or her damages if the main lawbreaker has claimed bankruptcy. In the case of Charles Keating's savings-and-loan fraud, Keating claimed bankruptcy, so damages to victims were paid mainly by accountants and lawyers who might not pay so much under this bill.

A judge would require investors or their lawyers to pay defendant's legal fees if a lawsuit were considered frivolous.

Investors would have to have specific evidence of fraud before they could go to court.

Investors still would have only one year after fraud was discovered, or three years after it occurred, to file suit.

"Now more than ever, investors must go beyond what companies tell them, and do some independent checking," says Maureen Thompson, legislative adviser for the North American Securities Administrators Association.

Because efforts to stretch the statute of limitations failed, investors still would have to check their investment account statements promptly for irregularities. They also would have to carefully document problems and consult a lawyer quickly, says Gerri Detweiler, policy director of the National Council of Individual Investors.

But it might be hard to find a lawyer to take investor fraud cases. "The law tells us we can't just have a good case, we must have a great case," says Matthew Kelly, a lawyer who represents investors at Roemer, Wallens & Mineaux in Albany, N.Y.

The Securities and Exchange Commission, mean-while, is unlikely to pursue investors' cases. "It doesn't have the resources," says Kim Schweitzer, counsel for the National Association of Securities and Commercial Lawyers. "Its mandate is enforcement, not recovery for victims."

The measure would benefit investors because companies would have to disclose more information, says Louis Thompson Jr., president of the National Investor Relations Institute.

And some investors support the bill because they are fed up with lawsuits that mainly enrich lawyers. The bill is aimed at a small number of "professional investors" and lawyers who file class-action lawsuits and take most of the proceeds.

"The money spent by corporations on frivolous lawsuits would better serve all shareowners if it remained in the company, resulting in higher net profits and earnings per share," says Kenneth Janke, president of the National Association of Investors.

But the legislation doesn't only stop frivolous lawsuits. "It's a balancing act," Feigin says. "Even good cases might not make it."

TRIBUTE TO GENERAL MAXWELL R. THURMAN

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 1995

Mr. SKELTON. Mr. Speaker, I rise with a heavy heart to announce that our country has lost a great soldier and friend, General Maxwell Reid Thurman. General Thurman, a soldier whose career spanned more than 37 years, died on December 1, 1995, at Walter Reed Army Medical Center after a 5-year struggle with leukemia.

General Thurman was a principal architect of the all-volunteer Army and served as the Commander-in Chief of United States Southern Command during Operation Just Cause in December 1989. He learned that he had an aggressive form of leukemia in July 1990, and retired from the Army 8 months later in March, 1991.

Born in High Point, NC, General Thurman attended North Carolina State University, graduating with a degree in Chemical Engineering in 1953. While at North Carolina State, he enrolled in the Reserve Officer Training Corps and was commissioned an officer in the Ordnance Corps. Early in his career, General Thurman applied for, and received, a regular army commission in the field artillery. His professional military education included attendance at the ordnance and field artillery basic courses, the field artillery advanced course, the Army Command and General Staff College, and the Army War College.

General Thurman held a variety of staff and command positions, both in Europe and the United States. In Europe, he commanded light artillery and rocket units with the 11th Airborne Division, and he saw service in the 1958 Lebanon Crisis. He served in Vietnam, first as an intelligence advisor, and later as commander, 2d battalion, 35th field artillery, during the Tet Offensive. Returning to the United States, he commanded the 82d Airborne Division Artillery. Other assignments included duty as an instructor at the U.S. Military Academy, the Army Field Artillery School, and the Army Training and Doctrine Command.

In 1979, General Thurman was assigned as the Commanding General of the U.S. Recruiting Command. It was during this assignment that he helped shaped the post-Vietnam Army and helped transform it into the high quality, ready-to-flight force we have today. Under his leadership, General Thurman advertised the Army as a place where men and women with lots of drive and potential could be all that they could be, not a safe haven for underachievers. This is still the Army's basic recruiting slogan: "Be All That You Can Be."

Promoted to the rank of lieutenant general in 1981, General Thurman became the Deputy Chief of Staff for Personnel for the U.S. Army. In 1983 he was promoted to full general and appointed Vice Chief of Staff of the Army. He assumed command of the U.S. Training and Doctrine Command at Fort Monroe, VA in 1987. During these years it was largely through General Thurman's inspiration and leadership that the Army's new recruiting and training programs were implemented and the modern, volunteer professional Army fully came into existence.

In September 1989, General Thurman was named Commander-in-Chief of the U.S. Southern Command, responsible for all American military national security policy and strategy in the region. It was under his leadership that the United States prepared and launched Operation "Just Cause" in Panama, which successfully removed dictator Manuel Noriega, and helped restore democracy to that strategic nation.

General Thurman held numerous awards and honors. His U.S. military decorations include two awards of the Defense Distinguished Service Medal; two Distinguished Service Medals; two Legions of Merit; the Bronze Star Medal with Valor Device (with Oak Leaf Cluster); four Air Medals; Meritorious Service Medals; Army Commendation Medals; and the Joint Service Achievement Medal. Additionally, General Thurman was decorated by

the Governments of France, Germany, and Venezuela. He was a master parachutist and held the Army General Staff and the Joint Chiefs of Staff identification badges.

Since his retirement, General Thurman has been a Senior Fellow of the Association of the United States Army's Institute of Land Warfare and an executive-in-residence at North Carolina State University. General Thurman also served on the President's Commission on Women in the Armed Forces and the President's Commission on Panama. In 1992, he received the North Carolina Award for Public Service for a native North Carolinian living outside the State. In 1995, General Thurman was awarded an honorary doctor of humane letters degree from North Carolina State University.

Mr. Speaker, General Thurman was the epitome of selfless service to nation. He was always enthusiastic, and unstoppable tinkerer, sometimes abrasive, and yet humorous and warm when the pressure was off. He was a leader who truly made a difference, and his legacy can be found in the magnificent men and women who make up our trained and ready Army. He has our thanks—he served our Nation well. We will truly miss his leadership and friendship.

THE COALITION BUDGET

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 1995

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, December 13, 1995 into the CONGRESSIONAL RECORD.

THE COALITION BUDGET

Budget negotiations between Congress and the White House have been difficult, but I am pleased that all parties have agreed to a common goal—balancing the budget in seven years and protecting Medicare, Medicaid, education, and the environment. Thus, the central question to the debate is not "when" the budget is balanced, but "how".

Both sides in this debate deserve credit for making progress on the deficit. Under the leadership of House Speaker Newt Gingrich, Congress passed one budget version, which was vetoed by the President. The President has presented an alternative proposal, and negotiations will continue on a final agreement. Throughout the debate, both sides have moved slowly towards a proposal put forward by the conservative "Coalition", a group of centrist House Democrats.

The Coalition budget is a tough and remarkably sensible budget plan. It meets the stringent test of balancing the budget in seven years by cutting spending by more than $850 billion, and it results in even less debt than the plan vetoed by the President. The Coalition budget does not borrow money to pay for tax cuts and it better protects important priorities such as health care, nutrition, job training, education, and infrastructure. Because it does not postpone tough spending cuts, the Coalition plan would leave a national debt of almost $100 billion less than the Speaker's budget.

I support the Coalition budget for several reasons:

1. It puts deficit reduction first: The Coalition budget makes spending cuts immediately, and postpones tax cuts until the budget is balanced. In contract, the Speaker's budget would give out $245 billion in tax cuts early on and delays unpopular spending cuts until after the 1996 and 1998 elections. Under that plan, deficits would actually increase in 1996 and 1997. Congress has passed balanced budget plans before, but most failed because they made popular short-term tax cuts while postponing the tough medicine until many years later. This means that we borrow money to give ourselves a tax cut, leaving our children with the bill. Surely we have learned from recent history that when dessert comes first, we never get to the spinach. The coalition budget begins spending cuts immediately, and makes gradual cuts until the budget is balanced in 2002.

2. It spreads the sacrifice more fairly: The Coalition budget takes a balanced, fiscally responsible approach to major entitlement programs. It trims Medicare costs by allowing recipients to choose private insurance plans and charging upper-income enrollees higher premiums, but it takes $100 billion less from Medicare than the vetoed budget. These Coalition savings are equal to those necessary to keep the program solvent for the foreseeable future, keeping promises made to both today's and tomorrow's seniors. Medicaid, the program of health insurance for the poor, survives at lower levels than under current law, and with a spending cap that adjusts for inflation and the number of enrollees. It preserves the guarantee of assistance to nursing home residents, the disabled, and lower-income women and children. The Speaker's budget proposal calls for much larger Medicaid cutbacks and takes no account of future enrollment, inflation, or recessions. This approach often hits states like Indiana extremely hard with cumbersome block grant formulas that favor larger states with less efficient health care delivery. Without the Medicaid guarantee, state taxes, local governments, and the middle-class children of nursing home residents will bear the brunt of longterm health care costs The Coalition plan also proposes cost-of-living adjustments for social security and other federal benefits, but designs those changes so that modest income families will not suffer.

3. It invests in the future: The Coalition budget rejects cutbacks in student loans and job training, choosing instead to create new opportunities for younger Americans. It does not make cuts in research, technology, and export promotion, and it restores funding for education, rural health, research, and economic infrastructure. Overall, the cuts in the Coalition budget are 25 percent less severe than the harsh reductions proposed by the Speaker's budget.

4. It makes work pay, and welfare recipients work: The Coalition budget makes major welfare reform that balances compassion with a sense of personal responsibility. It requires people to move from welfare to work in two years, and provides limited job training and child care to those entering the workforce. The Coalition plan also eliminates the vetoed budget's tax increase on lower-income working families. Welfare should not pay more than work, and this plan helps families make that transition.

5. It enforces strict compliance: The Coalition budget provides the only meaningful enforcement of spending cuts to be found in any of the budget proposals. It uses nonpartisan Congressional Budget Office estimates and includes a line-item veto and tough enforcement measures to make it difficult for any future Congress to violate this plan. This honest approach does not rely on "smoke and mirrors" to achieve a balanced budget. It rejects gimmicks like "unspecified cuts", as in the alternative plans.

Conclusion: I am pleased we have agreed to balance the budget in seven years. Congress and the President must now decide how we balance the budget. To have the long-term support of the American people, a balanced budget plan must make tough budget choices while reflecting the values Americans cherish: responsibility, honesty, fairness, compassion, and the promise that the future will be better for our children. Only a budget that is politically and economically sustainable over a period of years will actually achieve balance.

Although differences are large, I believe the American people want us to reach an agreement on the budget. It is the responsibility of Congress and the President to put aside partisan differences for the common good of the nation.

The Coalition plan offers Congress and the President a real opportunity to find common ground and unite the American people behind a tough, honest, compassionate, and fair balanced budget that reflects basic American values and invests in our future. The Coalition plan may not be perfect, but it is a good starting point for real progress on the budget.

MAYOR TIERNEY DEFENDS NEW BEDFORD ECONOMY

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 1995

Mr. FRANK of Massachusetts. Mr. Speaker, I have been disappointed recently to read a number of very uninformed attacks on Indian-run casinos. A number of people have extrapolated from their own personal opposition to gambling to make unfounded criticisms of Indian casinos, to denigrate the very important economic advantages these casinos have represented for American Indians and to inaccurately claim that they have been a source of legal problems. In addition, in some cases casinos can be a very important source of economic opportunity for people in addition to Indians who live in areas which have suffered economic losses beyond their control.

One such area is the city of New Bedford, MA, which I am privileged to represent in Congress. The proposal to establish a casino run by the Wampanoag Tribe in New Bedford has been overwhelmingly supported by the people of that city, who recently voted for it by a 3-to-1 margin in a referendum. It has unfortunately been the subject of a good deal of unfounded criticism. I was therefore very pleased to read in the Boston Globe for December 12 a very well argued essay by New Bedford Mayor Rosemary Tierney, in which she states the case for allowing New Bedford and the Wampanoag Tribe to go forward with this casino in very persuasive terms.

I have worked closely with Mayor Tierney, with labor representatives, with business leaders, and with a wide range of citizens to support economic development for New Bedford. All of these groups share the mayor's and my opinion that the casino is a very important part of this effort. The very hard working people of

New Bedford have been hit by unfavorable international trade trends, and by the conservation driven restrictions on fishing. As we deal with these issues, we agree that the economic development that would result from the casino is essential in our effort to overcome the negative effects of these other trends. As the mayor notes in her well-documented and thoughtful essay,

New Bedford does not look upon gaming as a cure-all or quick fix for the local economy. The impact of the casino falls in two categories: employment and tax revenues. New jobs create new earnings and new spending. New spending, in turn, increases demands on suppliers, vendors, merchants, contractors. Thus new jobs create the need for yet more employment throughout the economy.

Mr. Speaker, because Mayor Tierney speaks with great authority on the need for economic development in the city of New Bedford, and because on this issue in particular she articulates a viewpoint that is shared by virtually all of us who are seriously concerned within the New Bedford area about economic improvement, and because the merits of Indian-run gambling operations are now a subject of some debate in this body, I ask the Mayor Tierney's article from the Boston Globe of Tuesday, December 12 be printed here.

[From the Boston Globe, Dec. 12, 1995]

GAMING AND NEW BEDFORD'S FUTURE

(By Rosemary S. Tierney)

The City of New Bedford is not unique among older New England cities when considering the economic challenges it is confronting as the 21st century approaches. As mayor of this proud and historic city, I believe it is unique in demonstrating a frank willingness to acknowledge those challenges and to develop a systematic, long-term plan for overcoming them.

Throughout its long history, New Bedford has been bound to both national and international economic trends. Whaling and shipbuilding dominated the local economy in the early and mid-1800s. As the whaling industry declined, textiles became the dominant industry. Companies with such household names as Hathaway and Wamsutta made New Bedford their corporate homes. The manufacturing base was broadened by glass and metal-working factories, such as Revere Copper and Pairpoint Glass. In more recent times, the city's economic fate returned to the sea. For several years, New Bedford was the nation's No. 1 fishing port in the dollar value of its fleet's catch. New Bedford also became a site for quality needle trade industries, Polaroid, Aerovox and the Acushnet Co.'s Titleist golf ball plant.

Today New Bedford faces a challenge from the continuing decline in manufacturing, coupled with a fishing industry in crisis. These factors may be beyond local control, but the city can have an impact on the regional economic environment by employing its potential resources to maximum advantage.

Let me cite a few of those advantages being developed in New Bedford: a harbor with potential to handle increased shipping traffic; a location close to major transportation routes; and airport with a foreign trade zone and plans for a $30 million expansion; a coastal resource laboratory and aquaculture center at the University of Massachusetts at Dartmouth. In addition, plans are in the works for establishment of a New Bedford national park and a commuter-rail link to Boston.

These projects are being over-shadowed today by the debate over casino gaming in Massachusetts and, in particular, the Wampanoag proposals to develop a casino/entertainment complex in New Bedford. Critics argue that gaming will only provide short-term economic gains, while the cost to society in regulation, diversion of funds, crime and related social problems will outweigh the benefits. Implicit in these arguments is that New Bedford is susceptible to promises by developers of a better tomorrow because of the plight of its local economy. Nothing could be further from the truth.

The Wampanoag gaming proposal is the most comprehensive economic development initiative in the history of southeastern Massachusetts. It will provide some 5,000 jobs (plus 3,000 construction and temporary jobs), spur tourism, generate millions of dollars in revenues for the state and cities and towns, and allow Massachusetts vendors the opportunity to contract for services and goods to support the gaming and entertainment complex.

This is not just a New Bedford issue. It is a Worcester issue, a Springfield issue, a Fall River issue, a Taunton issue, a Brockton issue, a Lowell issue. It is an issue each mayor understands: job creation and economic development go hand-in-hand. New jobs can give hope and opportunity to thousands of hard working men and women—and can help build a stronger economic future for generations to come.

New Bedford does not look upon gaming as a cure-all or quick fix for the local economy. The impact of the casino falls in two categories: employment and tax revenues. New jobs create new earning and new spending. New spending in turn increases the demands on suppliers, vendor, merchants, contractors. Thus new jobs create the need for yet more employment throughout the economy.

If the local unemployment rate of 9.3 percent can be reduced to the statewide average of 5.1 percent, business in New Bedford and the area will certainly benefit. It has been the failure to reduce unemployment through new or expanded industry that has plagued this area for years. The Wampanoag project offers the city the opportunity to couple the project to other initiative, such as the harbor, airport and rail, to make them a reality.

It is estimated 25 percent of the gross revenue at the Foxwoods casino in Connecticut comes from Massachusetts residents. Those are revenues that leave this state by the busload every day. As Congress shifts federal responsibilities to the states, I urge the Legislature not to reject revenue sources that will be sorely needed in the not-too-distant future. Twenty-three states across the nation are beneficiaries of 130 compacts with 115 tribes. Massachusetts would not be reinventing the wheel.

Aside from minimizing or dismissing the economic potential of gaming, opponents employ the strategy of fear based upon threats of increased crime. As mayor of the host community, I am mindful of this threat. But there is no better prevention for crime than a job. The Wampanoag tribe not only supports strong regulation and has indicated a willingness to find its cost, it has encouraged the Legislature to maintain strict oversight over the new regulatory agency to ensure that it is composed of top professionals with knowledge of accounting and law enforcement. Instead of attempting to undermine a proposal legitimately put forward under federal law that will benefit this state and its people with economic opportunities, law enforcement personnel and prosecutors should insist the Gaming Commission be staffed by people who will have impeccable reputations and integrity and be supported by a staff adequate to meet the job.

The task of rebuilding New Bedford and the region is vital to southeastern Massachusetts. The Legislature has an opportunity to make an important contribution to this effort by approving the compact between the state and the Wampanoag tribe. The area has always had an enormous potential for economic growth and development. The gaming/entertainment complex offers New Bedford a catalyst for the full economic recovery. I urge the Legislature to approve the compact expeditiously and to avoid arguments that seem more focused on scoring short-term political points than on seeking pragmatic solutions to bring to this state a well regulated and managed gaming industry.

COMMEMORATION OF HUMAN RIGHTS DAY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 1995

Mr. GILMAN. Mr. Speaker, by Presidential proclamation, December 10–16 has been designated Human Rights Week. As Americans prepare to celebrate the holidays and the coming new year, I hope that each of us will reflect upon the blessings we reap because of the deep commitment to human rights that America stands for. Indeed the world looks to us as a beacon or hope because of our tradition of respect for and continual effort to bring to life the freedoms enshrined in our Constitution.

Those who have suffered from a deniai of the basic human rights and fundamental freedoms, that we, in this country, often take for granted, known how important the achievement of human rights really is. In countries such as North Korea, China, Vietnam, Cuba, Burma, and Bosnia, people struggle to win the liberty that we have enjoyed for over 200 years.

In the United States, respect for international human rights has long been supported on a bipartisan basis. We have enjoyed many successes in advancing human rights, evidenced by the collapse of communism in Europe, the defeat of Communist subversion in Central America, and in the defeat of aggression in the Persian Gulf. We understand the role that human rights can play in advancing democracy and economic development with free markets. For instance, in the collapse of communism in the Soviet Union and its satellites, human rights was a key aspect of the difference between the quality of life in Western and Communist societies, and therefore became decisive as the people of the Communist bloc rose against their governments.

The importance of restoring human rights has been recognized in the Dayton peace agreement for Bosnia. We hope and pray that as our troops are deployed, the Bosnian people will seize the opportunity for justice and reconciliation, so that all the people of Bosnia can rejoin the community of nations as a free people. In Rwanda, success in restoring an acceptable standard of human rights will determine whether Rwandan refugees can return

home in peace and safety, and rebuild shattered lives.

Maintaining international standards for human rights, promoting these standards, and encouraging their adoption where necessary remain a key aspiration of our Nation's policy. Let us resolve to continue our efforts to ensure for all the enjoyment of human rights.

HUMAN RIGHTS

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 1995

Mr. RICHARDSON. Mr. Speaker, I want to submit for the RECORD Ambassador Madeleine Albright's remarks on the human rights situation in Burma to the U.N. General Assembly Third Committee. I join Ambassador Albright's endorsement of the U.N. resolution to urge the Government of Burma to cease its violations of internationally recognized human rights.

I also want to take this opportunity to commend Ambassador Albright for her tremendous work on this issue. I encourage all Members to support the work of our U.N. Representative as she relentlessly pursues the cause of Burmese democracy leader Aung San Suu Kyi. Ambassador Albright had a great meeting in Burma this fall Aung San Suu Kyi.

Recent developments in Burma have given us cause for great concern. It is imperative that the governing State Law and Order Restoration Council understand that the United States and the international community will not tolerate threats or actions that suppress the advancement of the democratic movement in Burma.

STATEMENT BY AMBASSADOR MADELEINE K. ALBRIGHT, U.S. REPRESENTATIVE TO THE UNITED NATIONS, UNITED NATIONS GENERAL ASSEMBLY, THIRD COMMITTEE, HUMAN RIGHTS SITUATION IN BURMA, DECEMBER 11, 1995

Mr. Chairman, I appreciate this opportunity to discuss my Government's decision to join consensus on the resolution concerning the human rights situation in Burma, despite some reservations that prevented us from cosponsoring.

The resolution reflects a tremendous effort by the Swedish mission to develop a strong consensus text, and my government endorses strongly the purposes and recommendations contained in that text,.

We join with the other members of this Assembly in urging the Burmese Government to cease its violations of internationally recognized human rights. And we urge the government to begin a substantive political dialogue with Aung San Suu Kyi, other democratic leaders and representatives of ethnic groups concerning the future of the country. These recommendations are at the heart of the Assembly resolution, and we believe the Government of Burma should respond favorably to them.

The United States was not able to cosponsor the resolution because of three issues that we believe could have been dealt with more precisely or urgently.

First, we would have tempered the language in paragraph 17, which welcomes the cessation of hostilities between the Government of Burma and various ethnic groups, because the Burmese Army has not fully honored those ceasefires.

Second, we believe the resolution should have included language similar to that adopted by the UN Human Rights Commission last spring, encouraging the Secretary-General to hold discussions with the Burmese Government for the purpose of stimulating progress towards democratization and national reconciliation.

Third, we believe specific mention should have been made of the International Labor Organization's decision last June to condemn Burma's continued use of forced labor and forced porterage, especially of members of ethnic minorities, for military and civilian infrastructure projects. The ILO recommends, and my government strongly agrees, that Burma should bring both its laws and its practices into compliance with internationally recognized standards of workers' rights.

Finally, we believe that more specific and urgent attention should have been given in the resolution to important events that occurred in Rangoon near the end of last month. I refer, of course, to the withdrawal and subsequent expulsion from the National Convention of delegates from the National League for Democracy.

The governing State Law and Order Restoration Council, or SLORC, has asked the world to view the Convention as a representative mechanism for drafting a new constitution and facilitating a transition to democracy. Clearly, it is not that if the National League for Democracy, which received 60 percent of the votes in the 1990 election, is not free to participate openly, freely and without fear of intimidation. We must remember that the SLORC handpicked all the delegates, greatly under-representing those from the democratic movement.

Following the release from detention last July of Aung San Suu Kyi, there were hopes that the National Convention would, in fact, become a meaningful forum for discussion about Burma's future. Instead, the Government has maintained its habit of rigid control, and the few representatives of the democratic movement and of the various ethnic groups have been prohibited from voicing dissenting views.

The SLORC has said that its goals for Burma include economic prosperity and multiparty democracy. Burma's democratic leaders share those goals. The General Assembly should continue to express strong and unyielding support for actions that would close the great divide that now exists between what the SLORC professes to want and what it has thus far been prepared to do.

In this connection, my Government also wants to express its very great concern about recent statements from Rangoon that brand Aung San Suu Kyi and her supporters as "traitors" and speak of "annihilating" those who criticize the National Convention. The SLORC should have no doubt that it will be held responsible for any actions that result in physical harm or unjust punishment against those who have simply engaged in the peaceful exercise of internationally recognized rights.

In closing, Mr. President, let me once again congratulate the Swedish mission for its leadership on this resolution. Let me restate my Government's strong endorsement of its core recommendations in suppo.t of human rights and a substantive political dialogue. And let me re-emphasize my Government's concern about recent events and its hope that the Government of Burma will reconsider its policies and begin now to move down a democratic path.

LET'S HEAR IT FOR QUEEN ISABELLA

HON. JON D. FOX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 1995

Mr. FOX of Pennsylvania. Mr. Speaker, I would like to share with my colleagues the following letter to the Editor in the Trenton Times on November 26, 1995.

LET'S HEAR IT FOR QUEEN ISABELLA

Nov. 26, 1504, is a milestone in history that should never be forgotten, especially by New Jerseyans and Pennsylvanians.

Why? Because that's the date that Queen Isabella of Castile, the great woman who was instrumental in the discovery of America, passed away at her castle in Medina del Campo, Spain.

A year ago, Nov. 6—yes, that far back and the news just reaching our shores—the worldwide BBC/TV in London aired a documentary for their "Time-Watch," its peak-audience program, in which their scholarly panel exonerated Queen Isabella of Spain from historical lies attributed to her regarding the Inquisition.

That Queen Isabella did not act out of any anti-Semitic, racial or religious hatred or bigotry can be firmly substantiated by her unequivocal condemnation and personal interventions to stop riots and acts of violence against Spaniards of Jewish descent even before her formal accession to the throne, and sometimes at the loss of support of wealthy and influential partisans.

Lastly, an intelligent response to the long-time assault upon Queen Isabella and her legacy requires knowledge of the actual history of her now celebrated reign.

So, on this 491st anniversary of her death, let's tip our hats, and on April 22, her birthday, let's let loose with a big "Ole."—John Paul Paine, Philadelphia, PA.

EXPRESSING SORROW AT THE PASSING OF MRS. ELLA H. BECTON

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 1995

Mr. STOKES. Mr. Speaker, It is with great sadness that I rise to announce the passing of Mrs. Ella H. Becton on December 11, 1995. Mrs. Becton formerly served as executive director of the Phillis Wheatley Association. At the time of her death, she was an associate on the staff of the Murtis H. Taylor Multi Services Center. With her passing, the Cleveland community suffers the loss of a dedicated human being. I want to share with my colleagues and others throughout the Nation some information concerning a special individual who touched the lives of many.

Ella Becton was the daughter of Ella H. Wilson and the late Kalep Wilson. She was reared in Birmingham, AL, and went on to earn a bachelor of arts degree in physchology from Wilberforce University. Ella earned a master's degree in psychology and rehabilitation counselling at Wayne State University. After completing her education, Ella Becton

began her professional career at the Lapeer State Home and Training School for the Mentally Retarded in East Lansing, MI. She relocated to Cleveland, OH where she married Leroy Becton, and began working for Vocational Guidance Rehabilitation Services.

Ella Becton's most significant career challenge came when she was selected as executive director of the Phillis Wheatley Association. The association is one of the oldest social service organizations in the area. Under Mrs. Becton's leadership, the Phillis Wheatley Association reached out to the elderly population, families, and the youth of the community with services and programs to assist them. During her tenure, the organization developed a summer camp, an elderly meals program, a day care program, a music school, and the Youth Computer Center created in conjunction with Case Western Reserve University. Ella Becton was a dedicated individual who sought to improve the lives of others.

During her lifetime, Ella Becton also earned the respect and admiration of her colleagues and others throughout the community. She was the recipient of numerous awards and honors which recognized her commitment and dedication to service.

Mr. Speaker, the passing of Ella Becton brings to a close a life of love and compassion. Those of us who were the beneficiaries of her unselfish devotion will miss our friend and colleague. She was a woman of grace and dignity, and she was very special to all who knew her. I take this opportunity to express my sympathy to Ella's mother, Ella H. Wilson, and her loving husband, Leroy. I also extend my sympathy to her sons, Leroy, Jr., and Aaron, and other members of the Becton family. God has called Ella Becton home to rest, but she will always be in our hearts.

INTRODUCTION OF THE MEDICARE PREVENTIVE BENEFITS IMPROVEMENT ACT

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 1995

Mr. CARDIN. Mr. Speaker, today I rise to introduce the Medicare Preventive Benefits Improvement Act. This bill seeks to amend Medicare by adding new preventive benefits to the program—benefits that not only save lives, but improve quality of life, and will save Medicare expenditures in the long run.

My bill would improve Medicare by adding the following new benefits:

Mammography: The benefit would be expanded so that all women over age 50 would be eligible for yearly mammographies and the deductible is waived.

Screening pap smears and pelvic exams: Expands the benefit from the 3-year limitation so that women of childbearing age or at high risk of developing cervical cancer are eligible for yearly pap smears and cervical exams. The deductible is also waived.

Colorectal cancer screening: Adds procedures for the purpose of early detection of colorectal cancer. These tests would include: screening fecal occult blood test, screening flexible sigmoidoscopy, and colonoscopy for high risk individuals. The Secretary also would make a decision within two years about covering screening barium enemas as an alternative to flexible sigmoidoscopy or colonoscopy. In addition, changes in technology would be taken into account to update the benefit in future years.

Prostate cancer screening: Adds procedures for the purpose of early detection of prostate cancer in men. The tests would include a digital rectal examination and a prostate-specific antigen blood test. In addition, changes in technology would be taken into account to update the benefit in future years.

Diabetes screening benefits: Adds two new diabetes benefits. First, coverage of diabetes outpatient self-management training services which teach people with diabetes how to properly care for their disease and avoid unnecessary medical complications. Second, Medicare would cover the costs of blood-testing strips as durable medical equipment.

Many of you should recognize this package of preventive benefits. It is the same as the benefits we included in the Democratic alternative Medicare proposal that was considered on the House floor earlier this year. In addition, the coalition budget proposal includes a similar package of benefits. President Clinton has also included a preventive benefits package in his new Medicare proposal.

Congress is currently facing the daunting task of making the most dramatic changes to Medicare ever contemplated. We keep hearing the words "Medicare reform" in relation to the variety of plans being put forth at this time. My contention is that if we are to accomplish real Medicare reform, we must make needed improvements to the program

Medicare is 30 years old and its benefit package shows its age. What I am proposing with these new benefits is not a major cost item for the program. Of course there will be an upfront investment in these new screening procedures—and we expect that cost to be around $2 billion over the next 7 years based upon CBO analysis of earlier versions of the bill. However, this is a small price to pay at the beginning compared to the benefits Medicare will reap in the long run by covering such procedures. As we all know, preventive medicine saves money as well as lives. Early identification of a disease allows less costly, more effective treatment techniques to be used.

For example, in the area of colorectal cancer, the second deadliest cancer in this country, 138,000 new cases will be diagnosed and 53,300 people will die from this disease this year. Most of these people will be Medicare beneficiaries. These patients often suffer through years of chemotherapy, surgery and hospitalization. In fact, the most recent data has shown that colorectal cancer has led to over 125,000 Medicare hospital admissions in one year. Each of these admissions led to costly diagnostic, surgical and medical therapeutic interventions. Surely, it is both more cost effective and more medically appropriate to prevent than to treat this disease.

To continue using colorectal cancer as the example, this disease is one of the most preventable and curable types of cancer when detected early. Most colorectal cancers develop from benign polyps. Finding and removing these polyps reduces the risk of developing cancer by 90 percent.

Screening for colorectal cancer and other preventive services included in this bill must be covered by Medicare if we hope to stem rising health care costs. We must not continue to be "penny wise and pound foolish" by covering the expensive treatments and ignoring preventive services. These efforts are supported by broad-range of organizations representing consumers and health professionals. The following organizations have endorsed our bill: the American Cancer Society, the American College of Gastroenterology, the American Gastroenterological Association, the American Nurses Association, the Digestive Disease National Coalition, the American Diabetes Association, the American Association of Clinical Urologists, the American Foundation for Urologic Disease, the American Urological Association, the American Society for Gastrointestinal Endoscopy, the Cancer Research Foundation of America, the Association of American Cancer Institutes, the Association of Pediatric Oncology Nurses, and the United Ostomy Association. I have also attached a letter to the congressional leadership signed by 15 organizations supporting the identical provisions included in my bill.

It is my hope that this legislation will be used as a model for the preventive benefit package that should be added to Medicare as we seek to reform the system. I encourage my colleagues to join me in support of this bill and look forward to continuing to work on this important issue as Congress grapples with the difficult task of reforming Medicare.

NOVEMBER 16, 1995.

Hon. ROBERT DOLE,
Majority Leader U.S. Senate, Washington, DC.

Hon. NEWT GINGRICH,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR SENATOR DOLE AND SPEAKER GINGRICH: In crafting the future Medicare system, the 104th Congress would be remiss to overlook the most significant key to the future health status of our nation's citizens—preventive health services. The undersigned organizations urge you to include preventive services coverage for Medicare recipients during the Reconciliation Conference.

When details of the draft Republican health plan first became known this summer, we applauded the foresight of Congressional policymakers for including Medicare payments for a small number of proven preventive health services. While we recognize the fiscal constraints dominating this first round of Budget Reconciliation decisionmaking, we urge your reconsideration of the critical omission of colorectal cancer screening, mammography expansions, pap smears and pelvic examinations, prostate cancer screening and reimbursement for diabetes care and education. We believe strong bipartisan support exists for including these limited preventive benefits under Medicare.

In revamping Medicare, now is the time to provide reimbursement for:

Annual mammography screening services for all women over the age of 49, without a twenty percent copayment.

Pap smear and pelvic exam screenings as well as clinical breast examinations for female Medicare beneficiaries, without copayments.

Colorectal screening services for Medicare beneficiaries, including screening of fecal-occult blood testing, flexible sigmoidoscopies and colonoscopies.

Prostate cancer screening for men.

Diabetes care and education, specifically the coverage of outpatient self-management training services and blood testing strips for diabetics.

We strongly urge that you include the above screening services as part of the revamped Medicare program. In the long run, providing preventive services to Medicare beneficiaries will save not only money, but more importantly lives. The Senate and House are uniquely poised to better the lives of millions of Medicare beneficiaries who stand so much to lose or gain from this historic legislative opportunity.

We respectfully request the opportunity to meet with you at your earliest convenience to discuss including these preventive benefits in the final package.

Sincerely,

American Cancer Society, American College of Gastroenterology, American Diabetes Association, American Foundation for Urologic Disease, American Public Health Association, Cancer Research Foundation of America, Digestive Disease National Coalition, Families Against Cancer Terror (FACT).

National Breast Cancer Coalition, National Coalition for Cancer Survivorship, The Oncology Nursing Society, The Association of Pediatric Oncology Nurses, The Susan G. Komen Breast Cancer Foundation, United Ostomy Association, The V Foundation.

A TRIBUTE TO HEMAYETUDDIN

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 1995

Mr. ACKERMAN. Mr. Speaker, I rise to pay tribute to one of the very finest diplomats with whom I have had the pleasure of working during my tenure as former chairman of the House Foreign Affairs Committee on Asia and the Pacific.

Hemayetuddin is truly an outstanding diplomat. He represents his country with dignity, pride, and warmth. His knowledge of the workings of the U.S. Congress and the American body politic would be impressive for a citizen of this country, nonetheless for a foreign diplomat. It was through cooperation with His Excellency Ambassador Humayun Kabir and his very able Minister Hemayetuddin that our Subcommittee on Asia and the Pacific held the very first hearing ever on "The Other South Asia—Bangladesh, Sri Lanka, Nepal, Bhutan, and Afghanistan."

Perhaps Hemayet's greatest contribution to diplomatic life in Washington is his passion for his native Bangladesh. It was through Hemayet and Ambassador Kabir that my staff and I first learned of the tremendous economic reforms and opportunities for American business in Bangladesh. It was from Hemayet and his colleagues that I learned of Bangladesh's commitment to a secular, pluralistic society. And it was from Hemayet and Ambassador Kabir that I learned of the tremendous commitment Bangladesh has made to improve child labor practices in a nation struggling to develop.

While Hemayetuddin is unquestionable a diplomat of the highest caliber, he is also one of the finest gentlemen it has been my pleasure to work with in Washington. He, his lovely wife, Zeenat Jahan, and their beautiful children have indeed left their mark on this town.

I know my colleagues and I on the House International Relations Committee will miss Hemayetuddin and Zeenat. We wish them well at their new post in Beijing. All of us who know and admire Hemayet fully expect to see him back in Washington as his Nation's Ambassador some day.

FOOD AID MUST CONTINUE, H.R. 2775

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 1995

Mr. GILMAN. Mr. Speaker, I have worked long and hard on the issue of world hunger. Key U.S. Government initiatives, like the Food for Peace and Food for Progress Programs, are the cornerstones of our efforts to wipe out hunger.

Recently, the Department of Agriculture and the Agency for International Development approached my committee, asking to extend the authorities of these programs which are set to expire at the end of this year. While a new farm bill would be the preferred way of extending the life of these programs, it is becoming clear that will not be possible during this session of Congress. J have been working with Chairman ROBERTS and Chairman LUGAR hopefully to preserve these programs while a new farm bill is finalized.

Mr. Speaker, today I am introducing a bill that has been cosponsored by the ranking Democratic member of our committee, Mr. HAMILTON of Indiana. It protects authorities for programs that directly save lives. For example, one-third of all Bosnians depend on this program for food. We can all agree that keeping the food flowing to Bosnia is a key part of our peace efforts in that region of the world.

This bill will extend the authority of the title II minimum tonnage requirements, the Food Consultative Group, the Food for Progress Act, and the authorities for Agricultural Exports to Emerging Democracies under the Food, Agriculture and Conservation Trade Act of 1990.

This bill is needed to keep these life-saving programs functioning while a new farm bill is finished. As chairman of the International Relations Committee, I will call on my committee to mark up this bill shortly. I will also work with the Agriculture Committees of both House and Senate as well as the administration to seek its swift passage in the Congress.

I request that the full text of H.R. 2775 be inserted at this point in the RECORD.

H.R. 2775

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF AUTHORITIES UNDER PUBLIC LAW 480.

(a) LEVELS OF ASSISTANCE FOR TITLE II.—

(1) MINIMUM ASSISTANCE.—Section 204(a)(1)(E) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1724(a)(1)(E)) is amended by striking "for fiscal year 1995" and inserting "for each of the fiscal years 1995 and 1996".

(2) MINIMUM NON-EMERGENCY ASSISTANCE.—Section 204(a)(2)(E) of such Act (7 U.S.C. 1724(a)(2)(E)) is amended by striking "for fiscal year 1995" and inserting "for each of the fiscal years 1995 and 1996".

(b) FOOD AID CONSULTATIVE GROUP.—Section 205(f) of such Act (7 U.S.C. 1725(f)) is amended by striking "1995" and inserting "1996".

(c) EXPIRATION DATE FOR ASSISTANCE.—Section 408 of such Act (7 U.S.C. 1736b) is amended by striking "1995" and inserting "1996".

SEC. 2. EXTENSION OF AUTHORITIES UNDER THE FOOD FOR PROGRESS ACT OF 1985.

(a) EFFECTIVE AND TERMINATION DATES.—Section 1110 of the Food Security Act of 1985 (known as the "Food for Progress Act of 1985"; 7 U.S.C. 1736o) is amended in subsection (k) by striking "1995" and inserting "1996".

(b) ADDITIONAL ASSISTANCE IN ADMINISTRATION OF FOOD ASSISTANCE PROGRAMS.—Section 1110 of such Act (7 U.S.C. 1736o) is amended in subsection (l)(1) by striking "1995" and inserting "1996".

SEC. 3. EXTENSION OF AUTHORITIES FOR AGRICULTURAL EXPORTS TO EMERGING DEMOCRACIES UNDER THE FOOD, AGRICULTURE, CONSERVATION, AND TRADE ACT OF 1990.

Section 1542(a) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5622 note) is amended by striking "1995" and inserting "1996".

CROATIA'S VIOLATION OF HELSINKI PRINCIPLES

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 1995

Mr. SMITH of New Jersey. Mr. Speaker, after nearly 4 years of war, the leaders of Bosnia and Herzegovina, Croatia, and Serbia have made a tangible commitment to peace. The Dayton peace agreement is, as Bosnian President Alija Izetbegovic stated, an unjust peace, but less unjust than the continuation of war. We can be hopeful, though, that the peace can be more just if there is international resolve to keep the signatories to the agreement in line with the commitments they have undertaken, not only in Dayton but, more broadly, in the OSCE and in international law.

Most of us recognize that the chief concern in this regard will be the adherence to the agreement on the part of the Serb militants who have engaged in aggression and genocide against non-Serbs, and have undertaken a massive propaganda campaign to garner support from the Bosnian Serb population. However, there is a real cause for concern regarding the recent policies and actions of Croatia, and the Bosnian Croats over whom it exercises control.

For example, since retaking last summer territory occupied by Serb militants, Croatian authorities have tolerated and even encouraged the harassment of fleeing Serbs, the looting and burning of their property, and the killing of dozens of Serbs—many elderly—who remained behind, in their homes. I commend my colleague and fellow Helsinki commissioner, FRANK WOLF, for taking the lead in raising this issue here in Congress.

Croatia held elections in October of this year in an effort to capitalize on military successes. By severely cutting back the representation of the Serb community in the parliament, the electoral process sent departed Serbs the message that they are not welcome back. At the same time, they sought to sway the loyalties of Croats from Bosnia and Herzegovina by giving them large representation in parliament. While observers concluded the elections to be free, controls on the media and other subtle manipulations of the electoral process made them less than fair.

Croatia states its readiness to cooperate with the International Tribunal in the Hague where alleged war criminals from the former Yugoslavia are to be tried, but in reality the Croatian Government has refused to do so. One indicted Bosnian Croat general, Tihomir Blaskic, was transferred to the Croatian Army rather than surrendered to the court, while Ivica Rajic, a Bosnian Croat commander indicted for his role in the slaughter of civilians at the village of Stupni Do; was just released from custody by Bosnian Croat authorities who were holding him for unrelated reasons.

Last Sunday's newspaper reported on the massive burning and destruction of property in Croat-controlled parts of Bosnia and Herzegovina that are to become parts of the Serb entity under the Dayton agreements.

These actions, Mr. Speaker, are an outrage. As chairman of the Helsinki Commission, and as a Member of Congress who condemned the Serb aggression to which the international community allowed Croatia to be a victim, I nevertheless find these acts in violation of Helsinki principles to be inexcusable. Tactically, they do more to validate the fears of the average Serb than the most efficient propaganda machine, and damage Croatia's image abroad. Strategically, they feed on a cycle of hate, and ensure that Croats will again someday be the victims of that cycle. Morally—above all, morally—they are reprehensible, and deserve our condemnation.

Beyond this expression, we should consider, for the new year, the implications of these policies on our relations with Croatia. If the burning, looting, and killing go on; if the indicted are not surrendered; if intolerance continues to dominate Government policy; then we cannot maintain the good, friendly relations with Croatia that we may nevertheless want. Our State Department may want to consider diplomatic action, such as the recalling of ambassadors, and possible economic actions as well.

Let there be no mistake about it, Serb aggression remains the main problem in the former Yugoslavia. That does not mean we can turn a blind eye to the violations of others.

THE STERLING FOREST

HON. WILLIAM J. MARTINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 1995

Mr. MARTINI. Mr. Speaker, I am pleased today to introduce, along with my colleagues RICHARD POMBO and FRANK LUCAS, the Federal Lands Prioritization Act of 1995. This legislation will sell idle public lands deemed pointless for Federal ownership and will use the proceeds to purchase Sterling Forest; therefore ending the funding deadlock that has existed in Congress with regard to Sterling Forest.

With the help of Representatives POMBO and LUCAS, I now introduce a bill that, not only saves Sterling Forest, but also specifies a funding source for its acquisition. Last week I heard of Representative FRANK LUCAS' desire to sell public lands in Oklahoma and approached Representative POMBO of the House Resources Committee to propose that Sterling Forest be the beneficiary of funds from those Federal lands being reverted to private ownership.

Together, we were able to propose a bill that makes the Federal land acquisition process more fiscally responsible, and sets a precedent that the Federal Government reprioritize its land holding policies and streamline its inventory to better target budget resources and meet environmental goals.

As a Passaic County Freeholder, I understood early on the need to take action to protect Sterling Forest. In fact, during my service on the Passaic County Board of Freeholders, the board was the first entity to secure part of Sterling Forest in 1993—purchasing 2,000 acres. I have since been looking forward to the day that the reserve would have complete Federal protection. Selling dead-weight public lands to buy Sterling Forest is a fiscally responsible solution to a decade-old stalemate.

Located in southern New York and bordering northern New Jersey, Sterling Forest, in its current undeveloped State, is important to the residents of both States for a variety of reasons.

Sterling Forest is a 17,500-acre water and recreational reserve that area residents and public officials have repeatedly requested the Federal Government protect. Stalls in the actual purchase have been attributed to budget-cutting times and the concern about adding more public land to the already bloated Federal Government inventory.

As a recreational area for New York and New Jersey, Sterling Forest offers a haven for families and individuals interested in leaving behind stresses of everyday life. The picturesque beauty of this natural sanctuary provides a wide variety of outdoor activities for the enjoyment of everyone. Sterling Forest even serves as a connections to the Northeast with the Appalachian trail winding its way through the forest's rough terrain.

Most importantly, however, Sterling Forest is a watershed for most of northern New Jersey and the surrounding area. It provides nearly 2 million New Jersey residents with clean and safe drinking water.

Proposed development and urbanization of this area will destroy a great bounty of natural resources to the entire Northeast. Furthermore, if the land is developed, the water that flows from Sterling Forest could become polluted. The only viable solution at that point would be to build a water treatment center at the cost of $150 million to New Jersey taxpayers. Not only would this cost the taxpayers revenue they just don't have, but it is, at best, a second-rate solution. Truthfully, Mr. Speaker, there is just no comparison between treated water and water from a natural watershed such as Sterling Forest.

Sterling Forest is an issue of national significance, involving one of Government's most essential functions: the preservation of a vital, life-sustaining resource—water. As stated before, Sterling Forest provides clean water for 2 million Americans in New Jersey alone—a fact that transcends any suggestion of parochial interests.

For this reason, an alliance of governmental agencies and public interest groups have joined together in the fight to save this vital resource. This legislation sets up a management and fiscal partnership between all levels of Government. In fact, purchasing this land is just a one-time expense. The Department of the Interior will not be burdened by the costs of managing and maintaining the forest, for this will be done jointly by New York and New Jersey. A partnership such as this of local, State, and Federal Government is positive for all involved and should serve as a model for future land acquisition. It is our responsibility to protect Sterling Forest and assure an ample water supply for generations to come.

It is important to note that there is a bipartisan consensus to save Sterling Forest. Senator BILL BRADLEY of New Jersey has already sponsored a bill in the U.S. Senate, Gov. Christine Todd Whitman of New Jersey signed the appropriation and authorization of $10 million toward the project, and Gov. George Pataki of New York approved the 1995–96 budget including $18 million for land conservation. Many members in the New Jersey delegation have been active in the collective pursuit of this achievement, and I commend them for all they have done.

The States and the Federal Government have been working to preserve this vital resource to insure that Sterling Forest is around to meet both the recreation and environment needs of the area. It is time that we realize our goals.

No matter how you look at this project, saving the forest yields no negative repercussions. The preservation of a vital source of water to one of the most populated areas of the country is not simply a laudable aspiration, but rather a necessary undertaking. Furthermore, the residents are opposed to development; the local governments are opposed to development; and the taxpayers are opposed to development.

Three sites totalling 56,000 acres will be put up for sale to the private sector: Optima "Lake"—the failed flood control project, which now consists of a 17,000-foot earthen dam and a dry lake bed (13,500 acres), Black Kettle National Grasslands (30,710 acres), and Rita Blanca National Grasslands (13,576 acres). Both Black Kettle and Rita Blanca are odd-lot Federal tracts. These proceeds will be earmarked for the purchase of the Washita National Battlefield and Sterling Forest.

Please support this budget-friendly preservation of land that actually needs the Federal Government protection. Support the Federal Lands Prioritization Act of 1995.

EXTENDING AU PAIR PROGRAMS, H.R. 2767

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 1995

Mr. GILMAN. Mr. Speaker, today I am introducing a bill to extend the authorization for a program important to many American families. This measure renews the authority for the Au Pair program that expired on September 30. This bipartisan measure includes as original sponsors the ranking Democrat on the International Relations Committee, the gentleman from Indiana, Mr. Hamilton, the chairman of the International Operations and Human Rights Subcommittee, Mr. Smith of New Jersey the gentlelady from Maryland, Mrs. Morella, the gentleman from Virginia, Mr. Moran, the gentleman from California Mr. Baker, the gentleman from Virginia, Mr. Wolf, and the gentleman from Virginia, Mr. Davis.

This measure will: Extend the authority for the program for 2 years; open it up to world wide participation; lift the limitation on the number of organizations that may participate and manage an au pair program; and, require the U.S. Information Agency to report on the compliance of the au pair organizations with recently adopted regulations.

Many families rely on the au pair program for their child care and particularly welcome the opportunity to broaden their children's experience by having someone from another country live with them for a year. The lapse in the program has caused untold inconvenience to many families turning their child care plans upside down. It is time to fix this problem.

Accordingly, I am pleased to be able to introduce this bipartisan bill and will seek rapid consideration by both Houses of Congress.

I request that the entire text of H.R. 2767 be inserted at this point in the RECORD.

H.R. 2767

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF AU PAIR PROGRAMS.

(a) REPEAL.—Section 8 of the Eisenhower Exchange Fellowship Act of 1990 (Public Law 101–454) is repealed.

(b) AUTHORITY FOR AU PAIR PROGRAMS.—The Director of the United States Information Agency is authorized to continue to administer an au pair program, operating on a world-wide basis, through fiscal year 1997.

(c) REPORT.—Not later than October 1, 1996, the Director of the United States Information Agency shall submit a report regarding the continued extension of au pair programs to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives. This report shall specifically detail the compliance of all au pair organizations with regulations governing au pair programs as published on February 15, 1995.

AMERICA'S FORGOTTEN ATOMIC HEROES

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 1995

Mr. RICHARDSON. Mr. Speaker, today, I would like to talk about forgotten heroes. As we contemplate sending United States troops to Bosnia, we would be well-served to remember the fates of those men and women known as Atomic Veterans. Most Americans, and maybe many of us here in Congress, are not aware that there exists today a group of veterans who were exposed to ionizing radiation while in the U.S. military in Hiroshima and Nagasaki, in the nuclear and thermonuclear tests in the Pacific, and the Nevada nuclear tests. Some were directly exposed, some were exposed by cleaning up contaminated sites, ships, or aircraft. Some, sadly, lost their lives. And, in the 50 years since nuclear testing began, many of our Atomic Veterans have fallen ill from exposure and, today, probably more than half of them are dead.

Our Government has recognized more than 40 cancers and conditions that are caused by exposure to ionizing radiation, but only the 13 named in PL100–321 and 2 in PL102–578 are deemed presumptive. Many of the Atomic Veterans don't think these laws go far enough. They tell me that the law we passed in 1984, PL93–542, under which most radiation claims are adjudicated, do not go far enough. They say, in fact, that we have a double standard. The Marshall Islands Nuclear Claims Tribunal Act of 1987, as amended, gives compensation to Marshall Islanders, presumptively, for cancers and conditions that are denied to U.S. servicemen. These veterans are exposed at the same time and places as the Marshall Islanders. Does that sound fair to you?

The President's Advisory Committee on Human Radiation Experiments issued their final report of over 900 pages on October 3, 1995. President Clinton apologized on behalf of the United States for the human experiments performed on both civilians and the military. The report brought some long-overdue recognition by the executive branch of Government. Today, I would like to ask Congress to recognize the Atomic Veterans, throughout the country, for their valor and service. I know many of my colleagues join me in thanking them for their sacrifice, and I know many of you will join me in working with the Veterans Administration to equalize the standards for those veterans with radioactive cancers and diseases.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, December 14, 1995, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

DECEMBER 15

9:30 a.m.

Labor and Human Resources

To hold hearings on proposed legislation to amend provisions of the Fair Labor Standards Act relating to the minimum wage.

SD–430

2:00 p.m.

Foreign Relations

To hold hearings on Eric James Boswell, of California, to be Assistant Secretary for Diplomatic Security, and Anthony Cecil Eden Quainton, of the District of Columbia, to be Director General of the Foreign Service, both of the Department of State.

SD–419

DECEMBER 19

10:00 a.m.

Judiciary

To hold hearings to examine trends in youthful drug use.

SD–226

2:00 p.m.

Judiciary

To hold hearings on pending nominations.

SD–226